

ORDINANCE # 2003- 43

**AMENDMENT TO Chapter 3.0 Rules and Definitions; Chapter 4.0 GENERAL PROVISIONS; CHAPTER 5.0 NON-CONFORMING BUILDINGS and USES; CHAPTER 8.0 RESIDENTIAL DISTRICT and CHAPTER 11.0 OFF-STREET PARKING AND LOADING 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's 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 repeals Section 4.10 – Boats under the Chapter 4.0 General Provisions of the Kendall County Zoning Ordinance in its entirety.

- 1) *BE IT FURTHER ORDAINED*, the Kendall County Board hereby amends following sections of the Kendall County Zoning Ordinance as provided in attached Exhibit A:
- 2) Chapter 3 Rules and Definitions; Section 3.02 Definitions: Amend the following:
  - a. Fence
  - b. Solid Fence
  - c. Fence Decorative
  - d. Recreational Vehicle
- 3) Chapter 4 General Provisions; Amend the Following:
  - a. Section 4.04 Lot Coverage Paragraph E. - Permitted obstructions in Required Yards
  - b. Section 4.08 Recreational Vehicles Paragraph A.- Storage
  - c. Section 4.11 Accessory Structures
  - d. Section 4.15 Fences
  - e. Re-number Sections 4.11. through 4.19-2. to 4.10. through 4.18-3.
- 4) Chapter 5 Non Conforming Buildings and Uses Amend the Following
  - a. Section 5.02 Discontinuance of a Use
- 5) Chapter 8 Residential: Amend the Following
  - a. Section 8.10 R-5 One-Family Residence District
  - b. Section 8.11 R-6 One-Family Residence District
  - c. Section 8.12 R-7 General Residence District
- 6) Chapter 11 Off Street Parking and Loading; Amend the Following:
  - a. Section 11.02 G Design and Maintenance



IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on November 18, 2003.

  
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Attest:

  
\_\_\_\_\_

John A. Church  
Kendall County Board Chairman

Paul Anderson  
Kendall County Clerk



**Section 3.00 "RULES and DEFINITIONS":**

**Add the Following Definitions to Section 3.02 "DEFINITIONS"**

**FENCE:** An artificial barrier constructed of any material or combination of materials erected to enclose or screen areas of land.

**FENCE, SOLID:** A fence obscuring more than forty (40) percent of the view through the fence.

**FENCE, DECORATIVE:** A designed fence or wall with openings representing 50 percent or more of the total front face surface that meets all of the following: (a) it contributes to the identification and beauty of the principal use; (b) it is not erected to satisfy any other provision of this code; (c) it does not act as a retaining structure; (d) it is made of material that typically is not found in security structures, such as chain link. Split rail and ranch rail are examples of decorative fencing.

**Amend the Following Definitions:**

**HARD IMPERVIOUS SURFACE:** Any material placed on or above the earth that substantially reduces or prevents the natural percolation of water. Examples include, but are not limited to structures, including eaves, roofs and roof overhangs; parking areas; driveways; sidewalks; gravel areas; patios and decks; sport courts; pools and similar improvements.

**HARD SURFACE IMPERVIOUS COVERAGE:** Total square footage of all hard impervious surfaces on the property divided by the total square footage of the parcel multiplied by 100.

**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 as temporary living quarters for recreation, camping, travel or seasonal use. For purposes of regulation in this code, pickup campers, water jet skis, boats, snowmobiles and off-road, racing, or similar vehicles shall also be considered to be recreational vehicles.

**SECTION 4.0 GENERAL PROVISIONS**

Note: Additional changes are needed to the General Provisions chapter – this section contains only those changes required to address the High Density Task Force concerns.

Sections 4.01 – 4.03 (No Changes)

**4.04 LOT COVERAGE**

**E. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.** The following table identifies accessory buildings, structures and uses that are permitted as obstructions in required yards (setbacks) subject to the following restrictions.

1. **No structure shall be placed within a recorded easement.**
2. **No other obstruction shall occur within a recorded easement unless the sole purpose of the easement is for service to only the subject property.**
3. **No obstruction shall adversely impact drainage.**
4. **Unless otherwise indicated in the table listed below, no obstruction shall be closer than five feet from a property line as regulated in Section 4-44 4.10. herein.**

In the following table, an (x) indicates the obstruction is permitted.:

	Front	Side	Rear
Awnings or canopies, which may project not more than three (3) feet into a required yard	X	x	x
Arbors or trellises, and where trellises are attached to the principal building they may also project into front yards or side yards			x
Air conditioning equipment shelters			x
Architectural entrance structures on a lot <del>not less than two (2) acres in area</del> or at entrance roadways into subdivisions <del>containing one hundred (100) or more lots</del> provided they comply with the setbacks established in section 12.0 herein.	X	X	x
Balconies			x
Bay windows - projecting not more than three (3) feet into a yard.	X	<u>X</u>	x

	Front	Side	Rear
Chimneys, attached - projecting not more than three (3) feet into a yard.	X	X	x
Eaves and gutters on principal buildings or attached accessory buildings projecting not more than four (4) feet into a front and rear yard nor more than twenty-four (24) inches into a side yard.	X	X	x
Fallout shelters, attached or detached, when conforming also with other codes and ordinances of the County			x
<del>Fences, open - not more than five (5) feet in height, except in Business and Manufacturing Districts, and those enclosing the property of schools, and other public and quasi-public uses.</del>	<del>X</del>	<del>X</del>	<del>x</del>
Fire escapes, open or enclosed, or fire towers - may project into a required front yard or side yard adjoining a street not more than five (5) feet and into a required interior side yard not more than three and one-half (3½) feet	X	X	x
Flagpoles, within two and one-half feet (2.5') of a property line	X	x	x
Garages or carports, detached		x	x
Growing of farm and garden crops in the open is <u>allowed</u> <del>except in the A-1 District may be in all yards up to property line.</del>	X	x	x
Lawn furniture, such as sun dials, bird baths, and similar architectural features may encroach to within two and one-half feet (2.5') of a lot line.	X	x	x
Open off-street parking and loading spaces may encroach to within two and one-half feet (2.5') of a lot line unless otherwise permitted in Section 11.0 herein.			x

	Front	Side	Rear
<del>Open off-street parking spaces and driveways which shall be located a minimum of two and one-half (2½) feet from a lot line, or greater distance if required herein for a specific use, and in the Manufacturing and Business Districts, except a B-1 District, open off-street parking spaces may be in a required front yard or side yard adjoining a street as hereinafter regulated.</del>			X
Ornamental light standards to within two and one-half feet (2.5') of a property line	X	x	x
Playground and laundry-drying equipment		<u>X</u>	x
Playhouse and open sided summer houses		<u>X</u>	x
Sheds and storage buildings for garden equipment and household items as accessory to dwellings, <b>provided doors are a maximum of 8' wide and the shed does not have access from a driveway.</b>		<u>x</u>	x
Signs and nameplates as herein regulated <u>per Section 12.0</u>	x	x	
Sills, belt courses, cornices, and ornamental features of the principal buildings, projecting not more than eighteen (18) inches into a yard.	x	x	x
Steps, open or ramps - necessary for access to and from the dwelling or an accessory building, steps or ramps as access to the lot from the street, and in gardens or terraces, up to the property line. <del>provided there are no more than eight (8) steps for access to and from a principal or accessory building.</del>	x	x	x
Swimming pools, private - when conforming also with other codes or ordinances of the County.		<u>x</u>	x
Terraces, patios, and outdoor fireplaces		<u>x</u>	x
Tennis courts, private		<u>x</u>	x
Trees, shrubs, and flowers <u>up to property line except as otherwise regulated per Section 4.04.F Corner Clearance.</u>	x	x	x



	Front	Side	Rear
Other accessory buildings, structures, and uses as herein permitted in district regulations as accessory to a specific permitted use.		x	x

F CORNER CLEARANCE. There shall be no material obstruction to vision on any corner lot between a height of two feet and a height of ten feet above the finished grade of either street within a forty (40) foot triangle formed by the intersection street lines.

#### 4.05 LOT AREA AND DIMENSIONS

- A. CONTIGUOUS PARCELS. When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the Use District in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- B. LOTS OR PARCELS OF LAND OF RECORD. Any single lot or parcel of land held in one ownership which was of record, May 10, 1960, that does not meet requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts, or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions or area, except as provided in sub-section 5.08.

#### 4.06 ACCESS TO PUBLIC STREETS

Every principal building that is constructed on a lot shall have vehicular access by private driveway to a public street. Private driveways shall be located, designed, and constructed according to the standards in the Subdivision Ordinance.

- A. Individual driveways which provide access to one lot and shared private driveways which provided access to two lots shall be approved by the Zoning Administrator.
- B. Shared private driveways which provide access to three or more lots shall be approved by the County Board. In cases where the proposed access would be for lots that existed before March 17, 1998; the procedure for approval would be recommended by the Zoning Administrator, Plat Officer, Planning, Building, and Zoning Committee, and a vote by the County Board. Other cases would be part of the subdivision review procedure.

#### 4.07 NUMBER OF BUILDINGS ON A ZONING LOT

Except in the case of a Planned Development, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the said zoning lot with any other principal building.

4.08 RECREATIONAL VEHICLES, TRAILERS AND MOBILE HOMES

A. Storage

1. Unoccupied recreational vehicles, ~~and trailers~~ and their contents can be located on lots in any district.

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.

b. When recreational vehicles or trailers and their contents are not fully screened from adjacent property, the maximum number of recreational vehicles or trailers 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	<u>2, provided such recreational vehicles or trailers are for use by the property owner or tenant</u>
Other residential districts	0
Commercial or industrial Districts	No restriction on trailers, recreational vehicles only permitted as a part of a permitted trailer storage or sales business.

~~a. In agricultural and residential districts, no more than one recreational trailer can be stored per lot and not in the front yard.~~

~~b. In commercial or industrial districts, recreational trailers can be stored only as part of a trailer storage or sales business. (Covered in table)~~

2. Unoccupied mobile homes can be stored only in

commercial and industrial districts and only as part of a trailer storage or sales business.

**B. Occupancy and Location**

1. 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.
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 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.
2. Occupied recreational trailers and mobile homes must show evidence of compliance with federal HUD regulations or the Illinois Mobile Home Safety Act.
3. Permits may be approved by the Zoning Administrator for up to 60 days and only when the pre-existing home was made unsafe for occupancy by fire, tornado, flood or other disaster.
4. Other permits will be approved by the Planning, Building and Zoning Committee for up to one year and they may approve renewals.
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. 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.

#### 4.09 TENTS

Tents shall not be erected, used or maintained on any lot, except such small tents as are customarily used for recreational purposes and located on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business or manufacturing purposes shall be permitted when a permit has been issued for such use by the Zoning Administrator.

#### ~~4.10 BOATS~~

~~Boats may be parked or stored in the open when in the operation of a lawfully established principle use, and one boat may be stored or parked on a lot containing a dwelling provided that it shall be located within the buildable area or in a rear yard and no major repair, disassembly, or rebuilding operations are conducted thereon.~~

#### 4.11 4.10 ACCESSORY BUILDINGS

- A. LOCATION. Except as otherwise provided for under Section 4.04, No part of any accessory building shall be located closer than five (5) feet from any side or rear property line, nor closer than ten (10) feet to any main buildings, unless attached and made a part of such main building.  
EXCEPTION: except as required for The locations for accessory structures conditional uses such as horse stables, kennels and other animal shelters shall be as stated elsewhere in this ordinance. (See section 7.01E). Stables, kennels or other animal shelters which require the approval of a special or conditional use shall be subject to the location and separation requirements as specified in the zoning district in which they are located.
- B. TIME OF CONSTRUCTION. Except in Agricultural Districts, no accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- C. HEIGHT OF ACCESSORY BUILDINGS IN REQUIRED REAR YARDS. No accessory building or portion thereof located in a required rear yard shall exceed the maximum height outlined below: ~~two stories or twenty five (25) feet in height except in the A-1 district barns and silos may exceed 25'.~~

Zoning	Maximum Height
A-1	No limit
R1, R2, RPD-1, RPD-2	25'
R3 or RPD-3	20'
Other residential classification	15'

Commercial or industrial	25'
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**D. FOOTPRINT OF ACCESSORY BUILDINGS. Any detached accessory building must have a smaller footprint no larger than 70% of the principal use structure if located in the R5, R6 or R7 zoning districts.**

**4.12 4.11 PERFORMANCE STANDARDS**

Any use established in a Manufacturing District after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards set forth in the standards adopted by the Illinois Air Pollution Control Board dated April 14, 1972; and the State Water Pollution Control Board dated March 7, 1972. No use lawfully established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with these performance standards.

**4.13 4.12 EXISTING SPECIAL USES**

When a use is classified as a special use under this amended ordinance, and exists as a permitted use at the date of adoption of this ordinance, it shall be considered as legal use, without further action of the County Board, the Zoning Administrator or the Board of Appeals.

**4.14 4.13 AIRPORTS AND SURROUNDING TERRITORY**

Airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and to the following:

- A. Height of structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the State of Illinois Department of Aeronautics shall be in accordance with the requirements set forth in the approach plan.
- B. Height of structures, in areas ten thousand lineal feet beyond the boundaries of airports that do not have an established approach plan shall be governed by the following:
  - 1. For an airport having the longest runway less than thirty-nine hundred and fifty lineal feet in length, structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet in height, and for every two hundred lineal feet of additional distance from the airport boundaries the height of structures may be increased by not more than ten feet.

2. For an airport having a runway of thirty-nine hundred and fifty lineal feet or more in length, structures just beyond the boundaries of the airport shall not be in excess of fifteen feet in height; and for every two hundred lineal feet of additional distance from airport boundaries, the height of structures may be increased by not more than five feet and where a runway has been designated as an instrument runway, the height of structures may be increased by not more than four feet in every two hundred lineal feet of additional distance from airport boundaries, for the first ten thousand lineal feet, and for the area covered in the next forty thousand lineal feet, the height of structures may be increased by not more than five feet in every additional two hundred lineal feet.
- C. Structures exceeding the limiting heights shall be considered obstruction to air navigation unless found not to be objectionable after special aeronautical study. Such structures may be specifically authorized as a variation after public hearing by the Zoning Board as provided by law.

#### 4.15 ~~4.14~~ FENCES

1. Fences that are open, semi-solid or solid are allowed in all districts and yards with the following conditions, unless otherwise regulated herein:
  - a. Only decorative fences, which do not exceed three (3) ~~four (4)~~ feet in height, are allowed in a required front yard.
  - b. Semi-solid and solid fences, which do not exceed six (6) feet in height, are allowed to the side and rear of the principal structures with the finished side out.
  - c. Fences may be placed up to a property line provided that fences shall not encroach into rights-of-way.
  - d. Fences on corners of vehicular intersections shall comply with Section 4.04F, Corner Clearance, of this ordinance.
  - e. Except in the R-1 District, barbed-wire and aboveground electric fences shall not be located in any Residential District or residential platted subdivision. The use of underground electric fences to contain domestic pets is permitted in any District.

#### 4.16 ~~4.15~~ USES - NOT PERMITTED.

When a use is not specifically listed in the sections devoted to "Uses Permitted", it shall be assumed that such uses are hereby expressly prohibited unless, by a written decision of the Zoning Board of Appeals, it is determined that said use is similar to and not more objectionable than use listed.

**4.17 4.16 REGULATED USES.**

A. The following uses are deemed to be regulated uses:

1. Adult Book Store.
2. Adult Motion Picture Theater.
3. Adult Mini-Motion Picture Theater.
4. Massage Schools.
5. Massage Parlors.

For the purposes of determining when a regulated use is allowed as a permitted or special use under this Ordinance, no regulated use shall be considered to be a retail business, service businesses, recreational or social facility, school, accessory use, or general land use.

B. **RESTRICTIONS ON LOCATION OF REGULATED USES.** No regulated use, either as a permitted use or as a special use, shall be maintained;

1. Within 1,000 feet of the property line of another;
2. 500 feet of any of the following zoning districts or provided for under this ordinance: R-1, R-2, R-3, B-1, B-2; B-3, B-4; nor
3. Within 1,000 feet of a zoned area or district lying within a municipality and zoned for any kind of residential, business or commercial office, or office-research use under an ordinance of that municipality.

**4.18 4.17 EXEMPTIONS**

1. Agriculture uses and structures and farm residences on zoning lots 5 acres and larger shall be permitted in all districts and shall not be required to conform to the provisions in the Zoning Ordinance nor pay zoning fees except they shall conform to the zoning certificate requirements and the setback requirements for each district and the following setbacks.
  - A. Horse stables - 100' from lots zoned residential, commercial.
  - B. Kennels - 300' from lots zoned residential.
  - C. Other animal shelters - 400' from lots zoned residential and commercial.



4.19 4.18 FLOOD PLAIN REGULATIONS [*Revised - 04/18/2000*]

- A. **PURPOSE.** It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize loss of life and excessive damage to property in areas of flood hazard.
- B. **ESTIMATES OF FLOOD THREAT.** The uses shall, when required by the Plan Commission:
1. Estimate the discharge of the regional flood which is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur with a 100-year frequency on the particular streams subject to this ordinance.
  2. Determine the specific flooding threat at the site of the proposed conditional use and determine whether the use is located in a floodway or flood fringe area by:
    - a. Calculations of water surface elevations and flood protection elevations based upon hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood. Flood protection elevations shall be one (1) foot above the water surface elevations of the regional flood plus the increase in the flood heights caused by the proposed development as provided in Section 7.02 (B) 2 (b) below.

- b. Computation of the floodway required to convey this flood without increasing flood height to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood height caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally, any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet in any one reach or for the cumulative effect of several reaches.

C. **PERMITTED USES.** The following open space uses shall be permitted within a Flood Plain to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other facility of system.

1. Agricultural uses, including general farming, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, sod farming, provided such uses are permitted in an adjoining district.
2. Open type uses, such as loading and unloading areas, parking lots, storage of motor vehicles for not more than 24 hour periods, airport landing strips, when such uses are permitted in the District in which the flood plain is located.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, ponds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, hiking and horseback riding trails, subject to all other provisions of this ordinance, providing that said use is expressly subject to the terms and conditions of Kendall County Recreational Vehicle Park and Campground Regulations.
4. Residential uses such as lawns, gardens, parking areas and play areas.

D. **SPECIAL USES.** All uses other than those specified in 4-19 4.18 (C) are permitted only upon application to the Zoning Administrator and the issuance of a special permit as provided in Section 13.07, Special Use Permits of this ordinance.

The Flood Plain includes both floodway and flood fringe areas. Therefore, the Plan Commission, as provided in Section ~~4.19~~ 4.18 -B, shall determine whether the proposed Special Use is located within the floodway, the provisions of Section ~~4.19~~ 4.18 -1 of this ordinance shall apply. If it is determined that the proposed use is located within the flood fringe, the provisions of Section ~~4.19~~ 4.18 -2 of this ordinance shall apply.

#### ~~4.19~~ 4.18 -1. SPECIAL PROVISIONS

Special Provisions apply to the floodway portion of the Flood Plain.

- A. Uses Permitted in Section ~~4.19~~ 4.18 -C are Permitted Uses.
- B. Other uses are allowed only as Special Uses within the floodway provided they comply with the provisions of the Section, Section ~~4.19~~ 4.18 -1-C (Fill), ~~4.19~~ 4.18 -1-D (Structures), ~~4.19~~ 4.18 -1-E (Storage of Materials), other standards established in this ordinance, and any conditions attached to the issuance of the Special Use Permit. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use shall be permitted which acting alone or in combination with existing or reasonably anticipated uses unduly affects the efficiency or the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream. Special Uses include:
1. Uses or structures accessory to open space or Special Uses.
  2. Circuses, carnivals and similar transient amusement enterprises.
  3. Drive-in theaters, new and used car lots, road side stands, signs and billboards.
  4. Marinas, boat rentals, docks, piers, wharves, and water control structures.
  5. Railroads, streets, bridges, transmission lines and pipelines.
  6. Storage yards for equipment, machinery or materials.
  7. Kennels and stables.
  8. Other uses similar in nature to uses described in Section ~~4.19~~ 4.18 or this subsection which are consistent with the provisions set out in this ordinance.
- C. FILL.
1. Any fill or materials proposed to be deposited in the floodway will be allowed only upon issuance of a Special Use Permit. The fill or materials must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

2. Such fill or other materials shall be protected against erosion by riprap, vegetative cover, or bulkheading.

D. STRUCTURES (temporary or permanent) ACCESSORY TO SPECIAL USES LISTED IN 4.18 4.18 -B.

1. Structures shall not be designed for human habitation.
2. Structures shall have a low flood damage potential.
3. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
  - a. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and
  - b. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
4. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river.
5. Service facilities such as electrical and heating equipment shall be placed at or above the regulatory flood protection elevation for the particular area if adequately floodproofed.

E. STORAGE OF MATERIALS AND EQUIPMENT.

1. The storage or processing of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal or plant life, is prohibited.
2. Storage of other material or equipment may be allowed upon issuance of Special Use Permits if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

F. GARBAGE AND SOLID WASTE DISPOSAL.

1. No Special Use Permits for garbage and waste disposal sites shall be issued for floodway areas.
2. Provided further, there shall be no further encroachment upon the floodway at existing sites.

~~4.19~~ 4.18 -2 SPECIAL PROVISIONS APPLYING TO THE FLOOD FRINGE.

- A. Permitted Uses. Uses listed in Section ~~4.19~~ 4.18-C as permitted uses are permitted uses within the flood fringe area.
- B. Special Uses. Structural or other uses shall be permitted within the flood fringe as Special Uses to the extent they are not prohibited by any other ordinance and they meet the following applicable standards:
1. Residential Uses. Residence shall be constructed on fill with the first floor or basement floor at one (1') foot above the regulatory flood protection elevation. The finished fill elevation shall be at or above the regulatory flood protection elevation for the particular area and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical or in other special circumstances the Plan Commission may recommend other techniques for protection.
  2. Non-Residential Uses. Structures other than residences shall ordinarily be elevated on fill as provided in Section ~~4.19~~ 4.18 -B-1 but may in special circumstances, be protected as provided in Section ~~4.19~~ 4.18-C to a point at or above the regulatory flood protections elevation.
  3. Commercial Uses. Commercial structures generally must be constructed on fill with no first floor or basement floor below the flood protection elevation. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public shall not be granted, in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regional flood.
  4. Manufacturing and Industrial Uses. Manufacturing and industrial buildings, structures and appurtenant works shall be protected to the flood protection elevation. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 7.02-2 B-3, above. In considering permit applications, the Plan Commission shall give due consideration to needs of an industry whose business requires that it be located in flood plains areas.
  5. Utilities, Railroad Tracks, Streets and Bridges. Public utility facilities, roads, railroad tracks and bridges within the flood plain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans. Protection to the

regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.

6. Waste Treatment and Waste Disposal.

- a. No new construction, addition, or modification to existing waste treatment facilities shall be permitted within the flood plain unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the Illinois Environmental Protection Agency. The emergency plans and procedures must provide for measure to prevent introduction of any pollutant or toxic material into the flood waters.
- b. There shall be no disposal of garbage or solid waste materials within flood plain areas except upon issuance of a Special Use permit at sites approved by the Illinois Environmental Protection Agency and subject to the requirements of Section 4-19 4.18 -F.

4-19 4.18 -3 SPECIAL USE PERMITS.

- A. Procedure to be followed by the Plan Commission in passing on Special Use Permits. Upon receiving an application for a Special Use Permit involving the use of fill, construction of structures, or storage of materials, the Plan Commission shall, prior to rendering a recommendation thereon:
  1. Require the applicant to furnish such of the following information as is deemed necessary by the Plan Commission for determining the regulatory flood protection elevation, whether the proposed use is located in the floodway or flood fringe, and other factors necessary to render a decision on the suitability of the particular site for the proposed use.
    - a. Plans. Ten copies drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel.
    - b. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

- c. Plans showing elevations or contours of the ground pertinent structure, fill, or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
- d. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
- e. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

## 5.0 NON-CONFORMING BUILDINGS AND USES

### 5.02 DISCONTINUANCE OF USE

Add new item E. as follows:

- E. Any accessory building or structure located in a R5, R6 or R7 district that is damaged by any means if such damage results in a loss of property of 50% or greater, as based on floor area as determined by the Planning, Building and Zoning Department, shall not be reconstructed unless such reconstruction is in conformance with setback, height and other bulk regulations of this ordinance.



**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.

<p><i>Changes include:</i></p> <ul style="list-style-type: none"><li>○ <i>Reduced hard surface coverage to 40% based on research</i></li><li>○ <i>Minor changes to hard surface definition</i></li></ul>
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**C. Lot Size.**

2. One family detached dwellings:

- 3. Lot: 15,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
- 4. Density: Shall not exceed twenty-two (22) dwelling units per each ten (10) gross acre.
- 5. Utilities: All lots in this district shall be served by public sewerage facilities.

6. 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.

7. 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. 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.
- B. **Hard Surface**~~Lot Coverage. Not more than forty (40) fifty (50) percent of the surface area of a zoning lot may be covered by hard surfaces. Not more than thirty-five (35) percent of the area of a zoning lot may be covered by buildings or structures including accessory buildings.~~
- C. Maximum Building Height. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8.02 G.
- D. **Floor Area Ratio. The maximum FAR shall be .4.**

#### 8.11 R-6 ONE-FAMILY RESIDENCE DISTRICT

2. PERMITTED USES. The following uses are permitted: Any permitted use in the R-4 One-Family Residence District, Section 8.09 A.
3. 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.
4. Lot Size.
  - a. One family detached dwellings:
    - (1) Lot: 7,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
    - (2) Density: Shall not exceed three and one-half (3.5) dwelling units per each one (1) gross acre.
    - (3) Utilities: All lots in this district shall be served by public sewerage and water facilities.
  - b. 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.
  - c. Special uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.
5. Yard Areas.
  - 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 - Forty (40) feet from the right-of-way line.
    - (2) Major and Minor Collector Roads, as defined by the Land Resource Management Plan - Thirty (30) feet from the right-of-

way line.

- (3) All other roads - Twenty-five (25) 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. 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.
- c. Rear Yard. A rear yard of not less than thirty (30) feet.

6. **Hard Surface**~~Lot Coverage. Not more than forty (40) fifty (50) percent of the surface area of a zoning lot may be covered by hard surfaces. Not more than thirty-five (35) percent of the area of a zoning lot may be covered by buildings or structures including accessory buildings.~~
7. **Maximum Building Height.** Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8.02 G.
8. **Floor Area Ratio. The maximum FAR shall be .4.**

#### 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 District, Section 8.09 A.
  2. Multiple-family dwellings.
  3. Single-family semi-detached dwellings.
  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.

3. Tourist homes having not more than five (5) room for transient guests.

C. 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:

Minimum Lot Area Per Bedroom

4 or more bedrooms	4,000
3 bedroom	3,500
2 bedroom	3,000
1 bedroom	2,000
Efficiency	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.

D. Lot Width. Every lot shall have a width equal to at least forty (40) percent of the lot depth.

E. Floor Area Ratio.

- 1. ~~Not applicable~~ For one and two-family dwellings - 0.4.
- 2. For multiple family buildings - 0.5.
- 3. For permitted non-residential uses - 0.7.

F. Yard Areas.

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:

- a. Freeway and Arterial Roads, as defined by the Land Resource Management Plan - Fifty (50) feet from the right-of-way line.
- b. Major and Minor Collector Roads, as defined by the Land Resource Management Plan - Forty (40) feet from the right-of-way line.
- c. All other roads - Thirty (30) 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.

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.

G. **Hard Surface Impervious Lot Coverage.**

1. ~~For single-family and two-family dwelling structures, Not more than forty (40) fifty (50) percent of the surface area of a zoning lot may be covered by hard surfaces not more than thirty-five (35) percent of the area of a zoning lot may be covered by buildings or structures including accessory buildings.~~
2. ~~For buildings containing three (3) or more dwelling units, there shall be maintained not less than fifty (50) percent of the lot in open space; off-street parking may not be included, but a roofed parking facility may be counted when designed for recreational use.~~

H. Maximum Building Height.

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.

## 11.0 OFF-STREET PARKING AND LOADING

### 11.01 SCOPE OF REGULATIONS (no changes)

### 11.02 ADDITIONAL REGULATIONS – PARKING

#### A. – H. (no changes)

#### I. Design and Maintenance.

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.

Surfacing. ~~Except in the Agricultural or R1 Districts,~~ All required open off-street parking areas and access drives in the R5, R6, and R7, ~~Business and Manufacturing 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. in accordance with the Subdivision Regulations of Kendall County. Where more than 4 parking spaces are required, pavement marking shall be provided to clearly identify each parking space. ~~The Zoning Administrator may exempt agricultural; R1, R2, and R-3 single family; and institutional uses from this provision where such uses generate low traffic volume. Such decisions may be appealed to the PBZC.~~

Corrected Version  
of Exhibit A  
for Ord 2003-43

pg 20 with  
amended S.02E  
was missing from  
set + attached to Ord.