

ORDINANCE NO. 01-21

AMENDING BUSINESS ZONING ORDINANCE

WHEREAS, the County of Kendall has adopted ordinances, regulations, and codes which regulate construction; and

WHEREAS, the Zoning Ordinance currently regulates business and commercial land development through the various business zoning districts; and

WHEREAS, the County has proposed amendments to the business section of the zoning ordinance to update the current standards which are attached to this Ordinance as Exhibit "A"; and

WHEREAS, the Regional Planning Commission reviewed the proposed amendments on May 23, 2001, 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 June 26, 2001, and subsequently voted unanimously in favor of the proposed amendments; and

WHEREAS, the County Board feels that it is in the best interests of the County to amend the business zoning regulations to improve the quality of development within the unincorporated areas of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL THAT:

The Kendall County Zoning Ordinance, as originally adopted on January 16, 1940, is hereby amended as follows:


- 1. Add new definitions from Section 3.00 of Exhibit "A" to Section 3.02 DEFINITIONS of the Kendall County Zoning Ordinance, to be inserted alphabetically.**
- 2. Delete Section 9.00 BUSINESS DISTRICTS of the Kendall County Zoning Ordinance in its entirety.**
- 3. Add COMMERCIAL ZONING DISTRICTS Sections 9.00 through 9.05 inclusive to the Kendall County Zoning Ordinance, as written in the attached Exhibit "A".**

This Ordinance shall be effective immediately upon approval.

APPROVED THIS 21st DAY OF August, 2001.

ATTEST:


Clerk


Chairman

SECTION 3.00 RULES AND DEFINITIONS
3.02 DEFINITIONS

ANIMAL HOSPITAL. Any building or portion thereof designed or used for the medical care, observation or treatment of domestic animals.

GROCERY/FOOD SALES. The grocery and food sales use classification applies to uses which sell grocery, food, and beverage items, and such sales occur entirely within an enclosed building. Examples may include: convenience grocery stores (without gas pumps), grocery stores, supermarkets, fruit and vegetable stores, delicatessens, health food stores, meat markets/butcher shops, fish and poultry stores, bakeries, nut and confectionery shops, dairy products stores, and similar land uses.

INDOOR BUSINESS SALES AND SERVICE. Uses which display or conduct, entirely within an enclosed building, the sale or rental of business-oriented products, equipment, merchandise, or services that are non-personal and non-professional in nature. Examples may include: duplicating or photocopying sales and service; addressing, mailing, or stenographic sales and services; locksmith shops; computer sales and service; employment agencies; and similar land uses.

INDOOR ENTERTAINMENT AND RECREATION. The indoor recreation and entertainment use classification applies to all uses which 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 Uses are specifically excluded from this category.

INDOOR RETAIL SALES OF GOODS (OTHER THAN GROCERIES OR FOOD). The indoor retail sales of goods use classification, excluding grocery and food sales, applies to retail uses which display or conduct the sale or rental of merchandise entirely within an enclosed building. Examples may include: antique shops, furniture stores, hardware stores, department stores, clothing/wearing apparel stores, book stores, sporting goods stores, drug stores, pharmacies, florist shops, and similar land uses. Adult 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 Uses are specifically excluded from this category.

SELF-SERVICE STORAGE FACILITY. A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

9.00 COMMERCIAL ZONING DISTRICTS

9.01 PURPOSE

The purpose of this section is to encourage the orderly development of commercial properties to serve and meet the needs of the citizens of Kendall County. The establishment of new commercial districts shall follow the guidelines of the Kendall County Land Resource Management Plan (LRMP). In general, areas designated as Commercial/Industrial or Transportation Corridors on the Resource Management Concept Plan are appropriate for commercial development. Where properties proposed for commercial development are contiguous to existing municipalities, the County encourages the annexation of these properties.

More specifically, the commercial zoning districts are intended to provide for groupings of business and commercial establishments that are compatible in scope of services, methods of operation, and traffic generation.

9.02 B-1 LOCAL SHOPPING DISTRICT

- A. **Purpose.** The B-1 Local Shopping District is composed of those areas of the County whose principal use is neighborhood-oriented, limited retail, service and repair business activities which serve the surrounding area. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads. To these ends, certain uses which would interfere with the operation of these business activities and the purpose of this district have been excluded.
- B. **Permitted Uses.** The following uses are permitted:
1. Accessory uses
 2. Grocery and food sales under 10,000 square feet
 3. Indoor business sales and service
 4. Indoor retail sales of goods under 10,000 square feet, including repair of goods sold on the premises
 5. Offices, business and professional, including medical clinics
 6. Personal and business service shops but not including uses regulated in Section 4.17.
 7. Public building erected or leased by any government
 8. Restaurants, cafes, cafeterias or other similar establishments
 9. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
- C. **Special Uses.** The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Clubs and lodges (non-profit), fraternal or religious institutions
 2. Communications facilities
 3. Drive through or drive up windows for any permitted use
 4. Dwelling units, provided they are located above the first floor and above a permitted business use or off-street parking. Dwelling units shall not be permitted on the ground floor.
 5. Meeting halls
 6. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-1 District

7. Outdoor storage
8. Planned business developments
9. Public service uses, including:
 - a. Filtration plant, pumping station, and water reservoir
 - b. Gas regulator stations
 - c. Sewage treatment plant
 - d. Telecommunications hub
 - e. Electric substation, generators and booster stations
 - f. Non-exempt governmental uses

D. Conditional Uses. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:

1. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
2. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
3. Outdoor Display may be permitted subject to the following:
 - a. TEMPORARY SEASONAL DISPLAYS
 - (i) Seasonal displays not exceeding 60 days per calendar year may be conducted on the same zoning lot as the principal business.
 - (ii) A site plan must be submitted by the applicant and approved by the Zoning Administrator showing the location of the seasonal display, the items to be displayed and the duration of the display.
 - (iii) Seasonal display areas shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
 - (iv) All signage for seasonal display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.
 - b. PERMANENT OUTDOOR DISPLAYS
 - (i) Shall only be permitted on the same zoning lot as the principal business, and shall only display merchandise which is sold at the subject premises. Items which are not sold on the premises or which are general outdoor storage are not permitted.
 - (ii) Shall not exceed 10% of the subject area or 1,000 square feet in area, whichever is smaller.
 - (iii) Shall be subject to site plan review and approval by the Zoning Administrator.

- (iv) Shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
- (v) Displays shall not be higher than 15 feet in height.
- (vi) All signage for outdoor display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.
- (vii) A zoning certificate and fee are required for approval of an outdoor display area.
- (viii) Any outdoor display area shall be subject to review by the Planning, Building and Zoning Committee and may be rescinded if deemed necessary.
- (ix) Any outdoor display area which does not meet these requirements may be permitted as a special use.

E. **Lot Size.** Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 10,000 square feet and a width of not less than 100 feet as measured from the front building line.

F. **Yard Areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:

1. **Front Yard.** Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. **Arterial Roadways.** Fifty (50) feet from a dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - b. **Major or Minor Collector Roadways.** Forty (40) feet from a dedicated road right-of-way or ninety (90) feet from the center line of all adjacent roads, whichever is greater.
 - c. **All Other Streets.** Thirty feet (30) from a dedicated road right-of-way or seventy-five (75) feet from the center line of all adjacent roads, whichever is greater.
2. **Side Yard.** Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
3. **Rear Yard.** Twenty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be twenty feet, or equivalent to said adjacent setback, whichever is greater.

G. **Lot Coverage.**

1. **Maximum Floor Area Ratio.** Not to exceed 0.50.

2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 75% of the lot.
- H. **Maximum Building Height.** No building hereinafter erected shall exceed 35 feet in height.
- J. **Signs.** In accordance with the regulations set forth in Section 12.00.
- K. **Off-Street Parking and Loading.** In accordance with the regulations set forth in Section 11.00. Parking shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least 10' from the rear property line is maintained.
- L. **Other Provisions.**
1. Performance Standards. All activities shall conform with the performance standards established for in this zoning ordinance.
 2. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, and shall include a concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
 3. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
 4. Screening and Landscaping. Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-1 zoning is made.

9.03 B-2 GENERAL BUSINESS DISTRICT

A. **Purpose.** The B-2 General Business District is composed of those areas of the County whose principal use is general retail, service and repair business activities which serve persons and businesses in the County. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

B. **Permitted Uses.** The following uses are permitted:

1. Accessory uses
2. Adult Day Care or Respite Care
3. Agricultural implement sales and service on an open lot or within a building
4. Ambulance service
5. Art galleries and studios
6. Auto accessory store
7. Banks and financial institutions
8. Building material sales (retail)
9. Cutting of glass and glazing establishments
10. Feed and seed stores, wholesale
11. Grocery and food sales
12. Indoor business sales and service
13. Indoor entertainment and recreation
14. Indoor retail sales of goods, including repair of goods sold on the premises
15. Monument sales, but not including the cutting or grinding of stones
16. Offices, business and professional, including medical clinics
17. Personal service shops, but not including adult uses
18. Postal substations
19. Off-set printing and copy shops
20. Public building erected or leased by any government

21. Restaurants, cafes, cafeterias or other similar establishments
22. Schools (music, dance, business, commercial, or trade)
23. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
24. Trailer sales or rental (house trailers) business on an open lot or within a building, not including occupancy of trailers

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:

1. Automobile service stations, including automobile body repair and rebuilding, or painting of automobiles
2. Automobile sales
3. Automobile washing, including the use of mechanical conveyers, blowers and steam cleaning
4. Communications facilities
5. Drive through or drive up windows for any permitted use
6. Dwelling units, provided they are located above the first floor and above a permitted business use or off-street parking. Dwelling units shall not be permitted on the ground floor.
7. Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
8. Hospitals and sanitariums
9. Kennels, when located more than 600' from an occupied principal structure other than the owners residence
10. Meeting halls
11. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-2 District
12. Outdoor storage
13. Planned business developments
14. Public utility and public service uses, including:

- a. Bus turn-arounds
 - b. Electric substations
 - c. Public art galleries and museums
 - d. Telecommunications hub
 - e. Water filtration plants
 - f. Water pumping stations
 - g. Water reservoirs
 - h. Other similar uses
- 15. Taverns
 - 16. Funeral homes

D. Conditional Uses. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:

- 1. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
- 2. Hotels, including restaurants and meeting rooms, cocktail lounges, retail shops and personal service shops when the only access is from the interior of the hotel and there is no outdoor advertising or display.
- 3. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place
- 4. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
- 5. Pet shop or animal hospital when conducted wholly within an enclosed building.
- 6. Processing or assembly, provided that space occupied in a building does not exceed six thousand square feet of total floor space and basement space, not including stairwells or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other conditions which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand square feet, they shall then be located in the M-1 Manufacturing District.

7. Enclosed self-service storage facility, provided that:
 - a. Each self-service storage facility shall be governed by the provisions of the Illinois Self-Service Storage Facility Act, 770 ILCS 95/1 et seq.
 - b. A fence and landscaping shall be provided which completely encloses the facility and screens it from view of residential structures and residentially zoned property
- E. **Lot Size.** Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 10,000 square feet and a width of not less than 100 feet.
- F. **Yard Areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
 1. **Front Yard.** Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. **Arterial Roadways.** Fifty feet (50) from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - b. **Major or Minor Collector Roadways.** Forty (40) feet from the dedicated road right-of-way or ninety (90) feet from the center line of all adjacent roads, whichever is greater.
 - c. **All Other Streets.** Thirty (30) feet from the dedicated road right-of-way or seventy (70) feet from the center line of all adjacent roads, whichever is greater.
 - d. **Exception.** Where lots comprising fifty 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 feet in depth the average of such front 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.** Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
 3. **Rear Yard.** Twenty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be twenty feet, or equivalent to said adjacent setback, whichever is greater.
- G. **Lot Coverage.**

1. Maximum Floor Area Ratio. Not to exceed 0.50.
 2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 70% of the lot.
- H. **Maximum Building Height.** No building hereinafter erected shall exceed 35 feet in height.
- J. **Signs.** In accordance with the regulations set forth in Section 12.00.
- K. **Off-Street Parking and Loading.** In accordance with the regulations set forth in Section 11.00. Parking shall not encroach upon the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least 10' from the rear property line is maintained.
- L. **Other Provisions.**
1. Performance Standards. All activities shall conform with the performance standards established for in this zoning ordinance.
 2. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
 3. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
 4. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
 5. Screening and Landscaping. Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-2 zoning is made.

9.04 B-3 OFFICE AND RESEARCH PARK DISTRICT

- A. Purpose.** The B-3 Office and Research District is intended to provide for innovative, well-designed and maintained office and nuisance-free research uses in an environment which is characterized by controlled ingress and egress to major streets and extensive setbacks and yard areas with imaginative landscaping. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.
- B. Permitted Uses.** The following uses are permitted:
1. Accessory uses
 2. Business offices such as corporate headquarters, district, branch, sales, insurance, real estate, advertising, computer facility and other similar business offices
 3. Financial offices, such as commercial banks, savings and loan, stock or commodities brokers, automobile, commercial and real estate financing, real estate title and other similar financial offices
 4. Public building erected or leased by any government
 5. Professional offices, such as medical and dental offices and clinics, legal offices, certified public accountants and other similar professional offices
 6. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
 7. Sales offices, with incidental repairs and service, for business and office equipment and supplies with incidental storage of parts and supplies not to exceed a storage area of 100 percent of the gross square foot area of the sale area and offices
 8. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
 9. Wholesale sales, displays and offices, but not including storage or warehousing
- C. Special Uses.** The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
1. Business or trade school
 2. Caretaker's dwelling unit
 3. Consumer credit or financing office
 4. Hotel or motor hotel

5. Light manufacturing and assembly
 6. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-3 District
 7. Private clubs, including health clubs
 8. Telecommunications hub
 9. Utility (light, gas, telephone, water, sewer) buildings for use as a branch office, excluding a distribution center
 10. Restaurants and/or taverns
 11. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including stationery and office supply stores, restaurants (but not drive-in facilities), day cares, dry cleaning (but not on-site plant) and similar uses
- D. Lot Size.** Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 150,000 square feet and a width of not less than 250 feet.
- E. Yard Areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:
1. **Front Yard.** Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - A. **Arterial Roadways.** Seventy-five (75) feet from the dedicated road right-of-way or one hundred and twenty-five (125) feet from the center line of all adjacent roads, whichever is greater.
 - B. **Major or Minor Collector Roadways.** Fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - C. **All Other Streets.** Forty (40) feet from the dedicated road right-of-way or ninety (90) feet from the center line of all adjacent roads, whichever is greater.
 2. **Side Yard.** Thirty feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be thirty feet, or equivalent to said adjacent setback, whichever is greater.
 3. **Rear Yard.** Forty feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be forty feet, or equivalent to said adjacent setback, whichever is greater.

F. Lot Coverage.

1. Maximum Floor Area Ratio. Not to exceed 0.50.
2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 70% of the lot.

G. Maximum Building Height. No building hereinafter erected shall exceed 75 feet in height. No building within 300 feet of a residential district shall exceed two stories, nor shall it exceed forty (40) feet in height.

H. Signs. In accordance with the regulations set forth in Section 12.00.

J. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00. Parking may encroach upon the required side or rear yard, provided that a landscaped buffer yard of at least 10' from the side or rear property line is maintained. Trucks and semitrailers shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an area screened from adjacent properties by a walled and gated sight screen enclosure, fence or landscaped berm. However, temporary parking, overnight, not to exceed a 48-hour time period, may be permitted for delivery vehicles which arrive after normal business hours.

K. Other Provisions.

1. Performance Standards. All activities shall conform with the performance standards established for in this zoning ordinance.
2. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
3. Outdoor Storage. No outdoor storage shall be permitted.
4. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
5. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
6. Screening and Landscaping. Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-3 zoning is made.

9.05 B-4 COMMERCIAL RECREATION

A. Purpose. The B-4 Commercial Recreation District is intended to accommodate commercial activities that serve the recreational needs of County residents, or which are dependent upon locations near recreational resources, such as lakes. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

B. Permitted Uses. The following uses are permitted:

1. Boat launching ramp
2. Daycare facilities
3. Fairgrounds
4. Golf courses (including miniature golf), golf driving range, club houses, county clubs, and membership riding clubs
5. Health clubs (public or private) and related accessory uses
6. Non-profit recreational facilities and related accessory uses
7. Parks, forest preserve, nature preserve, and other public and private open space
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 (including caretaker's residence)

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:

1. Amphitheater, drive-in theater, and sports arena, provided that the following conditions are met:
 - a. The minimum site area shall be 200,000 square feet.
 - b. All structures, viewing, parking, and seating areas shall be set back at least 100 feet from any street or property line.
 - c. The site shall have frontage on and access to a collector or arterial street, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - d. The following accessory uses may be permitted as incidental to, and limited to patrons of, the principal use:
 - (i) playground

- (ii) refreshment stand or booth
 - (iii) souvenir stand or booths
 - (iv) offices
 - e. For any drive-in theater:
 - (i) The theater screen shall not be visible from any collector street, arterial street, or freeway within 1,200 feet.
 - (ii) The viewing/parking area shall be screened in such a manner that it cannot be observed from outside the property.
 - (iii) Off-street space for automobiles of patrons awaiting admission to the theater shall be equal to a minimum of 15 percent of the capacity of the viewing area. All entrances and exits shall be separated, and internal circulation shall provide one-way traffic.
2. Amusement park, including go-cart tracks and other rides, provided that the following minimum standards are met:
- a. The site shall be located and designed to minimize adverse impacts on adjacent uses.
 - b. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
3. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
4. Racetrack (animal), provided that the following minimum standards are met:
- a. The minimum site area shall be 20 acres.
 - b. The racetrack and all building, viewing areas, seating areas, and structures for housing animals shall be located no closer than 250 feet from any public road right-of-way or property line.
 - c. If night racing is to be conducted, all parking areas and access ways shall be adequately lit; provided that such lighting, as well as lighting for the racetrack, shall be shielded to prevent light and glare spillover to adjacent residential or agricultural properties.
 - d. All facilities for housing and maintaining equine shall comply with the following requirements:

- (i) An approval for such facility from the Kendall County Health Department must accompany the application for a Conditional Use Permit.
 - (ii) A 100 foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, un-vegetated exercise area, manure pile, or application area and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
 - (iii) All facilities for housing and maintaining other animals shall meet the conditions specified in the Conditional Use Permit.
 - e. The accessory uses may be permitted as incidental to and limited to patrons of the principal use:
 - (i) refreshment stands or booths
 - (ii) souvenir stands or booths
 - (iii) wagering facilities
 - (iv) restaurants or lounges
 - (v) playgrounds or day care facilities
 - (vi) any other customary and incidental uses which are deemed appropriate by the Plan Commission or County Board.
5. Racetrack (vehicle), provided that the following minimum standards are met:
- a. The minimum site area shall be 20 acres.
 - b. The racetrack and all building, viewing areas, seating areas, and areas reserved for vehicles to be raced shall be located no closer than 300 feet from any public road right-of-way or property line.
 - c. All parking areas and access ways shall be adequately lit; provided that such lighting, as well as lighting for the racetrack, shall be shielded to prevent light and glare spillover to adjacent residential or agricultural properties.
 - d. The accessory uses may be permitted as incidental to and limited to patrons of the principal use:
 - (i) refreshment stands or booths
 - (ii) souvenir stands or booths

- (iii) vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced
- (iv) temporary campgrounds
- (v) playgrounds or day care facilities
- (vi) any other customary and incidental uses which are deemed appropriate by the Plan Commission or County Board.

6. Recreational camps and recreational vehicle parks

- D Lot Size.** Every lot or tract of land upon which a building is erected or maintained shall have an area of not less than 20,000 square feet and a lot width of 100 feet measured at the front building line.
- E. Number of Buildings.** Due to the nature of the uses permitted in this zoning district, multiple buildings may be permitted on a single zoning lot, without requiring Planned Development approval.
- F. Yard Areas.** No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building:

1. **Front Yard.** Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
 - a. **Arterial Roadway.** Fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - b. **Major or Minor Collector Roadway.** Fifty (50) feet from the dedicated road right-of-way or one hundred (100) feet from the center line of all adjacent roads, whichever is greater.
 - c. **All Other Streets.** Forty (40) feet from the dedicated road right-of-way or eighty (80) feet from the center line of all adjacent roads, whichever is greater.
2. **Side Yard.** Ten feet from the property line. Where a side yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
3. **Rear Yard.** Ten feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required rear yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.

G. Lot Coverage.

1. Maximum Floor Area Ratio. Not to exceed 0.20.
 2. Impervious Lot Coverage (buildings, parking, drives, etc.). Not to exceed 75% of the lot.
- H. **Maximum Building Height.** No building hereinafter erected shall exceed 50 feet in height.
- J. **Signs.** In accordance with the regulations set forth in Section 12.00.
- K. **Off-Street Parking and Loading.** In accordance with the regulations set forth in Section 11.00.
- L. **Other Provisions.**
1. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
 2. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
 3. Screening and Landscaping. Adequate screening and landscaping for adjoining residential areas shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-4 zoning is made.

9.05 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose.** The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses.** Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial, and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.
- C. Lot, Yard, Coverage and Height.** Uses in the BPD District shall conform to a plan for the District, as adopted by ordinance by the County Board. The plan must include, at a minimum, the following:
1. Minimum yard requirements, including appropriate landscape easements
 2. Lot coverage permitted
 3. Building height permitted
 4. Minimum landscape and site open space standards
 5. Minimum architectural standards
 6. Lighting
- D. Signs.** In accordance with the regulations set forth in Section 12.00.
- E. Off-Street Parking and Loading.** In accordance with the regulations set forth in Section 11.00. Parking may encroach upon the required side or rear yard, provided that a landscaped buffer yard of at least 10' from the side or rear property line is maintained. Trucks and semitrailer shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an area screened from adjacent properties by a walled and gated sight screen enclosure, fence or landscaped berm. However, temporary parking, overnight, not to exceed a 24-hour time period, may be permitted for delivery vehicles which arrive after normal business hours.
- F. Other Provisions.**
1. Performance Standards. All activities shall conform with the performance standards established for in this zoning ordinance.
 2. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.
 3. Outdoor Storage. No outdoor storage shall be permitted unless approved as a part of the BPD.

4. Refuse Enclosures. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing of either wood or masonry construction, to a height of seven feet; and shall include concrete pad and an operable door of adequate width. Screening may also be of chain link, with a screen of dense landscape plantings.
5. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.
6. Screening and Landscaping. Where a commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-5 zoning is made.