

ORDINANCE NUMBER 2020-

17

**TEXT AMENDMENTS UPDATING ALL OF THE SECTIONS AND  
APPENDICES OF THE KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, 55 ILCS 5/Div. 5-12 grants counties the authority to adopt and amend zoning regulations; and

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, on June 29, 2020, the Kendall County Regional Planning Commission, hereinafter be referred to as "Petitioner", submitted text amendments to the Kendall County Zoning Ordinance the complete list of which are attached hereto as Exhibit A; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on July 9, 2020, the Kendall County Zoning Board of Appeals conducted a public hearing on July 27, 2020, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and zero members of the public testified in favor or in opposition to the request and one member of the public requested an amendment to the proposal; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments with an amendment that the addition of the sentence "Accessory structures used for residential purposes prior to 1970 shall not be required to provide an occupancy permit" to the end of the definitions of Hotel, Motel, or Inn and Short-Term Rental. on July 27, 2020; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a recommendation approval of the requested text amendment; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,**  
that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The present language in Section 1 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit B.
- III. Amended Text: The present language in Section 2 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit C.

- IV. Amended Text: The present language in Section 3 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit D.
- V. Amended Text: The present language in Section 4 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit E.
- VI. Amended Text: The present language in Section 5 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit F.
- VII. Amended Text: The present language in Section 6 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit G.
- VIII. Amended Text: The present language in Section 7 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit H.
- IX. Amended Text: The present language in Section 8 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit I.
- X. Amended Text: The present language in Section 9 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit J.
- XI. Amended Text: The present language in Section 10 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit K.
- XII. Amended Text: The present language in Section 11 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit L.
- XIII. Amended Text: The present language in Section 12 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit M.
- XIV. Amended Text: The present language in Section 13 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit N.
- XV. Amended Text: The present language in Section 14 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit O.
- XVI. Amended Text: The present language in Appendices 1, 2, 3, 4, 5, 6, 7, 8, and 9 of the Kendall County Zoning Ordinance be deleted and replaced with the document attached hereto as Exhibit P.
- IX. Any reference citation errors created by the above text amendment to the Zoning Ordinance shall be corrected.

State of Illinois  
County of Kendall

Zoning Petition  
#20-14

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 15<sup>th</sup> day of September, 2020.

Attest:

\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

  
\_\_\_\_\_  
Kendall County Board Chairman  
Scott R. Gryder





Request from the Kendall County Regional Planning Commission for Text Amendments to the Kendall County Zoning Ordinance Including the Following: Text Amendments throughout the Kendall County Zoning Ordinance Including Section Numbers Changed from Period Separators to Colon Separators, Correcting General Typographical Errors, Placing Definitions and Uses in the Proper Places Alphabetically, Spelling Out Numbers and Adding Numbers When Numbers are Spelled, Correcting Reference Citation Errors, Renumbering and Re-lettering Sections Without Changing the Meaning of the Text, Removing Language Related to Compliance With Other Local, State and Federal Laws, Listing Use Conditions in the First Zoning District Where the Use is Listed, Adding Dates of Adoption and Dates of Amendment, Deleting References to Accessory Uses Meeting Certain Standards, Deleting References to Home Based Businesses Meeting Applicable Regulations, Deleting References to Small Wind Energy System Standards, Adding Language Clarifying Words and Terms Not Defined in the Ordinance, Deleting the Definitions of Automobile Service Station, Bus Lot, Garage (Bus), Erect (from the Sign Portion of the Ordinance), Garage (Public), Hotel (Apartment), Junker, Sign Advertising (Billboard), and Tourist Courts, Motor Lodges, Moving Signage Related Definitions from Section 12:03 to the Appropriate Places Alphabetically in Section 3:02, Amending the Definitions of Banner Signs, Bed and Breakfast, Building, Completely Enclosed, Family, Floor Area For Determining Floor Area Ratio, Grade, Hotel, Motel, or Inn, Kennel, Land Resource Management Plan, Loading and Unloading Space, Off Street, Microbrewery, Outdoor Advertising Structure: Billboard, Philanthropic Institutions, Railroad Right-

of-Way, Service Station, Short-Term Rental, Clarifying That Buildings and Structures Shall Conform to Applicable Regulations, Clarifying That Merchandise Storage Shall be on the Same Lot as the Business Use Not Restricted to Just Retail Services, Establishing Regulations for Short-Term Rentals as an Accessory Use, Removing the Language Regarding Attached Accessory Structures in Section 4:05.B, Establishing Regulations for Research and Development Related Home Occupations, Allowing the County Board to Establish Fees for Permits Related to Solar Panels and Residentially Zoned Bee Keeping Operations, Deleting the Part Title in Section 5, Correcting the Number of Zoning Districts Listed in Section 6:01, Renumbering the Sections of the Specific Zoning Districts, Clarifying the Name of the M-3 District in Section 6:01, Defining the Location of the Official Zoning Map, Adding a Right to Farm Clause in Sections 7, 8, and 9, Deleting the Procedure for Classifying Existing Approved Lots Regarding Agricultural Housing Allocations, Amends the Use Restrictions for Bed and Breakfast Establishments to Match State Law, Classifying Riding Stables as a Conditional Use Only in the A-1 Agricultural District, Clarifies the Setback for Primary and Accessory Structures from Roads in the A-1 Agricultural District, Removing Language Regarding Buffering in the Second Paragraph of Section 8:01, Adds "Or Similar" and Alpacas to List of Allowable Farm Animals Listed in Section 8:02.A.11.e, Deleting the Administrative Fee in Section 8:02.B.1.1, Deleting the Requirement that Rest Homes, Nursing Homes, and Sanitariums Be For Human Beings Only, Moving Footnotes in Section 8:03 into the Body of the Text, Deleting Distinctions between Golf Course and Par 3 Golf Courses, Adding

the Phrase "and Uses" to Sections 8:04.C and 8:05.C, Moving the Procedures for Approving RPD Zoning Requests from Section 8:06 to Section 13:09, Adding the Title "No Rezoning" to the Paragraphs Stating These Rezoning to the R-2 and R-3 Districts, Moving the Language for Conditional Uses in Various Zoning Districts to the Introductory Paragraph When Only One Conditional Use Permit is Listed, Adding Telecommunication Stations to Telecommunication Hubs, Removing Self-Storage Facilities as a Conditional Use in the B-3 District, Merging the Side and Rear Yard Setback Requirements in Section 9:04.G, Separating and Listing Alphabetically Miscellaneous Uses in Section 10, Expanding the Location of Adult Regulated Uses in Relation to A-1 Special Use PUDs, Residential Zoning Districts, and All Business Districts, Clarifying the Enforcement Officer as the Zoning Administrator in Section 10:03.1, Deleting the Severability Language in Section 10:03.1, Deleting the Reference to the Shared Parking by the Urban Land Institute in Section 11:02.C, Adding Links to the Americans With Disabilities Act Parking Regulations and Removing the Specific Americans With Disabilities Act Information, Establishing Screening Requirements and Establishing an Appeal Process in Section 11:02.F.8, Amending the Parking Calculations for Restaurants, Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops and Health Clubs and Fitness Centers in Section 11:04, Clarifying the Parking Requirements for Self-Storage Facilities in Section 11:04, Establishing Parking Requirements for Uses Not Listed in the Parking Table in Section 11:04, Clarifying Parking Requirements for Recreational Vehicles to be Determined by the Parking Regulations of the Applicable Zoning District in Section 11:05.A.1.b, Deleting the

Fee for Registering Recreational Vehicles, Changing References from the Planning, Building and Zoning Director to Zoning Administrator in Section 11:05.D, Adding the Phrase "unless otherwise allowed by ordinance" in Section 11:05.D.5, Clarifying Square Footage Numbers in Section 11:06.G, Adding Signs Approved by Governmental Entities as Public or Quasi-Public Information Signs in Section 12:04.A, Clarifying the Removal as Within 7 Days of Certain Real Estate Signs and the Removal of Open House Signs in Section 12:04.J, Deleting the Replacement Bonus for Certain Signs in Section 12:06.D, Deleting the Reference to Political Signs in Section 12:08.A.1.c, Deleting the 60% Size of Changeable Copy Signs as a Part of the Whole Sign Area in Section 12:08.A.3, Amending the Scrolling Period for Signs To Be Determined by the Special Use Permit, Amending Message Signs Regulations to Pulsate, Clarifying that Messages Must Be Visible for 2 Seconds Instead of 5 Minutes To Be Considered Flashing, Clarifying that Government Use Signs Cannot Be Changeable in the Residential Districts, Clarifying the Regulations of Temporary Event Signs in Section 12:14.B.4, Clarifying that Outdoor Advertising Structures Would Be Governed by Their Respective Special Use Permits in Section 12:17.K, Deleting the Amortization Period Stated in Section 12:20, Clarifying Zoning Maps as the Official Zoning Map, Deleting the Terms of the Original Members of the Zoning Board of Appeals, Amending the Notice Requirement for Zoning Board of Appeals Meetings Regarding the Publication Timelines in the Newspaper in Section 13:01.B.9, Allowing the Regional Planning Commission to Establish Bylaws, Adding Completion Permits to Occupancy Permits in Section 13:03, Clarifying that Variances Cannot Be Issued for Use in

Section 13:04.A.1, Adding the Zoning Administrator to the List of Entities that Can Initiate Amendments, Removing the Zoning Board of Appeals Initiation of Proceedings in Section 13:07.D, Clarifying the Issuance of Recommendations by the Zoning Board of Appeals as Within 30 Days After the Close of the Hearing in Section 13:07.F, Clarifying the Language to Ensure Compliance with State Law Regarding Written Protests in Section 13:07.G, Adding Soil Consideration for Septic Fields to Open Space Considerations in Section 13:09, Clarifying the Membership of the Concept Plan Committee Regarding Affected Districts in 13:09.B.2, Clarifying the Notification of Certain Municipalities Regarding Extra-Territorial Control in Section 13:09.D, Extending to 60 Days the Timeframe for the Planning, Building and Zoning Committee to Review RPDs in Section 13:09.D.3, and Amending the Application Deadline to 14 Days Prior to ZPAC in Section 13:10.F.1.

Exhibit B

ZONING ORDINANCE OF KENDALL COUNTY

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL, STATE OF ILLINOIS, that the Zoning Ordinance adopted on January 16, 1940, and as subsequently amended, is hereby revised and amended to read as follows:

SECTION 1:00 TITLE

This amended ordinance, including the Zoning District Maps made a part hereof, shall be known and may be cited and referred to as the "Kendall County Zoning Ordinance."



SECTION 2:00 INTENT AND PURPOSE

Updated on 9.15.20

This amended ordinance adopted pursuant to the provisions of "An Act in Relation to County Zoning", passed by the General Assembly of the State of Illinois and enacted into law on June 28, 1935, and all amendments thereto, serves the following purposes:

1. To promote the public health, safety, morals, comfort, and general welfare;
2. To conserve the values or property throughout the County and to protect the character and stability of agricultural, residential, business, and manufacturing area, and to promote the orderly and beneficial development of such area;
3. To provide adequate light, air, privacy, and convenience of access to property;
4. To lessen or avoid congestion in the public streets and highways;
5. To regulate and restrict the location and use of buildings, structures and restrict the intensity of such uses, and to establish building or setback lines outside the limits of incorporated cities, villages and towns;
6. To divide the entire County outside the limits of such cities, villages, and incorporated towns into districts of such number, shape, area, and of such different classes, according to the use of land and buildings, and the intensity of such use, as may be deemed best suited to carry out the purposes of this Act;
7. To prohibit uses, buildings, or structures incompatible with the character of such districts respectively;
8. To prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;
9. To protect against fire, panic, explosion, noxious fumes, flooding along natural water courses and other hazards in the interest of public health, safety, comfort and general welfare;
10. To provide for the elimination of incompatible and non-conforming uses of land, buildings, and structures which are adversely affecting the character and values of desirable development in each district; and
11. To define and limit the powers and duties of the administrative officers and bodies as provided herein.

## **SECTION 3:00 RULES AND DEFINITIONS**

Updated on 9.15.20

In the construction of this amended ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

### **3:01 RULES**

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "plot", "piece", and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- E. The following words and terms, wherever they occur in this amended ordinance shall be interpreted as herein defined.
- F. Words and terms not defined shall have the meanings indicated by common dictionary definition.

### **3:02 DEFINITIONS**

**ACCESSORY BUILDINGS OR USE.** An "accessory building or use" is one which:

- 1. Is subordinate to the principal building or principal use served in terms of area and function; and
- 2. Contributes to the comfort, convenience, or necessity of occupants of the principal use served

**ACREAGE.** Any tract or parcel of land having an area of one acre or more which has not been subdivided by metes and bounds or platted.

**ACTIVE RECREATION OPEN SPACE.** An appropriately-sized and usable open space area, a minimum of one hundred twenty-five (125) feet wide, capable of comfortably supporting one or more active recreational activities, such as playgrounds, ball fields, tennis courts, swimming pools, recreation buildings, jogging trails/fitness courses, detention basins designed for recreational use, and other miscellaneous recreational activities. (Amended 10/17/2000)



## **SECTION 3:00 RULES AND DEFINITIONS**

Updated on 9.15.20

**ACTIVE SOLAR ENERGY SYSTEM.** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. (Amended 11/20/2018)

**ADULT BOOK STORE.** An establishment having a majority of its public physical floor space occupied by books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

**ADULT ENTERTAINMENT FACILITY.** A facility or adult use whose primary business is the commercial sale, dissemination or distribution of sexuality explicit material, shows, or other exhibitions such as adult bookstores, adult video stores, striptease clubs or gentlemen's clubs, adult motion picture or adult mini motion picture theatre, or any other use as defined in 55 ILCS 5/5-1097.5. It shall include any facility or adult use which offers or provides activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities, as defined in 55 ILCS 5/5-1097.7, in view of any patron, client, or customer of the business. (Amended 6/19/2007)

**ADULT MASSAGE PARLOR or SPA.** Any place or establishment where a massage is made available for the primary purpose of sexual stimulation or arousal. It shall include activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities, as defined in 55 ILCS 5/5-1097.7, in view of any patron, client, or customer of the business. (Amended 6/19/2007)

**ADULT MINI MOTION PICTURE THEATERS.** An enclosed building with a capacity for less than 50 persons, or an enclosed building with booths, stalls, or other fully or partially partitioned areas with an intended capacity for less than 10 persons used for presenting materials viewing devices distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein. Adult mini motion picture theaters include but are not limited to projection booths, television monitors, television screens, coin operated video devices and other viewing devices.

**ADULT MOTION PICTURE THEATERS.** An enclosed building with a capacity of 50 or more persons having viewing devices used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

**ADULT USE.** A use which involves either wholly or partially an activity distinguished or characterized by its emphasis on matters depicting, describing, relating to specified

## **SECTION 3:00 RULES AND DEFINITIONS**

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sexual activities on specified anatomical areas, including but not limited to the operation of adult bookstores, adult video theaters, adult entertainment facilities, video arcades, and adult massage parlors or spas. *(Amended 6/19/2007)*

**ADULT-USE CANNABIS BUSINESS ESTABLISHMENT.** An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization. *(Amended 11/19/2019)*

**ADULT-USE CANNABIS CRAFT GROWER.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

**ADULT-USE CANNABIS CULTIVATION CENTER.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

**ADULT-USE CANNABIS DISPENSING ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

**ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be

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amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder. *(Amended 11/19/2019)*

**AGENCY LICENSED FAMILY RESIDENTIAL CARE HOME - TRANSITIONAL.** A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number. *(Amended 10/17/2000)*

**AGENCY LICENSED GROUP RESIDENTIAL CARE HOME - PERMANENT.** A single housekeeping unit of four (4) or more persons receiving care in a family-like atmosphere. Oversight and supervisory personnel shall be on the premises in addition to this number. *(Amended 10/17/2000)*

**AGRICULTURE.** Agriculture includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses, and the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds. In interpreting the foregoing definition, it is the intent of this Ordinance to make the definition of agriculture as used herein identical to the definition of agriculture used in 55 ILCS 5/5-12001, as amended from time to time, exempting agriculture from the zoning authority of the County Board. Cultivating the ground, including the harvesting of crops, and rearing and management of livestock: tillage; husbandry; farming. In a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent, the preparation of these products for man's use. It includes grain storage, horse stables, nurseries, animal feed, commercial feeding, dairy and the like. *(Amended 04/18/2000)*

**AGRICULTURAL LABOR HOUSING.** One or more buildings, structures, tents, trailers, or vehicles or any combination thereof together with the land appertaining thereto established, operated, or maintained as living quarters for migrant workers or families containing migrant workers who are engaged in agricultural activities. *(Amended 04/18/2000)*

**AIRCRAFT.** Any equipment or object, now known or hereafter invented, for use or

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designed and built for navigation of or flight in the air.

**AIRPORT.** Any area of land, water, or both, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way. *(Amended 6/20/2006)*

**AIRPORT OR AIRCRAFT LANDING FIELD.** Any landing area, runway or other facility (including heliports), designed, used or intended to be used either publicly or privately by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

**ALLEY.** A public way, not more than thirty feet wide, which affords only a secondary means of access to abutting property.

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

**APARTMENT.** A room or suite of rooms in a multiple family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities permanently installed must always be included for each apartment.

**AUTOMOBILE LAUNDRY.** A building or portion thereof containing facilities for washing more than two motor vehicles, using mechanical methods.

**AUTOMOBILE REPAIR, MAJOR.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailer; collision service, including body, frame or fender straightening or repair and painting of vehicles.

**AUTOMOBILE WRECKING YARD.** Any place where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any goods, articles, or merchandise.

**AWNING.** A roof like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

**AWNING SIGN:** Any sign that is painted, printed or otherwise placed on the outer surface of an awning in such a manner that the awning forms the background surface of the sign.



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**BANNER SIGN:** Any Temporary Sign of lightweight fabric or similar material. ~~that is~~ Examples include signs attached to a pole, building, or fence, and secured on at least two sides. National flags, state or municipal flags shall not be considered banners. (Amended 7/19/2011)

**BANQUET HALL.** An establishment that is rented by individuals or groups to accommodate private (invitation only) functions including, but not limited to banquets, weddings, anniversaries, and other similar events. Such a use may include kitchen facilities for preparation of food to be consumed on the premises, and outdoor gardens or reception facilities.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood.

**BASE FLOOD ELEVATION.** The elevation in relation to Mean Sea Level of the crest of the base flood.

**BASEMENT.** A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.

**BASIC UTILITY STAGE 1 AIRPORT** An airstrip that is open to the public, with a minimum runway length of 2,200' and a minimum width of 100'. (Amended 6/20/2006)

**BED AND BREAKFAST ESTABLISHMENTS -** An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. Bed and bed breakfast establishments shall meet the criteria set forth in the Illinois Bed and Breakfast Act (Amended 9/15/20).

**BILLBOARD.** Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to announce church services, or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

**BLOCK.** A tract of land bounded by a street or, in lieu of a street or streets, by public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines or municipalities.

**BOARDING HOUSE.** A building other than a hotel or restaurant where meals are

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provided for compensation to four or more persons, but not more than twelve, who are not members of the keeper's family.

**BOOK AND STATIONARY STORE.** An establishment dealing in books, printed materials and stationary supplies which is not an Adult Book Store.

**BREW PUB:** A restaurant-brewery where the beer is brewed primarily for sale in the restaurant and bar. A brew pub shall not sell for off-premises consumption more than 50,000 gallons per year (235 ILCS 5/1-3.33).

**BUILDABLE ACREAGE.** The total acreage of the property minus the following:

1. Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.)
2. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps unless a study has been done and a LOMAR has been issued prior to development of the site indicating that the existing base flood elevation is actually less than the area depicted on the official FEMA maps.
3. Land within the right-of-way or easement of an existing roadway,
4. Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).
5. Land with slopes exceeding 25%, or soils and subsurface geology subject to slumping shall also be subtracted from the total acreage when determining a properties buildable acreage. However, homes may still be constructed on such slopes to take advantage of unique views or to provide walk-out units if appropriate engineering procedures are followed to maintain stability of the structure and minimize erosion.

**BUILDABLE AREA.** The space remaining of a building lot after the minimum yard requirements of this Ordinance have been complied with.

**BUILDING.** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

**BUILDING, COMPLETELY ENCLOSED.** A building separated on all sides from the adjacent open space, or from other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors (*Amended*

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9/15/20).

**BUILDING, DETACHED.** A building surrounded by open space on the same zoning lot.

**BUILDING HEIGHT.** The vertical distance measured at the front building elevation to the highest point of the structure, including the roof. (Amended 10/17/2000)

**BUILDING, NON-CONFORMING.** Any building which does not conform to the regulations of this Ordinance prescribing the use, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

**BUILDING, PRINCIPAL.** A non-accessory building in which the principal use of the zoning lot, on which it is located, is conducted.

**BUILDING SETBACK LINE.** A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this Ordinance.

**BUILDING, TEMPORARY.** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS.** An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings. (Amended 11/20/2018)

**BULK.** The term used to describe the size and mutual relationships of buildings and other structures, as to size; height; coverage; shape; location of exterior walls in relation to lot lines, to the center lines of the streets, to other walls of the same buildings, and to other buildings or structures; and to all open spaces relating to the building or structures.

**BUSINESS.** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

**BUSINESS OR TRADE SCHOOL.** A school or teaching unit organized by an industry or large company to provide trade training, apprentice education, and similar courses.

**CANOPY.** A roof like structure of a permanent nature which projects from the wall of a building or overhangs the public way and is designed and intended to protect pedestrians from adverse weather conditions.

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**CARETAKER.** A person who is in charge of the maintenance of a building, estate, etc.; superintendent.

**CHANGEABLE COPY SIGN:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged either manually or electronically.

**CLINIC OR MEDICAL HEALTH CENTER.** An establishment where patients are admitted for special study and treatment by two or more licensed physicians or dentists and their professional associates, practicing medicine together.

**CLUB OR LODGE.** A non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members, their guests, and invitees. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guest shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable, local, Federal, and State laws, and County Ordinances. *(Amended 6/19/2007)*

**COMMERCIAL MESSAGE:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMON OPEN SPACE.** Common open space refers to the land within a Planned Development that is devoid of buildings and other structures, other than recreational and pedestrian facilities and uses accessory thereto, and is suitable for active and passive recreational activities. For purposes of this ordinance, common open space must be a minimum of 50' wide. Common open space may include underground drainage fields for community septic systems or back-up areas for individual septic systems, and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. Common open space specifically excludes parking lots for non-recreational uses, street rights-of-way, subdivided residential lots, school sites, "mound" sewage disposal systems protruding above grade and aerated sewage treatment ponds. Common Open Space is further divided into two categories as follows:

1. Primary Open Space consists of wetlands and land within the 100-year flood plain.



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2. Secondary Open Space includes otherwise developable areas of a property which are being preserved for passive or active open space use. Wet bottom detention areas may be included as a part of secondary open space.

**COMMUNICATIONS USE.** Radio, television and satellite communications facilities (including towers, cable, telephone, telegraph and maintenance equipment accessory thereto), layout and design of newsprint, and general office activities accessory to these uses.

**CONSTRUCTION SIGN:** A sign announcing the impending construction of a project, limited to displaying the name of the project, the developer, the financial institution providing the finance, the designer(s), the general contractor, a phone number where more information may be obtained, and a date announcing the planned completion of the project.

**CONVENIENCE STORE.** A retail store with a floor area of less than 5,000 square feet that sells a limited line of groceries, tobacco, newspapers and periodicals, and other household goods. *(Amended 6/19/2007)*

**CORNER LOT.** See "Lot, Corner".

**CORNER LOT, REVERSED.** See "Lot, Reversed Corner".

**CORRECTIONAL FACILITIES.** A prison, or is a place in which people are physically confined and, usually, deprived of a range of personal freedoms.

**COVERAGE, LOT.** See "Lot Coverage".

**CROP IDENTIFICATION SIGNS:** A sign whose content includes the type, description, identification and otherwise pertinent information of crops being grown on a plot of land.

**CURB LEVEL.** The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

**CURRENCY EXCHANGE.** Trading US or other countries money for another based on the value of the money. May provide other services such as notaries, money orders, etc. *(Amended 9/15/20).*

**DAY CARE FACILITY.** Facilities that provide supervision and care of more than three (3) children unrelated to the operator of the facility for less than 24 hours per day. This definition shall include Day Care Centers and Day Care Homes as defined and regulated under the Illinois Child Care Act (225 ILCS 10). *(Amended 10/17/2000)*

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**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DISTRICT.** A section or part of the County for which the use regulations are uniform.

**DWELLING.** A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one family dwelling units, two-family dwelling units, and multiple family dwelling units, but not including hotels, motels, boarding, or lodging houses.

**DWELLING UNIT.** One or more rooms in a residential structure which are arranged, designed, used, or intended for use by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

**DWELLING UNIT, SECONDARY.** A secondary residence on a single lot that contains one or more rooms which are arranged, designed, used, or intended for use by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

**DWELLING, ONE-FAMILY.** A dwelling unit designed exclusively for use and occupancy by one family.

**DWELLING, TWO-FAMILY.** A building designed or altered to provide dwelling units for occupancy by two families.

**DWELLING, MULTIPLE-FAMILY.** A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

**DWELLING, ATTACHED.** A dwelling joined to two other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

**DWELLING, DETACHED.** A dwelling which is surrounded on all sides by open space on the same lot.

**DWELLING, SEMI-DETACHED.** A dwelling joined to one other dwelling by party wall, or vertical cavity wall and above-ground physically unifying horizontal structural elements.

**ECHO HOUSING.** Elderly Cottage Housing Opportunities (ECHO Housing) is the provision of independent living quarters for elderly or disabled family members inside or within five hundred (500) feet of a Farm Residence in an agricultural area. (*Amended 04/18/2000*)

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**ELECTRONIC MESSAGE BOARD DISPLAY:** A sign or component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.

**ERECT.** The act of placing or affixing a component of a structure upon the ground or upon another such component.

**ESTABLISHMENT, BUSINESS.** A separate place of business having the following three characteristics:

1. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
2. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment".
3. There is no direct public access from within such establishment to any other such establishment. When adjacent places of business lack any one of the aforesaid characteristics with respect to one another, they shall then be considered as a single "business establishment" for the purpose of this Ordinance.

**EXTERNAL ILLUMINATION:** Illumination of a sign which is produced by an artificial source of light which is not contained within the sign itself.

**FACADE:** Any side, surface or wall below the roof of a building which is parallel or within forty-five (45) degrees of parallel with a parcel's frontage on a public thoroughfare, which faces toward and relates to that public thoroughfare. If a building has a complex shape, then all walls or surfaces facing in the same direction, or nearly the same direction, are part of a single facade.

**FAMILY.** Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or not more than three persons, who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants *(Amended 9/15/20)*.

**FARM.** A parcel of land, or contiguous parcels of land under common ownership, used primarily for agriculture. *(Amended 04/18/2000)*

**FARM RESIDENCE.** A dwelling unit located on a farm. *(Amended 04/18/2000)*

**FENCE.** An artificial barrier constructed of any material or combination of materials

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erected to enclose or screen areas of land. *(Amended 11/18/2003)*

**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. *(Amended 11/18/2003)*

**FENCE, HEIGHT.** The vertical distance measured from finished grade at the base of the fence to the highest point of the panels of a solid, picket, board-on-board or similar type fence, or the top rail of a chain link or split rail fence. *(Amended 2/15/2005)*

**FENCE, OPEN.** A designed fence or wall with openings representing more than 50 percent of the total front face surface that meets all of the following and it is made of materials typically found in security structures, such as chain link, wire mesh or similar materials. *(Amended 6/20/2006)*

**FENCE, SOLID.** A fence obscuring more than forty (40) percent of the view through the fence. *(Amended 11/18/2003)*

**FLASHING SIGN:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered as a flashing sign. Due to their unique characteristics, electronic message board displays are not considered flashing signs.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface water from any source.

**FLOOR AREA FOR DETERMINING FLOOR AREA RATIO.** The sum of the gross horizontal areas of the several floors including the basement floor if a building, measured from the exterior faces of the exterior wall, or from the center lines of walls separating two buildings. The "floor area" shall also include the horizontal areas on each floor devoted to:

1. Elevator shafts and stairwells;
2. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers;
3. Habitable attic space as permitted by the Building Code of Kendall County;
4. Interior balconies and mezzanines;
5. Enclosed porches;



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### 6. Accessory uses.

The "floor area" of structures used for bulk storage of materials, i.e., grain elevators, petroleum tanks, shall also be included in the "floor area" and calculated as one floor for each ten feet of structure height. The horizontal area in each floor or a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the "floor area" (*Amended 9/15/20*).

**FLOOR AREA FOR DETERMINING REQUIREMENTS FOR OFF-STREET PARKING AND LOADING.** "Floor Area" when prescribed as the basis of measurement of off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

**FLOOR AREA, USABLE.** Any floor area within outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

**FLOOR AREA RATIO.** The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot.

**FREE-STANDING SIGNS:** Any sign not attached to a building; primarily ground signs, pole signs, pylon signs, and portable signs.

**FUEL BULK STATION.** A place where crude petroleum, gasoline, naphtha, benzine, benzol, kerosene or other flammable liquid which has a flash point at or below two hundred degrees Fahrenheit (closed cup tester) is stored for wholesale purposes, where the aggregate capacity of all storage tanks is more than eight thousand (8,000) gallons, regardless of whether the fuel is stored above the ground, underground or in mobile tank cars or trucks.

**FURRIER.** A person who buys and sells furs, or one who makes, repairs, or cleans furs and fur garments; a fur dealer or fur dresser.

**GARAGE, PRIVATE.** An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided

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that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in the garage of one or two car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle and the load capacity of such vehicle shall not exceed five tons.

**GARAGE / YARD SALE SIGN:** Any sign used in residential zoning districts to advertise the sale of used, unwanted household goods.

**GOLF COURSE.** Public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least 60 acres for each standard nine hole course; and 25 acres for each nine hole "par 3" course.

**GRADE:** The lowest point of elevation of the surface of the ground, paving, or sidewalk at any point adjacent to a structure. For the purposes of signs, grade shall be the established or finished elevation measured at the centerline of the adjacent street *(Amended 9/15/20)*.

**GRID-INTERIE SOLAR ENERGY SYSTEM.** A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company. *(Amended 11/20/2018)*

**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. *(Amended 8/21/2001)*

**GROUND MOUNT SOLAR ENERGY SYSTEM.** A solar energy system mounted on a rack or pole that rests on or is attached to the ground. *(Amended 11/20/2018)*

**GROUND SIGN:** Any detached sign which has its bottom portion erected upon or mounted on a base that is permanently set on the ground that is at least as wide as the bottom of the sign. Ground signs are also commonly known as Monument Signs.

**GROUP HOME.** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required unless a Special Use approval is obtained to eliminate the requirement of supervision. A "Group Home" shall comply with the zoning regulations for the district in which the site is located. *(Amended 10/17/2000)*

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**GUEST HOUSE.** Living quarters within a detached accessory building located on the same premises with the principal building, for use by guests of the occupants of the premises no longer than 90 continuous days. Such quarters can have kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

**HALFWAY HOUSE.** A home for persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, or inmates on release from more restrictive custodial care or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society. A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are always present. Residents are present for the following purposes:

1. To help them recuperate from the effects of drugs or alcohol addiction;
2. To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, prerelease, work release and probationary programs;
3. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
4. To provide temporary shelter for persons who are victims of domestic abuse.  
(Amended 9/15/2020)

**HARD 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 roofs and roof overhangs; parking areas; driveways; sidewalks; gravel areas; patios and decks; sport courts; pools and similar improvements. (Amended 11/18/2003)

**HARD SURFACE COVERAGE.** Total square footage of all hard surfaces on the property divided by the total square footage of the parcel multiplied by 100. (Amended 11/18/2003)

**HOME OCCUPATION.** Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

**HOME OCCUPATION - AGRICULTURAL.** A home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be "home occupation". (Amended 04/18/2000)

**HOME OCCUPATION- RESIDENTIAL.** A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals

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or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

**HOSPICE.** A temporary residential living arrangement for persons with a life-threatening illness that requires full-time support, therapy and/or treatment.

**HOSPITAL OR SANITARIUM.** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for not less than twenty-four hours in a week, or three or more non-related individuals, suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital", as used in this ordinance does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter, or boarding homes.

**HOTEL, MOTEL, OR INN.** An establishment containing lodging accommodations designed for use by transients, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial desk service, restaurants, cocktail lounges, meeting rooms, and ancillary retain uses provided access to such uses are from the exterior of the principal use. Short-term rentals of a maximum thirty (30) consecutive days in a dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits shall not be considered hotels (*Amended 9/15/20*).

**HOUSEHOLDER.** The occupant of a dwelling unit who is either the owner or lessee thereof.

**ILLEGAL SIGN:** A sign which contravenes this ordinance, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

**ILLUMINATED SIGN:** Any sign which is lit by an artificial (usually electric) light source.

**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. (*Amended 8/21/2001*)

**INDOOR ENTERTAINMENT AND RECREATION.** Uses which provide recreation or entertainment services entirely within an enclosed building. Examples may include: skating rink, arcades, billiards rooms/pool halls, dance hall/club, dance/music school or studio, gymnastic facility, martial arts facility, sports training facility, health/fitness club,



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and similar land uses. Adult and Regulated Uses are specifically excluded from this category (*Amended 9/15/20*).

**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, bookstores, sporting goods stores, drug stores, pharmacies, florist shops, and similar land uses. Adult Uses are specifically excluded from this category. (*Amended 9/15/20*)

**INFLATABLE SIGN:** Any sign or inflatable device of more than two (2) cubic feet in capacity designed to be filled with air or a gas lighter than air, displayed to attract the attention of the public. This definition shall include Balloons and Balloon Signs.

**INSTRUCTIONAL SIGN:** A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," and other similar directives.

**INTERNAL ILLUMINATION:** The illumination of a sign which is produced by an artificial source of light concealed or contained within the sign itself, and which becomes visible in darkness through the translucent portion of the sign face.

**JUNK YARD.** An open area where waste, scrap metal, paper, rags, or similar material are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

**KENNEL.** Any lot or premises or portion thereof other than an animal control facility, veterinary hospital, or animal shelter, where animals allowed by the Illinois Animal Welfare Act are maintained for boarding, training, or similar purposes for a fee or compensation and meet the requirements of the Illinois Animal Welfare Act (*Amended 9/15/20*).

**LABORATORY, COMMERCIAL.** A place devoted to experimental study such as testing and analyzing. Manufacturing assembly or packing of products is not included within this definition.

**LAND RESOURCE MANAGEMENT PLAN.** An official plan adopted by Kendall County to guide growth and development. The Land Resource Management Plan (LRMP) serves as the County's Comprehensive Plan, including Township specific plans and extensive goals and objectives focused on both planning and management (*Amended 9/15/20*).

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**LIVESTOCK.** Domestic animals of types customarily raised or kept on farms for profit or other purposes.

**LIVESTOCK FEEDING YARD.** An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing.

**LIVESTOCK SALES YARD.** An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.

**LOADING AND UNLOADING SPACE, OFF-STREET.** An open hard surfaced area other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors, and trailers to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, thirty-five feet in length, and fourteen feet in height, exclusive of access aisles and maneuvering space *(Amended 9/15/20)*.

**LODGING OR ROOMING HOUSE.** A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or overnight guests.

**LOT.** A parcel of land legally described as a distinct portion or piece of land of record.

**LOT AREA, GROSS.** The area of a horizontal plane bounded by the center line of all adjacent public streets and the lot lines where no public street is adjoining.

**LOT AREA, NET.** The area of a horizontal plane bounded by the front, side and rear lot lines.

**LOT, CORNER.** The lot situated at the junction and abutting on two or more intersection street; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

**LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**LOT DEPTH.** The mean horizontal distance between the front and rear lot line of a lot measured within the lot boundaries.

**LOT LINE.** A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line. *(Amended 2/15/2005)*

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**LOT LINE, CORNER SIDE.** That portion of a lot boundary on a corner lot which lies along a public street and which is not identified as the front lot line.

**LOT FRONTAGE.** The front of any lot shall be that boundary of a lot along a public street; for a corner lot, the owner may elect either street lines as the front lot line.

**LOT, INTERIOR.** A lot other than a corner lot or reversed corner lot.

**LOT LINE, FRONT.** The front property line of a zoning lot.

**LOT LINE, INTERIOR.** A side lot line common with another lot.

**LOT LINE, REAR.** The rear lot line is the lot line or lot lines most nearly parallel to and remote from the front lot line.

**LOT OF RECORD.** A lot that is part of a recorded subdivision or a parcel of land that has been lawfully established and recorded at the county recorder's office. (*Amended 6-21-2005 ord. #2005-42*)

**LOT, REVERSED CORNER.** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**LOT, THROUGH.** A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**LOT WIDTH.** The horizontal distance between the side lot lines as measured at the established front building setback line (Refer to Lot Width Exhibit in Appendix). (*Amended 10/18/2005*)

**LOT, ZONING.** See "Zoning Lot".

**MARINA.** A boat basin and recreational facility, located on water-frontage property, providing moorings for boats, and one or more of the following facilities: Boat launching ramps, boat livery, boat sales, maintenance shops, marine supply stores and fuel dock.

**MARQUEE OR CANOPY:** A roof-like structure of a permanent nature which projects from the wall of a building or overhangs the public way and is designed and intended to protect pedestrians from adverse weather conditions.

**MARQUEE OR CANOPY SIGN:** A sign that is mounted or painted on, or attached to, a canopy or marquee.

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**MASSAGE or MASSAGE THERAPY.** A system of structural palpation or movement of the soft tissue of the body or the performance of non-sexual manipulative exercises or techniques as defined under the Illinois Massage Licensing Act 225 ILCS 57/10, by a Massage Therapist for compensation, except those persons exempted under 225 ILCS 57/25. (Amended 6/19/2007)

**MASSAGE SCHOOL.** Any place or establishment or facility which provides instructions in the theory, method and practice of massage or massage therapy which meets the minimum standards for training and curriculum as determined by the Illinois Department of Professional Regulation. (Amended 6/19/2007)

**MASSAGE THERAPIST.** A person who is licensed by the Illinois Department of Professional Regulation, as defined in 225 ILCS 57/1 et.seq. and administers massage for compensation. (Amended 6/19/2007)

**MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER.** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern. (Amended 11/19/2019)

**MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY.** A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern. (Amended 11/19/2019)

**MEMORIAL OR TABLET SIGN:** The permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication, or other similar information.

**MICROBREWERY.** A brewery that produces between 1,000 barrels and 15,000 barrels (31,000 to 465,000 gallons) of beer per year with 75% or more of its beer sold off-site. Also referred to as a "Class 1 brewer" per 235 ILCS 5/1-3.38 (Amended 9/15/20)

**MICRO DISTILLERY or CRAFT DISTLLERY.** A facility that produces alcoholic beverages in quantities not to exceed fifteen thousand (15,000) gallons per year and



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includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited. If state law changes the quantities the definition should reflect those changes.

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

**MOTOR FREIGHT TERMINAL.** A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

**MOTOR VEHICLE.** A vehicle of less than 16,000 pounds which is self-propelled and is capable of being licensed for operation upon the streets and highways of the State of Illinois, including automobiles, motorcycles, and light trucks. (Amended 6/19/2007)

**MOTOR VEHICLE LAUNDRY.** A building or portion thereof containing facilities for washing more than two motor vehicles, using mechanical methods. (Amended 6/19/2007)

**MOTOR VEHICLE REPAIR, MAJOR.** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailer; collision service, including body, frame or fender straightening or repair and painting of vehicles. (Amended 6/19/2007)

**MUNICIPAL SOLID WASTE TRANSFER STATION.** Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities. Recyclables may also be separated from Municipal Solid Waste at these facilities.

**NAMEPLATE.** A sign indicating the name and address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.

**NANO BREWERY.** A brewery that produces less than 1,000 barrels (31,000 gallons) of beer per year with 100% of its beer sold off-site.

**NON-CONFORMING SIGN:** Any sign that does not conform to the requirements of this ordinance.

**NON-CONFORMING STRUCTURE.** Any building or structure lawfully established at the time of the adoption of this Ordinance or any amendments hereto that does not comply

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with the yard, height, bulk or separation requirements contained the regulations of this Ordinance. (*Amended 6-21-2005 ord. #2005-42*)

**NON-CONFORMING USE.** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto with the regulations of this Ordinance.

**NOXIOUS MATTER.** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

**NURSING HOMES OR REST HOMES.** A home for the care of children or the aged or infirm, or place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

**NURSERY SCHOOL OR DAY NURSERY.** An institution providing care for three or more children under the age of seven years for periods of more than four hours but not exceeding twenty-four hours.

**OBSTRUCTION.** An obstacle, impediment or hindrance.

**OFF-GRID SOLAR ENERGY SYSTEM.** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company. (*Amended 11/20/2018*)

**OFF PREMISE IDENTIFICATION SIGN:** Any sign displaying the name and or logo of a business and which is situated on a parcel of land other than the property for which the sign is identifying.

**OPEN SALES LOT.** Any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, and monuments, and for the storing of same prior to sale (*Amended 9/15/20*).

**ORDINANCE.** Reference to "ordinance" herein shall be constructed as the "Kendall County Zoning Ordinance".

**OUTDOOR ADVERTISING STRUCTURE: (BILLBOARD).** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises on which such sign is located or to which it is affixed (See Billboard) (*Amended 9/15/20*).

**PAINTBALL FACILITY.** The location where a game in which players on one team seek to eliminate those on an opposing team by marking them with a water-soluble dye shot in

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capsules from air guns.

**PARCEL DELIVERY STATION.** A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within area.

**PARKING AREA, PRIVATE.** An open, hard surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

**PARKING AREA, PUBLIC.** An open, hard-surfaced area, other than a street or public way intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

**PARKING SPACE, AUTOMOBILE.** Space within a public or private parking area not less than one hundred and eighty square feet (nine by twenty), exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one half ton capacity.

**PASSIVE SOLAR ENERGY SYSTEM.** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger. (Amended 11/20/2018)

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERFORMANCE STANDARD.** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare of heat generated by or inherent in uses of land or buildings.

**PERFORMING ARTS CENTER.** The performing arts are art forms in which artists use their body or voice to convey artistic expression. Examples of performing arts may include: music, dance, fitness training, theatre arts, technical arts, online lessons, a performing arts preschool, etc. Regulated Uses that are specified in Section 4:16 of the Zoning Ordinance 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/shoeshine shops, tailor/garment repair shops, small household appliance repair shops, travel office, and

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similar land uses. Adult and Regulated Uses are specifically excluded from this category. *(Amended 9/15/20)*

**PHILANTHROPIC INSTITUTIONS.** A nonprofit nongovernmental institution organized and operated for charitable purposes whose net income does not inure in whole or in part to the benefit of shareholders or individuals but through donated assets and income to provide social useful services. Community foundations, endowments, hospitals, educational institution founded by charity and charitable trusts are types of philanthropic organizations *(Amended 9/15/20)*.

**PHOTOVOLTAIC SYSTEM.** An active solar energy system that converts solar energy directly into electricity. *(Amended 11/20/2018)*

**PLACE OF WORSHIP.** A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building(s) and uses(s) are maintained and controlled by a religious body organized to sustain religious ceremonies and/or purposes *(Amended 9/15/20)*.

**PLANNED DEVELOPMENT.** A tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings.

**POLE SIGN:** A sign mounted on one (1) or more freestanding pole(s) or pylons or other supporting base that is not as wide as the bottom of the sign.

**POLITICAL SIGN:** Any sign displayed in conjunction with an official election or referendum, used on behalf of candidates for elected public office or to advocate a position on referenda.

**PORCH.** A roof over structure, projecting out from the wall or walls or a main structure and commonly open to the weather in part.

**PORTABLE SIGNS:** Any sign attached to or mounted upon a frame intended to be moved from place to place. Such sign may be used as a temporary free standing sign and may or may not include movable lettering.

**PRIMARY OPEN SPACE.** All non-buildable areas (except existing road rights-of-way), specifically wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25% and soils subject to slumping. Primary open space areas are predetermined by the locations of these features *(Amended 9/15/20)*.

**PRINCIPAL USE.** The main use of land or buildings as distinguished from a subordinate or accessory use.



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**PRIVATE AIRSTRIP.** A private aircraft landing strip open to residents and invitees or open to ultra-light or short take-off and landing vehicles only. *(Amended 6/20/2006)*

**PRIVATE CLUBS OR LODGES.** An association organized and operated for persons who are bona fide members typically paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such associations are typically conducted by a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary, and incidental to the common objectives of the organization, and further provided that such sale or service of alcoholic beverages and food is in compliance with all applicable federal, state, county, and local laws and ordinances.

**PROJECTING SIGNS:** A sign wholly or partly dependent upon a building for support, and which projects more than twelve (12) inches in a perpendicular fashion from such building.

**PUBLIC SERVICE FACILITIES.** A needed use in a large format to be used by the public including: Filtration plant, pumping station, and water reservoir, Gas regulator stations, Sewage treatment plant, Telecommunications hub, Electric substation, generators and booster stations and Non-exempt governmental uses. This would include private or public entities.

**PUBLIC UTILITY.** Any person, firm corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas steam, telephone, sewers, transportation, or water.

**RAILROAD RIGHT-OF-WAY.** A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, rail car shops, rail car yards, locomotive shops, water towers, etc., under regulation by the Interstate Commerce Commission (ICC) *(Amended 9/15/20)*.

**REAL ESTATE SIGN:** A sign used to advertise the sale or lease of an individual home, apartment office, or retail development.

**RECREATIONAL AREAS.** Parks and open space devoted primarily to the pursuit of outdoor recreational activities such as golf courses, fishing lakes, playgrounds, trails and nature preserves; does not include outdoor commercial sporting activities.

**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

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primarily for recreation, camping, travel or seasonal use. For purposes of regulation in this code, pickup campers, jet skis, boats, snowmobiles, or similar vehicles shall also be considered to be recreational vehicles. *(Amended 7/18/2006)*

**RENDERING.** A process that collects, cooks and processes bodies or parts of bodies of dead animals, poultry or fish, or used cooking grease and oils, for the purpose of salvaging hides, wool, skins or feathers, and for the production of animal, poultry, or fish protein, blood meal, bone meal, grease or tallow and converts it into stable, value-added materials. Rendering can refer to any processing of animal products into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

**RESEARCH AND DEVELOPMENT.** A building or group of buildings in which are located facilities for scientific research, experimental study, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESIDENCY.** The act or condition of residing or dwelling in a place.

**RESPIRE CARE.** Usually planned residential care for dependent, elderly or handicapped people, to provide relief for their permanent care givers.

**RESTAURANT.** Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tearoom, and dining room; including the service of alcoholic beverages when served with and incidental to the serving of meals, permitted by local option.

**REST HOME.** See "Nursing Home".

**ROADWAY RIGHT-OF-WAY LINE.** The edge of the public roadway right-of-way as dedicated or as shown as a prescriptive easement on a certified plat of survey. The edge of a private roadway right-of-way as dedicated as a common easement or commonly owned parcel. The width of land required by the Kendall County Subdivision Ordinance. The Zoning Administrator shall determine the actual line to be used for determining zoning setback requirements.

**ROOF MOUNT SOLAR ENERGY SYSTEM.** A solar energy system that is mounted on a rack that is fastened onto a building roof. *(Amended 11/20/2018)*

**ROOF SIGN:** A sign mounted on the roof of a building.

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**RUNWAY.** A strip or area of pavement used exclusively for the landing and taking off of aircraft, or for the movement of vehicles incidental to such use.

**SANITARY LAND FILL.** A method of disposing of refuse by spreading and covering with earth to a depth of two feet on the top surface and one foot on the sides of the bank.

**SEASONAL FESTIVAL.** A temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards, vineyards, nurseries and similar agricultural operations. Related activities may include, but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from Seasonal Festivals.

**SECONDARY OPEN SPACE.** All buildable acreage protected as open space. Secondary open spaces shall include, at a minimum, a 150-foot deep greenway buffer along all water bodies and watercourses, and a 50-foot greenway buffer alongside arterial and major collector streets and wetlands. The location of secondary open space areas shall be guided by the maps and policies contained in the LRMP and shall typically include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, areas with highly permeable soil according to the Kendall County Soil Survey, significant wildlife habitats, sites listed by the Critical Trends Assessment Program of the Illinois Department of Natural Resources, prime farmland, historic or traditional rural architecture reminiscent of Kendall County's agricultural heritage, and scenic views into the property from existing public roads.

**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. *(Amended 8/21/2001)*

**SELF-STORAGE OR MINI-WAREHOUSE** A building consisting of individual, self-contained units that are leased or owned for the storage of business supplies and household goods. Business goods are limited to those not associated with any office, retail or other business or commercial use within the self-storage warehouse facility. *(Amended 6/20/2006)*

**SERVICE CLUB.** A voluntary non-profit organization where members meet regularly to perform charitable works either by direct hands-on efforts or by raising money for other organizations

**SERVICE STATION.** A place where gasoline, stored in underground tanks, kerosene, lubricating oil or grease, for operation of motor vehicles, are offered for sale directly to the public on the premises, and including minor accessories and the service of motor

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vehicles; but not including major motor vehicle repairs, and including washing of motor vehicles. When the dispensing sale or offering for sale of motor fuels or oil is incidental to the conduct of a motor vehicle repair facility, the premises shall be classified as a motor vehicle repair facility. Service stations shall not include sale or storage of automobiles or trailers (new or used) *(Amended 9/15/20)*

**SETBACK LINE, BUILDING.** See "Building Setback Line".

**SHORT-TERM RENTAL.** A dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits that are rented for a maximum thirty (30) days *(Amended 9/15/20)*.

**SIGN.** A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, tree, rock, or other object, or piece of land, and which directs attention to an object, product, place, activity, persons, institutions, organization or business. However, a sign shall not include the flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

**SIGN, BUSINESS.** A sign which directs attention to a business or profession conducted, or to commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is affixed.

**SIGN, CHURCH BULLETIN BOARD.** A sign attached to the exterior of a church or located elsewhere on the church premises used to indicate the services or activities of the church and including its name, if desired.

**SIGN CONTRACTOR:** A person or entity who performs work for compensation in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign.

**SIGN, FLASHING.** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered as a flashing sign.

**SIGN, GROSS SURFACE AREA OF.** A sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an intricate part of the display.



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**SIGN IDENTIFICATION.** A structure, building wall or other outdoor surface use to display and identify the name of the individual business, profession, organization or institution occupying the premises upon which it is located.

**SIGN STRUCTURE:** The sign and all parts associated with its mounting.

**SIGN SUPPORTS:** All structural features by which a sign is held up, including, for example, poles, braces, guys, and anchors.

**SLAUGHTERHOUSE.** An establishment where animals are butchered for food (*Amended 9/15/20*).

**SMALL POULTRY AND SMALL ANIMAL PROCESSING PLANT.** Operations in which the carcasses of slaughtered poultry are defeathered, eviscerated, cut-up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed. Poultry and small animals are defined as rabbits, chickens, turkeys, ducks, geese, guineas, squab (pigeons up to one month old), small game birds such as quail, pheasant, and partridge (*Amended 9/15/20*).

**SOLAR ACCESS.** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system. (*Amended 11/20/2018*)

**SOLAR COLLECTOR.** An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy. (*Amended 11/20/2018*)

**SOLAR ENERGY.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. (*Amended 11/20/2018*)

**SOLAR ENERGY EASEMENT.** An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land. (*Amended 11/20/2018*)

**SOLAR ENERGY SYSTEM (SES).** All components required to become a complete assembly or structure that will convert solar energy into electricity for use. (*Amended 11/20/2018*)

**SOLAR ENERGY SYSTEM ADDITION.** A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is



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located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto. (Amended 11/20/2018)

**SOLAR ENERGY SYSTEM, PRIVATE.** A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards. (Amended 11/20/2018)

**SOLAR FARM.** A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located. (Amended 11/20/2018)

**SOLAR GARDEN.** A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses located off-site from the location of the solar energy system. (Amended 11/20/2018)

**SOLAR HEAT EXCHANGER.** A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas. (Amended 11/20/2018)

**SOLAR HOT AIR SYSTEM.** An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. (Amended 11/20/2018)

**SOLAR HOT WATER SYSTEM.** A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes. (Amended 11/20/2018)

**SOLAR MOUNTING DEVICES.** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground. (Amended 11/20/2018)

**SOLAR STORAGE UNIT.** A component of a solar energy device that is used to store solar generated electricity or heat for later use. (Amended 11/20/2018)

**SPECIAL EVENT SIGNS:** A temporary sign associated with a special event on the property where the sign is located that exceeds the allowable amount of time and number

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of signs permitted under Section 12:14.B.1 of this Ordinance. Such signs must be related to the special event occurring on the property. (Amended 7/19/2011)

**SPECIAL USE.** Any use of land or buildings, or both, described and permitted herein, subject to the provisions of Section 13:00.

**SPECIFIED ANATOMICAL AREAS.** Are defined as:

1. Less than completely or opaquely covered: a) human genitals, b) pubic region, c) buttock, and d) female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, fellatio or sodomy;
3. Fondling, kissing, or other erotic touching of specified anatomical areas (Amended 9/15/20).

**STABLE, LIVERY.** Any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn livery or both.

**STABLE, PRIVATE.** Any building, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

**STABLE, PUBLIC (RIDING OR BOARDING STABLES).** A building and grounds which are designed, arranged, used or intended to be used for the storage, boarding, breeding of horses including accessory uses which may include riding and horsemanship and the hire of riding horses.

**STACKING REQUIREMENTS.** The number of cars and trucks that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments (Amended 9/15/20).

**STAND, ROADSIDE.** A structure for the display and sale of only agricultural products which are produced on the premises.

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**STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and ceiling next above it. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

**STORY, HALF.** A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance. In the case of multiple family dwellings three or more stories in height, a half story shall be counted as a story.

**STREET.** A way other than an alley, which affords a primary means of access to abutting property.

**STREET LINE.** A line separating an abutting lot, piece or parcel from a street.

**STRUCTURE.** A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a mobile home and a prefabricated building.

**STRUCTURAL ALTERATIONS.** Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing wall, column, beams, and girders.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.

**TAVERN OR LOUNGE.** A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

**TELECOMMUNICATIONS STATIONS.** A system consisting of a transmitter, a transmission medium, or a receiver used for the transmission of information over significant distances for the purposes of communication.

**TEMPORARY.** For a duration of time no longer than 7 days including weekends.

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**TEMPORARY SIGN:** Any sign designed, constructed, or erected to display a message for a limited duration of time. Such signs include but are not limited to: Beacon or Search Light, Grand Opening, Inflatable, Political and Special Event Signs, as well as any other sign which by its definition and application in this chapter is designated as a Temporary Sign.

**TERRACE, OPEN.** A level and rather narrow place or platform which, for the purpose of this Ordinance, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

**THEATER.** An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor an Adult Mini-Motion Picture Theater.

**THOROUGHFARES.** Primary, secondary and collector, as defined by the Official Kendall County Comprehensive Plan.

**TOXIC MATERIALS.** A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

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

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

**TRAILER CAMP OR PARK.** Any premises occupied by or designed to accommodate two or more automobile house trailers or mobile homes, or the parking of two or more trailers for business or storage purposes.

**TRAILER, OFFICE OR STORAGE.** Any trailer designed for temporary use for an office or storage and not used as living quarters, temporary or permanent.

**TRUCK PARKING AREA OR YARD.** Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity.

**TRUCK STOP.** A facility that provides a much broader range services than a typical "Service Station". Such facilities are generally designed to accommodate the needs of commercial vehicles and interstate truck traffic in addition to the motoring public at



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large. Facilities may include one or more buildings designed for the maintenance, servicing, storage or repair of commercial and passenger vehicles; for the dispensing of motor fuel and other petroleum products directly into motor vehicles, and trucks; the sale of accessories or equipment for trucks and similar commercial vehicles as well as areas for overnight parking and storage of such vehicles. A truck stop may also include overnight accommodations, car and truck wash facilities, showers and/or restaurant facilities, primarily for the use of truck crews and the traveling public. *(Amended 6/19/2007)*

USE. The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USED CAR LOT. A zoning lot on which used cars or new cars, trailer, or trucks are displayed in the open for sale or trade.

VIEWING DEVICE. Any device, whether or not coin operated which projects or displays visual images of moving and stationary objects, including but not limited to magic lanterns, films or slide projector or other light projection device, and video screens, cable receivers, or any electronic device which receives electromagnetic waves or electronic signals and displays the reconverted images on a screen.

WALL SIGN: Any sign attached parallel to and supported by a wall or building, and within six (6) inches of such wall, or painted on the wall surface of any building.

WATCHMAN. A person who maintains security on a piece of land and/or its structures to protect it from fire, vandals, or thieves.

WATERCOURSE. Any flowing body of water including rivers, creeks, streams or waterways; not to include small swales, impressions or areas that puddle.

WETLANDS. Areas inundated or saturated by surface water or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

WIND FARM, COMMERCIAL. A single wind driven machine or a collection of wind driven machines or turbines that convert-wind energy into electrical power for the primary purpose of sale, resale or offsite use. *(Amended 6/20/2006)*

WIND ENERGY SYSTEM, SMALL. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. If all applicable regulations are met a small wind energy system may contain more than one wind energy conversion system. *(Amended 2/16/2010)*



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**WINDOW AREA:** Any transparent area on a facade through which the interior of a premises may be viewed from outside.

**WINDOW SIGN:** Any sign which is affixed or placed so that its message or image is read as a part of the total composition of a window area.

**WRECKING YARD.** Any place where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any goods, articles, or merchandise. *(Amended 6/19/2007)*

**YARD.** An open space on the same zoning lot with the principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for which the zoning lot is located.

**YARD, CORNER SIDE.** A yard extending across the full length of a corner side lot line and lying between the roadway right-of-way line and the nearest line of the buildings. *(Amended 2/15/2005)*

**YARD, FRONT.** A yard extending across the full width of the zoning lot and lying between the roadway right-of-way line and the nearest line of the buildings.

**YARD, REAR.** A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

**YARD, REQUIRED.** The area between the road right-of-way and/or the property line and the minimum distance established for the appropriate setback for either front, side, or rear yard. *(Amended 10/17/2000)*

**YARD, SIDE.** The part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the required front yard (or from the front lot line if there is no required front yard) to the required rear yard.

**ZONING BOARD.** The Kendall County Zoning Board of Appeals (ZBA).

**ZONING ADMINISTRATOR.** Wherever in this Ordinance the term Zoning Administrator is used, it shall mean the Zoning Administrator appointed by the County Board and such deputies or assistants as have been or shall be duly appointed by the County Board. That officer is hereby authorized and it is his duty to administer and enforce the orders as are

## **SECTION 3:00 RULES AND DEFINITIONS**

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necessary therefore, and requiring such plats, plans, and other descriptive materials in connection with application for permits as are necessary for him to judge compliance with this Ordinance.

**ZONING MAPS.** The map or maps incorporated into this Ordinance as a part hereof, designating Zoning Districts.

**ZONING LOTS.** Hereby defined to mean a contiguous piece of land in one ownership irrespective of intervening waterways or right of ways for roads or utilities and further irrespective of the division of said land by survey, plat or otherwise which is or may be occupied by a use, building or buildings including the open spaces required by this Ordinance.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC).** An informal, strictly advisory committee and not a County Board committee comprised primarily of County staff and advisors. Membership includes, but is not limited to, representatives from the County (PBZ) Department, the Highway Department, the Health Department, the Sheriff's Department, Forest Preserve District, Soil and Water Conservation District, and the County Engineer or consultants. The PBZ Chair or his/her designee, as needed, from the Planning, Building and Zoning (PBZ) Committee shall serve on ZPAC (*Amended 9/15/20*).

## **SECTION 4:00 GENERAL PROVISIONS**

Updated on 9.15.20

### **4:01 INTERPRETATION.**

- A. **MINIMUM REQUIREMENTS.** The provisions of this zoning ordinance shall be held to be minimum requirements for the promotion of public health, safety, morals, and welfare (*Amended 9/15/20*).
- B. **RELATIONSHIP WITH OTHER LAWS.** Where the conditions imposed by any provision of this amended zoning ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable condition imposed by any other provision of this ordinance or regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- C. **EFFECT ON EXISTING AGREEMENTS.** This amended ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this amended ordinance are more restrictive (or impose higher standards or requirements) that such easements, covenants or other private agreements, the requirements of this amended ordinance shall govern.

### **4:02 SCOPE OF REGULATIONS**

- A. **CHANGE IN STRUCTURES OR USE.** Except as may otherwise be provided in Section 5:00, "Non-conforming Building and Uses", all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter shall be subject to all regulations of this amended ordinance (which are applicable to all regulations of this amended ordinance) which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- B. **NON-CONFORMING BUILDINGS, STRUCTURES AND USES.** Any lawful buildings, structures or use existing at the time of the enactment of this amended ordinance may be continued, even though such building, structure or use does not conform to the provisions of this amended ordinance for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Section 5.00, "Non-conforming Buildings and Uses."
- C. **BUILDING PERMITS.** When a building permit for a building or structure has been issued in accordance with law prior to the effective date of this amended ordinance, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the

## **SECTION 4:00 GENERAL PROVISIONS**

Updated on 9.15.20

building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject thereafter to the provision of Section 5:00 "Non-conforming Buildings and Uses."

### **4:03 USE AND BULK REGULATIONS**

- A. **USE.** No buildings, structure or land shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified in the district in which it is located.
- B. **BULK.** All new buildings and structures shall conform to the regulations established herein for the district in which each building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other Kendall County ordinances *(Amended 9/15/20)*.

### **4:04 LOT COVERAGE (Amended 10/17/2000)**

- A. **MAINTENANCE OF YARDS, COURTS AND OTHER OPEN SPACES.** The maintenance of yards, courts and other open space and minimum lot area required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. No required yards, courts, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason be used to satisfy requirements for any other building *(Amended 9/15/20)*.
- B. **DIVISION OF ZONING LOT.** No zoning lot improved with a building or buildings shall hereafter be divided into two or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings comply with the bulk regulations of the zoning district in which the property is located *(Amended 9/15/20)*.
- C. **LOCATION OF REQUIRED OPEN SPACE.** The location of required open spaces or yards or courts and other open space allocated to a building or dwelling group shall be located on the same zoning lot as such building dwelling group, except as otherwise permitted in planned development and planned open spaces *(Amended 9/15/20)*.
- D. **REQUIRED YARDS FOR EXISTING BUILDINGS.** No yards now or hereafter



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provided for a building existing on the effective date of this amended ordinance shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this amended ordinance for equivalent new construction, except as provided in Section 5:11.

- E. **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 with the following exception:

On corner lots within that part of a yard, court, or other open area located within a radius of twenty-five (25) feet from the point of intersection of the two (2) street right-of-way lines forming the lot corner, no buildings, structures, or shrubs as herein permitted as obstructions in front or side yards adjoining a street shall be erected, altered, or planted which have a height more than thirty (30) inches above the ground grade in this area, and trees planted in such areas shall be maintained in a manner that trees shall not have branches lower than eight (8) feet above the ground grade elevation in this area. (Amended 11/18/2003)

**4:05 ACCESSORY BUILDINGS, STRUCTURES AND USES**

- A. **ACCESSORY BUILDINGS OR USE.** An "accessory building or use" includes but is not limited to the following:
1. A children's playhouse, garden house and private greenhouse;
  2. A garage, shed or building for domestic storage;
  3. Merchandise storage normally carried in stock on the same lot with any business use, unless such storage is excluded by the district regulations (*Amended 9/15/20*);
  4. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
  5. Incinerators incidental to residential use;
  6. A non-paying guest house (without kitchen facilities) or rooms for guests within an "accessory building" provided such facilities are used for the occasional housing of guests of the occupancy of the principal building and not for permanent occupancy by others. (Only permitted on parcels of 3 acres or more in the A-1 district or R-1 district)
  7. Swimming pool, private, for use by the occupant and his guests;
  8. Off-street parking and loading facilities;
  9. Signs (other than advertising signs) as permitted and regulated in each district incorporated in this Ordinance;
  10. Carports as a separate structure;
  11. Towers for personal use, i.e. radio towers, towers to receive internet service.

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12. Small wind energy system (Permitted as Conditional Use only in the A-1, R-1, R-2, and all Business and Manufacturing Districts – may also be approved as part of a Residential Planned Development) subject to the conditions of Section 4:17 *(Amended 2/16/2010)*
  13. Solar panels *(Amended 2/16/2010)*
  14. Home Occupations; (see Section 4:06 – 4:07)
  15. Short-Term Rental provided the property is annually registered with the Kendall County Planning, Building and Zoning Department *(Amended 9/15/20)*.
- B. **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.
  5. No obstruction shall encroach onto a private septic system or private water wells.

In the following table, an (x) indicates the obstruction is permitted *(Amended 9/15/20)*:

Permitted Obstruction	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			X
Architectural entrance structures on a lot or at entrance roadways into subdivisions provided they comply with the setbacks established in Section 12:00 herein.	X	X	X
Balconies			X
Bay windows - projecting not more than three (3) feet into a yard.	X	X	X

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Permitted Obstruction	Front	Side	Rear
Chimneys, attached - projecting not more than three (3) feet into a yard.	X	X	X
Decks, attached to a principal structure, when constructed entirely or partially around a swimming pool, for the sole purpose of providing a connection of the swimming pool to the principal structure. Such decks shall be removed from the required side and/or rear yard within thirty (30) days of the removal of the swimming pool they are providing a connection for. <i>(Amended 11/15/11; Ord. 11-31)</i>		X	X
Eaves and gutters on principal 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 County codes and ordinances			X
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 allowed in all yards up to property line.	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 11:00 herein.			X

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Permitted Obstruction	Front	Side	Rear
Ornamental light standards to within two and one-half feet (2.5') of a property line	X	X	X
Playground and laundry-drying equipment		X	X
Playhouse and open sided summer houses		X	X
Sheds and storage buildings for garden equipment and household items as accessory to dwellings.		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.	X	X	X
Swimming pools, private - when conforming also with other codes or ordinances of the County.		X	X
Swimming pools, above or below ground, detached or attached to a principal structure, when also conforming with the setback regulations of well and septic systems. (Amended 11/15/11; Ord. 11-31)		X	X
Terraces, patios, and outdoor fireplaces		X	X
Tennis courts, private		X	X
Trees, shrubs, and flowers up to property line except as otherwise regulated per Section 4:04.E Corner Clearance.	X	X	X
Other accessory buildings, structures, and uses as herein permitted in district regulations as accessory to a specific permitted use.		X	X

- C. **LOCATION.** Except as otherwise provided for under Section 4:05 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. In the A-1 Agricultural District accessory



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structures must be ten (10) feet from all property lines dividing lots held in separate ownership. If an accessory structure is the first building on a A-1 Agricultural lot it must meet principle building setbacks as set forth in section 7:01.G.2.a of the Zoning Ordinance (*Amended 9/15/20*).

- D. **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. (*Amended 11/18/2003*)
- E. **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:

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'

(*Amended 11/18/2003*)

- F. **FOOTPRINT OF ACCESSORY BUILDINGS.** Any detached accessory building must have a footprint no larger than 70% of the principal structure if located in the R5, R6 or R7 zoning districts. (*Amended 11/18/2003*)
- G. **ON REVERSED CORNER LOTS.** On a reversed corner lot in a Residential District, and within fifteen (15) feet of any adjacent property to the rear in a Residence District, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty (60) percent of the least depth which would be required under this ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a Residence District.
- 4:06 **HOME OCCUPATION- AGRICULTURAL** provided (*Amended 9/15/20*):
1. It is conducted entirely within the dwelling or permitted accessory building by a member or members of the family residing in the dwelling and when such home

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occupation is clearly incidental and secondary to the use of the dwelling as a residence.

2. A maximum sign of eight (8) square feet will be permitted but must meet setback requirements in Section 11:00 of the Zoning Ordinance and be unlit.
3. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold, i.e., hair products may be sold at a salon.
4. No person shall be employed on site other than members of the family residing on the premises and two persons outside the family, providing that additional persons outside of the family may be permitted by the ZBA pursuant to an application for special use filed in accordance with the provisions of this ordinance.
5. The number of off-street parking spaces for that use is provided as required by the Section 11:00 of this Ordinance.
6. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, unless otherwise permitted by law.

**4:07 HOME OCCUPATION- RESIDENTIAL provided (*Amended 9/15/20*):**

1. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
2. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.
3. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.
4. No more than ten (10) vehicle trips (customers, delivery persons or employees) may be made throughout a day to and from the home occupation.
5. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.
6. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
7. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, unless otherwise permitted by law.
8. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. Exceeding this limit requires a variance.
9. Salons shall be limited to one station (chair or nail table), commonly referred to as a station.

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### **4:08 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 Section 5:15.

### **4:09 ACCESS TO PUBLIC STREETS**

- A. 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.
- B. 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.
- C. 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.

### **4:10 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.

### **4:11 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.

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Temporary use of tents for religious, amusement and recreation, business or manufacturing purposes shall be permitted. Temporary as defined as no longer than 7 days. If a tent will be erected longer than 7 days a permit must be acquired from the Zoning Administrator or his or her designee. Agriculturally zoned property is exempt from these provisions.

### **4:12 PERFORMANCE STANDARDS (Amended 8/19/2014)**

Any use established after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards set forth in Title 35 of the Illinois Administrative Code and Administered by the Illinois Pollution Control Board ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)). 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 EXISTING SPECIAL USES (Amended 11/18/2003)**

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.

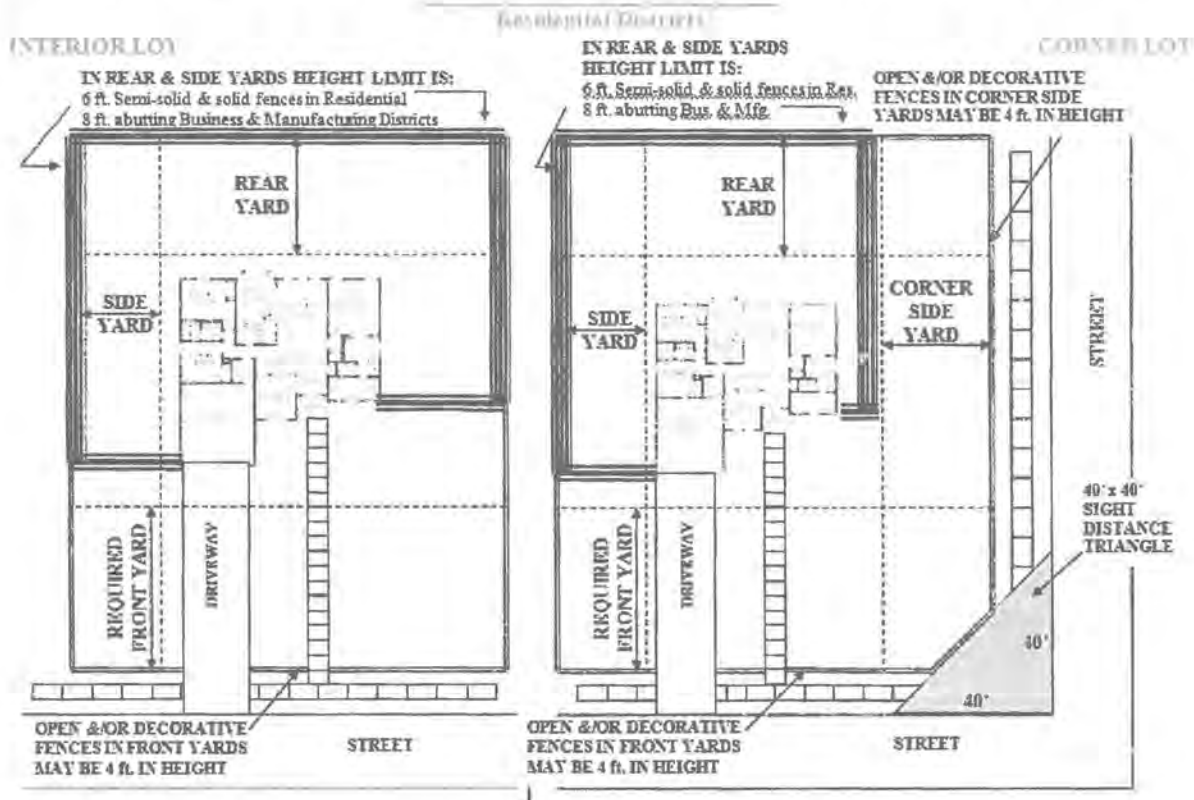
### **4:14 FENCES**

- A. **GENERAL.** Fences that are open, semi-solid or solid are allowed in all districts and yards with the following conditions, unless otherwise regulated herein:
1. Fences located in the A-1 District shall be excluded from any fence height restriction or fence type restriction specified in this section below.
  2. Only decorative or open fences, which do not exceed four feet (4') in height, are allowed in a front yard. (The front yard is a yard lying between the roadway right-of-way line and the nearest line of the building)



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## 3. Semi-solid and solid fences shall be regulated as follows:

- a. In Residential districts, solid and semi-solid fences are permitted up to six feet (6') in height in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. Where a side yard or rear lot line of a residentially zoned lot abuts property located in a Business or Manufacturing district, a solid or semi solid fence of up to eight feet (8') in height may be permitted in the required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. (Amended 6/20/2006)
  - b. In Business and Manufacturing districts, solid and semi-solid fences are permitted up to eight feet (8') in height, and may be placed along the lot line in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard.
4. Fences may be placed up to a property line provided that fences shall not encroach into rights-of-way.

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5. Fences on corners of vehicular intersections shall comply with Section 4:04.E, Corner Clearance, of this ordinance (*Amended 9/15/20*).
6. Except in the A-1 District & 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.

### B. REQUIRED FENCES, HEDGES, AND WALLS. (*Amended 11/18/2003*)

1. A six-foot-high fence or wall shall be constructed along the perimeter of all areas considered by the Board of Appeals to be dangerous to the public health.
2. When required by the Zoning Administrator, a six-foot-high solid masonry wall shall be erected along the property line or zone boundary lines to separate industrial and commercial districts or uses from abutting residential district as follows:
  - a. Where the zone boundary is at a rear lot line which is not a street, the wall shall be on that line.
  - b. Where the boundary is a side lot line, the wall shall be parallel to said side lot line and be reduced to three feet in height in the area set forth as a required front yard for the abutting residential district. The wall paralleling the front property line shall be set back from said property line not less than ten feet and the space between the wall and the property line to be landscaped and maintained.
  - c. Where the boundary is a street, the wall shall be set back from the property line ten (10) feet. The space between the wall and the property line shall be landscaped and maintained (*Amended 9/15/20*).
  - d. Where the boundary is an alley, the wall shall be on the property line along the alley.
  - e. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, State or Federal law.

### 4:15 USES - NOT PERMITTED. (*Amended 11/18/2003*)

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

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of the ZBA it is determined that said use is similar to and not more objectionable than use listed.

### **4:16 REGULATED USES. (Amended 6/19/2007)**

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. Adult Entertainment Facilities.
5. Adult Use.
6. Adult Massage Parlors or Spas.
7. Tattoo Parlors and Permanent Body Art Establishments.
8. Striptease Club or Gentlemen's Club.
9. Adult Video Store

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, or general land use *(Amended 9/15/20)*.

### **4:17 SMALL WIND ENERGY SYSTEMS (Amended 9/15/20)**

- A. Total Height: There is no limitation on tower height, except as imposed by setback, clear one and FAA regulations.
- B. Setback: The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the hub height from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line *(Amended 9/15/20)*.
- C. Clear Zone: The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten (110) percent of the hub height. This clear zone shall be maintained free of any occupied structures on adjoining properties, tanks containing combustible/ flammable liquids, and above ground utility/electrical lines.
- D. Noise: Wind energy systems shall not exceed sixty (60) dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

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- E. **Tower Security:** Any climbing apparatus must be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet.
- F. **Lighting:** Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.
- G. **Signs/Advertising:** No tower should have any sign, writing, or picture that may be construed as advertising.
- H. **Visual Effects and Safety.** All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the PBZ Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County Planning Commission to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County Planning Commission will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the Planning Commission may be appealed to the County Board.
- I. **Multiple wind energy systems:** Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all non-commercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.
- J. **Approved Wind Turbines:** At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy



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Association.

- K. Onsite Electrical Use: On the Construction/Use Permit Application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.
- L. Compliance with the National Electrical Code: Construction/Use Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- M. Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any wind energy system is not operated for a continuous period of twelve (12) months, the county will notify the landowner by registered mail and provide forty-five (45) days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receipt of notice from the county.

### **4:18 SOLAR PANELS (Amended 11/20/2018)**

- A. Roof Mounted for On-Site Energy Consumption. Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of roof mounted solar panels for on-site energy consumption shall comply with all applicable federal, state, and local laws and the rules of the local electrical utility.
- B. Freestanding for On-Site Energy Consumption. Solar panels located on the ground or attached to a framework located on the ground shall be classified as

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accessory structures in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Freestanding solar panels shall be permitted if they comply with the standards listed in the Kendall County Zoning Ordinance. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply with all applicable federal, state, and local laws and the rules of the local electrical utility.

- C. **Solar Gardens.** Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:
  - 1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.
  - 2. Rooftop community systems are permitted in all zoning districts where buildings are permitted.
  - 3. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.
  - 4. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
  - 5. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
  - 6. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.
- D. **Solar Farms.** Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market

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are permitted under the following standards:

1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.
2. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
3. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer.
4. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
5. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.
6. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
7. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property

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lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.

- E. **Setback Requirements.** Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions.

No solar energy system shall be located in any front yard of any residentially zoned or used property.

- F. **Design Standards.** Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
2. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.
3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department.



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- G. **Coverage.** Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- H. **Plan Approval Required.** All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.
  - 1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
  - 2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
  - 3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
  - 4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.
- I. **Approved Solar Components.** Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.
- J. **Compliance with Building Code.** All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.
- K. **Utility Notification.** All grid-intertie solar energy systems shall comply with the



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interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

- L. **Building Permit Requirements and Fees.** All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be established by the County Board.

Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes *(Amended 9/15/20)*.

- M. **Liability Insurance and Indemnification.**

1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be provided pursuant to a plan of self-insurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
2. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be

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construed as limited or qualifying the County's other indemnification rights available under the law.

### **N. Decommissioning Plan.**

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning, Building and Zoning Department, to remove the solar energy system from the property.
2. A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.
3. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.
4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.
5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.
6. The Kendall County Board shall require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.
7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.

### **O. Other Requirements.**

1. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.

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2. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.
3. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
4. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
5. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
6. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
7. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
8. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

### **4:19 TEMPORARY USES PERMITTED *(Amended 9/15/20)***

An owner seeking an approval of a permitted temporary use shall apply for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator or his/her deputies in the review of a

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temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13:00) if the stated time limit is to be exceeded.

1. Christmas Tree Sales; each permit shall be valid for a period of not more than sixty (60) days in any Agricultural or Business District.
2. Concrete ready-mix or asphalt plants, when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District.
  - a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
  - b. The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure.
  - c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
  - d. The plant shall produce product only for the specific parcel for which the temporary use is permitted. Plants constructed to support a major road project shall be located adjacent to the roadway (*Amended 9/15/20*).
  - e. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
  - f. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
3. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district provided that:
  - a. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation.
  - b. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods.
  - c. Before the issuance of the temporary use permits, the septic field



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shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

- d. Trailers or mobile homes may be used for residential purposes only during the construction of a residence and must be removed within thirty (30) days of obtaining a certificate of occupancy or completion of construction. In no case shall a trailer or mobile home be permitted to remain on the premises for more than two years *(Amended 9/15/20)*.

4. Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District as long as the following conditions are met:

- a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
- b. The operation shall be located a minimum of seven hundred and fifty (750) feet from the lot line of any residential building and/or a minimum of three hundred (300) feet from the lot line from retail businesses.
- c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit.
- d. The operation shall have hard surface road frontage. If located in an Agricultural District, the operation must have frontage onto an arterial or major collector roadway as depicted on the Kendall County LRMP.
- e. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
- f. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

5. Temporary Stockpiling of dirt on private property when necessary and incidental to a major construction project:

- a. Erosion control measures must be in place
- b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
- c. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.



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- d. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project (*Amended 9/15/20*).

## SECTION 5:00 NON-CONFORMING BUILDINGS AND USES

*(Amended 9/15/20)*

### 5:01 PURPOSE AND SCOPE

- A. It is the purpose of this Section to provide for the regulation of legally nonconforming structures, lots of record and uses, and to specify those circumstances and conditions under which such non-conformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those non-conformities which adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.
- B. This Section and limits the development and continued existence of uses, structures, and lots established prior to the effective date of this Ordinance which do not conform to the requirements herein.
- C. The limitations of this Section shall not apply to uses, structures, or lots whose nonconforming features are the subject of a variation or special use permit.

### 5:02 CONTINUANCE OF NON-CONFORMING USES

- A. Any lawfully established use of a building or land, at the effective date of this amended ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
- B. No use, which is accessory to a principal nonconforming use, shall continue after such principal use shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

### 5:03 TRANSFER OF A NON-CONFORMING USE

The purchaser of property constituting a legal nonconforming use is entitled to the same rights as the grantor of that property except as provided in Section 5:04 below.

### 5:04 DISCONTINUANCE OF A NON-CONFORMING USE

- A. Whenever any part of a building, structure or land occupied by a non-conforming use is changed to or replaced by a use which conforms to the provisions of this amended ordinance, such premises shall not thereafter be used or occupied by a non-conforming use.

## SECTION 5:00 NON-CONFORMING BUILDINGS AND USES

*(Amended 9/15/20)*

- B. Whenever a non-conforming use of a building or structure, or part thereof, has been discontinued for a period of twelve consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not after being discontinued or abandoned, be re-established and the use of the premises thereafter shall be in conformity with the use regulations of this Ordinance.
- C. Where no enclosed building is involved, discontinuance of a non-conforming use for a period of six months shall constitute abandonment, and said land shall not thereafter be used in a non-conforming manner.

### 5:05 REPAIRS AND ALTERATIONS TO BUILDINGS CONTAINING NON-CONFORMING USES

- A. So long as a building or structure is used or is eligible for use, normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs, replacement of roof covering, veneering of outer walls, and incidental alterations which do not extend or intensify the non-conforming use.
- B. No structural alteration shall be made in a building or other structure containing a non-conforming use, except in the following situations:
  - 1. When the alteration is required by law.
  - 2. When the alteration will result in eliminating the non-conforming use.
  - 3. When a building containing residential non-conforming uses is altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

### 5:06 EXPANSION OF NON-CONFORMING USES

- A. A building containing a non-conforming use may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
- B. A nonconforming use of land shall not be increased in intensity, nor be expanded or extended beyond the area it occupied at the date of the adoption of this Ordinance or any amendment to this Ordinance.

## SECTION 5:00 NON-CONFORMING BUILDINGS AND USES

*(Amended 9/15/20)*

- C. A nonconforming use shall not be expanded or extended beyond the floor area or lot area that it occupied on the effective date of this Ordinance, or the effective date of any amendment thereto rendering such use nonconforming, and shall not be expanded so that it displaces any conforming use in the same structure or on the same parcel.
- D. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- E. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this amended ordinance, or to displace any conforming use in the same building or on the same parcel.

### 5:07 EXEMPTED USES

When a lawfully existing building or other structure otherwise conforms to the height, bulk and yard regulations of this amended ordinance, but is non-conforming only in the particular manner herein after specified, the building and use thereof shall be exempt from the requirements of Section 5:04 through 5:08.

- A. In any "R" District, where a dwelling is non-conforming only as to the number of dwelling units it contains provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
- B. In any "R" District, where a use permitted in the B-1 District occupies ground floor space within a multiple-family dwelling located on a corner lot.
- C. In any "B" or "M" District, where the use is less distant from an "R" District than that specified in the regulation for the district in which it is located.
- D. In any District, where an established use is non-conforming with respect to the standards prescribed in this amended ordinance for off-street parking or loading.
- E. In any A-1 District where an established non-farm dwelling was located on or before July 10, 1973, it shall be deemed to be a legal use.

### 5:08 CONVERSION TO SPECIAL USE

Any non-conforming use may be made a Special Use by the granting of a Special Use Permit as authorized by Section 13:00, if the use meets the requirements and standards

## SECTION 5:00 NON-CONFORMING BUILDINGS AND USES

*(Amended 9/15/20)*

applicable to Special Use approval, and if the use is authorized by the provisions of the Kendall County Zoning Ordinance.

### 5:09 CONTINUANCE OF NON-CONFORMING STRUCTURES

- A. Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- B. Any building for which a permit has been lawfully granted prior to the effective date of this amended ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently pursued to completion. Such building shall thereafter be deemed a lawfully established building.
- C. No structure in an R-3, R-4, R-5, R-6 or R-7 zoning district, which is accessory to a principal nonconforming structure, shall continue after such principal structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance. This requirement may be waived if, in the opinion of the Zoning Administrator, maintaining the accessory structure will not adversely affect the health, safety, value, or general welfare of adjoining or neighboring properties. The Zoning Administrator may, at his or her discretion, refer the matter to the Planning and Zoning Committee for review and recommendation.

### 5:10 REPAIRS TO NON-CONFORMING STRUCTURES

Normal maintenance of a non-conforming building or other structure is permitted, including necessary structural repairs, replacement of roof covering, veneering of outer walls, and incidental alterations which do not constitute additions or expansions as regulated by Section 5:11.

### 5:11 ADDITIONS AND EXPANSIONS TO NON-CONFORMING STRUCTURES

A building or structure which is non-conforming with respect to yards, maximum lot coverage, height, or any other element of bulk regulated by this amended ordinance shall not be altered or expanded in any manner which would increase the degree or extent of its non-conformity with respect to the yard, height or bulk regulations for the district in which it is located, except where a variation is granted according to the regulations of Section 13:00 of this Ordinance.



## SECTION 5:00 NON-CONFORMING BUILDINGS AND USES

*(Amended 9/15/20)*

### 5:12 RESTORATION OF A DAMAGED NON-CONFORMING STRUCTURE

- A. No repairs or reconstruction shall be made unless construction is commenced within one year from the date of the fire or other casualty or act of God, and is diligently pursued until completion. The structure may be restored to its original condition and the occupancy or use of such structure may be continued which existed at the time of such partial destruction. Failure to initiate or conclude restoration within these limits shall constitute abandonment, after which said building must conform to the provisions of the zoning district in which it is located, except as otherwise specified in subparagraph 5:12.B.
- B. 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 PBZ Department, shall not be reconstructed unless such reconstruction is in conformance with setback, height and other bulk regulations of this ordinance.

### 5:13 NON-CONFORMING SIGNS, BILLBOARDS AND OUTDOOR ADVERTISING STRUCTURES

Non-conforming signs, billboards, and outdoor advertising structures shall be subject to the rules and regulations as specified in Section 12.00 "SIGNS" of this Ordinance.

### 5:14 EXEMPTED BUILDINGS AND STRUCTURES

When a lawfully existing building or other structure otherwise conforms to the use regulations of this amended ordinance, but is non-conforming only in the particular manner herein after specified, the building shall be exempt from the requirements of Section 5:11 through 5:13.

- A. Any Single Family Dwelling which became non-conforming on the effective date of this ordinance and is non-conforming only as to total lot area, front, side or rear yard requirements, may be remodeled, extended, or structurally altered, if in the opinion of the Zoning Administrator such alteration will not adversely affect the health, safety, value, or general welfare of adjoining or neighboring properties. The Zoning Administrator may, at his or her discretion, refer the matter to the Planning and Zoning Committee for review and recommendation.

**SECTION 5:00 NON-CONFORMING BUILDINGS AND USES**

*(Amended 9/15/20)*

**5:15 DEVELOPMENT OF NON-CONFORMING LOTS**

- A. A lot which met the lot area, lot width, and other dimension requirements of the zoning district at the time such lot was recorded shall be considered a legal non-conforming lot. Construction of new buildings, or repair of existing buildings that are being used for permitted uses, shall be permitted provided setback provisions of this ordinance are met. Where setback and/or lot area provisions cannot be met, the PBZ Director may permit an exception. If the lot is served by a sanitary sewer line, exceptions may be granted up to the standards of the zoning district at the time such lot was recorded. If the lot is non-sewered, an exception of up to 25% of the required setback or lot size may be granted if requirements of the County Health Department are met. Where a setback reduction of more than 25% is required, a variance shall be required,
- B. A lot which was established in an agricultural district by recorded deed or is part of an approved plat of subdivision, or was otherwise legally established on or before the adoption of this amendatory ordinance, may be used for single family residence purposes provided that the yard requirements of the R-2 District are complied with.

## SECTION 6:00 ZONING DISTRICTS

## 6:01 DISTRICTS

For the purpose and provisions herein Kendall County, Illinois is hereby organized into twenty (20) districts. The minimum area that may constitute a separate or detached part of any zoning district shall be as follows (*Amended 9/15/20*):

SECTION	ZONING DISTRICT	MINIMUM AREA
7:01	A-1 Agricultural District	
8:02	R-1 One Family Residential District	130,000 sq. ft.
8:03	RPD-1 Residential Planned Development-One	20,000 sq. ft.
8:04	RPD-2 Residential Planned Development-Two	20,000 sq. ft.
8:05	RPD-3 Residential Planned Development-Three	20,000 sq. ft.
8:06	R-2 One Family Residential District	90,000 sq. ft.
8:07	R-3 One Family Residential District	45,000 sq. ft.
8:08	R-4 One Family Residence District	30,000 sq. ft.
8:09	R-5 One Family Residence District	15,000 sq. ft.
8:10	R-6 One Family Residence District	7,000 sq. ft.
8:11	R-7 General Residence District	Varies
9:01	B-1 Local Shopping District	10,000 sq. ft.
9:02	B-2 General Business District	10,000 sq. ft.
9:03	B-3 Highway Business District	10,000 sq. ft.
9:04	B-4 Commercial Recreation District	20,000 sq. ft.
9:05	B-5 Business Planned Development District	Varies
9:06	B-6 Office and Research Park District	150,000 sq. ft.
10:01	M-1 Limited Manufacturing District	
10:02	M-2 Heavy Industrial District	
10:03	M-3 Aggregate Materials Extraction, Processing and Site Reclamation	

## SECTION 6:00 ZONING DISTRICTS

### 6:02 ZONING MAPS

The boundaries of the aforesaid zoning districts are hereby established as shown on the map entitled "Official Zoning Map of Kendall County, Illinois" found in the office of the Kendall County PBZ Department. A link entitled "Official Zoning Map of Kendall County, Illinois" found on the Kendall County PBZ Department's website shall be a secondary source to view the Official Zoning Map. The paper map found in the Kendall County PBZ Department shall be the Official Zoning Map in cases of conflict between the paper and online maps. A paper copy of this map can be obtained in the Kendall County PBZ Department Office. Said map shall have the same force and effect as if the Zoning Map, together with all notations, references, and other information shown thereon were fully set forth and described herein (*Amended 9/15/20*).

### 6:03 DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Maps, the following rules shall apply:

- A. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, divisions of sections tracts or lots, or such lines extended otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line or the street or highway, and the length of frontage shall be in accordance with the dimensions shown on the map from section, quarter section, or division lines, or center lines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- C. Where a lot held in one ownership and of record at the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted portion of the lot by more than twenty-five (25) feet.

### 6:04 ZONING OF STREETS, ALLEYS, PUBLIC-WAYS, WATERWAYS, AND RIGHTS-OF-WAY

All streets, alleys, public-ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, street, public-ways, waterways, and railroad rights-of-ways. Where the center line of a street, alley, public-way, waterway or railroad rights-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.



## SECTION 6:00 ZONING DISTRICTS

### 6:05 DISCONNECTED TERRITORY

Any addition to the unincorporated area of the County, resulting from disconnection by municipalities or otherwise, or from submerged land which may be reclaimed hereafter, shall be automatically classified in the "A-1" Agricultural District until such time as the County Board designates the permitted use of land in accordance with the administrative provisions of this amended ordinance.

### 6:06 UTILITIES

- A. The following utility facilities are exempted from regulation by this Zoning Ordinance:

Poles, towers, wires, cables, conduits, vaults, or any other similar distributing equipment of a public utility as defined in the Public Utilities Act, if the public utility is subject to the Messages Tax Act, the Gas Revenue Tax Act, of the Public Utilities Revenue Act, or if such facilities or equipment are located on any rights of way and are used for railroad purposes; except as regulated by subsection B below.

- B. Telecommunications carrier facilities shall be allowed in all zoning districts if they conform to the following standards.

#### 1. Definitions

- a. "county jurisdiction area" means those portions of the County of Kendall that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect;
- b. "county board" means the county board of the County of Kendall.
- c. "residential zoning district" means a zoning district that is designated under the Kendall County Zoning Ordinance and is zoned predominantly for residential uses;
- d. "non-residential zoning district" means the county jurisdiction area except for those portions within a residential zoning district;
- e. "residentially zoned lot" means a zoning lot in a residential zoning district;
- f. "non-residentially zoned lot" means a zoning lot in a non-residential zoning district;
- g. "telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997.
- h. "facility" means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (*Amended 9/15/20*):
  - i. one or more antennas;
  - ii. a supporting structure and the hardware by which antennas are attached;
  - iii. equipment housing; and

SECTION 6:00 ZONING DISTRICTS

- iv. ancillary equipment such as signal transmission cables and miscellaneous hardware;
- i. "FAA" means the Federal Aviation Administration of the United States Department of Transportation;
- j. "FCC" means the Federal Communications Commission;
- k. "antenna" means an antenna device by which radio signals are transmitted, received, or both;
- l. "supporting structure" means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;
- m. "qualifying structure" means a supporting structure that is *(Amended 9/15/20)*:
  - i. an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or
  - ii. a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;
- n. "equipment housing" means a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;
- o. "height" of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation;
- p. "facility lot" means the zoning lot on which a facility is or will be located;
- q. "principal residential building" has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal residential building" shall not include any structure that is not designed for human habitation;
- r. "horizontal separation distance" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building; and

## SECTION 6:00 ZONING DISTRICTS

- s. "lot line set back distance" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way.

### 2. Location Guidelines (*Amended 9/15/20*)

- a. A non-residentially zoned lot is the most desirable location.
- b. A residentially zoned lot that is not used for residential purposes is the second most desirable location.
- c. A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.
- d. Residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.
- e. The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

### 3. Design Guidelines

- a. No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
- b. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.
- c. No facility should encroach onto an existing septic field.
- d. Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.
- e. Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.
- f. If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph e of this subsection 3 shall control over any tree-related regulations imposing a greater burden.

## SECTION 6:00 ZONING DISTRICTS

- g. Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
- h. Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

### 4. Standards

- a. Except as provided in this section, no yard or setback regulation shall apply to or be required for a facility.
- b. A facility may be located on the same zoning lot as other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot (*Amended 9/15/20*).
- c. No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.
- d. No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.
- e. No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.
- f. The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

### 5. Approval Process

- a. A facility is permitted if its supporting structure is a qualifying structure or if both or the following conditions are met (*Amended 9/15/20*):
  - (i.) The height of the facility shall not exceed two hundred feet (200'), except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed three hundred fifty feet (350') and
  - (ii.) The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds ninety-nine feet (99') in height, the horizontal separation distance to the nearest principal residential building



## SECTION 6:00 ZONING DISTRICTS

shall be a least one hundred feet (100') or eighty percent (80%) of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.

- b. Unless a facility is permitted under paragraph a. of this section 5, a facility can be established only after the county board gives its approval following consideration of the provisions of paragraph c. of this subsection 5. The county board may give its approval after one public hearing by the ZBA on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than seventy-five (75) days after submission of a complete application by the telecommunications carrier, if the county board fails to act on the application within seventy-five (75) days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.
- c. For purposes of paragraph b. of this subsection 5, the following siting considerations, but no other matter, shall be considered by the county board or any other body conducting the public hearing (*Amended 9/15/20*):
  - i. The criteria in subsection 2 regarding location guidelines of this Section;
  - ii. Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
  - iii. The benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;
  - iv. The existing uses on adjacent and nearby properties; and
  - v. The extent to which the design of the proposed facility reflects compliance with subsection 3 regarding design guidelines.
- d. A county's review of a building permit application for a facility shall be completed within thirty (30) days. If a decision of the county board is required to permit the establishment of a facility, the county's review of the application shall be simultaneous with the process leading to the county board's decision.
- e. Any public hearing authorized under this Section shall be conducted in a manner determined by the county board. Notice of any such public hearing shall be published at least fifteen (15) days before the hearing in a newspaper or general circulation published in the county
- f. Any decision regarding a facility by the county board or a county agency or official shall be supported by written finding of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof,

## SECTION 6:00 ZONING DISTRICTS

but there shall be no presumption of the validity of the decision.

### 6:07 PIPELINES (Amended 3/21/18)

The purpose of this Ordinance is to minimize the negative agricultural impacts and to protect sensitive areas by affording minimal negative impact during and after pipeline construction. This Ordinance shall pertain to all pipelines to be located within agricultural properties with sensitive areas including but not limited to wetlands and existing forested or natural areas, which are not constructed in relation to the direct development of property. Such pipelines shall meet the following standards:

#### A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:
  - a. A minimum of five (5) feet of top cover where it crosses cropland.
  - b. A minimum of five (5) feet of top cover where it crosses pastureland or other agricultural land comprised of soils that are classified by the USDA as being prime soils.
  - c. A minimum of three (3) feet of top cover where it crosses pastureland and other agricultural land not comprised of prime soils.
  - d. A minimum of three (3) feet of top cover where it crosses wooded/brushy land or other sensitive areas.
  - e. Substantially the same top cover as an existing parallel pipeline, but not less than three (3) feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.
2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding 200 feet in length are encountered, the minimum cover will be 30 inches (*Amended 9/15/20*).

#### B. Replacement of Topsoil

1. The topsoil depth shall be determined by a properly qualified soil scientist or soil technician who will set stakes every 200 feet along the right-of-way identifying the depth of topsoil to be removed.
2. The actual depth of the topsoil, not to exceed 36 inches, will first be stripped from the area to be excavated above the pipeline, and from the adjacent subsoil storage area. The topsoil will be stored in a windrow parallel to the pipeline trench in such a manner that it will not become intermixed with subsoil materials.
3. The topsoil must be replaced so that after settling occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance will the topsoil materials be

## SECTION 6:00 ZONING DISTRICTS

used for any other purpose.

4. As the topsoil is replaced, all rocks greater than three (3) inches in dimension shall be removed from the topsoil.

### C. Restoration of Ground Cover

1. All soil conservation practices (such as terraces, grassed waterways, etc.) which are damaged by the pipeline's construction will be restored to their pre-construction condition.
2. Sensitive areas shall be restored by seeding or planting vegetation that will establish pre-existing character or to the landowner's desire, not to exceed what was formerly present.

### D. Restoration and/or Repair of Field Tiles

1. The Company will endeavor to locate all tile lines within the right-of-way prior to the pipeline's installation so repairs can be made if necessary. The Company will contact affected landowners/tenants for their knowledge of the tile line locations prior to the pipeline's installation. All identified tile lines will be staked or flagged prior to construction to alert construction crews to the possible need for tile line repairs.
2. All the tile lines that are damaged, cut or removed shall be staked or flagged with the stakes or flags in such a manner they will remain visible until permanent repairs are completed. Tile lines must be restored to their original route within 14 days of the pipeline being laid.
3. Where tile lines are severed by the pipeline trench, angle iron, I-beams or an equivalent, shall be used to support the repaired tile lines. The support member shall be sufficient to support a ten (10) ton point load on the surface directly above the repaired tile line.

### E. Ingress and Egress Routes

Prior to the pipeline's installation, the Company and the landowner/tenant will reach a mutually acceptable agreement on the route that will be utilized for entering and leaving the pipeline right-of-way should access to right-of-way not be practical or feasible from adjacent segments of the pipeline right-of-way or public highway or railroad right-of-way.

### F. Property Owner/Tenant Notification Procedure *(Amended 9/15/20)*

1. The property owners/tenants of the land on which the pipe will be located shall be notified of the project intent and approximate scheduling of the construction.

## SECTION 6:00 ZONING DISTRICTS

2. Written permission shall be obtained from each property owner/tenant affected for pipelines not approved by the Federal Energy Regulatory Commission.

### G. Special Provisions Pertaining to Pipeline Locations

1. All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of 500 feet from any occupied principal structure.
2. All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Section 13:00 of this Ordinance.

## SECTION 7:00 AGRICULTURAL DISTRICTS

Updated on 9.15.20

### 7:01 A-1 Agricultural District

#### A. PURPOSE

It is recognized that the public health and welfare of the citizens of Kendall County are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This district is intended to ensure that lands within the county which are well suited for agricultural production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Specific purposes for this district are to *(Amended 9/15/20)*:

1. Establish a zoning district in which agriculture and certain related uses are encouraged as principal uses of the land.
2. Preserve fertile, tillable soils as a valuable natural resource.
3. Enhance and maintain the sound economic base that agricultural pursuits provide the county and region.
4. Provide open areas which contribute to the stability of the environment and enhancement of air and water quality.
5. Preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life, but may not be conducive to the agricultural uses cited in this ordinance.
6. Prevent scattered, indiscriminate urban development within areas zoned agricultural.
7. Limit residential development of agriculturally zoned properties or those areas identified as agricultural uses in the County's LRMP to not more than one dwelling unit per each 40 acres of land. *(AMENDED 12/16/03)*

#### B. POLICY

It shall be the policy of the county to *(Amended 9/15/20)*

1. Allow only those uses of land which are clearly and primarily best suited for agricultural purposes within the A-1 zoning district.
2. Prevent mixtures of urban and rural land uses which create conflicts and incompatibilities which directly or indirectly impose unbalanced tax loads on agriculture and which require urban services which, in turn, contribute to the premature termination and eventual elimination of agricultural uses.
3. That allowance of farm residences under this section shall not change the general character of agricultural use.
4. Kendall County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator -- A-1 or A-1 Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural



**SECTION 7:00 AGRICULTURAL DISTRICTS**

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practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS. Please be aware that certain special and permitted uses are in existence and can continue operations as approved.

**C. USES PERMITTED**

1. Accessory Uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4:05.
2. Crop and tree farming
3. Dairy and livestock farming
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Farming
6. Farm Animals
7. Forest Preserve
8. Forestry
9. Game breeding
10. Grazing and forage
11. Greenhouses and nurseries
12. Group Homes, subject to the following:
  - a. No more than eight (8) persons plus staff.
  - b. Licensed or certified by the State of Illinois.
  - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
13. Home occupation provided it follows the definition in Section 3:02, meets the conditions in Section 4:06 and an affidavit is filled out in the Planning, Building and Zoning office stating you meet those conditions.
14. Horse breeding and raising
15. Land Application of domestic septage with approval from the Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Private Sewage Disposal Ordinance and the Illinois EPA.
16. Roadside stands, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back at least ninety (90) feet from the center line of all adjacent roads, and with off-street parking for a minimum of five (5) cars, or one space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to only those products grown or produced on the premises. Sales only permitted from March 15 through November 15.
17. Signs, as permitted and regulated by Section 12:00.
18. Single Family Residential Use, provided:
  - a. *Standard Lot* - A new residence shall be permitted on a zoning lot forty (40) acres or larger. Prior to the construction of any new residence, the property

**SECTION 7:00 AGRICULTURAL DISTRICTS**

Updated on 9.15.20

owner shall file with the Kendall County PBZ Department a legal description detailing the location of the parcel, along with a sketch identifying the location of the proposed residence. The County will maintain records of parcels that have been allocated for single-family residences. (AMENDED 12/16/03)

- b. *Allocation* –Parcels of forty (40) acres or more in size shall be entitled to one allocation for a single-family residence for each forty acres of available land within the overall zoning lot. Available land shall be determined as the total acreage of any parcel regardless of the number of existing residences on the premises or replacement homes for which the parcel may be eligible. The available allocations shall be registered in accordance with the procedures outlined in subsection 7:01.C.18.e below. Prior to the construction of any new residence, the property owner shall file with the Kendall County PBZ Department a legal description detailing the location of the acreage to which the allocation(s) is/are being assigned. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family residences, and record the dimensions of the parcels upon which the single-family residences are built upon. (Amended 9/15/20)
- c. *Existing Approved Lots* - Single Family Dwellings on zoning lots approved pursuant to the applicable regulations prior to 8th day of March, 1977, which are as follows:
  - i. Any three-quarter (3/4) acre lot, or larger, existing prior to July 17, 1959.
  - ii. Any vacant three (3) acre parcel or larger that existed prior to August 8, 1971.
  - iii. Any vacant five (5) acre parcel or larger that existed prior to August 28, 1972.
  - iv. Any vacant twenty (20) acre parcel or larger that existed prior to March 8, 1977.
  - v. Any lot in a subdivision or group of lots combined to meet the minimum area requirements of a zoning lot except as otherwise permitted under Section 5:15.B of this ordinance. (AMENDED – 12/16/03)

Parcels classified as "Existing Approved Lots" under subsection 18.c shall be registered on or before December 29<sup>th</sup>, 2005. If an owner declines to register a parcel by this date, the burden of proof of the availability of a permit will shift to the owner, who shall be required to prove, by clear and convincing evidence, that a building permit allocation is applicable to the parcel in question. After December

**SECTION 7:00 AGRICULTURAL DISTRICTS**

Updated on 9.15.20

29<sup>th</sup>, 2005, the owner of a zoning lot meeting the standards of 16c above shall file a petition with the Kendall County PBZ Department to construct a new single family dwelling on an unregistered prior zoning lot. The petition shall be reviewed by the Zoning Administrator and approved, denied, or referred to the Planning, Building, and Zoning Committee of the County Board (*Amended 1/18/11*). In considering the petition, the Zoning Administrator shall consider the following findings of fact:

- The petitioner must have purchased the property prior to May 1, 2000;
- The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased. (*Amended 9/15/20*)

d. *Replacement Home* – A replacement home is defined as a residence intended to replace a pre-existing home destroyed or damaged to the extent that it was demolished. (*AMENDED – 12/16/03*)

i. A replacement home shall be permitted in those instances where the owner can supply physical evidence documenting the prior existence of a residence on the property and further provided that it is registered in accordance with the procedures and deadlines established below in subsection 7.01.C.18.e. Evidence shall be submitted to the Kendall County PBZ Department and may include historic aerial photographs, tax records, plat maps or other legal documentation verifying the prior existence of a residential dwelling. (*Amended 9/15/20*)

ii. Except for those parcels of land created prior to December 16, 2003 which are improved with existing residences or are eligible for a replacement home, all replacement home lots shall have a minimum area of 130,000 square feet. (*AMENDED – 12/16/03*)

iii. Lots created prior to December 16, 2003 which are less than 130,000 square feet in area and are improved with existing residences or are eligible for a replacement home shall be considered legally non-conforming and shall not be further reduced in size except as may result from the required dedication of additional right-of-way for an adjoining roadway. (*AMENDED – 12/16/03*)

iv. If the PBZ Department determines that adequate evidence is not provided to support a replacement home, the applicant may appeal the decision to the PBZ Committee of the County Board.

## SECTION 7:00 AGRICULTURAL DISTRICTS

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Appeals of the Board's decision shall be reviewed by the ZBA in accordance with Section 13:00 of this ordinance. (*AMENDED – 12/16/03*)

- e. All existing zoning lots which meet the requirements of 18a, 18b, 18c, or 18d above shall be registered by the property owner with the Kendall County PBZ Department prior to the issuance of a building permit. One single-family residence shall be permitted for each registered allocation. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family dwellings in the A-1 zoning district along with the number of permit allocations available to each tract. As each available permit allocation is used, the Planning, Building, and Zoning Department shall record the location and dimensions of the parcels upon which the single-family residences are built upon and shall update the records to track the number of available allocations remaining. (*Amended 9/15/20*).
- f. *Allocations Registered Prior to December 16, 2003.*  
Parcels in excess of 60 acres in size which were registered for a single allocation prior to December 16, 2003, may register for additional allocations for each 40 acres of available land for any zoning lot in excess of 40 acres in size that remains within the original parent parcel. These additional allocations will be registered in the same manner as outline in subsection 7.01.C.18.e. (*Amended 9/15/20*)

- 20. Sod farms
- 21. Storage of products when accessory to the pursuit of agriculture.
- 22. Truck farming

### D. SPECIAL USES PERMITTED

The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13:00. (*Amended 11/19/19*)

- 1. Adult Day Care or Respite Care
- 2. Adult-Use Cannabis Craft Grower subject to the following conditions:
  - a. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement



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- shall be from the cannabis use.
- b. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing property zoned or used for residential purposes, unless the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower. The measurement shall be from the cannabis use.
- c. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. On properties zoned M-1 or M-2, Adult-Use Cannabis Craft Growers may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Infuser Organizations or both.
- e. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- f. At the time of application, the Petitioner shall submit the following information:
  - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction and building code compliance.
  - iii. Anticipated number of employees and customers.
  - iv. Anticipated parking demand and available parking supply.
  - v. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - vi. Site design, including access points and internal site circulation.
  - vii. Proposed signage plan.
  - viii. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application
- g. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
- h. This use shall be in a stand-alone building.
- i. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- j. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply. (*Amended 11/19/19*)
- 3. Adult-Use Cannabis Cultivation Center subject to the following conditions:
  - a. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school,



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preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.

- b. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
  - c. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
  - d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  - e. At the time of application, the Petitioner shall submit the following information:
    - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
    - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
    - iii. Anticipated number of employees and customers.
    - iv. Anticipated parking demand and available parking supply.
    - v. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
    - vi. Site design, including access points and internal site circulation.
    - vii. Proposed signage plan.
    - viii. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  - f. No outdoor storage is allowed.
  - g. Electronic message boards and temporary signs are not allowed.
  - h. Fences must be a minimum of eight feet (8') tall.
  - i. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  - j. This use shall be in a stand-alone building.
  - k. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  - l. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply. (*Amended 11/19/19*)
4. Agency Licensed Family Residential Care Homes - Transitional.

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5. Agency Licensed Group Residential Care Home- Permanent
6. Agricultural implement sales and service.
7. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions (*Amended 9/15/20*):
  - a. Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200') foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
  - b. There shall be a minimum three hundred (300') foot distance between airport property and the nearest residence.
  - c. Security fencing shall be provided to control access to runways and taxiways. The fencing shall be a minimum six (6') feet in height.
  - d. Airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and to the following:
    - i. 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.
    - ii. 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:
      - i. 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.
      - ii. 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.
    - iii. Structures exceeding the limiting heights shall be considered

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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.

8. Animal feed; preparation, grinding, mixing and storage.
9. Athletic Field with lights, provided that the following conditions are met:
  - a. The minimum site area shall be 140,000 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. Photometric lighting plans will be submitted and approved by the County. All lighting shall be directed downward, and should minimize glare and light trespassing on adjacent property.
10. Auction Facility
11. Bait Shop with items not produced on the property.
12. Banquet Halls are permitted subject to the following conditions (*Amended 9/15/20*):
  - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the LRMP.
  - b. The subject parcel must be a minimum of 5 acres.
  - c. The use of this property shall be in compliance with all applicable ordinances.
  - d. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
  - e. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

**EXEMPTION: Powered Equipment:** Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

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13. Bed and breakfast establishments are permitted subject to the following conditions (*Amended 9/15/20*):

- a. Shall have no more than five (5) guest rooms for rent.
- b. Shall be in operation for not less than ten (10) nights in a twelve (12) month period.
- c. Shall maintain a guest register which shall be available at all times for inspections.
- d. Shall be located in a single family detached dwelling, not an accessory building or garage.
- e. Shall satisfy all requirements of the Kendall County Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Building Department prior to the issuance of occupancy permits.
- f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off-street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
- g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
- h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
- i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
- j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
- k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.

14. Cemeteries, including crematoriums and mausoleums provided no building shall be located less than one hundred (100) feet from a lot line.

15. Child Day Care Facilities.

16. Clean up and restoration services with the following conditions:

- a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County LRMP.
- b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.



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- c. All operations are to take place inside an enclosed structure.
  - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
  - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
  - f. No materials that are brought in can be burned on this site.
  - g. All signage shall comply with the provisions of Section 12:00 of the Kendall County Zoning Ordinance (Sign Regulations).
  - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
17. Communication Use
18. Composting of landscape waste and food waste, subject to the following (Amended 9/15/20):
- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Part 830, Standards for compost facilities.
  - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
  - c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
  - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
  - e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
  - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
  - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.



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- j. Truck weights shall be limited to 73,280 pounds.
  - k. The operator shall provide weight receipts to Kendall County.
  - l. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.
  - m. Other conditions as appropriate for the particular facility. *(Amended 6/20/2006)*
19. Correctional Facilities subject to the following:
- a. The facility shall be at least 650 feet from the nearest property which is residentially zoned or used.
  - b. The facility shall not be established within 1,320 feet of a public or private school, day care or place of worship.
  - c. The County may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens. *(Amended 6/20/2006)*
20. Fertilizer and seed sales, including bulk storage and mixing.
21. Golf courses, club houses, country clubs, and membership riding clubs.
22. Governmental buildings and facilities.
23. Grain Storage, when not accessory to the pursuit of agriculture.
24. Group Homes, subject to the following *(Amended 9/15/20)*:
- a. More than nine (9) persons plus staff.
  - b. Licensed or certified by the State of Illinois.
  - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
25. Halfway house must be located a minimum of one thousand (1,000) feet from any dwelling *(Amended 9/15/20)*.
26. Hospice.
27. Indoor Target Practice with the following conditions *(Amended 9/15/20)*:
- a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
  - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
  - c. Hours of operation from 7am to 10pm
  - d. No alcohol allowed.
  - e. Must meet all requirements of the Kendall County Health Department.
  - f. Applicable Federal, State, EPA and County rules and regulations.
28. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
29. Kennels provided that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the LRMP map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset

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*(Amended 9/15/20).*

**30. Landscaping business, provided that:**

- a. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
- b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.  
*(Amended 7/17/2007)*

- c. No landscape waste generated off the property can be burned on this site.

**31. Medical Cannabis Cultivation Center subject to the following conditions:**

- a. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
- b. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
- c. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
- e. At the time of application, the Petitioner shall submit the following information:
  - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
  - iii. Anticipated number of employees and customers.
  - iv. Anticipated parking demand and available parking supply.
  - v. Anticipated traffic generation in the context of adjacent roadway

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- capacity and access to such roadways.
  - vi. Site design, including access points and internal site circulation.
  - vii. Proposed signage plan.
  - viii. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  - f. No outdoor storage is allowed.
  - g. Electronic message boards and temporary signs are not allowed.
  - h. Fences must be a minimum of eight feet (8') tall.
  - i. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  - j. This use shall be in a stand-alone building.
  - k. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  - l. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply. *(Amended 11/19/19)*
32. Micro Distillery subject to the following conditions:
- a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County LRMP.
  - b. Locally grown inputs shall be used to the greatest extent possible
  - c. The number of hours permitted to operate shall be on the approving ordinance.
  - d. Parking shall be in accordance with Section 11:00 of the Zoning Ordinance including lighting.
  - e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
  - f. Shall contact & meet all requirements of the Kendall County Health Department.
  - g. A waste management plan should be submitted to the Kendall County Health Department
33. Nano Breweries, subject to the following conditions: *(Amended 11/15/11; Ord. 11-29)*
- a. The facility shall have direct access to a road designated as a major collector (or higher) on the County LRMP.
  - b. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
  - c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.
  - d. Any tasting or sale of beer shall be subject to the Kendall County Liquor Control regulations.
34. Offices of architects, brokers, engineers, insurance agents, lawyers, real estate

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agents, planners and other professionals, medical and dental practitioners, clergy, salesmen, sales representatives or manufacturing representatives, provided that the subject parcel is not less than 3.0 acres in size; is located within  $\frac{3}{4}$  mile of an existing or proposed commercial center as designated on the County LRMP; has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County LRMP; and is located in an area not designated on the LRMP as dedicated for agricultural uses.

- a. The following purpose is served (*Amended 9/15/20*):
  - i. To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewscapes they provide.
  - ii. To allow for the establishment of low intensity office uses within existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
  - iii. To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
- b. All special use permit applications for an office use must meet the following requirements (*Amended 9/15/20*):
  - i. Unless otherwise approved by the County Board, the office use shall be conducted within one or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
  - ii. If any proposed additions or new structure are to be built on the property, (a) the architectural design of those structures must be reflective of the existing architecture on the site; (b) the additional square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel; and (c) placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of the locality.
  - iii. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the office use.
  - iv. The office use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
  - v. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the county as part of any such special use request for office uses provided that such demolition shall not exceed 15% of the combined square footage of all existing structures on the premises. The



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combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.

- vi. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.
- vii. No sign, other than one identification sign as permitted in Section 12:00 of this ordinance shall be allowed.
- viii. Off-street parking shall be provided in accordance with the provisions of Section 11:00 of this ordinance. (AMENDED - 9/21/04)

35. Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting, noise, and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice or shooting, athletic fields with lights, paintball facilities and riding stables, including but not limited to polo clubs, and similar uses. (Amended 5/7/2019)

36. Outdoor Target Practice or Shooting (not including private shooting on your own yard) with the following conditions (Amended 9/15/20):

- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting range shall submit copies of all of the studies and plans suggested in the 2012 NRA Range Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan. Two (2) copies of the 2012 NRA Range Source Book shall be available for public access in the Kendall County PBZ Department. One (1) of the copies of the 2012 NRA Range Source Book shall be made available for rent to members of the public.
  - 1. The above-referenced plans shall contain information as suggested by the National Rifle Association.
  - 2. Included in the above documents, the petitioner shall submit a



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- detailed written narrative describing the proposed use. The narrative shall, at a minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
3. The safety plan shall describe the duties and qualifications of the range supervisors.
  4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirements of the National Rifle Association's standards, the standards of the National Shooting Sports Foundations standards, or the United States Environmental Protection Agency's best management practices standards.
  5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
  6. Any changes to the above-required studies and plans shall be promptly forwarded to the Kendall County PBZ Department.
  7. A bond shall be provided for site remediation. The specific dollar amount shall be determined by the County Board.
- b. Range layout requires conformity with the 2012 National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100').
  - c. The site plan for the proposed outdoor target practice of shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
    1. The safety area shall conform to 2012 NRA Range Source Book for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
    2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In case of shooting ranges where targets are not stationary, appropriate baffling shall be provided.
  - d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty (30') feet of firing line distance over twenty feet (20'), the

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berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:

1. Shotgun ranges – No berming required.
2. Ranges for handguns and rifles
  - a. Target placement not to exceed twenty feet (20') from the backstop.
  - b. Lateral not closer than thirty feet (30') from the firing line.
3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
4. In addition to berms, appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
5. The range shall be located on site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:
  - a. Shotgun ranges – one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.
  - b. Ranges for handguns and rifles not more powerful than .22 long rifle – seven thousand feet (7,000').
  - c. Ranges for rifles more powerful than a .22 long rifle – thirteen thousand five hundred feet (13,500').
  - d. The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling, berming, or a combination thereof, meeting the standards of the 2012 National Rifle Association's Source Book or appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The firing line must be at least one thousand feet (1,000') from existing residential dwellings and property lines of schools, daycares, places of worship, airstrips, and residentially zoned property.
- g. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required
- h. At least one (1) designated range safety officer must be present during operational hours when discharging of firearms is taking place. A "range safety officer" means a person who is certified under the National Rifle Association's Range Safety Officer Program or other equivalent state or nationally-recognized range safety officer certification program as approved by the County Board, for the type of shooting being supervised. The range safety officer shall enforce all range rules.

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- i. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.
- j. Everyone on the firing line is required to wear hearing protection and safety glasses.
- k. The range shall provide public bathroom facilities.
- l. The range shall require a minimum parcel size of twenty (20) acres.
- m. Hours and days of operation shall be specified in the special use permit and determined by the County Board. However, between October 1<sup>st</sup> and March 31<sup>st</sup>, no firing shall take place prior to 10:00 a.m. or after 5:00 p.m. and between April 1<sup>st</sup> and September 30<sup>th</sup>, no firing shall take place prior to 10:00 a.m. or after 8:30 p.m. However, notwithstanding the aforementioned hours of operation, up to twelve (12) night shoots per year shall be allowed ending no later than 10:00 p.m.
- n. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing.
- o. Must meet the existing setbacks of the zoning district.
- p. No alcohol, marijuana, or other illicit drugs allowed.
- q. No projectiles shall leave the boundaries of the site.
- r. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance shall be at a level standard and customary for outdoor target practice or shooting range. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit and the special use permit holder shall supply a copy of the insurance policy to the Kendall County PBZ Department annually on or before February 1<sup>st</sup> of each year.
- s. All applicable Federal, State and County rules and regulations shall be adhered to.
- t. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- u. Notwithstanding the hours of operations set in the special use permit, the range shall abide by the following noise regulations, so as not to exceed allowable residential noise in accordance with the following:
  - 1. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential use which exceeds sixty (60) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.

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2. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential use which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land; provided, however, that point of measurement shall be on the property line of the complainant.
  3. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
    - v. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (May 7, 2019) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.
    - w. Outdoor target practice and shooting ranges open to the public established after the date of this ordinance (May 7, 2019) must comply with the above regulations or secure applicable variance(s). *(Amended 5/7/19)*
37. Paintball Facilities subject to the following conditions:
- a. Minimum lot size of 20 acres;
  - b. The facility shall have direct access to a road designated as a major collector (or higher) in County LRMP unless the Township Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road;
  - c. Hours and days of operation as specified in Special Use Permit to be determined by the County Board
  - d. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and
  - e. No paintball activity shall leave the boundaries of the site, including fired paintballs.
  - f. Requirement of netting to be installed around the property shall be determined by the County Board
  - g. Paintball guns shall only be powered by carbon dioxide (CO<sub>2</sub>), high pressured air (HPA) or Nitrogen (N<sub>2</sub>).
  - h. All signage shall comply with the provisions of Section 12:00 of the Kendall County Zoning Ordinance.
  - i. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.
  - j. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food service shall be adhered to.
38. Parks.
39. Performing arts center subject to the following conditions:



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- a. 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.
  - b. The site shall be shown as a commercial area on the LRMP.
  - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
  - d. The amount of students and type of events are listed in the approving ordinance.
  - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - f. Must meet applicable Fire Protection District codes.
40. Philanthropic institutions and institutions supported by charity.
41. Places of Worship subject to the following conditions (*Amended 9/15/20*):
- a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
  - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
42. Public or Private Utilities and Service uses:
- a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
43. Private Airstrip and/or heliports, provided it complies with all Illinois Department of Transportation (IDOT) Division of Aeronautics and Federal Aviation Administration (F.A.A.) requirements and provisions of Section 4:13 of this Zoning Ordinance. (*Amended 6/20/2006*)
44. Private clubs or lodges not including indoor or outdoor gun clubs and uses regulated in Section 4.16 (Adult Book Store, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Entertainment Facilities, Adult Use, Adult Massage Parlors or Spas, Tattoo Parlors and Permanent Body Art Establishments, Striptease Club or Gentlemen's Club and Adult Video Store.)
45. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5)



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cars. Seasonal outdoor displays on above listed items are also permitted.  
(Amended 9/15/2009)

46. Recreational camps and recreational vehicle parks subject to the following conditions:
  - a. The minimum lot size must be 20 acres
  - b. All standards of the Health Department are met in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Kendall County Food Establishment Sanitation Ordinance.
  - c. Must seek approval from the Fire and police departments
  - d. Adequate directional signage must be throughout the property
  - e. Maximum continuous stay shall not exceed 90 days.
47. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
48. Retail or wholesales sale of pottery, art, or home décor products, *alone or together* with the operation of a tea room, sit-down food sale area for food sales on-premises incidental to the operation of the primary retail sales use provided that the subject parcel is not less than 3.0 acres in size, has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County LRMP; and is located in an area not designated on the LRMP as dedicated for agricultural uses.
  - a. The following purpose is served (Amended 9/15/20):
    - i. To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewsapes they provide.
    - ii. To allow for the establishment of low intensity retail or wholesale uses within existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
    - iii. To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
  - b. All special use permit applications for a retail or wholesale use must meet the following requirements (Amended 9/15/20):
    - i. Unless otherwise approved by the County Board, the retail or wholesale use shall be conducted within one or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
    - ii. If any proposed additions or new structure are to be built on the property, (a) the architectural design of those structures must be reflective of the existing architecture on the site; (b) the additional square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel; and (c) placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of

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- the locality.
  - iii. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the retail or wholesale use.
  - iv. The retail or wholesale use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
  - v. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the county as part of any such special use request for retail or wholesale uses provided that such demolition shall not exceed 15% of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.
  - vi. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.
  - vii. No sign, other than one identification sign as permitted in Section 12:00 of this ordinance shall be allowed.
  - viii. Off-street parking shall be provided in accordance with the provisions of Section 11:00 of this ordinance. (*Amended 9/18/2007*)
49. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
50. Service Clubs.
51. Small Poultry & Small animal Processing Plant subject to the following conditions:
- a. A maximum of 21,000 units a week. All animals are counted as 1 (one) animal unit except turkeys and geese are counted as 4.5 animal units.
  - b. Facilities (the unloading area) must be located at least 400' from any principle structure.
  - c. No rendering may take place on the site.
  - d. Live animals may be held on the site for no more than twenty-four (24)

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- hours.
- e. All slaughtering/processing permitted only in an enclosed building.
  - f. The number of hours and days of operation as specified in Special Use Permit to be determined by the County Board.
  - g. Poultry processed to be sold for retail or wholesale sale shall be specified in the special use permit as a condition.
  - h. Parking shall be in accordance with Section 11:00 of the Zoning Ordinance including lighting.
  - i. All Applicable Federal, State and County rules and regulations shall apply.
  - j. Other such conditions as approved by the County Board.
  - k. Waste, by-products or any decomposable residue which results from the slaughtering of animals must be kept in a sealed container and picked up within 48 hours.
  - l. All signage shall comply with the provisions of Section 12:00 of the Kendall County Zoning Ordinance (Sign Regulations)
  - m. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
  - n. Performance Standards. All activities shall conform to the performance standards set forth in Section 4:12 (*Amended 9/15/20*).
- 52. Solar Gardens subject to the provisions of Section 4:18.D. (*Amended 9/15/20*).
  - 53. Solar Farms subject to the provisions of Section 4:18.C. (*Amended 9/15/20*)
  - 54. Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles provided that the business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs. Unless specifically permitted under a special use permit, all storage shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the Agricultural District. (*Amended 6/20/2006*)
  - 55. Telecommunications Stations
  - 56. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation. (*Amended 6/20/2006*)
  - 57. Wind Farms, Commercial, subject to the following:
    - a. Location Guidelines - The following guidelines shall be considered in evaluating the appropriateness of proposed locations for Wind Farms and the proposed project components. The purpose of these guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.
      - i. *Natural and Biological Resources* - Wind Farms should not be located in areas that have a large potential for biological conflicts. Wind Farms should not be located in large impact areas such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, and special management

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areas. Wind Farms should not significantly impact important wildlife habitat.

- ii *Visual Impacts* - Wind Farms should avoid those visual corridors that are designated by the County as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated in the County's LRMP or in other locations determined by the County Board after analyzing the applicant's wind farm visual simulations and considering public hearing comments. A Wind Farm project should maintain visual unity among clusters of turbines. To promote visual uniformity, the rotors, nacelles and towers of all turbines in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.
  - iii *Soil Erosion & Water Quality* - Wind Farms should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turnouts are recommended. The number and size of staging areas and crane pad sites should be minimized.
  - iv. *Historical, Cultural & Archeological Resources* - Wind Farms should avoid sites with known sensitive historical, cultural or archeological resources.
  - v. *Public Safety* – Wind Farms shall be developed in a manner that utilizes sound engineering practices and considers public safety regarding the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created (Amended 9/15/20).
- b. Performance Standards - The following standards are to be achieved by each Wind Farm project without exception. Because they are standards, they are requirements of any Wind Farm project. The final decision on whether or not a particular standard is achieved by a Wind Farm project shall be made by the County Board after considering the recommendations of all advisory bodies (Amended 9/15/20).
- i. *Noise Management* - The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall



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not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is determined that a pure tone noise is generated by the project. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

- ii. *Wind Farm Design:* Wind Farms that are not designed in "accordance with proven good engineering practices" or not purchased from a national manufacturer with a proven track record shall be prohibited. Wind Farms designed with the following characteristics shall be deemed in "accordance with proven good engineering practices":
  - 1. at least 3 blades.
  - 2. upwind rotor.
  - 3. no furling, where "furling" means that the wind turbine is designed to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
  - 4. tapered and twisted blades.
  - 5. a well-designed braking system.
- iii. *Visual Impacts* - To provide visual order to a Wind Farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, re-construction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited. No Billboards, logos and advertising signs of any kind shall be located on the turbines.
- iv. *Soil Erosion & Water Quality* - Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the Building Permit so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the Wind Farms and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded to the

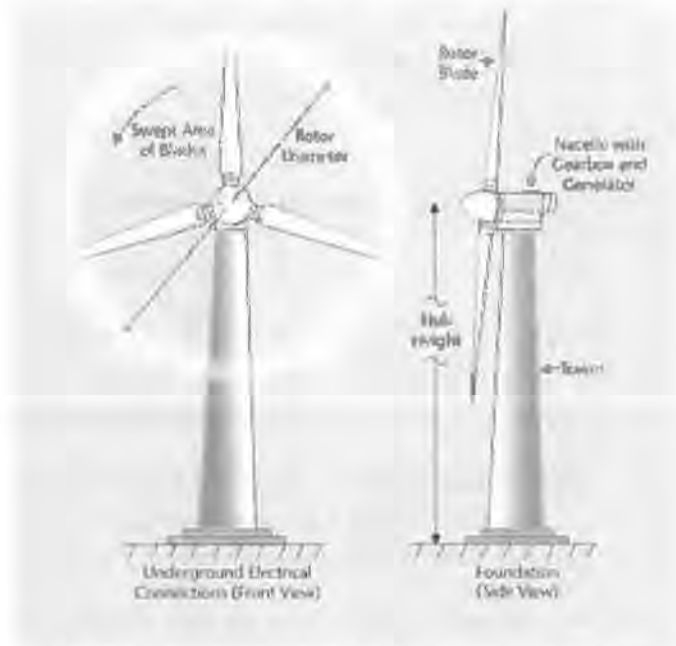


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landowner's or manager's requirements. Dust control on the project site is required.

- v. **Setback** - Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.1 times the turbine hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.1 times the turbine hub height. *(Amended 2/16/2010)*



Drawing of the rotor and blades of a wind turbine, courtesy of ESN

- vi. **Lighting** - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County Regional Plan Commission. If lighting of turbines, or other structures, is required, "daytime white-nighttime red" shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color. *(Amended 2/16/2010)*
- c. **Roads** - All routes on either County or Township roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress need to be shown. The

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routing shall be subject to the approval of the Kendall County Highway Engineer in coordination with the Township Road Commissioner(s). The developer shall provide and complete a pre-construction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer shall provide a road repair plan to improve any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or a surety bond in amount and form approved by the highway official(s).

- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the ZBA, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board. *(Amended 3/21/18)*
- e. Removal of Defective Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within sixty (60) days. If any wind energy system is not operated for a continuous period of 12 months, the county will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the

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operator and such operator shall remove the turbine within 120 days of receipt of notice from the county.

- f. Decommissioning Plan: A Commercial Wind Farm shall submit a decommissioning plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment. Facility abandonment shall include the ceasing of operations for a period of not less than one (1) year. Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of the project life or facility abandonment. At the time of decommissioning, an Alta Survey shall be submitted to the County. The decommissioning plan shall state how the facility will be decommissioned, a professional engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County which states:
  - i. The financial resources for decommissioning which shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the County.
  - ii. If the Applicant chooses an escrow agreement (*Amended 9/15/20*):
    - i. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and
    - ii. The County shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within sixty (60) days of the end of the project life or facility abandonment.
  - iii. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  - iv. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant's successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of excess, and to take all steps allowed to enforce said lien.

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Financial provisions shall not be so onerous as to make Commercial Wind Farm projects unfeasible.

E. **CONDITIONAL USES.** The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator (*Amended 9/15/20*).

1. Accessory agricultural services such as a Black smith; Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises; or similar accessory use to a farm residence provided (*Amended 9/15/20*):
  - a) The applicant shall send notice to all owners of property within five hundred (500) feet of the subject site by certified mail within five (5) days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten (10) days after the date of the notice, file a written objection with the Zoning Administrator thereto, the question of whether such application shall be granted shall be referred to the ZBA which shall consider the matter at its next regular or special meeting. A report summarizing the findings of fact and a recommendation of the ZBA shall be forwarded to the County Board for a determination.
  - b) Such use shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six (6) feet in height.
  - c) Such use shall not utilize more that twenty-five (25%) percent of the lot area or two (2) acres, whichever is less.
  - d) On-site employees shall consist of immediate family members, and not more than three (3) other persons.
  - e) Said business shall be owned by the owner of the residence.
  - f) Such businesses shall provide a parking area to accommodate at least two (2) cars in addition to one parking space for each on-site employee. Such off-street parking area shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
  - g) No more than one business shall be permitted on a site.
  - h) Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use.
2. Agricultural Labor Housing or living quarters for a groomsman or an employee-watchman, provided that the following conditions and restrictions are met (*Amended 9/15/20*):
  - a. Shall be used in connection with an agricultural purpose as defined in State Statute 55ILCS 5/5-12001 as here after amended.



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- b. Shall meet all requirements of the Kendall County Health Department.
  - c. Shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and immediate family.
  - d. Shall meet all required setbacks and minimum lot size.
3. Elderly Cottage Housing Opportunities (E.C.H.O. Housing), provided *(Amended 9/15/20)*:
- a. One manufactured home is permitted on a separate ground area of not less than five acres in an A-1 District. Current health codes must be met.
  - b. The following purpose is served:
    - i. To permit adult offspring to provide small temporary residences for their aging parents who are in need of support while maintaining independence.
    - ii. To permit families to provide security and support for non-elderly relatives with serious health problems or physical disabilities.
    - iii. To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
    - iv. To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
    - v. To permit E.C.H.O. housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.
  - c. A conditional use permit must meet the following requirements for Temporary E.C.H.O.:
    - i. There can only be one (1) E.C.H.O. housing unit located on each parcel.
    - ii. The E.C.H.O. housing unit must comply with all setbacks within the respective zoning districts.
    - iii. The E.C.H.O. housing unit must not exceed one thousand-two hundred (1,200) square feet of living space with not more than two (2) bedrooms.
    - iv. The E.C.H.O. housing unit must be compatible with the surrounding area.
    - v. The E.C.H.O. housing unit must be an attached or detached pre-manufactured home with a removable foundation or a mobile home.
    - vi. Each E.C.H.O. housing unit may have one (1) parking space.
    - vii. The owner of the principal residence and at least one occupant of the E.C.H.O. unit must be related by blood, marriage or adoption.
    - viii. The owner(s) of the principal residence and lot must live in one of



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the dwelling units on the lot. No more than two occupants shall reside in an E.C.H.O. unit.

- ix. In order to be eligible for E.C.H.O. housing, at least one of the occupants of the E.C.H.O. unit must be over sixty-two (62), or unable to live independently because of mental or physical disabilities. All disabled occupants must submit a letter from a physician verifying the disability and stating the projected duration of the disability.
  - x. The principal owner of the property must annually submit an affidavit to the Zoning Administrator, verifying that the unit is still occupied by the eligible resident(s). Once the unit is no longer occupied by the eligible resident(s), the principal owner has six (6) months to remove the unit from the property. If the unit is not removed within six (6) months, the Kendall County Zoning Department may remove the structure. The principal owner of the property will be held financially liable for the cost. If the principal owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property.
4. Feed yards provided that the lot is not located nearer than one thousand (1,000) feet from a Residence District.
  5. Guest house with kitchen facilities provided it meets the following conditions *(Amended 9/15/20)*:
    - a) The parcel must be 3.0 acres or greater in size and must be able to demonstrate the ability to provide adequate water and sanitary wastewater treatment facilities to service both the principle residence and guest house in accordance with all applicable Health Department regulations and guidelines in effect at the time of application.
    - b) The guest house shall comply with the building setbacks of the Agricultural district and shall be a minimum of 20 feet from the principle structure.
    - c) All guest houses shall not exceed the height of the main dwelling.
    - d) Adequate off-street parking shall be available for the guest house.
    - e) Covenant or Deed Restrictions: As a condition of securing a Building Permit for construction of a guest house being added to an existing parcel containing a single-family home, the property owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the guest house separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the Kendall County PBZ Department prior to the issuance of the Building Permit for the guest house.

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- f) The materials, colors, and architectural style of the guest house shall be similar to the principal residence.
  - g) The livable floor area of the guest house shall not exceed 50% (fifty percent) of the livable floor area of the principal residence.
  - h) Construction of all guest houses shall meet applicable building codes.
- 6. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- 7. Livestock sales and purchasing, but not a stockyard or slaughterhouse. Such uses may not be located nearer than one thousand (1,000) feet from a Residence District.
- 8. Public 911 safety towers provided *(Amended 9/15/20)*:
  - a) The height cannot exceed 200' if it is located within 1.5 miles from the corporate limits of any municipality with a population of 25,000 or more. If it is further than 1.5 of a municipality with a population of 25,000 or more, it can be 350'.
  - b) No building or tower that is part of a public 911 safety tower should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
  - c) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.
  - d) No public 911 safety tower should encroach onto an existing septic field.
  - e) Except as provided in this section, no yard or setback regulation shall apply to or be required for a public 911 safety tower.
  - f) No minimum lot area, width, or depth shall be required for a public 911 safety tower and unless the tower is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a public 911 safety tower. If the tower is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the site. No loading facilities are required.
  - g) No portion of a tower's supporting structure or equipment housing shall be less than 15 feet from the front lot line or less than 10 feet from any other lot line.
  - h) Fencing should be installed around a public 911 safety tower. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.

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9. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, provided (*Amended 9/15/20*):
  - i. The lot is not located nearer than five hundred (500) feet from an existing dwelling other than the owners' residence or a Residential District.
  - ii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time.
  - iii. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
  - iv. Submission of a manure management plan for review and approval by the Kendall County Health Department.
  - v. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
  - vi. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
  - vii. Provision of handicapped accessible bathroom facilities for customers and employees.
  - viii. Compliance with basic life safety requirements for building ingress and egress. (*Amended 6/20/2006*)
10. Seasonal Festivals provided that the following conditions and restrictions are met (*Amended 9/15/20*):
  - a) Adequate parking on site shall be provided in such a way that no on-street parking is necessary
  - b) Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
  - c) The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services
  - d) No alcohol shall be sold on the premises
  - e) Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services

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- f) All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
  - g) Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property
  - h) The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
  - i) No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday
  - j) Events shall be permitted once a year unless otherwise approved by the PBZ Committee.
  - k) Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year.
  - l) Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
  - m) All signage shall comply with Section 12:00 of the Zoning Ordinance.
  - n) All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line.
  - o) Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority.
11. Single Family Dwellings may be authorized under the following conditions  
(Amended 9/15/20):
- a) Each such dwelling shall be located on a zoning lot that meets the standards of single-family residential lots, one hundred and thirty thousand (130,000) sq. ft. minimum.
  - b) Septic suitability is approved by the Health Department.
  - c) It is the intent to limit such usage, and if, in the judgment of the County Board, contiguous parcels requesting approval hereunder



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represent an unwarranted expansion of this usage, then denial is warranted.

- d) That application shall be made on forms provided by the Zoning Administrator and shall include written and graphic evidence establishing that the site meets the following standards:

That the site for the proposed use must be incompatible with agricultural use that may be evidenced by establishment of one or more of the following criteria *(Amended 9/15/20)*:

- i. Existing woodland coverage of a substantial portion of the site containing trees in excess of 6" in diameter measured at breast height;
- ii. Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less;
- iii. Excessive slopes;
- iv. Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, flood-prone areas or buildings.

- e) That such application shall be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the application to the PBZ Committee of the County Board for recommendation prior to taking action.

It is the policy that allowance of dwellings under this section shall not change the general character of agricultural use in the surrounding area.

12. Small Wind Energy Systems subject to the conditions of Section 4:17
13. Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met *(Amended 9/15/20)*:
  - a) Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject property unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
  - b) The operator shall provide adequate parking on the site, such that no on-street parking will be required.
  - c) The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.

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- d) No alcohol shall be sold on the premises without a Kendall County liquor license.
- e) All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- f) Events shall not exceed six (6) consecutive days in duration.
- g) Events shall not exceed two (2) times per calendar year on any particular property.
- h) Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.
- i) The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- j) Any event activities shall start no earlier than 9:00 A.M., and shall end no later than 9:00 P.M., any day of the week.
- k) Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.

F. **ACCESSORY USES PERMITTED.** Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use are permitted; provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use.

G. **SITE AND STRUCTURE REQUIREMENTS - (Amended 9/15/20)**

1. Minimum Lot Area and Minimum Lot Width (measured at the front building setback line) per the following table:

Type of Use	Minimum Lot Area	Minimum Lot Width
New Residence	Forty (40) acres	200 feet
Existing Residences or Replacement Homes that are subdivided from a larger agricultural parcel	130,000 square feet	200 feet
Other Permitted Residences	As provided in Section 7:01C.18.c	No minimum.
Special or Conditional Uses	No minimum, unless specifically listed	200 feet or as approved for the special or conditional use

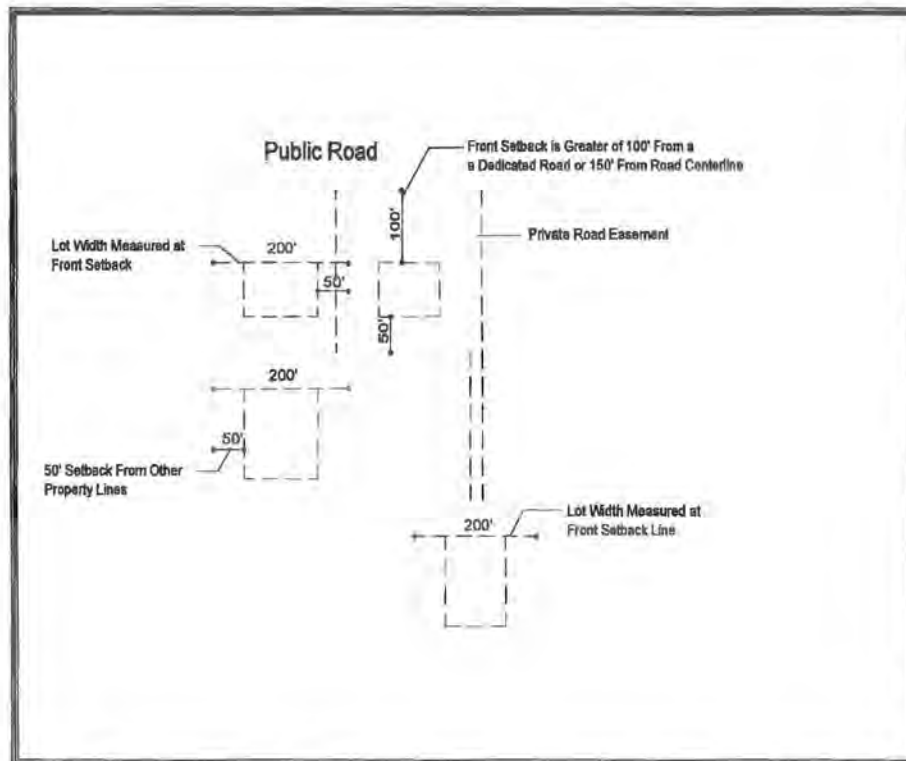
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All Other Permitted Agricultural Uses	No minimum	200 feet measured from the front building setback line
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**2. Setbacks (Amended 9/15/20)**

- a. *Principal buildings* - One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads. Also, fifty (50) feet from all property lines dividing lots held in separate ownership.
- b. *Accessory structures* - One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, and ten (10) feet from all property lines dividing lots held in separate ownership.



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### 8:01 Purpose, Goals and Objectives

The purpose of this section is to establish zoning parameters for residential projects which encourage creative development within designated growth areas of unincorporated Kendall County, while preserving open space and protecting the rural character and natural environments within those areas. The open space and un-congested character of Kendall County are major reasons why residents move to this area. Thus, protection of the County's rural character is critical to maintaining the resident's quality of life. This can be accomplished through clustering housing sites on portions of the land to be developed and retaining unbroken open space on the remaining portions of the land.

The regulations of this section also balance residential development with Kendall County's commitment to maintain a viable agribusiness sector, because such residential development can impact the continued viability of agriculture. The increased population can make it difficult for farmers to move equipment to their lands.

This section also ensures that residential projects are designed to protect water resources from contamination and protect natural drainage areas, floodplains and wetlands to avoid costly man-made storm water projects. Residential development creates additional demands on natural resources such as water (for irrigation of lawns, gardens and consumption). The goal is a safe, ample and reliable source of potable water available throughout the County, and the protection of all surface and ground water resources for recreation and preservation.

Overall, the goal of this section is economically viable development which respects the inherent environmental limitations of Kendall County's natural resources and of the specific land to be developed.

There are four residential zoning districts for all new residential developments proposed after the effective date of this ordinance, R-1, RPD-1, RPD-2, and RPD-3. The RPD or Residential Planned Development Districts are distinguished based on the maximum gross residential density of the development and the location within Kendall County's LRMP. The R-1 District has been retained to provide property owners with a simple alternative for very low density residential developments. All other prior residential districts are maintained solely to permit regulation of developments approved under those prior districts.

Private streets are prohibited unless for limited access on unique sites with unusual topography, woodlands, or configuration.

Kendall County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of



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the county. Property that supports this industry is indicated by a zoning indicator – A-1 or A-1 Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS. Please be aware that certain special and permitted uses are in existence and can continue operations as approved (*Amended 9/15/20*).

### 8:02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

This district may be appropriate in any area suggested for residential use on the LRMP. Such development must meet the following standards.

A. Permitted Uses. The following uses are permitted:

1. Accessory Uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4:05
2. Fire stations
3. Group homes, subject to the following:
  - a. No more than eight (8) persons plus staff.
  - b. Licensed or certified by the State of Illinois.
  - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.
4. Home occupations provided an affidavit is filled out in the Planning, Building and Zoning office stating you meet the conditions of the Zoning Ordinance (*Amended 9/15/20*).
5. Lands and buildings used for horticultural or farm purposes
6. Parks
7. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line.
8. Single Family detached dwellings

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9. Signs, as permitted and regulated by Section 12:00
10. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
11. Farm type animals - shall be permitted in accordance with the following (*Amended 9/15/20*):
  - a. On lots less than one (1) acre, no farm-type animals shall be permitted.
  - b. On lots at least one acre but less than three acres in size, a maximum of one horse and a maximum combined total of five ducks, rabbits, chickens, or goats, with the following exception: The number of horses permitted on lots less than three acres in size created prior to October 17, 2000, shall be determined in accordance with the methodology as specified below (follow the formula).
  - c. On lots three acres or more in size, one horse per acre shall be permitted provided that 21,780 square feet of contiguous land is dedicated as pasture for each horse permitted on a lot. Any lot with more than three horses shall submit a manure management plan to PBZ Staff for review. In addition, for lots over 3 acres but less than 5 acres, maximum combined total of ten ducks, rabbits, chickens, or goats is allowed. Additional farm type animals may be permitted temporarily for 4-H projects.
  - d. Lots at least one (1) acre in size but less than five (5) acres shall be permitted to keep up to twelve (12) chickens.
  - e. On lots of 5 acres or more, the following animals are permitted in any combination provided that there shall not be in excess of two-thirds of an animal unit per acre in accordance with the following table. The animal unit permitted for any animal not listed shall be determined by the Director of Planning, Building and Zoning and shall as nearly as possible approximate one of the listed animals:

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NUMBER OF ANIMAL UNITS PER ANIMAL	TYPE OF ANIMAL (OR SIMILAR)
1.4	Dairy Cattle
1.0	Beef Cattle
0.66	Horses
0.8	LLamas or Alpacas
0.4	Ostrich
0.4	Goats
0.4	Hogs
0.2	Ducks
0.1	Sheep
0.02	Turkeys
0.02	Rabbits
0.01	Chickens

The formula for calculating the number of animals allowed on parcels in excess of five acres in size shall be as follows:

(Acreage of the property x 0.66) = Total Number of Animal units allowed.

Example: 5.0 Acres x 0.66 = 3.33 Animal Units. Based on the Table above, the following mix of animals would be permitted:

(2 Dairy Cattle = 2.8 Animal Units) + (1 Goat = 0.4 animal Units) + (1 Sheep = 0.10 Animal Units) + (3 Chickens = 0.03 Animal Units) = 3.33 Total Animal Units. (AMENDED 9/15/09)

B. Conditional Uses. The following uses shall be allowed:

1. Beekeeping with the following conditions (Amended 9/15/20):
  - a) Beekeeping and the honey produced from beekeeping shall be for personal use only.
  - b) Permit required with fee set by the County Board.
  - c) Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
  - d) No colony shall be permitted within a front yard setback.
  - e) All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).
  - f) All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height.

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- g) All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
- h) Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.
- i) During the application submittal there must be documentation from the Homeowners Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.
- j) Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.
- k) The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse effect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.
- l) Any decision made by the Zoning Administrator may be appealed in writing to the PBZ Committee.
- m) A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.
- n) Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.
- o) All approved permits shall comply with the *Bees and Apiaries Act of Illinois* (510 ILCS 20)



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2. Home-based retail and/or wholesale food operation *(Amended 9/15/20)*
  3. Model homes, with the following restrictions *(Amended 9/15/20)*:
    - a) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the PBZ Department.
    - b) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
    - c) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
  4. Small Wind Energy Systems subject to the conditions of Section 4:17
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00 *(Amended 3/21/18)*:
1. Agency Licensed Family Residential Care Homes – Transitional *(Amended 9/15/20)*
  2. Agency Licensed Group Residential Care Home- Permanent
  3. Airport, private airstrip, heliports and aircraft landing fields provided airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and must comply with all Illinois Department of Transportation (IDOT) Division of Aeronautic and Federal Aviation Administration (F.A.A.) requirements and provisions as follows *(Amended 9/15/20)*:
    - 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:
      - i. 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

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- increased by not more than ten feet.
  - ii. 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. Bed and breakfast establishments are permitted subject to the conditions stated in Section 7:01.D (*Amended 9/15/20*).
  - 5. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling
  - 6. Child Day Care Facilities
  - 7. Communications Use
  - 8. Golf courses, regulation size, including "par 3" golf courses, commercially operated driving ranges and planned unit development for conventional golf courses including a driving range
  - 9. Group Homes, subject to the following (*Amended 9/15/20*):
    - a. More than nine (9) persons plus staff.
    - b. Licensed or certified by the State of Illinois.
    - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.

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10. Halfway house must be located a minimum of one thousand (1000) feet from any dwelling
11. Hospice
12. Philanthropic institutions *(Amended 9/15/20)*
13. Places of Worship subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
14. Public or Private Utilities and Service uses:
  - a. Telecommunications hub
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
15. Rest homes, nursing homes and sanitariums *(Amended 9/15/20)*
16. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
17. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five acres.
18. Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance *(Amended 9/15/20)*.
19. Uses, not otherwise listed herein, may be granted special use approval if such uses conform to the purpose, goals and objectives of the Residential Zoning Districts as described in Section 8:01.

D. Lot Size.

1. Permitted and Conditional Uses: 130,000 square feet minimum lot with a width at the established building line of not less than two hundred (200) feet.
2. Special Uses: Lot size for special uses shall be specified in the special use permit.

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E. Yard Areas.

1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard of as follows:

- a. One hundred and fifty feet (150') from the roadway centerline when fronting on a Federal, State or County roadway or one hundred (100') feet from the right-of-way, whichever is greater.
- b. Fifty feet (50') from the right-of way or access easement on all township or private roadways, with the following exception:

Where lots comprising fifty percent (50%) of the frontage on the same side of the street within the same block as the subject property are developed, and the developed properties have front yards that vary from one another not more than ten feet (10') in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage of the subject property. However, in no case shall a front yard of more than fifty feet be required. (AMENDED 8/17/04)

2. Side Yard. A side yard on each side of the zoning lot of not less than fifty feet (50') (Amended 9/15/20).
3. Rear Yard. A rear yard of not less than fifty feet (50').

- F. Lot Coverage. No more than ten (10) percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

- G. Maximum Building Height. No building or structure shall be erected or structurally altered to exceed the following heights:

1. One-family detached dwellings: Forty (40) feet and not more than two and one-half stories (Amended 9/15/20).
2. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.
3. Special Uses: Maximum height limitations shall be specified with the granting of a Special Use permit.



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8:03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

RPD-1. This district applies to development lying within the Contiguous Growth Area or Rural Transition identified in the LRMP. Such development must meet the following standards (*Amended 9/15/20*):

- A. **DENSITY.** Base density of 0.33 dwelling units per acre of buildable acreage (excluding any density bonuses as permitted under Section 8:03.C Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of the base density, plus any applicable density bonuses.
- B. **MAXIMUM DENSITY.** Maximum density, including all density bonuses as provided in Section 8:03.C, shall not exceed 0.45 dwelling units per acre of buildable land (0.33 dwelling units per buildable acre base density, plus maximum incentive of 0.12 dwelling units per buildable acre, subject to approval of the County Board). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of 0.45 dwelling units per buildable acre. Regardless of the application of density bonuses, at least 30% of the total acreage must be designated as open space.
- C. **DENSITY INCENTIVES.** The following density incentives may be used to increase development density up to the permitted maximum density in each RPD District. Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density for the applicable RPD District. Regardless of the application of density bonuses, at least 30% of the total acreage must be designated as open space.
  1. Provision of public access to open space areas (bonus not to exceed 0.03 dwelling units per buildable acre, subject to approval by the County Board). Some examples would include trails (walking or bike), sidewalks, etc.
  2. Innovative detention/retention facilities or sewage disposal methods (bonus not to exceed 0.04 dwelling units per buildable acre, subject to approval by the County Board). The following are examples of improvements which may qualify for a density bonus:
    - a. Significant use of native vegetation such as prairies and wetlands.
    - b. Integration of natural landforms, existing soil filtration characteristics and natural landscaping into the drainage plan, in order to enhance

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- water quality while reducing or eliminating stormwater runoff and the attendant flooding and erosion.
- c. Provision of alternatives to detention basins such as stormwater infiltration in naturalized swales, native prairie landscapes and gently sloped depressional areas through the development.
- 3. Secondary open space that is substantially more than the minimum size otherwise required for stormwater detention or through park dedication requirements (bonus not to exceed 0.07 dwelling units per buildable acre, subject to approval by the County Board).
  - 4. Provision of recreational amenities, beyond minimum standards established in the subdivision ordinance, including but not limited to: a golf course, ball fields, playground equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond those on the County Transportation Plan), community centers, and exceptional landscape improvements such as native or natural plantings (bonus not to exceed 0.01 dwelling units per buildable acre, subject to approval by the County Board).
  - 5. Offsite and perimeter road improvements or an ownership and maintenance fund for management of open space in addition to those needed to provide adequate access solely for the proposed development (bonus not to exceed 0.03 dwelling units per buildable acre, subject to approval by the County Board).
  - 6. Conservation of traditional rural architecture reminiscent of Kendall County's agricultural heritage, preservation of historical structures, or design of new structures which reflect these architectural themes (bonus not to exceed 0.01 dwelling units per buildable acre, as determined by the County Board or as identified in a local historic preservation plan).
  - 7. Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with Army Corps of Engineers Section 404 Permit requirements (bonus not to exceed 0.01 dwelling units per buildable acre, subject to approval by the County Board).
- D. LOT SIZE. Due to the existing soils types which are prevalent throughout Kendall County, a minimum lot size of 45,000 will be required if the subdivision design contemplates the use of traditional septic leach fields and individual wells up to a maximum lot size of 130,000 sq. ft. Lot sizes of less than 45,000 sq. ft. down to a

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minimum size of 20,000 sq. ft. may be considered under one or more of the following circumstances:

1. The developer can demonstrate to the satisfaction of the Kendall County Health Department and PBZ Department that each lot has been appropriately sized to provide:
  - a) An adequate area of undisturbed and unencumbered soils within each lot that can support a primary and secondary area for a conventional septic drainfield which complies with the schedule for sizing of septic envelopes as specified in the Kendall County Subdivision Regulations; and
  - b) Sufficient buildable area outside the septic envelope to allow construction of a standard single-family residential dwelling which complies with all applicable setbacks and height bulk requirements of the corresponding RPD Zoning District, and which meets the required setbacks and separation requirements between the sewage disposal system(s) and potable water supply system(s).
2. A centralized on-site wastewater treatment and disposal system is contemplated meeting the requirements of all applicable state and local government agencies.
3. A community well is proposed to serve the individual lots within the proposed development provided the developer has demonstrated that the individual lots comply with the requirements as stated under Section 8:03.D.1 herein.

E. LOT WIDTH. Lot width shall not be less than one hundred (100) feet measured at the front building setback.

F. PERMITTED USES.

1. Accessory Uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4:05
2. Attached Dwelling Units- shall be limited to a maximum of seventy-five (75) percent of the total dwelling units in the Planned Development.
3. Duplexes or Two-family detached dwellings

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4. Farming
5. Group homes, subject to the following:
  - a. No more than eight (8) persons plus staff.
  - b. Licensed or certified by the State of Illinois.
  - c. A minimum distance of one thousand (1,000) feet is maintained between group home and adjacent properties as measured from the lot line.
6. Health clubs (public or private) and related accessory uses only when included in the original plan
7. Home occupations provided an affidavit is filled out in the Planning, Building and Zoning office stating you meet the conditions of the Zoning Ordinance (*Amended 9/15/20*).
8. Lands and buildings used for horticultural or farm purposes
9. Multiple-Family dwellings
10. Parks, forest preserves and recreational areas, when publicly owned (*Amended 9/15/20*)
11. Planned Unit Development
12. Police and fire stations
13. Postal substations
14. Roadside stands for the display or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet back from the nearest right-of-way line (*Amended 9/15/20*).
15. Signs, as permitted and regulated by Section 12:00. However, no part of a sign in an RPD District shall be greater than 10' above ground level and no larger than 30 square feet (*Amended 9/15/20*).
16. Single Family Detached Dwellings

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17. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
- G. **CONDITIONAL USES.** In residential planned developments containing over fifty (50) dwelling units, the following uses shall be allowed, provided that the general conditions and use-specific conditions are met.
1. General Conditions.
    - a. Conditional uses shall not occupy more than fifteen percent of the buildable acreage of the development.
    - b. Conditional uses, shall front arterial or major collector level streets, as defined in the County Transportation Plan. Model homes shall be excluded from this provision.
  2. Specific Conditions
    - a. Home based retail and/or wholesale food operation (*Amended 9/15/20*)
    - b. Model homes, with the following restrictions (*Amended 9/15/20*):
      - (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the PBZ Department.
      - (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
      - (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
    - c. Places of Worship subject to the following (*Amended 9/15/20*):
      - (i) The maximum lot coverage of structures may not exceed 35%; total impervious surfaces may not exceed 70% of the lot area.
      - (ii) Buildings shall maintain a minimum setback of eighty (80) feet from the center of the road and 30' from all other property lines
      - (iii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.



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- (iv) Other related uses, such as schools, child day care services, kindergartens shall be permitted to the extent that the activity is otherwise permitted and shall be subject to all applicable regulations, including parking.
- d. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic fields auxiliary thereto, subject to the following (*Amended 9/15/20*):
  - (i) The minimum lot area shall be one (1) acre.
  - (ii) The minimum lot width requirement shall be one hundred and twenty (120) feet.
  - (iii) A front setback of eighty (80) feet from the center of the road shall be required.
  - (iv) Side and rear yards of no less than twenty-five (25) feet shall be provided. Where any outdoor activity area, swimming pool, ball field or court adjoins a residential land uses, such yards shall be buffered with landscaping across 50% of the lot width.
  - (v) Hours of operation shall be limited to the following:
    - (1) Outdoor group activities shall not be allowed after 10 PM.
    - (2) The facility may not be used as a regular overnight domicile or shelter. However, the school may be used for overnight retreats or events for school members and guests.
    - (3) Lighted outdoor recreation facilities, parking lots and lighting shall be designed to avoid excessive light and glare impacts on adjacent properties. Restrictions on light pole height and types, deflectors and other such measures may be required to prevent overspill and excessive intensity of light.
- e. Small Wind Energy Systems subject to the conditions of Section 4:17

H. SPECIAL USES.

1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13:00 if approved with the Planned Development or as an amendment to a Planned Development (*Amended 3/21/18*).

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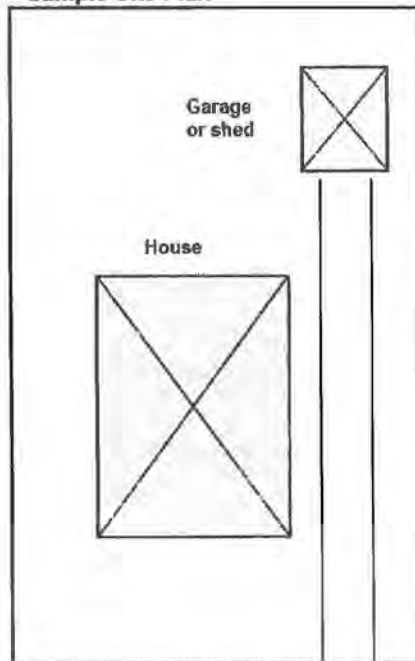
- a. Agency Licensed Group Residential Care Home- Permanent
- b. Airport, private airstrip, heliports and aircraft landing fields provided airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and must comply with all Illinois Department of Transportation (IDOT) Division of Aeronautic and Federal Aviation Administration (F.A.A.) requirements detailed in Section 8:02.C.3 *(Amended 9/15/20)*.
- c. Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within five hundred feet of any dwelling
- d. Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit
- e. Community Centers
- f. Convenience Establishments consistent with the permitted uses as specified in the B-1 district subject to the following *(Amended 9/15/20)*:
  - (i) The area, size, and uses to be included in Convenience Establishments shall be established and regulated in the Planned Development Ordinance passed pursuant to Section 8:06.
  - (ii) When one or more convenience establishment is proposed, they shall be grouped, arranged and designed for maximum pedestrian convenience.
  - (iii) Convenience establishments shall not have substantial adverse effects on residential uses within the RPD or adjoining uses by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements. Signage and lighting requirements may be more restrictive than the signage requirements of Section 12:00 and the Kendall County Subdivision Ordinance.
  - (iv) The maximum parcel size: 100,000 square feet. No convenience establishment shall have a gross floor area in

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excess of 5,000 square feet per building. Lot coverage of all buildings shall not exceed thirty percent (30%) of the area of the parcel, exclusive of rights-of-way of adjoining streets.

Sample Site Plan

**Lot Coverage Calculation**

1. Draw and dimension footprints of all buildings on a site plan.
2. Calculate the area of all footprints.
3. Add all footprint areas.
4. Lot coverage (%) equals total footprint area divided by lot area, times 100.

**Example**

House = 40 x 30 ft. = 1,200 sq. ft.  
 Garage = 20 x 24 ft. = 480 sq. ft.  
 Total area = 1,680 sq. ft.  
 Lot Area = 5,000 sq. ft.

Lot coverage  
 $1,680/5,000 (x 100) = 33.6\%$

- (v) Landscaped open space shall be utilized to protect the residential character of the RPD and surrounding uses, in an amount equal to or at least fifteen percent (15%) of the area of the parcel, exclusive of rights-of-way of adjoining streets. Such space shall be landscaped or otherwise appropriately improved to provide convenient pedestrian circulation, play areas for children, passive recreation areas, and the like. Pedestrian sidewalks intended for circulation between parking areas and convenience establishments shall not be included as the improved open space required by this paragraph.
- (vi) Convenience establishments shall have a front setback of at least thirty-five (35) feet, and rear setbacks of at least fifty (50) feet, or equal to the adjoining lot setbacks, whichever is greater. Side setbacks shall be at least ten (10) feet, or equal to the side setback of an adjacent residential use, whichever is greater.

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- (vii) Transition landscaping shall be provided where the convenience establishment parcel abuts residential areas. Continuous landscaping shall be provided across one hundred (100%) percent of the yard to a minimum mature height of six (6') feet. Plant material shall consist of approximately fifty (50%) percent evergreen plants and fifty (50%) percent deciduous material. Shrubs shall be spaced at a maximum of four feet (4') on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six (6') foot high solid commercial grade wood fence along the length of the property. Any fence shall be of one material and one color, and shall have shade trees placed on the side of the fence closest to the commercial use, at the equivalent of one (1) tree for every fifty lineal feet (50').
- g. Drug store if it is associated with a hospital.
- h. Farm-type animals on open space acreage as detailed in an approved special use permit.
- i. Golf courses, Club House, Country Clubs and Membership Riding Clubs including "par 3" golf courses, unlit commercially operated driving ranges, unlit miniature golf courses and planned unit development for conventional golf courses (*Amended 9/15/20*).
- j. Group Homes, subject to the following:
  - i. More than nine (9) persons plus staff.
  - ii. Licensed or certified by the State of Illinois.
  - iii. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
- k. Personal and business service shops but not including uses regulated in Section 4:16
- l. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to Section.7.01.E (*Amended 9/15/20*):

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- m. Secondary Dwelling Unit as approved on a case by case basis by the County Board, provided the following purpose is served and all of the following conditions are met (*Amended 9/15/20*):
  - i. Purpose: To provide additional housing on a single parcel for family members and visiting guest of the owners of the single-family dwelling while maintaining and rehabilitating the historically significant structure as the principle or secondary dwelling unit.
  - ii. Conditions:
    - (i) At least one of the structures has been identified by the County Board as having historical significance and must incorporate or involve the preservation of an existing structure that can be retrofitted for residential uses or unique buildings which add to the history and heritage of Kendall County.
    - (ii) The parcel must be greater than 45,000 square feet in size and must be able to demonstrate the ability to provide adequate water and sanitary wastewater treatment facilities to service both the principle residence and secondary residential unit in accordance with all applicable Health Department regulations and guidelines in effect at the time of application for the Special Use.
    - (iii) The units shall comply with the height bulk regulations and building setbacks of the RPD district.
    - (iv) The property shall be maintained as a single parcel containing two dwelling units unless otherwise approved by the County Board and provided the resulting lots can demonstrate compliance with all of the requirements of the RPD District and applicable Health Department regulations in effect at the time the parcel is divided.
    - (v) All secondary dwelling units shall not exceed the height of the main dwelling.
    - (vi) All secondary dwelling units shall be served by the same address, electrical, water, and gas meters that serve the main single-family dwelling unit. No separate meters shall be allowed.
    - (vii) Adequate off-street parking shall be available for the secondary dwelling unit.



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- (viii) The materials, colors, and architectural style of the secondary dwelling unit shall be similar to the principal residence
  - (ix) The livable floor area of the secondary dwelling unit shall not exceed fifty percent (50%) of the livable floor area of the principal residence.
  - (x) Construction of all secondary dwelling units shall meet applicable building codes.
  - (xi) There must be a shared driveway between both dwelling units.
- iii. Covenant or Deed Restrictions: As a condition of securing a Building Permit for construction of a secondary dwelling unit being added to an existing single-family home, the property owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the secondary dwelling unit separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the Kendall County Zoning Administrator prior to the issuance of the Building Permit for the secondary dwelling unit.
- n. Seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for operation, provided such uses are located on a tract of land not less than five acres.
- o. Solar Gardens subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance. (Amended 11/20/2018)
- 2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00 without inclusion in the Planned Development or a subsequent amendment (Amended 9/15/20):
  - a. Agency Licensed Family Residential Care Homes - Transitional
  - b. Bed and breakfast establishments are permitted subject to the conditions stated in Section 7:01.D.
  - c. Child Day Care facilities, subject to the following:

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- (i) Minimum lot area of 45,000 gross square feet.
    - (ii) Provision of appropriate outdoor play areas.
    - (iii) Other standards as appropriate for the particular location and use such as screening, buffering, and fencing or other provisions to promote the health, safety, and welfare of County residents.
  - d. Hospice
  - e. Places of Worship subject to the following conditions:
    - (i) Must be located on an arterial or major collector street as defined in the County Transportation Plan.
    - (ii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
    - (iii) Other related uses, such as schools, child day care services, kindergartens, meeting shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
  - f. Public or Private Utilities and Service uses:
    - (i) Telecommunications hub
    - (ii) Filtration plant, pumping station, and water reservoir.
    - (iii) Sewage treatment plant.
    - (iv) Electric substations and booster stations.
    - (v) Other Similar uses
  - g. Rest homes, nursing homes, hospitals and sanitariums.
- I. **DEVELOPMENT STANDARDS.** All developments shall be developed according to the standards of the Kendall County Subdivision Ordinance. In addition, the following requirements shall apply:
- 1. **Streets Access.** No residential lot shall have direct access to arterial or major collector roads. Private streets and driveways may only be approved to alleviate unusual circumstances. Specifically, private streets may only be approved if there is some desirable feature on the site that would not otherwise be preserved. Such features may include significant trees, topography, water features, historic sites, etc. The design and construction

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of private driveways and streets shall conform to the standards in Section 10.00.H of the Subdivision Control Ordinance (*Amended 9/15/20*).

2. Sidewalks. Sidewalks are generally not required unless necessary to fulfill or complete an existing pedestrian circulation system. However, connections to local and regional trail systems shall be provided.
3. Parkway Trees. Shade trees shall be provided such that the total number of trees shall equal or exceed the ratio of one tree for each forty (40) feet of street frontage. Appropriate location of parkway tree planting shall be determined at the time of final plat approval. Parkway tree plantings shall generally be within the required front yard of home sites.
4. Landscaping. Building foundation landscaping shall be provided on those sides of permitted non-residential buildings that face a public right-of-way. Loading docks, service yards, parking areas, and trash dumpsters shall be screened by a solid fence or continuous landscaping of at least six (6) feet in height.

J. YARD/SETBACK AND HEIGHT STANDARDS.

1. Yard Area.
  - a. *Front Yard*. Thirty (30) feet or greater, measured from the front property line.
  - b. *Side Yards*. 10% or greater of the lot width as measured at the front yard setback line.
  - c. *Rear Yard*. Fifty (50) feet or greater from the rear property line.
2. Maximum Building Height. No building or structure shall be erected or structurally altered to exceed the following heights:
  - a. *Residential Dwelling Unit*. Forty (40) feet and not more than two and one-half stories.
  - b. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.
  - c. *Special Uses*. Maximum height limitations shall be specified with the granting of a Special Use permit.

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- K. **SIGNS.** In accordance with the regulations set forth in Section 12:00 or as specified in the Planned Development agreement.
- L. **OFF-STREET PARKING AND LOADING.** In accordance with the regulations set forth in Section 11:00.
- M. **MINIMUM AMOUNT AND SIZE OF OPEN SPACE.** The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and restricted from further subdivision through a recorded permanent conservation easement held (at the County's option) by the County, Forest Preserve, or a recognized land trust or conservancy, shall be specified as follows:
  - 1. A minimum of 30% of the total acreage of the development shall be used for open space. The open space areas shall include the following:
    - a. all non-buildable acreage (except land within an existing road right-of-way), and
    - b. a minimum of twenty-five percent (25%) of the buildable acreage.
  - 2. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) of the total open space provided shall be utilized for that purpose. This maximum active recreation area may exceed fifty percent for a golf course development. The uses for which open space areas are proposed shall be documented by the applicant.
  - 3. The minimum width of any open space shall be 50'.
  - 4. Wherever practical, the open space areas shall generally be designated as undivided, contiguous open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.
  - 5. Undivided open space shall be directly accessible to the largest practical number of residential lots within a RPD. The majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient access to all lots not adjoining the open space shall also be provided. Where the undivided open space is designated as separate, noncontiguous parcels, no parcel shall consist of less than three

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(3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ball fields, buffers to wetlands, water bodies/watercourses, or trail links.

6. The required open space may be used for underground drainage fields for individual or community septic systems, and for "spray fields" or spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds or "spray fields" shall be limited to no more than ten percent (10%) of the required minimum open space.
7. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land within the rights-of-way of over-head high tension power lines shall not be included as comprising part of the minimum required open space. In no event shall the areas devoted to stormwater management ponds or basins constitute more than 50% of the minimum required open space.

N. TYPES AND LOCATION OF OPEN SPACE. Open space shall be comprised of two types of land: "Primary Open Space and "Secondary Open Space."

1. Primary Open Space consist of all non-buildable areas (except existing road rights-of-way), specifically wet-lands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25% and soils subject to slumping. The location of Primary Open Space Areas are predetermined by the locations of these features.
2. Secondary Open Space includes all buildable acreage protected as open space. Secondary open space areas shall include, at a minimum, a 150-foot deep greenway buffer along all water bodies and watercourses, and a 50-foot greenway buffer alongside arterial and major collector streets and wetlands. The location of Secondary open space areas shall be guided by the maps and policies contained in the Land Resource and Management Area Policies of the LRMP and shall typically include all or part of the following kinds of resources: the 500 year floodplain, mature woodlands, aquifer recharge areas, area with highly permeable soil according to the Kendall County Soil Survey, significant wildlife habitats, sites listed by the Critical Trends Assessment Program of the Illinois Department of Natural Resources, prime farmland, historic or traditional rural architecture



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reminiscent of Kendall County's agricultural heritage, and scenic views into the property from existing public roads.

3. The location of open space conserved through compact residential development shall be consistent with the policies contained in the Land Resource and Management Area Policies of the LRMP, the recommendations contained in this section and the Development Evaluation Criteria of Section 8:03.O *(Amended 9/15/20)*.
4. All lands within both the Primary and Secondary Open Space shall be permanently reserved as open space and protected from being developed for anything other than passive or active open space uses through one or more of the following means:
  - a) Through the donation or dedication of the proposed open space parcels to a Forest Preserve or local Park District for use as perpetual open space. In such instances the donation or dedication shall be noted in any accompanying development agreements and the individual parcels planned for dedication or donation shall be noted as "Park Site" or "Forest Preserve" lands on the final plat.
  - b) Imposition and recording of a deed restriction limiting the use of the property to passive or active open space in perpetuity and identifying the maintenance responsibilities of the individuals or entities having ownership of the properties (i.e. individual lot owners and/or Homeowner's Associations). Such restrictions shall be noted on the final plat and shall also be referenced in any accompanying development agreements *(Amended 9/15/20)*.
  - c) Through the recordation of a conservation easement that prohibits further development, and sets other standards safeguarding the site's special resources from negative changes provided:
    - i. The property contains significant wetlands, fens, native areas or tree stands that require specialized care and maintenance to insure the preservation of specific natural features; and,
    - ii. An established conservation agency, land conservancy foundation, trust or group with the knowledge and skill to manage and oversee the maintenance of these specialized areas has agreed to either take title to the property or enforce the provisions of the easement *(Amended 9/15/20)*.

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- iii. The easement provisions, restrictions and conditions shall be noted on the final plat and shall also be referenced in any accompanying development agreements *(Amended 9/15/20)*.

O. DEVELOPMENT EVALUATION CRITERIA. In evaluating the layout, amount, and location of lots and open space, the County shall evaluate the extent to which the site plan does the following:

1. Protects floodplains, wetlands and steep slopes from clearing, grading, filling or construction.
2. Preserves and maintains mature woodlands, existing fields, pastures, meadows and orchards and creates a sufficient buffer area to minimize conflicts between residential and agricultural uses.
3. Locates development on open fields or pastures because of site constraints. Dwellings should be sited on the least prime agricultural soils or in locations at the far edge of a field, as seen from existing public roads.
4. Visually buffers development from existing public roads, such as by a planting screen primarily consisting of indigenous trees, shrubs and wildflowers as identified in Appendix 4 of the Subdivision Control Ordinance *(Amended 9/15/20)*.
5. Maintains or creates an upland buffer of native species vegetation of at least 50 feet in depth adjacent to wetlands and surface waters and 150 feet deep greenway along all water bodies and water courses.
6. Landscaped common areas, cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty-foot intervals in the front yards on both sides of new streets.
7. Designs around existing hedgerows and tree lines between fields or meadows and minimizes impacts on large woodlands (greater than 5 acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive plants.
8. Protects wildlife habitat areas and ravines.

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9. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
10. Avoid locating new construction on prominent hilltops or ridges, by taking advantage of lower topographical features.
11. Designs around and preserves sites of historic, archaeological value, or rural architecture reminiscent of Kendall County's agricultural heritage.
12. Protects roadside rural character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc., as identified in the County Transportation Plan.
13. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
14. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels).
15. Provides open space that is reasonably contiguous. To the greatest extent practicable, open space shall be designed as a single block with logical, straightforward boundaries.

- P. **OWNERSHIP AND MANAGEMENT OF OPEN SPACE.** The developer may cause to be endowed a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the County). Applicants may receive a density bonus in accordance with the provisions of Section 8:03.C, Density Incentives, for creation of this fund.

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The developer shall agree to create an underlying special service area controlled by the County. This special service area shall be created at the time of final platting of the first phase of the Planned Development, and shall include all phases of the Planned Development. In the event the entity that has ownership and maintenance responsibilities fails to adequately manage the open space, the County may assume maintenance responsibilities until such time as that or another appropriate entity can manage the open space. The County may assess the property of those within the special service area for the County's prior and estimated future cost of maintaining the open space (*Amended 9/15/20*).

8:04 RPD-2 RESIDENTIAL PLANNED DEVELOPMENT - TWO

RPD-2. This district applies to all developments lying within Contiguous Growth Area - Rural Transition. Such developments shall meet the following standards:

- A. Base Density. Base density of 0.45 dwelling units per acre of buildable land (excluding any density bonus which may be awarded in accordance with the provisions of Section 8:03.C, Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space.
- B. Maximum Density. Maximum density, including all density bonuses as provided in Section 8:03.C, shall not exceed 0.65 dwelling units per acre of buildable land (0.45 dwelling units per buildable acre base density, plus maximum incentive of 0.20 dwelling units per buildable acre). An additional density bonus of 0.20 dwelling units per buildable acre (which would allow up to 0.85 dwelling units per acre of buildable land) may be granted in the case of a proposed development that:
  - 1. Is all or partially located within 100 feet of a Class A Stream as defined by IDNR, (i.e. the Aux Sable Creek and Big Rock Creek) or its tributaries; and
  - 2. Utilizes both community septic and community water services (*Amended 9/15/20*).

Such bonuses shall be subject to review and approval by the County Board. Examples of additional and significant public amenities may include but shall not be limited to contributions for off-site roadway improvements, construction of road improvements that facilitate the development of planned re-alignment of existing and/or future roads, land contributions to the Forest Preserve District in excess of the minimum amount required under the County's land cash donation ordinance. Density transfers may be considered where land with unique natural features such as woodlands will be dedicated to the Forest Preserve District. Regardless of the

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application of density bonuses, at least 30% of the total acreage must still be designated as open space. *(Amended 4/18/06)*

- C. All other standards and uses of the RPD-1 district except the density regulations of Section 8:03.A-B, Density and the Maximum Lot Size under Section 8:03.D. The Maximum Lot Size in the RPD-2 shall be limited to 90,000 sq. ft. *(Amended 9/15/20).*

8:05 RPD-3 RESIDENTIAL PLANNED DEVELOPMENT – THREE. This district applies to all developments lying within Contiguous Growth Area - Urban. Such developments shall meet the following standards:

- A. **Base Density.** Base density of 0.86 dwelling unit per acre of buildable land (excluding any density bonus which may be awarded in accordance with the provisions of Section 8:03.C, Density Incentives), provided that not less than 30% of the total acreage of the property is designated as open space.
- B. **Maximum Density.** Maximum density, including all density bonuses as provided in Section 8:03.C, shall not exceed 1.0 dwelling units per acre of buildable land (.86 dwelling units per buildable acre base density, plus maximum incentive of .14 dwelling units per buildable acre). Provision of multiple amenities shall not entitle the applicant to a density which exceeds the maximum density of 1.0 dwelling units per buildable acre. Regardless of the application of density bonuses, at least 30% of the total acreage must still be designated as open space.
- C. All other standards and uses of the RPD-1 district except the density regulations of Section 8:03 A-B, the Maximum Lot Size in the RPD-3 shall be limited to 65,000 sq. ft. *(Amended 9/15/20).*

8:06 R-2 ONE-FAMILY RESIDENCE DISTRICT *(Amended 9/15/20).*

- A. **PERMITTED USES.** The following uses are permitted:
  - 1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A, except:
    - a. Lands and buildings used for horticultural or farm purposes,
    - b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
    - c. Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.



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2. Keeping of up to twelve (12) chickens on a zoning lot, provided that *(Amended 9/15/20)*:
  - a. The lot is a minimum one (1) acre
  - b. No roosters shall be kept on any zoning lot
  - c. No other poultry, including but not limited to geese, ducks, turkeys shall be kept on the property
  - d. All chickens shall be confined within a covered enclosure or an uncovered fenced enclosure at all times to prevent chickens from encroaching onto neighboring properties
  - e. All confinements shall be located at least 10' from all residentially zoned lots
  - f. All uncovered fenced enclosures shall be at least four feet in height.
  - g. No eggs or chickens shall be offered for sale on the premises
- 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-1 One-Family Estate Residence District, Section 8:02.C and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.
- C. CONDITIONAL USES: The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:
  1. Beekeeping with conditions as detailed in Section 8:02.B.1 *(Amended 9/15/20)*.
  2. Home-based retail and/or wholesale food operation *(Amended 9/15/20)*.
  3. Model homes, with the following restrictions *(Amended 9/15/20)*:
    - a) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the PBZ Department.
    - b) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
    - c) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.

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Amended 9.15.20

4. Small Wind Energy Systems (*Amended 9/15/20*)

D. LOT SIZE.

1. One Family detached dwellings:

- a. Lot: 90,000 square feet minimum with a width at the established building line equal to forty percent of the depth.

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 acres and a width at the established building line of not less than forty percent of the depth of the lot, except municipal project and developments.

3. Special Uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

E. YARD AREAS.

1. Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard of not less than fifty feet with this 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 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 zoning lot of not less than twenty-five (25) feet, and where a side yard adjoins a street, the minimum width shall be fifty (50) feet.

3. Rear yard. A rear yard of not less than fifty (50) feet.

F. LOT COVERAGE. Not more than twelve percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

G. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the "R-1" One-Family Estate Residence District.

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Amended 9.15.20

- H. NO REZONING. No parcel originally larger than ten (10) acres in size shall qualify for rezoning to this category after January 16, 2001, unless an application has been submitted for such rezoning prior to that date *(Amended 9/15/20)*.

8:07 R-3 ONE-FAMILY RESIDENCE DISTRICT *(Amended 9/15/20)*

- A. PERMITTED USES. The following uses are permitted;

1. Any permitted use in the R-1 One-Family Estate Residence District, Section 8:02.A, except:
  - a. Lands and buildings used for horticultural or farm purposes,
  - b. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, and
  - c. Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.
2. Keeping of up to twelve (12) chickens on a zoning lot, provided that the conditions contained in Section 8:06.A. are met *(Amended 9/15/20)*.

- B. SPECIAL USES. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.00:

1. Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, except a bed and breakfast and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty acres.
2. Retail shops/office use that can satisfy the following requirements *(Amended 9/15/20)*:
  - a. The site must have direct access onto an arterial roadway as designated on the Transportation Plan.
  - b. No outside storage of any materials or outdoor display.
  - c. No sign, other than one identification sign, non-illuminated, non-flashing and 32 square feet shall be allowed. All other regulations with regards to height and location must be followed as outlined in Section 12.00.
  - d. No more than 3 employees are allowed to work on-site at one time.
  - e. Contact the Health Department to make sure the septic system is adequate for the proposed use.

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- f. The office or retail use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the R-3 district.
  - g. Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the plan commission for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.
  - h. The standards are intended to ensure compatibility with other permitted uses and maintain the residential character of the surrounding residential uses.
- C. **CONDITIONAL USES:** The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
  - 1. Beekeeping with the conditions in Section 8:02.B *(Amended 9/15/20)*.
  - 2. Home-based retail and/or wholesale food operation *(Amended 9/15/20)*
  - 3. Model homes, with the restrictions in Section 8:07.C *(Amended 9/15/20)*.
- D. **LOT SIZE.**
  - 1. One family detached dwellings:
    - a. Lot: 45,000 square feet minimum with a width at the established building line equal to forty percent of the depth.
    - b. Density: Shall not exceed eight dwelling units per each ten gross acres.
  - 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 acres and a width at the established building line of not less than forty percent of the depth of the lot, except municipal projects and developments.

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Amended 9.15.20

3. Special Uses: Lot size for special uses shall be specified in the special use permit, unless specified as minimum herein.

E. YARD AREAS.

1. Front Yard. Every building hereafter erected or enlarged shall provide and maintain a front yard of not less than fifty feet with this 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 of the average of such front yards shall establish the minimum front yard depth for the entire frontage, but 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. For interior lots recorded prior to October 18, 2005 a side yard on each side of not less than ten percent (10%) of the lot width. For interior lots recorded after October 18, 2005 a side yard on each side of not less 15 feet or ten percent (10%) of the lot width whichever is greater. Where a side yard is adjacent to a street, a setback of not less than thirty feet (30') shall be provided. *[Amended 10/18/2005]*
3. Rear Yard. A rear yard of not less than fifty feet.

F. LOT COVERAGE. Not more than twenty percent of the area of a zoning lot may be covered by buildings, or structures, including accessory buildings.

G. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the "R-1" One-Family Estate Residence District.

H. NO REZONING. No parcel originally larger than ten (10) acres in size shall qualify for rezoning to this category after January 16, 2001, unless an application has been submitted for such rezoning prior to that date.

*The following districts shall not be considered for re-zoning classifications after February 15, 2000:*

8:08 R-4 ONE-FAMILY RESIDENCE DISTRICT *(Amended 9/15/20)*

A. PERMITTED USES. The following uses are permitted:



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1. Accessory uses – See Section 4:05 (*Amended 9/15/20*).
  2. Home occupation provided an affidavit is filled out in the PBZ office stating you meet the zoning conditions (*Amended 9/15/20*).
  3. Single family detached dwellings.
  4. Signs (*Amended 9/15/20*).
  5. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
- B. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:
1. Child Day Care Facilities
  2. Golf courses, regulation size, but not including “Par 3” golf courses or commercially operated driving ranges.
  3. Places of Worship subject to the conditions contained in Section 7:01.D (*Amended 9/15/20*).
  4. Planned residential or institutional developments, under single ownership or control, in which incidental business or recreational facilities for the convenience of the occupants may be furnished, provided the property proposed for development shall have a gross area of at least twenty (20) acres. For such developments, the County Board may vary the bulk regulations subject to the conditions in this ordinance, provided such variations are consistent with the general purpose and intent of this ordinance, and will result in better site planning and thus be of greater benefit to the occupants of the development and to the surrounding area.
  5. Public or Private Utilities and Service uses:
    - a. Telecommunications hub
    - b. Filtration plant, pumping station, and water reservoir.
    - c. Sewage treatment plant.
    - d. Electric substations and booster stations.
    - e. Other Similar uses
  6. Rest homes, nursing homes and sanitariums (*Amended 9/15/20*).

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7. Seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.
  8. Schools, public, elementary, junior high, and high, including playgrounds, garages for school buses, and athletic fields.
  9. Solar Gardens – See Section 4:00 (*Amended 9/15/20*).
- C. Conditional Uses: The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator
1. Home-based retail and/or wholesale food operation (*Amended 9/15/20*).
- D. Lot Size.
1. One family detached dwellings:
    - a. Lot: 30,000 square feet minimum with a width at the established building line equal to forty (40) percent of the depth.
    - b. Density: Shall not exceed twelve (12) dwelling units per each ten (10) gross acre.
    - c. Utilities: All lots in this district shall be served by public sewerage facilities.
  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.
- E. 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 LRMP - Forty (40) feet from the right-of-way line.
    - b. Major and Minor Collector Roads, as defined by the LRMP - Thirty (30) feet from the right-of-way line.

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- 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. For Interior lots a side yard on each side of the lot equal to ten percent (10%) of the lot width. Where a side yard is adjacent to a street, a setback of not less than thirty feet (30') shall be provided.  
*[Amended 10/18/2005]*
  - 3. Rear Yard. A rear yard of not less than thirty (30) feet.
  - E. LOT COVERAGE. Not more than twenty (20) percent of the area of a zoning lot may be covered by buildings or structures including accessory buildings.
  - F. MAXIMUM BUILDING HEIGHT. Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8:02.G.
- 8:09 R-5 ONE-FAMILY RESIDENCE DISTRICT *(Amended 9/15/20)*
- A. PERMITTED USES. The following uses are permitted: Any permitted use in the R-4 One-Family Residence District, Section 8:08.A *(Amended 9/15/20)*.
  - 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 8:08.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 *(Amended 9/15/20)*.
  - C. CONDITIONAL USES: Home-based retail and/or wholesale food operation if specifically authorized by the Zoning Administrator *(Amended 9/15/20)*.
  - D. Lot Size.
    - 1. One family detached dwellings.

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E. YARD AREA (*Amended 9/15/20*).

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 LRMP - Forty (40) feet from the right-of-way line.
  - b. Major and Minor Collector Roads, as defined by the LRMP - 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.

F. **HARD SURFACE COVERAGE.** Not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. (*Amended 11/18/2003*)

G. **MAXIMUM BUILDING HEIGHT.** Same regulations shall apply as permitted or required in the R-1 One-Family Estate Residence, Section 8:02.G. (*Amended 11/18/2003*)

H. **FLOOR AREA RATIO.** The maximum FAR shall be .4. (*Amended 11/18/2003*)

8:11 R-7 GENERAL RESIDENCE DISTRICT (*Amended 9/15/20*)

A. **PERMITTED USES.** The following uses are permitted:

1. Any of the permitted uses in the R-4 One-Family Residence District, Section 8:08.A (*Amended 9/15/20*).
2. Multiple-family dwellings.

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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 8:08.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 *(Amended 9/15/20)*.
  2. Mobile home park, on a lot not less than (10) acres in area.
- C. CONDITIONAL USES: Home-based retail and/or wholesale food operation if specifically authorized by the Zoning Administrator *(Amended 9/15/20)*.
- D. LOT AREA AND ALLOWABLE DENSITY.
1. One family detached dwelling.
    - 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:

Type of Dwelling Unit	Minimum Lot Area Per Dwelling Unit (in Sq. Ft.)
4 or more bedrooms	4,000
3 bedroom	3,500
2 bedroom	3,000



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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.
- E. LOT WIDTH. Every lot shall have a width equal to at least forty (40) percent of the lot depth.
- F. FLOOR AREA RATIO.
  - 1. For one and two-family dwellings - 0.4. *(Amended 11/18/2003)*
  - 2. For multiple family buildings - 0.5.
  - 3. For permitted non-residential uses - 0.7.
- G. YARD AREA *(Amended 9/15/20)*.
  - 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 8:10.D *(Amended 9/15/20)*.
  - 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:

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1. Freeway and Arterial Roads, as defined by the LRMP - Fifty (50) feet from the right-of-way line.
  2. Major and Minor Collector Roads, as defined by the LRMP - Forty (40) feet from the right-of-way line.
  3. All other roads - Thirty (30) 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. 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.
- H. HARD SURFACE COVERAGE. Not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. *(Amended 11/18/2003)*
- I. 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.

## **SECTION 9:00 BUSINESS DISTRICTS**

Updated on 9.15.20

### **9:00 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 LRMP. In general, areas designated as Commercial/Industrial or Transportation Corridors on the LRMP 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.

Kendall County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator – A-1 or A-1 Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS. Please be aware that certain special and permitted uses are in existence and can continue operations as approved (*Amended 9/15/20*).

### **9:01 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.** Accessory uses, structures, and buildings shall be permitted provided they comply with the regulations of Section 4:05 (*Amended 9/15/20*).
2. **Adult Day Care or Respite Care**
3. **Art Galleries and Studios**
4. **Bait Shop**

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5. Barber Shops, Beauty Parlors, Massage or Similar Personal and business Service Shops
6. Bicycle Sales and Repair
7. Convenience Store
8. Custom Dressmaking, Millinery, Tailoring or Shoe Repair Shops
9. Drug Store
10. Fire Stations
11. Gardening Supplies and Seed Stores (retail sales only)
12. Governmental buildings and facilities
13. Grocery and food sales under 10,000 square feet
14. Indoor business sales and service under 10,000 square feet
15. Indoor retail sales of goods under 10,000 square feet, including repair of goods sold on the premises
16. Nano Breweries, subject to the conditions in Section 7:01.D (*Amended 9/15/20*).
17. Offices, business and professional, including medical clinics
18. Personal and business service shops under 10,000 square feet but not including uses regulated in Section 4:16
19. Photography Studios
20. Police Stations.
21. Postal substations
22. Restaurants, cafes, cafeterias or other similar establishments including but not limited to retail food stores.
23. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction

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**24. Tobacco Shops**

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

1. Book and Stationery Stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Business Planned Developments
3. Camera and Photographic Supply Stores
4. Clubs and lodges (non-profit), fraternal or religious institutions
5. Communications use
6. Currency Exchange
7. Child Day Care Facility
8. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
9. Dwelling units for Watchmen and Families including a Caretaker.
10. Musical Instrument Sales and Repair (including lessons)
11. Places of Worship subject to the conditions contained in Section 7:01.D (*Amended 9/15/20*).
12. Public or Private Utilities and Service uses (*Amended 9/15/20*):
  - a. Telecommunications hub or telecommunication stations
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
13. Solar Gardens. (*Amended 11/20/2018*)
14. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.



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- 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. Electrical Appliance Stores and Repair with a size limit of 10,000 square feet.
  3. 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.
  4. Small Wind Energy Systems (*Amended 9/15/20*).
- 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.

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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.

**I. 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 (*Amended 9/15/20*).

**J. OTHER PROVISIONS** (*Amended 9/15/20*).

1. Performance Standards. All activities shall conform with the performance standards set forth in Section 4:12.
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 13:00. Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-1 zoning is made.

**SECTION 9:00 BUSINESS DISTRICTS**

Updated on 9.15.20

**9:02 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. All permitted uses in the B-1 Local Shopping District
  2. Private Ambulance service
  3. Antique Shops
  4. Art and school supply stores
  5. Auction Facility when conducted wholly within an enclosed building and with no outside storage.
  6. Banks and financial institutions
  7. Book and Stationery Stores
  8. Building material sales (retail)
  9. Camera and Photographic Supply Stores
  10. Catering Establishments
  11. Copying/Reproduction Stores & banner or sign supplies
  12. Electrical Appliance Stores and Repair
  13. Furrier
  14. Glass cutting and glazing establishments
  15. Grocery and food sales
  16. Indoor business sales and service in excess of 10,000 square feet

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17. Indoor retail sales of goods in excess of 10,000 sq. feet, including repair of goods sold on the premises
18. Monument sales, but not including the cutting or grinding of stones
19. Motor Vehicle accessory store
20. Musical Instrument Sales and Repair (including lessons)
21. Packaged Liquor Store or any sale of alcoholic beverages
25. Personal and business service shops in excess of 10,000 Sq. ft.
26. Pet shop when conducted wholly within an enclosed building
27. Plumbing, heating, and roofing supply shops
28. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
29. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.

**C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:**

1. Agricultural implement sales and service on an open lot or within a building
2. Boat, Trailer and Recreational Vehicle sales or rental and service.
3. Child Day Care Facility
4. Clubs and lodges (non-profit), fraternal or religious institutions
5. Communications use
6. Crematories/Funeral Homes
7. Currency Exchange
8. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
9. Dwelling units for Watchmen and Families including a Caretaker.

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10. Fertilizer sales, including limited storage.
11. Hospital
12. Indoor entertainment and recreation
13. Indoor Target Practice with the conditions found in Section 7:01.D  
(Amended 9/15/20).
14. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
15. Meeting halls
16. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
17. Motor Vehicle /Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
18. Motor vehicle-Sales/ Motorcycle Sales
19. Motor vehicle washing including the use of mechanical conveyers, blowers and steam cleaning
20. Outdoor storage, provided such storage is screened from adjacent and surrounding properties
21. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
22. Places of Worship subject to the conditions contained in Section 7:01.D  
(Amended 9/15/20).
23. Public or Private Utilities and Service uses (Amended 9/15/20):
  - a. Telecommunications hub and telecommunication stations
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
24. Solar Gardens (Amended 11/20/2018)



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**25. Taverns**

**D. CONDITIONAL USES.** The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: (Renumbered)

1. Contractor or construction Services such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating.
2. Contractors' offices and shops, where no fabrication is done on the premises and where all storage of material and equipment is within a building.
3. 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.
4. 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
5. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place
6. 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.
7. Outdoor Display may be permitted subject to the following *(Amended 9/15/20)*:
  - 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

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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.

**b. Permanent Outdoor Displays (*Amended 9/15/20*)**

- (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) A zoning certificate and fee are required for approval of an outdoor display area.
- (vii) Any outdoor display area shall be subject to review by the Planning, Building and Zoning Committee and may be rescinded if deemed necessary.
- (viii) Any outdoor display area which does not meet these requirements may be permitted as a special use.

- 8. 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

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products demand space exceeding six thousand square feet, they shall then be located in the M-1 Manufacturing District.

9. **Small Wind Energy Systems** (*Amended 9/15/20*)
  - 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.

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**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.

**I. 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 (*Amended 9/15/20*).

**J. OTHER PROVISIONS** (*Amended 9/15/20*).

1. Performance Standards. All activities shall conform with the performance standards set forth in Section 4:12.
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 13.00 Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-2 zoning is made.

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**9:03 B-3 HIGHWAY BUSINESS DISTRICT**

- A. **PURPOSE.** The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. **PERMITTED USES.** The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
  2. Agricultural implement sales and service on an open lot or within a building.
  3. Animal hospital
  4. Banquet Halls are permitted subject to the conditions contained in Section 7:01.D (*Amended 9/15/20*).
  5. Beverages, non-alcoholic, bottling and distributing.
  6. Boat, Trailer and Recreational Vehicle sales or rental and service
  7. Carpet and Rug Stores
  8. Clean up and restoration services with the conditions contained in Section 7:01.D (*Amended 9/15/20*).
  9. Construction equipment sales and service.
  10. Crematories/ Funeral Homes
  11. Currency exchange.
  12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
  13. 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.



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14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. 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.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing-Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
27. Taverns

C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00.

1. Adult-Use Cannabis Dispensing Organization subject to the following conditions:
  - a. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school,

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preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.

- b. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
- c. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
- e. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.
- f. On properties zoned M-1 or M-2, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- g. On properties zoned B-3, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- h. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
- i. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- j. At the time of application, the Petitioner shall submit the following information:
  - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - ii. Information on the proposed structure the facility will be located including total square footage, security

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installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.

- iii. Hours of operation.
- iv. Anticipated number of employees and customers.
- v. Anticipated parking demand and available parking supply.
- vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- vii. Site design, including access points and internal site circulation.
- viii. Proposed signage plan.
- ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- k. No flashing light, search light, spot lights, or other similar lighting systems may be used on the exterior of the building.
- l. Electronic message boards and temporary signs are not allowed. Any additional merchandise packaging provided by an Adult Use Cannabis Dispensing Organization, such as bags, sacks, totes, or boxes shall be opaque and identify the name of the Adult Use Cannabis Dispensing Organization.
- m. Hours of operation are 6:00 a.m. until 10:00 p.m.
- n. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
- o. This use shall be in a stand-alone building.
- p. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- q. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.  
(Amended 11/19/19)

**2. Adult-Use Cannabis Infuser Organization subject to the following conditions:**

- a. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
- b. Facility may not be located in a dwelling unit or within two hundred

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fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.

- c. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.
- e. On properties zoned M-1 or M-2, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- f. On properties zoned B-3, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- g. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
- h. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- i. At the time of application, the Petitioner shall submit the following information:
  - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
  - iii. Hours of operation.
  - iv. Anticipated number of employees and customers.
  - v. Anticipated parking demand and available parking supply.
  - vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - vii. Site design, including access points and internal site

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- circulation.
    - viii. Proposed signage plan.
    - ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  - j. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  - k. This use shall be in a stand-alone building.
  - l. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  - m. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply. *(Amended 11/19/19)*
- 3. Adult-Use Cannabis Processing Organization subject to the following conditions:
  - a. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
  - b. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
  - c. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
  - d. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
  - e. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
  - f. At the time of application, the Petitioner shall submit the following information:
    - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the



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- subject property.
    - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
    - iii. Hours of operation.
    - iv. Anticipated number of employees and customers.
    - v. Anticipated parking demand and available parking supply.
    - vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
    - vii. Site design, including access points and internal site circulation.
    - viii. Proposed signage plan.
    - ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  - g. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  - h. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
  - i. This use shall be in a stand-alone building.
  - j. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  - k. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply. *(Amended 11/19/19)*
- 4. Child Day Care Facility
- 5. Clubs and Lodges (non-profit), fraternal or religious institutions.
- 6. Communication Uses
- 7. Community Center/ After school programs/ Educational Center
- 8. Consumer credit, payday loan offices, financing or financial offices.
- 9. Dwelling units for Watchmen and Families including a Caretaker.

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10. Fertilizer sales, including limited storage.
11. Hospitals
12. Indoor Target Practice with the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
13. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
14. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the LRMP map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
15. Landscaping business, with the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
16. Medical Cannabis Dispensing Organization subject to the following conditions:
  - a. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
  - b. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
  - c. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
  - d. Onsite consumption of cannabis by the public shall not be allowed at Medical Cannabis Dispensing Organizations.
  - e. Facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
  - f. At the time of application, the Petitioner shall submit the following information:
    - i. A statement regarding the impact of the proposed facility on

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- existing or planned uses located within the vicinity of the subject property.
- ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
- iii. Hours of operation.
- iv. Anticipated number of employees and customers.
- v. Anticipated parking demand and available parking supply.
- vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- vii. Site design, including access points and internal site circulation.
- viii. Proposed signage plan.
- ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
- g. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
- h. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
- i. Hours of operation are 6:00 a.m. until 10:00 p.m.
- j. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
- k. On properties zoned B-3, this use shall be within one thousand feet (1,000') of an interchange of an Interstate Highway and a County or State Highway.
- l. This use shall be in a stand-alone building.
- m. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
- n. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply. *(Amended 11/19/19)*
- 17. Meetings Halls
- 18. Micro-Brewery and/or Winery

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19. Micro Distillery with the conditions contained in Section 7:01.D (*Amended 9/15/20*).
20. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
21. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
22. Pawn Shop
23. Performing arts center subject to the conditions contained in Section 7:01.D (*Amended 9/15/20*).
24. Places of Worship subject to the conditions contained in Section 7:01.D (*Amended 9/15/20*).
25. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.
26. Public or Private Utilities and Service uses (*Amended 9/15/20*):
  - a. Telecommunications hub and telecommunication stations
  - b. Filtration plant, pumping station, and water reservoir.
  - c. Sewage treatment plant.
  - d. Electric substations and booster stations.
  - e. Other Similar uses
27. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
28. Self-Service Storage Facilities

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29. Solar Gardens (*Amended 9/15/20*).
30. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
31. Truck Driving School
32. Truck Stop

D. **CONDITIONAL USES.** All conditional uses outlined in the B-2 General Business District (Section 9:02.D) may be permitted only if specifically authorized by the Zoning Administrator except self-storage facilities (*Amended 9/15/20*).

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 (50) feet from a dedicated road right-of-way or one hundred (100) feet from the centerline 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 centerline 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 centerline of all adjacent roads, whichever is greater.
2. **Side Yard.** Twenty (20) 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 twenty (20) feet, or equivalent to said adjacent setback, whichever is greater.
3. **Rear Yard.** Twenty (20) feet from the property line. Where a rear yard abuts a setback in an agricultural or residential district or a municipality, the required side yard shall be twenty (20) feet, or equivalent to said adjacent setback, whichever is greater.



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### G. LOT COVERAGE.

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

### H. MAXIMUM BUILDING HEIGHT. No building hereinafter erected shall exceed 35 feet in height.

### I. OFF-STREET PARKING AND LOADING. In accordance with the regulations set forth in Section 11:00. Parking shall not encroach along the required front or side yard. Parking may encroach upon the required rear yard, provided that a landscaped buffer yard of at least ten (10) feet from the rear property line is maintained (*Amended 9/15/20*).

### J. OTHER PROVISIONS.

1. Performance Standards. All activities shall conform to the performance standards set forth in Section 4:12 (*Amended 9/15/20*).
2. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable dustless surface, and shall be graded and drained as to dispose of all surface water.
3. Refuse Enclosure. Refuse or trash collection areas shall be completely screened from view on all sides, with solid fencing or either wood or masonry construction, to a height of seven (7) 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 Material. No materials or wastes shall be deposited upon a lot in such a form that natural causes or forces may transfer them off the property.
5. Screening and Landscaping. Where commercial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided as set forth in Section 13:00, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-3 zoning is made.

## 9:04 B-4 COMMERCIAL RECREATION

- A. Purpose. The B-4 Commercial Recreation District is intended to accommodate

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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. Accessory uses *(Amended 9/15/20)*
2. Auction Facility when conducted with another permitted use in this district.
3. Banquet Halls are permitted subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*
4. Boat launching ramp
5. Boat, Trailer and Recreational Vehicle sales or rental and service
6. Child Day Care facilities
7. Dwelling Unit for Watchmen and Families including a Caretaker
8. Fairgrounds
9. Fire Stations
10. Golf courses (including miniature golf), golf driving range, club houses, county clubs, and membership riding clubs
11. Governmental buildings and facilities
12. Health clubs (public or private) and related accessory uses
13. Non-profit recreational facilities and related accessory uses
14. Performing arts center subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*
15. Philanthropic institutions and institutions supported by charity.
16. Police Stations
17. Postal substations

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18. Seasonal Festivals subject to the conditions contained in Section 7:01.E *(Amended 9/15/20)*
  19. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction.
  20. Truck and Tractor Amusement Competition Events subject to the conditions contained in Section 7:01.E *(Amended 9/15/20)*
- 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, auditorium, stadium 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 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

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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. Athletic Fields with Lights subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*
3. Amusement park, including go-cart tracks, water parks 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.
4. Bait Shop
5. Convenience Store
6. Hotel and/or Motel
7. Indoor entertainment and recreation
8. Indoor Target Practice with the conditions contained in Section 7:01.D *(Amended 9/15/20)*
9. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
10. Kennels when located more than 600' from any occupied residential structure other than the owners residence
11. Places of Worship subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*
12. Planned Developments- Business
13. Production and sale of sweet cider, hard cider, wine, jams, wine jams,

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jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.

14. Racetrack 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 275 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 meet the lighting standards set forth in Section 11:02.
  - d. If a vehicle racetrack is proposed a noise study shall be prepared by a trained professional addressing anticipated noise levels during races or practice sessions. This study shall also address how excessive noise will be mitigated. The County shall reserve the right to obtain an independent review of this study, and require additional noise mitigation beyond that outlined in the noise study.
  - e. If an animal racetrack is proposed all facilities for housing and maintaining equine shall comply with the following requirements *(Amended 9/15/20)*:
    - (i) An approval for such facility from the Kendall County Health Department must accompany the application for a Special 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



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erosion, and promote quick nitrogen absorption.

- f. 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 child day care facilities
  - (vi) vehicle fuel and supplies sales limited to owners or operators of vehicles to be raced
  - (vii) temporary campgrounds
  - (viii) any other customary and incidental uses which are deemed appropriate by the County Board.
- 15. Recreational camps and recreational vehicle parks subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
- 16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the conditions in Section 7.01.E *(Amended 9/15/20)*.
- 17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
- 18. Solar Gardens *(Amended 9/15/20)*
- 19. Telecommunications Stations
- 20. 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
- D. **CONDITIONAL USES.** Small Wind Energy Systems only if specially authorized by the Zoning Administrator *(Amended 9/15/20)*.
- E. **LOT SIZE.** Every lot or tract of land upon which a building is erected or maintained

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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.

- F. **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.
- G. **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 and Rear Yard (*Amended 9/15/20*).** 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 and rear yard shall be ten feet, or equivalent to said adjacent setback, whichever is greater.
- H. **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.
- I. **MAXIMUM BUILDING HEIGHT.** No building hereinafter erected shall exceed 50 feet in height.
- J. **Other Provisions (*Amended 9/15/20*).**
1. **Performance Standards.** All activities shall conform with the performance standards set forth in Section 4:12 (*Amended 9/15/20*).

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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, 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.
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. Adequate screening and landscaping for adjoining residential areas shall be provided as set forth in Section 13:00, 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

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**6. Lighting**

- D. **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 (*Amended 9/15/20*).
- E. **Other Provisions (*Amended 9/15/20*).**
1. **Performance Standards.** All activities shall conform with the performance standards set forth in Section 4:12 (*Amended 9/15/20*).
  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 13:00, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-5 zoning is made.
  7. **Solar Gardens** shall be a special use in the B-5 Business Planned Development District. (*Amended 11/20/2018*)

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**9:06 B-6 OFFICE AND RESEARCH PARK DISTRICT**

- A. **PURPOSE.** The B-6 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 (*Amended 9/15/20*).
  2. Banks and financial institutions
  3. Business or trade school.
  4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
  5. Consumer credit, payday loan offices, financing or financial offices.
  6. Fire Stations
  7. Governmental buildings and facilities
  8. Hospital.
  9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
  10. Offices, business and professional, including medical clinics.
  11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
  12. Planned Developments- Business
  13. Police Stations.
  14. Research laboratories, including the testing of products, but not including



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the manufacturing of products, except as incidental to the research and testing of products

15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
17. 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. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Child Day Care Facility
3. Convenience store
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Health clubs (public or private) and related accessory uses.
6. Hotel and/or motel
7. Indoor Target Practice with the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. Places of Worship subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
12. Private clubs such as soccer, etc. *(Amended 9/15/20)*.

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13. Public or Private Utilities and Service uses:
    - a. Telecommunications hub
    - b. Filtration plant, pumping station, and water reservoir.
    - c. Sewage treatment plant.
    - d. Electric substations and booster stations.
    - e. Other Similar uses
  14. Restaurants and/or taverns
  15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
  16. Self Service Storage Facilities (enclosed)
  17. Solar Gardens (*Amended 9/15/20*).
  18. Telecommunications stations
  19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District
- D. Conditional Uses. Small Wind Energy Systems only if specially authorized by the Zoning Administrator (*Amended 9/15/20*).
- 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 150,000 square feet and a width of not less than 250 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*. 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.

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- 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.
- 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 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.
- I. **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 semi-trailers 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 (*Amended 9/15/20*).
- J. **Other Provisions** (*Amended 9/15/20*).
- 1. Performance Standards. All activities shall conform with the performance standards set forth in Section 4:12 (*Amended 9/15/20*).
  - 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.

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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 13:00, Site Plan Review. All areas must include a landscaping plan for approval at the time the request for B-6 zoning is made.

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**10:01 M-1 LIMITED MANUFACTURING DISTRICT**

**A. CONDITIONS OF USE.** All permitted uses are subject to the following conditions:

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in Section 4:12.
2. All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half ton capacity may be un-enclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Section 11:00.
3. Uses established on the effective date of this amended ordinance and by its provisions are rendered non-conforming, shall be permitted to continue, subject to the regulations of Section 5:00.
4. Uses established after the effective date of this amended ordinance shall conform fully to the performance standards hereinafter set forth for the district.

**B. PERMITTED USES.** The following uses are permitted:

1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided they comply with the regulations of Section 4:05 (*Amended 9/15/20*).
2. Ambulance Service (Private)
3. Animal feed; preparation, grinding, mixing and storage.
4. Auction Facility
5. Banquet Halls are permitted subject to the conditions in Section 7:01.D (*Amended 9/15/20*).



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6. Beverages, non-alcoholic, bottling and distributing.
7. Business or trade school
8. Clean up and restoration services subject to the conditions in Section 7:01.D *(Amended 9/15/20)*.
9. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
10. Construction equipment sales and service.
11. Contractors' offices and shops.
12. Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity *(Amended 9/15/20)*.
13. Glass cutting and glazing establishments
14. Light manufacturing and assembly.
15. Micro Distillery subject to the conditions in Section 7:01.D *(Amended 9/15/20)*.
16. Motor vehicle Sales/ Motorcycle Sales including truck sales.
17. Nano Breweries, subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
18. Offices, business and professional, including medical clinics.
19. Parking Garages for storage of private passenger automobiles and commercial vehicles.
20. Public and community service uses - as follows *(Amended 9/15/20)*:
  - a) Bus terminals, bus storage (indoor and outdoor).
  - b) Electric sub-stations.
  - c) Fire stations.

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- d) Governmental buildings and facilities
  - e) Municipal or privately owned recreation buildings
  - f) Police stations.
  - g) Sewage treatment plants.
  - h) Telephone exchanges.
  - i) Water filtration plants.
  - j) Water pumping stations.
  - k) Water reservoirs.
21. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products *(Amended 9/15/20)*:
- a) Apparel and other products manufactured from textiles.
  - b) Art needle work and hand weaving.
  - c) Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.
  - d) Awnings, venetian blinds.
  - e) Bakeries.
  - f) Beverages - non-alcoholic.
  - g) Blacksmith shop.
  - h) Books - hand binding and tooling.
  - i) Bottling works.
  - j) Brushes and brooms.
  - k) Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or

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- public utilities, or materials or equipment of similar nature.
- l) Cameras and other photographic equipment and supplies.
  - m) Canning and preserving.
  - n) Canvas and canvas products.
  - o) Carpet and rug cleaning.
  - p) Carting, express hauling or storage yards.
  - q) Cement block manufacture.
  - r) Ceramic products - such as pottery and small glazed tile.
  - s) Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.
  - t) Clothing.
  - u) Cosmetics and toiletries.
  - v) Creameries and dairies.
  - w) Dentures.
  - x) Drugs.
  - y) Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.
  - z) Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
  - aa) Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
  - bb) Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.

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- cc) Fur goods, not including tanning and dyeing.
- dd) Glass products, from previous manufactured glass.
- ee) Hair, felt and feather products (except washing, curing and dyeing).
- ff) Hat bodies of fur and wool felt.
- gg) Hosiery.
- hh) House trailer, manufacture.
- ii) Ice, dry and natural.
- jj) Ink mixing and packaging and inked ribbons.
- kk) Jewelry.
- ll) Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.
- mm) Laundries.
- nn) Leather products, including shoes and machine belting, but not including tanning and dyeing.
- oo) Luggage.
- pp) Machine shops for tool, die and pattern making.
- qq) Meat products.
- rr) Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.
- ss) Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
- tt) Musical instruments.

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- uu) Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.
- vv) Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.
- ww) Perfumes and cosmetics.
- xx) Pharmaceutical products.
- yy) Plastic products, but not including the processing of the raw materials.
- zz) Poultry and rabbits - slaughtering.
- aaa) Precision instruments - such as optical, medical and drafting.
- bbb) Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.
- ccc) Printing and newspaper publishing, including engraving and photoengraving.
- ddd) Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.
- eee) Copying/Reproduction Stores & banner or sign supplies
- fff) Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.
- ggg) Silverware, plate and sterling.
- hhh) Soap and detergents, packaging only.
- iii) Soldering and welding.
- jjj) Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.
- kkk) Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.



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III) Storage of household goods.

mmm) Storage and sale of trailers, farm implements and other similar equipment on an open lot.

nnn) Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

ooo) Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

ppp) Tool and die shops.

qqq) Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

rrr) Toys.

sss) Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under Section 10:01.C.

ttt) Umbrellas.

uuu) Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

vvv) Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

www) Watches.

xxx) Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

yyy) Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 4:12 without creating objectionable noise, odor, dust, smoke, gas, fumes,

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or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

**22. Retail and services as follows (*Amended 9/15/20*):**

- a) Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.
- b) Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting).
- c) Banks and financial institutions.
- d) Carpet and Rug Stores.
- e) Catering Establishments.
- f) Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.
- g) Plumbing, heating, and roofing supply shops

**23. Signs.**

**24. Telecommunication Stations.**

**25. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.**

**26. Wholesaling and warehousing.**

**C. SPECIAL USES. The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:**

- 1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.
- 2. Any use permitted in the M-2 District, provided the performance standard set forth in Section 4:12. can be met in their entirety (*Amended 9/15/20*).

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3. Adult Regulated uses; the following uses are deemed to be regulated uses  
(Amended 9/15/20):

- a) Adult Book Store.
- b) Adult Motion Picture Theater.
- c) Adult Mini-Motion Picture Theater.
- d) Adult Entertainment Facilities.
- e) Adult Use.
- f) Adult Massage Parlors or Spas.
- g) Tattoo Parlors and Permanent Body Art Establishments.
- h) Striptease Club or Gentlemen's Club.
- i) Adult Video Store.

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.

RESTRICTIONS ON LOCATION OF REGULATED USES (Amended 9/15/20).  
No regulated use, either as a permitted use or as a special use, shall be maintained;

- i. Within 1,000 feet of the area to be zoned;
- ii. 1,000 feet of any of the following zoning districts or provided for under this ordinance: A-1 SU PUD, All Residential Zoning Districts, and all Business Zoning Districts; nor
- iii. 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.

In addition to the preceding requirements, Adult Entertainment Facilities shall also comply with the separation requirements as established under 55 ILCS 5/5-1097.5 from the property line of any school, Child Day Care facility, cemetery, public park, forest preserve, public housing, and place of religious worship. These requirements shall supersede any less restrictive requirements set forth in this Ordinance.

- 4. Adult-Use Cannabis Craft Grower subject to the conditions contained in Section 7:01.D. (Amended 11/19/19)
- 5. Adult-Use Cannabis Cultivation Center subject to the conditions contained in Section 7:01.D. (Amended 11/19/19)

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**6. Adult-Use Cannabis Transporting Organization Subject to the Following Conditions:**

- a. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
- b. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
- c. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to persons twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
- d. The transporting organization shall be the sole use of the tenant space in which it is located and shall not transport any other products beside cannabis, unless specifically allowed by the Special Use Permit.
- e. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- f. At the time of application, the Petitioner shall submit the following information:
  - i. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  - ii. Information on the proposed structure the facility will be located including total square footage, security installations/security plan including type of security system and plans to address operations when security and surveillance system malfunction, and building code compliance.
  - iii. Hours of operation.
  - iv. Anticipated number of employees and customers.
  - v. Anticipated parking demand and available parking supply.
  - vi. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
  - vii. Site design, including access points and internal site circulation.
  - viii. Proposed signage plan.

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- ix. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
  - g. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
  - h. This use shall be in a stand-alone building.
  - i. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
  - j. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.  
(Amended 11/19/19)
7. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions *(Amended 9/15/20)*:
- a) Site shall be a minimum of fifty (50) acres for a Basic Utility Stage 1 airport with a two thousand two hundred (2,200') foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA and IDOT Division of Aeronautics requirements.
  - b) There shall be a minimum three hundred (300') foot distance between airport property and the nearest residential property line.
  - c) Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6') feet in height.
8. Airport, private airstrip, heliports and aircraft landing fields provided airports and surrounding territory are subject to the rules and regulations of the State of Illinois Department of Aeronautics and must comply with all Illinois Department of Transportation (IDOT) Division of Aeronautic and Federal Aviation Administration (F.A.A.) requirements and provisions as follows:
- 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



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- 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.
9. Art Galleries and studios
10. Grain Storage.
11. Indoor Target Practice with the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
12. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
13. Kennels with the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
14. Medical Cannabis Cultivation Center subject to the conditions contained in Section 7:01.D *(Amended 11/19/19)*.
15. Motor freight terminals.
16. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
17. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.

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18. Paintball Facilities subject to the conditions contained in Section 7:01.D *(Amended 9/15/20)*.
  19. Parks and recreational areas
  20. Planned developments, industrial
  21. Private Clubs or lodges
  22. Private clubs such as soccer, etc. provided an event parking plan is provided with the application *(Amended 9/15/20)*.
  23. Racetrack subject to the conditions of Section 9:04.C *(Amended 9/15/20)*.
  24. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
  25. Stadiums, auditoriums and arenas.
  26. Theaters, outdoor drive-in.
  27. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
  28. Truck Wash Facility or Motor Vehicle Wash Facility
  29. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4:12. can be met in their entirety.
  30. Wind Farms, Commercial, subject to the conditions in Section 7:01.D *(Amended 9/15/20)*.
- D. Conditional Uses. Small Wind Energy Systems only if specially authorized by the Zoning Administrator *(Amended 9/15/20)*.
- E. YARD AREA.
1. Front yard. Every building hereafter erected or enlarged shall provide and maintain a front yard in accordance with the following requirements:
    - a. *Primary thoroughfares*. Fifty feet (50') from the property line.

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- b. *Collector thoroughfares.* Forty feet (40') from the property line.
  - c. *All other streets.* Thirty feet (30') from the property line.
  - d. *Exception.* Where lots comprising fifty percent (50%) 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 (10') in 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 yards. On every zoning lot a side yard shall be provided along each side lot line of not less than ten percent (10') of the lot width, but need not exceed twenty feet in width.
  - 3. Rear yard. On every zoning lot there shall be provided a rear yard of not less than forty feet (40').
- F. **BUILDING COVERAGE.** Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings.

**10:02 M-2 HEAVY INDUSTRIAL DISTRICT**

- A. **CONDITION OF USE.** Permitted uses are subject to the conditions listed in Section 10:01.A.1 and Section 10:01.A.2 (*Amended 9/15/20*).
- B. **PERMITTED USES.** The following uses are permitted:
  - 1. Any use permitted in the M-1 District except banks and financial institutions.
  - 2. Production, processing, cleaning, servicing, testing, and repair, including the following products (*Amended 9/15/20*):
    - a) Charcoal, lampblack and fuel briquettes.
    - b) Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.

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- c) Coal, coke and tar products, including gas manufacturing.
  - d) Electric central station, power and steam-generating plants.
  - e) Fertilizers.
  - f) Film, photographic.
  - g) Flour, feed and grain - milling and processing.
  - h) Incineration or reduction of garbage, offal and dead animals.
  - i) Linoleum and oil cloth.
  - j) Magnesium foundries.
  - k) Matches.
  - l) Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.
  - m) Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
  - n) Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
  - o) Rubber (natural or synthetic).
  - p) Soaps, including fat and oil rendering.
  - q) Starch.
  - r) Wood, coal, and bones, distillations.
  - s) Wood pulp and fiber, reduction and processing, including paper mill operations.
  - t) Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.
3. Storage, including the following uses and materials or products (*Amended 9/15/20*):

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- a) Goods used in or produced by manufacturing activities permitted in this district.
  - b) Grain.
  - c) Manure, peat and topsoil.
  - d) Petroleum and petroleum products.
- C. **SPECIAL USES.** The following uses may be allowed by special use permit in accordance with the provisions of Section 13:00:
- 1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10:02.B (*Amended 9/15/20*).
  - 2. Commercial off-premise advertising structures in accordance with Section 12:11 of this Ordinance.
  - 3. Correctional Facilities subject to the conditions in Section 7:01.D (*Amended 9/15/20*).
  - 4. Explosive, including storage, when not prohibited by other ordinance.
  - 5. Junk yards and motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve feet high.
  - 6. Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
  - 7. Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses (*Amended 9/15/20*).
  - 8. Slaughter House
- D. **CONDITIONAL USES.** Small Wind Energy Systems only if specially authorized by the Zoning Administrator (*Amended 9/15/20*).
- E. **YARD AREAS.** All yard areas shall be the same as required in the M-1 Limited Manufacturing Districts.
- F. **BUILDING COVERAGE.** Not more than seventy percent (70%) of the area of a lot



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may be covered by buildings or structures, including accessory buildings.

- G. **PERFORMANCE STANDARDS.** Same as in the M-1 Limited Manufacturing District as set forth in Section 4:12.

**SECTION 10:03 M-3 AGGREGATE MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION** *(Amended 9/15/20)*

- A. **INTENT.** It is the purpose of this section to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein.
- B. **PERMITTED USES.**
1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
  2. Explosive, including storage, when not prohibited by other ordinance.
- C. **SPECIAL USES.**
1. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
  2. Commercial off-premise advertising structures in accordance with Section 12:11 of this Ordinance.
  3. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
  4. Outdoor Target Practice or Shooting (not including private shooting in your own yard) with the conditions in Section 7:01.D *(Amended 9/15/20)*.
  5. Solar Gardens *(Amended 9/15/20)*.
- D. **CONDITIONAL USES.** Small Wind Energy Systems only if specially authorized by the Zoning Administrator *(Amended 9/15/20)*.

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**E. SETBACK REQUIREMENTS.**

1. Unless otherwise specifically provided in an applicable special use permit, production, processing and excavation shall not be conducted closer than two hundred (200) feet to the boundary of any zoning district where such operations are not permitted, nor closer than one hundred (100) feet from the boundaries of an adjoining property line, nor closer than one hundred fifty (150) feet to the right-of-way of any existing or platted street, road or highway, except in the following situations:
  - a. The bottom of the slope of the mined face of the excavation shall not be closer to said point above, than a distance equal to one and one-half ( $1\frac{1}{2}$ ) times the depth of the excavation (see diagram at end of Section 10:03.1) (*Amended 9/15/20*);
  - b. If consolidated materials occur in the mined face, the slope of the face may be steeper than  $1\frac{1}{2}$  to 1 slope per "a" above for the depth(s) of those materials, however all other mined slopes of unconsolidated materials shall be no steeper than 2:1.
2. Buildings and Structures:
  - a. Unless otherwise specified in the mining operations permit, every building and structure hereafter erected or enlarged shall provide and maintain a setback from a public or private street of not less One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, whichever is greater.
  - b. Unless otherwise specified in the mining operations permit, every building and structure hereafter erected or enlarged shall have a side and rear yard of not less than fifty (50) feet from all property lines dividing lots held in separate ownership.

F. **AREA REQUIREMENTS.** The minimum area required for each M-3 District shall be greater than ten (10) acres.

G. **PROHIBITED ACTIVITY.** No person, firm or corporation shall hereafter engage in the extraction of aggregate materials on any land within the unincorporated areas of the County of Kendall, without first obtaining from the County a mining operations permit in such form and in such a manner as shall hereinafter be provided. The inadvertent extraction of aggregate materials while in the process of land beautification, pond construction or such other activity unrelated to mining and processing uses are hereby excluded (*Amended 9/15/20*).

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- H. **FENCING.** Where required by the County Board in granting an M-3 zoning to promote safety, a minimum 7-foot chain link fence shall be erected at the site of the operation and facilities which shall be of a nature and character to reasonably protect the general public from danger. The location of the fencing shall be depicted on the site plan submitted as part of the mining permit application *(Amended 9/15/20)*.
- I. **REQUEST FOR LOCATION PROTECTION.** Within seven days of filing any application for M-3 zoning or M-3 Special Use, the applicant shall give notice of such filing, and at applicant's expense, sent by registered mail through the PBZ Office, a copy of such application as well as a copy of this complete paragraph, to each owner as set forth on the tax assessor's records of all property located within one and one half (1.5) miles of the parcel sought to be permitted. If, within fifteen days of receipt of such notice, any owner or occupant of such property files with the PBZ Administrator (hereinafter referred to as "Administrator") a "Request for Location Protection," substantially in the form provided in paragraph 2 below, then the following shall occur. Provided however, if the proposed use of the property is for the surface mining of sand and gravel only (and includes no blasting or any special use), and the property is situated wholly within a township having a population in excess of 20,000, then notice shall only be sent to properties located with one thousand (1,000) feet of the parcel sought to be permitted *(Amended 9/15/20)*.
  - 1. Subject to different provisions being made by the County Board as provided in subparagraph c below, any aggregate materials processing, ready-mix concrete, asphalt, and/or recycling equipment or plants on the subject property shall be located so as to provide maximum distance between the residence of any such owner or occupant and any such equipment or plant; if more than one owner or occupant files a "Request for Location Protection," then any such equipment or plant shall be located on the property so as to provide as much distance as possible between such residences and such equipment or plant; provided, in any event, that setbacks otherwise required by this Ordinance shall be maintained.
  - 2. Any owner or occupant filing for location protection, and/or his agents shall be invited to participate in County staff discussions with the applicants regarding the most effective and appropriate measures required to protect the residence site(s) from adverse impacts. The discussions shall include, but not be limited to: location of processing, ready-mix concrete, asphalt, and/or recycling equipment and plants, material storage and mining operations; size and shape of screening berms as they may interface with the residences; noise and dust abatement; site specific landscaping for both short term and long term visual effect, and data reflecting the quality of aggregate materials to be excavated. The advice of a technically trained person selected by the County Board shall be utilized at the applicant's reasonable

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expense to review and make recommendations concerning the most effective and appropriate measures to protect the residence site(s) from adverse impact as provided in Section I above (*Amended 9/15/20*).

3. The County Board may approve a location for aggregate material processing, ready-mix concrete, asphalt, and/or recycling equipment and plants, other than a location at a maximum distance from the residence(s) of the owner(s) or Occupant(s) filing for location protection, if the County Board determines, that, because of berming, landscaping, and/or other protections proposed for the property sought to be rezoned, such an alternate location, when compared to the location providing maximum distance, provides the residence site(s) as much or greater protection from adverse effects of such equipment and/or plants. No such alternate location may be approved by the County Board prior to the residence owner(s)/occupant(s) having at least a sixty day period within which to review such alternative location, have it reviewed by the technically trained person provided for in subparagraph 2 above, and make recommendations to the County Board concerning it (*Amended 9/15/20*).

4. The form hereinabove referred to is the following:

The undersigned, being an owner or occupant of a residence at

\_\_\_\_\_  
(mailing address)

hereby requests location protection pursuant the provisions of the Kendall County Zoning Ordinance on Earth Materials Extraction, Processing and Site Reclamation."

\_\_\_\_\_  
(Owner/Occupant)

- J. FEES. All applications for an M-3 zoning designation shall be accompanied by a fee for map amendments in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the ZBA, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the



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applicant shall be billed and shall be required to pay any all additional costs incurred by the County in the completion of their review and recommendation of the zoning map amendment. Costs in excess of the application fee deposit will need to be paid in full by the applicant prior to scheduling the matter for action by the County Board. *(Amended 3/21/18)*

- K. **SUBMITTAL REQUIREMENTS.** In order for the County to adequately determine the short and long term impact of the proposed mining operation on vegetation, wildlife, fish, land use, land values, local tax base, the economy of the County, employment opportunities, air pollution, water pollution, soil contamination, noise pollution and drainage, all applications for an M-3 zoning designation shall be accompanied by the background information as outlined below in Section 10.03.1.A.4 of this ordinance.

### **SECTION 10:03.1 PERMITTING *(Amended 9/15/20)***

#### **A. PERMIT FOR MINING.**

1. All operators extracting and/or processing aggregate materials shall apply for a permit jointly with the owner and any person who is entitled to legal possession of the property to be affected and shall comply with the operation and reclamation regulations in this Ordinance.

Application for permit shall be made upon a form furnished by the Department. Such application shall be accompanied by a fee of \$100 for every acre and fraction of an acre of land to be affected during the life of the permit.

2. An operator desiring to have his permit amended to cover additional land may file an amended application with the County with such additional fee and bond or security as may be required under the provisions of this Act. Such amendment shall comply with all requirements of this Ordinance.
3. It shall be unlawful for any owner/operator to engage in surface mining in an area where the overburden shall exceed ten (10) feet in depth or where the operation will affect more than ten (10) acres during the permit year without first obtaining from the Illinois Department of Mines and Minerals a permit to do so, pursuant to the Surface-Mined Land Conservation and Reclamation Act ILCS 715/1 et. seq. as amended.

All owner/operators shall comply with the Regulations of USEPA and all State of Illinois and Federal regulatory agencies for occupational health and safety and obtain any necessary permits prior to issuance of the mining



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permit. Before the onset of any operations the Zoning Administrator must be provided with copies of all necessary permits (*Amended 9/15/20*).

4. Every application, and every amendment to an application submitted under this Ordinance shall contain the following, except that the Administrator may waive the requirements of this subsection for amendments if the affected acreage is similar in nature to the acreage stated in the permit to be amended:
  - a. Ownership of land;
  - b. Aggregate materials to be mined;
  - c. Character and composition of vegetation and wildlife on land to be affected;
  - d. The proposed equipment to be used;
  - e. The current and past uses to which the lands to be affected have been put;
  - f. The current assessed valuation of the lands to be affected and the assessed valuation shown by the two (2) quadrennial assessments next preceding the currently effective assessment;
  - g. The nature, depth, and proposed disposition of the overburden;
  - h. The estimated depth to which the mineral deposit will be mined;
  - i. The location of the existing roads, and anticipated access and haulage roads planned to be used or constructed in conducting surface mining;
  - j. The technique to be used in surface mining;
  - k. Drainage on and away from the lands to be affected including directional flow of water, natural and artificial drain ways and waterways, and streams or tributaries receiving the discharge;
  - l. The current location of existing buildings and utility lines and easements within the lands to be affected;
  - m. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water;
  - n. The recycling of water used for washing and grading;
  - o. The simultaneous reclamation plan including methods of accomplishment, phasing, and timing as an area is mined out to start reclamation;
  - p. A detailed map of the land drawn at a scale of one (1) inch equals (=) one hundred (100) feet showing at least the following specifics: (re-lettered)
    - i. Existing topographical features at two (2) foot contour intervals, up to and including seven (7) percent grade.

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- Greater than seven (7) percent grade would require five (5) foot contours;
  - ii. Location and names of all streams, creeks, bodies of water, underground water resources (which are readily ascertainable from sources such as Illinois State Geological Survey well drillings logs) and drainage systems within the lands to be affected;
  - iii. Outline of area to be excavated;
  - iv. The proposed location of sorting, grading, crushing and similar equipment necessary to the operation and initial distribution of the excavated products;
  - v. The proposed location of any buildings, scale house, equipment storage areas, and equipment repair sheds or areas; and
  - vi. The current location of buildings, utility lines and easements within the lands to be affected.
- q. "Affected Lands or Affected Land" shall be defined as real property described within the application filed herein whenever said terms are used in this Ordinance.
5. Prior to the issuance of a permit, the applicant must obtain the approval by the County of the reclamation plan and map as provided in Section 10.03.1-B. Such plan shall be forwarded to the ZBA for public hearing, review and recommendation in accordance with the procedures provided under Section 13:07 "Amendments" of the County Zoning Ordinance. The recommendation of the Zoning Board of Appeals shall be forwarded to the County Board for action. If approved, the Board will enact an ordinance establishing a date by which the permit shall expire (*Amended 9/15/20*).
6. All permits issued hereunder shall expire ten (10) years from the date of issuance, unless the County Board passes an ordinance extending such expiration date.
7. Each renewal of a Mining Permit under this section shall be for a period of time not more than ten (10) years.
- a. A request to renew a Mining Permit that involves acreage or equipment in addition to that allowed in the Original Mining Permit, shall be treated in the same manner as the initial application.
  - b. A request to renew a Mining Permit when no additional acreage or equipment will be brought into use shall be handled in the following

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manner:

- i If an owner/operator is not able to finish mining the acreage described in the Mining Permit in the time specified, he shall apply to the County. A public hearing will be held. The maps required by this Ordinance for the initial hearing shall be revised, updated and resubmitted along with a statement of the current status of the mining reclamation. A new map describing conditions present on the site shall be furnished as described in "EXISTING CONDITIONS" of the Standards.
  - ii The applicant shall furnish the Kendall County PBZ Department with a copy of the aforesaid maps, plans and other related exhibits for review of the revised or extended reclamation plan no less than thirty (30) days before the ZBA hearing.
  - iii The PBZ shall prepare a written report and oral statement on the revised or extended reclamation plan and enter it into evidence at the ZBA hearing.
  - iv Any application for a renewal of a Mining Permit shall be filed with the ZBA prior to one hundred twenty (120) days before the expiration date of the original Mining Permit or any renewal thereof. A failure to file a request for renewal within the required time designated in this Section shall result in a required cessation of mining and sale of product upon the expiration of the Mining Permit.
8. An examination of the premises shall be made by the Administrator or his/her designee at least annually during the term of the permit. The Administrator shall subsequently complete a Mining Inspection Report, mailing to the operator one (1) copy by certified mail return receipt requested and retaining one (1) copy in the permanent files at the County (*Amended 9/15/20*).
9. A permit issued hereunder may be revoked or modified by the County Board after due hearing in the event the permittee violates any provision of Section 10:03.1.C (*Amended 9/15/20*).

**B. RECLAMATION.**

1. At the County Board's discretion, the advice of technically trained experts will be utilized at a reasonable cost to the owner/operator(s) to review the

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reclamation plan for its appropriateness on the affected land.

2. The County shall consider the short- and long-term impact of the proposed mining on vegetation, wildlife, fish, land use, land values, local tax base, the economy of the County, employment opportunities, air pollution, water pollution, soil contamination, noise pollution and drainage.
3. The reclamation plan map and statement of sequential operation and reclamation shall be followed to produce a finished condition that complies with the reclamation plan map and the provisions of this Section so as to provide for the return to a useful purpose of the affected land.
4. The Operator shall provide with the application for permit a detailed reclamation plan and map drawn at a scale of one (1) inch equals (=) one hundred (100) feet designating which parts of the land shall be reclaimed for forest, pasture, crop, horticultural, home site, recreational, industrial, or other uses including food, shelter and ground cover for wildlife. The reclamation plan and map shall specify progress and completion dates of the reclamation plan; provided, however, the reclamation is to be completed prior to the expiration of three (3) years after the termination of the mining operation on the land. In the event the operator and the County shall mutually determine that characteristics of the area concerned have been found to be present during the conduct of mining, changes may be made in the original reclamation plan by mutual consent of the operator and the PBZ Committee of the County Board, which change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables. Contours shall conform to requirements of development proposed, but not less than required for existing original topography.
5. The reclamation plan shall contain a written statement containing an explanation of the character of the site to be mined and of the surrounding territory, and an explanation of the schedule of development.
6. All reclamation provided for hereunder shall be carried to completion by the operator prior to the expiration of three (3) years after the termination of the mining operation, except that no other reclamation of any kind shall be required to be made within depressed haulage roads or final cuts or any other area where pools or lakes, capable of supporting aquatic life, may be formed by rainfall or drainage runoff from adjoining land or where the Administrator determines that a road, dry pit bottom or ditch is consistent with and necessary to the conservation and reclamation plan. All mined areas which in the reclamation plan call for vegetation, shall be covered with



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sufficient topsoil and other materials from the case overburden which will support acceptable plant growth as outlined in the reclamation plan. The County shall have authority to require darkened surface soil be segregated from other overburden in the stripping process so as to accomplish the requirements of this subparagraph.

7. Extension of the reclamation period may be granted by the Administrator as necessary to accomplish acceptable reclamation. Such extension shall be made at the discretion of the Department, however, the Department shall not deny a reasonable extension when the operator shows that acts of God, strikes, inability to receive ordered equipment or extended periods of unreasonable weather have made completion within the time limits impossible. When determined to be appropriate, the Administrator at his or her discretion, may refer a request for such an extension to the County Board for review and recommendation prior to taking action on such request.
8. The County shall declare forfeiture of the surety, bond or security on such land not satisfactorily reclaimed, and shall use such funds to complete the reclamation. Any excess shall be remitted to the permittee.
9. Any reclamation plan must require that viable ground cover or similar vegetation will be placed on the site within one (1) year of final production.
10. Disposal areas shall be reclaimed within one (1) year from final production.
11. The reclamation plan shall protect persons against hazards remaining on the property.
12. A landscape plan shall be prepared by a qualified landscape professional in accordance with the reclamation plan. Said plan shall include details on phasing of the landscape plan as cells are exhausted and the anticipated time line for the sequential restoration of the subject property.

### C. MINING OPERATION REQUIREMENTS.

Duties of Operator. Every operator to whom a permit is issued pursuant to the provisions of this ordinance may engage in surface mining upon the lands described in the permit upon the performance of and subject to the following requirements with respect to such lands:

1. All land affected by surface mining except as otherwise provided in this Ordinance shall be graded to a rolling topography traversable by machines



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necessary for maintenance in accordance with planned use, with slopes that have no more than 15% (or 8 degrees and 32 minutes) grade, except that in the case of those lands to be reclaimed in accordance with a filed plan for forest, plantation, recreational or wildlife, the outside slope of the box cut spoil, the slopes of all perimeter berms, all unconsolidated material in the pit sidewalls, and the outside slopes of all overburden deposition areas the grade shall not exceed 30% (or 16 degrees and 42 minutes); the final cut spoil and the side slopes of haulage roads included can remain at a slope equal to the angle of repose of the material in order to retain or provide as much row crop of 15% slope land as possible, but such slopes need not be reduced to less than the original grade of the overburden of that area prior to mining; vertical highwalls can be left in competent material upon conclusion of the mining or pits formed by the aggregate mining industry.

2. In the case that the right-of-way has not been recently surveyed by a registered land surveyor and clearly marked, the right-of-way line shall be assumed to be as follows, for the purpose of this Section:
  - a) When the adjoining roadway is classified as a local street, a minimum of seventy feet (70') of R.O.W. (35' from the centerline) shall be provided.
  - b) When the adjoining roadway is classified as a local sub-collector, a minimum of eighty feet (80') of R.O.W. (40' from the centerline) shall be provided.
  - c) When the adjoining roadway is classified as a minor collector, a minimum of ninety feet (90') of R.O.W. (45' from the centerline) shall be provided.
  - d) When the adjoining roadway is classified as a major collector, a minimum of one hundred twenty feet (120') of R.O.W. (60' from the centerline) shall be provided.
  - e) When the adjoining roadway is classified as an arterial, a minimum of one hundred fifty feet (150') of R.O.W. (75' from the centerline) shall be provided.
  
3. All storm runoff water shall be detained, impounded, drained or treated in accordance with the Kendall County Stormwater Management Ordinance in effect at the time the permit is issued so as to reduce soil erosion, damage to un-mined lands, construct earth dams, where lakes may be formed, in accordance with sound engineering practices if necessary to impound water, provided the formation of lakes or ponds will not interfere with underground or other mining operations, other subsequent uses of the area approved by the County, or damage adjoining property. Such water

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impoundments must be approved by the County based on the expected ability of the lakes or ponds to support desirable uses such as water for livestock or wildlife; and if to be used for fish life, shall have minimum depths in accordance with standards for fish stocking in the various areas of the State recommended by the County.

4. Acid forming materials present in the exposed face of the mined aggregate material seam or seams in the final cut shall be covered at all times with not less than four (4) feet of water, or other materials which shall be placed with slopes having no more than 30% grade, capable of supporting plant and animal life. Final cuts or other depressed affected areas, no longer in use in mining operations, which accumulate toxic waters will not meet reclamation requirements.
5. Slurry must be confined in depressed or mine areas bounded by levees or dams constructed from material capable of supporting acceptable vegetation built in accordance with sound engineering practices.
6. All abandoned haulage roads and all mine drainage ditches must be removed and graded, except where the Administrator determines that a road or ditch is consistent with and necessary to the conservation and reclamation plan.
7. The soil shall be prepared and planted with trees, shrubs, grasses, and legumes to provide suitable vegetative cover, in accordance with the approved reclamation plan.
8. Clearing of the mine site may include the moving of existing trees and shrubs to such location as will provide screening as hereinafter provided when cost effective to do so, or as will conform to the reclamation plan for ultimate use of the property as shown on such a plan.
9. Maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation for conformance to the approved reclamation plan.
10. Adequate planting, berming and/or fencing shall be provided along all public roads adjacent to the property involved, sufficient to screen the operation from public view, as reasonably as possible and as approved by the County Board in granting the zoning. The toe of any berm shall not be closer than ten feet (10') from the R.O.W. line.

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11. No more than one (1) entrance and one (1) exit from a highway or road shall be provided to the area of operation. Such entrance shall be subject to approval by the Department of Highways having jurisdiction and shall, preferably, be located along a secondary road, and shall be located as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development. In the event the Highway Authority having jurisdiction over the roadway that provides access to the mining operations, requires turning lanes, then said lanes shall conform to IDOT requirements for geometrics and pavement design. Furthermore, a paved road from the entrance and exit, at a distance of not less than three (300) hundred feet from the right-of-way line into the area of operation shall be provided in order to minimize the deposit of dirt and gravel from trucks into the public highway. Such pavement shall be in accordance with the specifications of the County Highway Department or at the discretion of the Highway Department having jurisdiction over the road way. A wheel wash shall be installed within the operation along that portion of the paved entrance/exit road that is furthest from the point at which it accesses the adjoining roadway so as to prevent the tracking of dirt, dust, sand, gravel and debris onto the public right-of-way. Entrances and exits shall be provided with the gates to be securely locked during hours of in-operation.
12. Trucks used in hauling materials from the site of excavation shall be loaded in such a manner as to prevent spillage onto the public roadway, including, at a minimum, a secure cover over the top of the bed of the truck carrying said material. Any spillage or tracking of material on said roadways shall be removed from said public roadways as needed to maintain a safe vehicular driving operation and a safe driving surface. At a minimum, the public roadway shall be reviewed for said spillage or tracking of material every eight (8) hours. All generally accepted industrial safety precautions shall be practiced and observed during such process of removal. Access ways and on-site roads shall be maintained in a dust-free condition using sweepers, water trucks or other appropriate methods of dust suppression.
13. The owner/operator shall, coincidental with commencement of operations, bring the adjacent roadway providing access to the site up to IDOT standards and specifications for 80,000 lb truck routes including pavement designs and geometrics from the entrance to the subject site to the nearest intersecting 80,000 lb roadway. The design shall include full-depth concrete pavement at the entrance to the site and extending in each direction to the end of the radius returns. The owner/operator shall repair any section of road damaged as a result of trucks and heavy equipment accessing or

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servicing the aggregate excavation operation. This provision shall not be construed to require the operator to purchase additional right-of-way.

14. Except in the areas needed for plant and equipment, stock piles, maintenance facilities, scale houses and roads, overburden shall not be removed in excess of the area to be mined within one (1) year. Development toward the final plan shall be carried on as excavation progresses. Where ground cover or other planting shall be made in areas where excavation is completed and land is not being used for material storage before further overburden is removed in order to ensure development as operations proceed.
15. Hours of arrival and departure of transport vehicles shall be from six o'clock (6:00) a.m. to seven o'clock (7:00) p.m. from April 1<sup>st</sup> until November 1<sup>st</sup>. The rest of the year the arrival and departure of transport vehicles shall be restricted to six o'clock (6:00) a.m. to six o'clock (6:00) p.m. Hours may be extended during a public emergency during which sand, gravel or limestone is needed and upon the order of the County Superintendent of Highways.
16. The holder of a permit hereunder shall ensure the safe and continued use of all wells on surrounding properties located within one and one half (1.5) miles of the boundaries of the parcel on which the mining operation is located and shall be required to post a bond or similar surety to guarantee the repair or replacement of any wells determined to have been adversely affected as a result of such mining operations. The amount of said bond shall be determined by multiplying the total number of wells located on those parcels for which location protection was properly filed times the average estimated cost for replacement as determined by a certified well expert or engineer's estimate of cost. No extraction operations shall be conducted in such a manner that the groundwater table of surrounding properties is harmfully lowered. Water pumped from the site for the purpose of washing of vehicles and or product produced on site shall be retained in a settling pond until the silt and clay settles prior to the water being recycled in the area affected as provided for in Section 10:03.1.A.4. of this ordinance.
17. Landscaping shall be regularly maintained to present a neat and orderly appearance and in such manner so as to discourage the encroachment of weeds and other unsightly or noxious vegetation from encroaching onto the premises or migrating off-site and onto any adjoining properties.
18. The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Salvageable equipment stored in a non-



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operating condition shall be suitably screened or garaged.

19. Enough topsoil must be stockpiled to meet the finished conditions in accordance with the approved reclamation plan, unless additional bonding to ensure the required quantities of topsoil has been furnished to the County.
20. Existing trees and ground cover along public road frontages shall be preserved and maintained in such a manner to preserve line of sight requirements.
21. Upon the completion of operations, the land shall be left in a condition so that sufficient drainage is provided in order to prevent water pockets or undue erosion; all final grading and drainage ways shall exist such that natural stormwater leaves the entire property at the original and natural drainage points and without an excessive load on a particular drainage point. In the event the reclamation plan shall provide for the permanent establishment of a lake, the grading and drainage may be altered, but not in such a manner as to cause damage or inconvenience to surrounding or abutting properties.
22. Trees, shrubs, legumes, grasses, or ground cover shall be planted upon such area in order to avoid erosion, in accordance with the approved reclamation plan.
23. Within six (6) months after final production, all buildings, structures (except fences), and equipment shall be removed unless same are to be used in connection with the reclamation project.
24. Noise, Dust, and Odor
  - a. The noise level originating from a mining operation shall comply with the performance standards set forth in the standards adopted by the Illinois Pollution Control Board, as from time to time amended; provided, however, that day time hours be defined as six o'clock (6:00) a.m. to seven o'clock (7:00) p.m. from April 1<sup>st</sup> until November 1<sup>st</sup> and from six o'clock (6:00) a.m. to six (6:00) p.m. during the rest of the year. Any variation of these regulations will constitute a violation of this ordinance.
  - b. The release of particulate emissions shall also comply with the performance standards in the standards adopted by the Illinois Pollution Control Board, as from time to time amended.



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- c. Operations shall be conducted so that noise levels and air and water quality standards comply with all applicable Federal and State standards and/or regulations.
- 25. Blasting operations at all permitted sites operated by the aggregate mining industry shall be conducted in accordance with existing State, and federal law and the rules promulgated by the Departments having jurisdiction over such operations with the advice of the aggregate mining industry and in accordance with the provisions as outlined in 225 ILCS 715/6.5 as may be amended from time to time (*Amended 9/15/20*).
- D. RECLAMATION BOND. In order to ensure that the approved reclamation plan is completed, the owner/operator shall provide bonding in accordance with the provisions of 225 ILCS 715/8 as may be amended from time to time. If the facility will affect less than 10 acres annually or the overburden depth is less than 10 feet, or does not require bonding with IDNR per 225 ILCS 715/8, a reclamation bond will be filed with Kendall County. An engineer's estimate of reclamation cost should be performed annually to determine the bond amount.
- E. ENFORCEMENT (*Amended 9/15/20*). The Zoning Administrator, in conjunction with other appropriate departments, shall annually review each surface mining permit. In addition to the reclamation plan/map; the owner/operator shall provide the PBZ Department with an annual aerial photo of his total operation, enlarged to a scale of one (1) inch equals one hundred (100) feet or other scale that would adequately display the property affected on a thirty (30) inch square format. All aerial photos shall meet the PBZ Department standards. The first photo shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photo shall be presented at the same scale for the purpose of comparison. Photos shall be submitted prior to the issuance of the annual operating permit.

The Zoning Administrator, in conjunction with the PBZ Department, shall prepare a report and submit it to the PBZ Committee for their review. If it is determined that the operator is not in compliance with this Ordinance, the Bonding Requirements, the simultaneous operation and reclamation statement or the reclamation plan/map, the Zoning Administrator shall issue a stop work order on all operations other than reclamation work needed to bring the operation into compliance.

Every three (3) years, at the time of the annual review, bonding, release of bond and re-bonding shall be checked as specified in the section of Bonds. In addition, the operator shall provide the Zoning Administrator with a topographic survey with two (2) foot contours, at the same scale as the aerial photo, said topographic

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survey to show the status of existing conditions on the subject site.

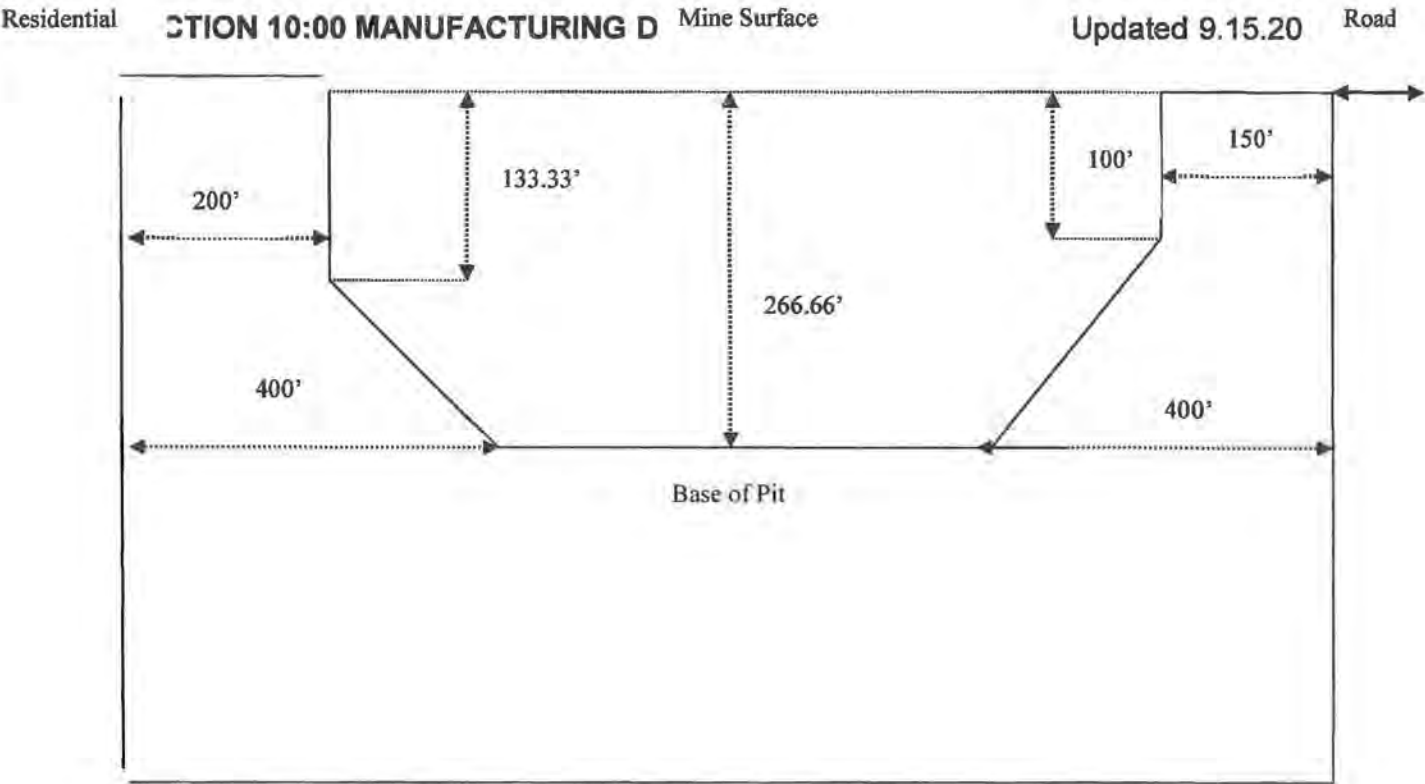
Before release of bond, an on-site inspection of the acreage reclaimed shall be made by the Zoning Administrator in conjunction with other appropriate departments to check for compliance with the Reclamation Plan and any additional conditions of the Mining Permit. A random count procedure shall be used to check seeding, plantings and depth of topsoil.

### **F. RULES AND REGULATIONS.**

1. The County may adopt and promulgate reasonable rules and regulations respecting the administration of the Ordinance and conformity therewith.
2. Any act authorized to be done by the Administrator may be performed by any employee of the PBZ Department when so designated by the Zoning Administrator.

### **G. EXEMPTIONS** *(Amended 9/15/20)*

Any mining operation legally commenced prior to April 14, 1992, shall be exempt from the requirements hereof, except that said operations shall not be exempt from the requirements hereof pertaining to the hours of operation, the operation of motor vehicles, safety and noise regulations as defined in Sections 10.03.1.C.15 and 10.03.1C.24.



**DIAGRAM 10.03.1**

**SECTION 11:00 OFF-STREET PARKING AND LOADING**

Updated on 9.15.20

**11:01 SCOPE OF REGULATIONS**

- A. **APPLICABILITY.** The off-street parking and loading provisions herein shall apply as follows:
1. For all buildings and structures erected and all uses of land established after May 20, 2008, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located (*Amended 9/15/20*).
  2. When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (18 inches per bench seat), or other units of measurement specified herein, the new parking regulations or loading facilities for such increase in intensity shall apply.
  3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to May 20, 2008, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein (*Amended 9/15/20*).
- B. **EXISTING PARKING AND LOADING FACILITIES.** Accessory off-street parking or loading facilities which are located on the same lot as the building or use served, and which were in existence on the effective date of this amended ordinance or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this amended ordinance for a similar new building or use.
- C. **PERMISSIVE PARKING AND LOADING FACILITIES.** Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
- D. **DAMAGE AND DESTRUCTION.** For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.
- E. **CONTROL OF OFF-SITE PARKING FACILITIES.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same

possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking other than on the same zoning lot until and unless the ZBA has reviewed the plans and has heard the applicant and has made findings that the common ownership or possession of the zoning lot and that the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

- F. SUBMISSION OF PLOT PLAN. Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan - drawn to scale and fully dimensioned - showing any parking or loading facilities to be provided in compliance with this ordinance. Such plot plan shall indicate ingress and egress to the area and traffic patterns in adjacent streets and alleys.

#### 11:02 ADDITIONAL REGULATIONS - PARKING

- A. USE OF RESIDENTIAL PARKING FACILITIES. Unless otherwise specified elsewhere in this ordinance, off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned and operated by the permanent occupants, guests or visitors of the dwellings to which they are accessory. Further the parking of not more than one (1) truck of not more than one and one-half (1 1/2) ton capacity used by occupants of the dwelling structures to which such facilities are accessory shall be permitted. Under no circumstances shall parking facilities accessory to residential structures be used for the storage of commercial vehicles, or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments. For the purposes of this section, commercial vehicles shall be defined as including trucks in excess of 1 and 1/2 ton capacity, and construction vehicles and equipment. Temporary parking of these types of vehicles shall be allowed provided the vehicles are engaged in the delivery of goods and services or the construction of improvements on the premises as may be necessary from time to time. In addition, the outdoor storage or parking of race cars or similar vehicles shall be prohibited in all residential zoning districts. (Amended 7/18/2006)
- B. JOINT PARKING FACILITIES. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
- C. SHARED PARKING FACILITIES. Shared parking may be permitted upon written documentation submitted to the Plan Commission and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.) (Amended 9/15/20).



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- D. **MIXED USES.** When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Regional Plan Commission and approved by the County Board.
- E. **COMPUTATION.** When the required number of off-street parking spaces results in a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.

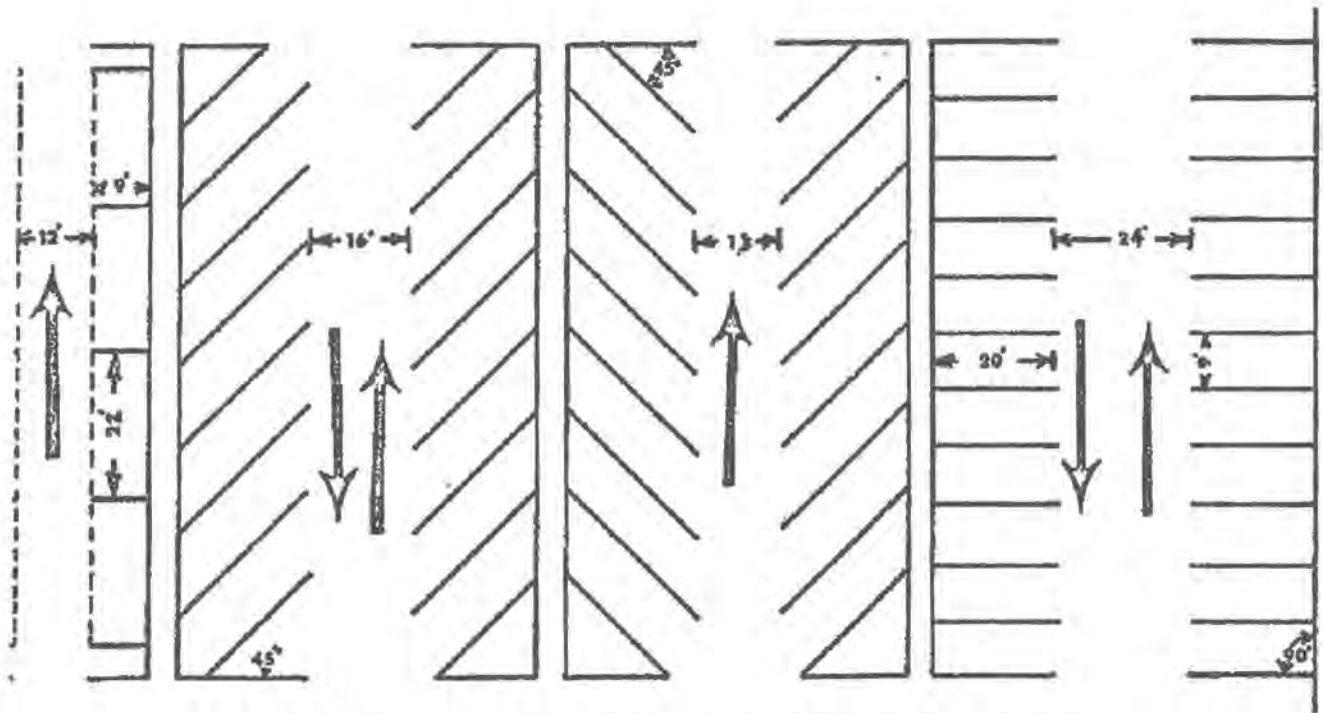
F. **DESIGN AND MAINTENANCE.**

1. Open and Enclosed Parking Spaces. Accessory parking spaces may be open to the sky or enclosed in a building. Accessory parking spaces located in a residential district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.
2. Surfacing. All required open off-street parking areas and access drives constructed or re-constructed after May 20, 2008 in all zoning districts shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent. When more than 4 parking spaces are required, pavement marking shall be provided to clearly identify each parking space *(Amended 9/15/20)*.

The Zoning Administrator may grant an exception to A-1, R-1, R-2, and R-3 single family, and community service uses from this provision where such uses generate low traffic volume. Handicapped parking stalls within the A-1 district shall be improved with a permanent, concrete, unit paver or asphalt surface and shall also provide a hard surface to the entrance of the structure a minimum of 6 feet wide. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building and Zoning Committee of the County Board. *(Amended 7/19/2011)*

3. Off Street Parking Dimensions. Required off-street parking spaces shall be designed in accordance with the following table:
4. Parking Table.

	Parking Angle			
	0° (Parallel)	45°	60°	90° (Perpendicular)
(a) Width of stall	9'	9'	9'	9'
(b) Minimum stall length	22'	19'	19'	20'
(c) Aisle width- one way	12'	13'	18'	12'
(d) Aisle width- two way	24'	16'	19'	24'



\* Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

In the event that the desired parking angle is not specified by the above table, the Zoning Administrator may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.

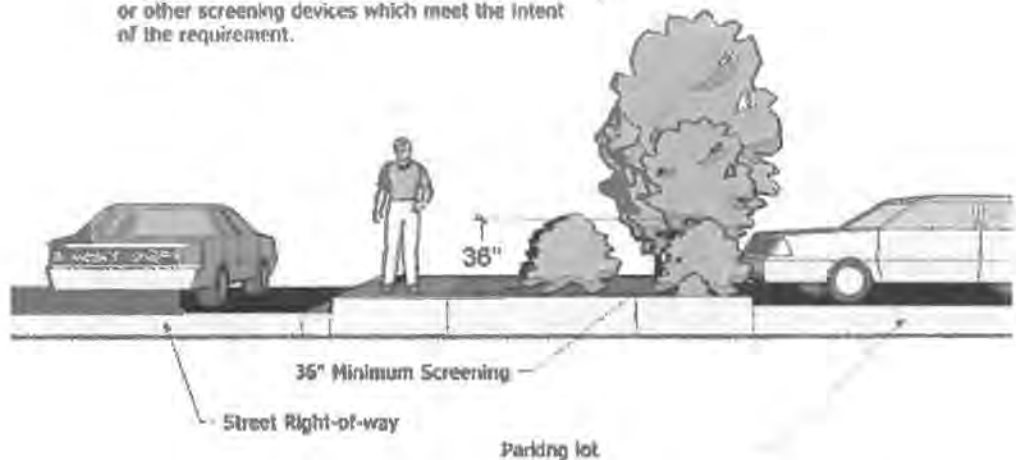
5. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width as specified in the table above and designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements. (Amended 7/19/2011)
6. Accessible Parking. Please consult the Illinois Accessibility Code and the Americans with Disabilities Act for Parking Regulations (Amended 9/15/20).
7. In Yards. Off-street parking spaces in required setbacks shall conform to the following (Amended 9/15/20):
  - a) *Front Yards.*
    - i. No parking and drive aisles are permitted in a required front setback except the interior one-half of the front yard in an M-1 Limited Manufacturing District, the M-2 Heavy Industrial District.

- ii. Unless otherwise provided elsewhere in this ordinance, parking is allowed in a front yard on a private driveway serving single family and two family dwellings but shall not be considered as satisfying the off-street parking requirements for such uses as set forth in the ordinance.
  - b) *Side Yards.* Unless otherwise provided elsewhere in this ordinance, parking is not permitted in any required side setback. Residential driveways, or parking in the A-1 zoning district is permitted in the required side setback with a minimum setback of five feet (5') from the lot line.
  - c) *Rear Yards.* Parking is permitted in any rear setback a minimum of five feet (5') with the following exceptions and requirements:
    - a) In the M-1 Limited Manufacturing District, M-2 Heavy Industrial District when a rear yard is adjacent to an "R" District there shall be no parking in the twenty (20) feet adjacent thereto.
    - b) In any "R" District no open off-street parking space shall be located nearer than ten feet (10') to a principal building.
8. Screening/ Perimeter Landscaping. All required open automobile parking areas containing more than twenty (20) parking spaces shall be effectively screened as follows:
- a) On each side adjacent to any property situated in a residential district, business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, a wall, fence, or densely planted compact hedge no less than three (3) feet in height across 100% of the length of the parking area is required. However, if the property owner can provide clear evidence indicating that less screening is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee (*Amended 9/15/20*).
  - b) On each side across a public right-of-way from any property situated in a residential district, business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, the landscaping shall consist of one of the following options (*Amended 9/15/20*):
    - i. A berm that is at least two (2) feet higher than the finished elevation of the parking lot (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet of frontage shall be provided. Shrubs shall be placed

on the property such that parking or vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design. All berms shall maintain a 10 foot setback from the edge of the existing or future R.O.W. whichever is greater.

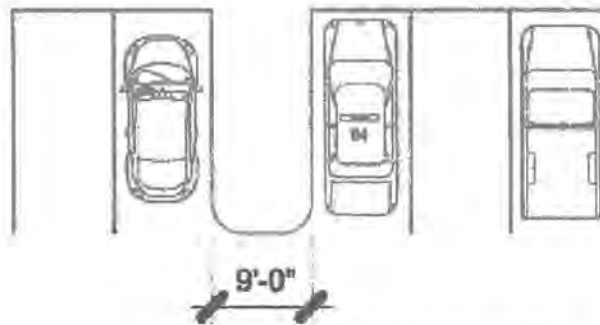
- ii. A minimum two foot (2') grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and 10 shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
- iii. A wall, fence or natural vegetative screening no less than three feet (3') in height along the length of the parking area.

Note: Screening materials may include a combination of plant materials, earthen berms, solid masonry walls, or other screening devices which meet the intent of the requirement.



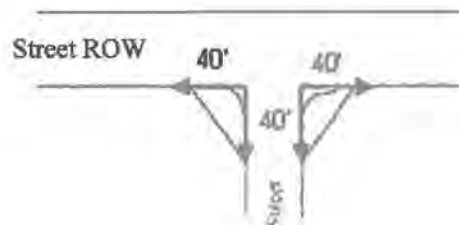
- iv. However, if the property owner can provide clear evidence indicating that less landscaping is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee (*Amended 9/15/20*).
- c) The minimum size for plant materials (at time of installation) shall be as follows (*Amended 9/15/20*):
  - i. Shade Tree – 2-1/2" caliper
  - ii. Evergreen Tree – 6' height

- iii. Ornamental tree – 2" caliper single trunk or 6' height multi-trunk
  - iv. Shrubs – 24" height
- d) All driveways crossing a public sidewalk shall have a clear sight triangle inside the property measuring eight feet (8') by eight feet (8'). (Amended 7/18/2006)
- 9. Circulation. Circulation controls including signs, landscape islands, and pavement markings are encouraged and may be required by the Zoning Administrator only where safety concerns suggest a clear need for such enhancements.
- 10. Landscaped parking lot islands are encouraged. (Amended 7/19/2011)



MINIMUM REQUIRED WIDTH FOR  
ISLAND - PARALLEL SPACES

- 11. Landscape sight triangle. No landscaping including berms shall be planted within a forty foot (40') sight triangle measured at the intersection of two public streets.



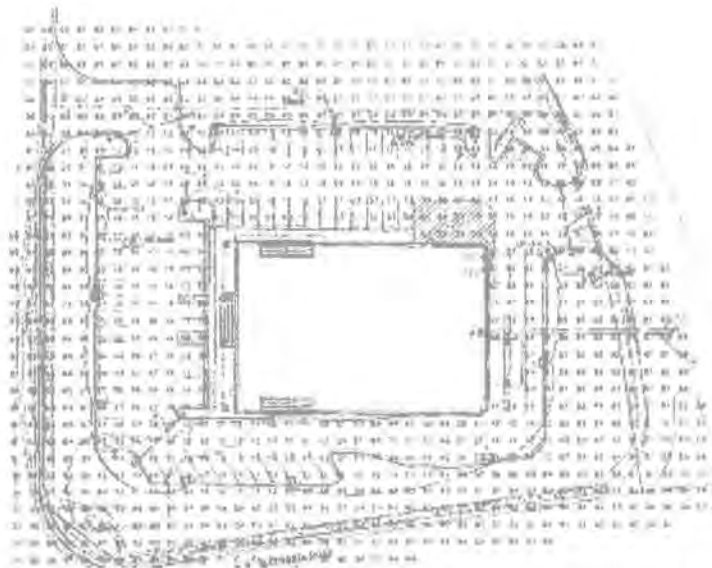
- 12. Lighting.

All off-street parking and loading facilities, other than residential driveways, shall be illuminated as approved during submittal of the final review phase (special use, final RPD, site plan review or amendments to the parking lot layout). Lighting shall be in accordance with the standards of Illuminating Engineering Society of North America (IESNA) as follows:

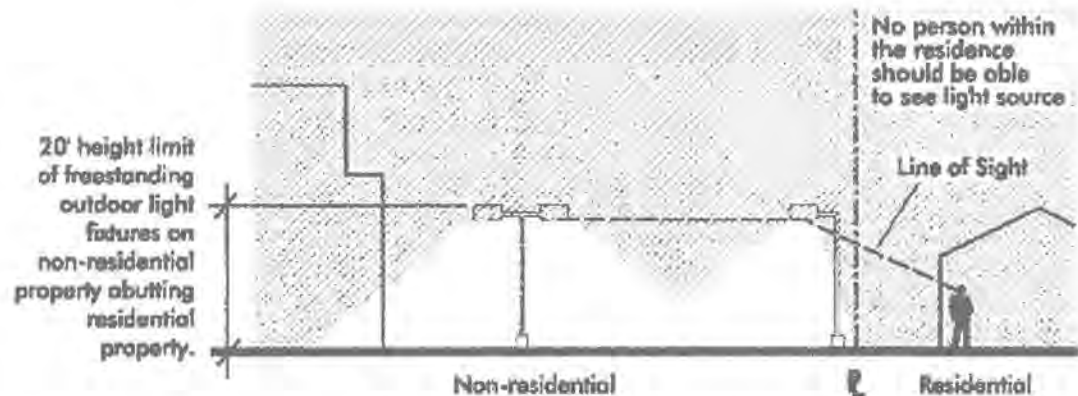


- a) A photometric plan will be required as a supporting document for parking lots with equal to or greater than thirty (30) parking spaces. Said photometric plan must show the locations, size, height, orientation, design, construction details, catalog cuts and plans for all of the outdoor lighting and signs, including wall mounted lighting. The plan must show the levels of illumination measured in horizontal foot-candles at ground level in a regularly spaced grid pattern extending sufficiently past the project property lines. A catalog sheet showing the proposed lighting fixtures must be included.

Example:



- b) To reduce glare onto adjacent properties, only “fully shielded” or “cut-off” light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane of the luminaries. Flat lenses are allowed. Sag lenses and wall packs are prohibited. Abutting or nearby residential properties shall not be able to see the actual light source, unless the luminaries are less than 100 watt incandescent. (Amended 7/19/2011)



- c) All under-canopy lights must be fully recessed into the canopy.
- d) Where non-residential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan (LRMP)), the light level at the property line produced by the non-residential lighting shall not exceed 0.2 foot-candles. The lighting shall be designed to avoid casting direct light or glare onto the adjacent residential property. Acceptable means to prevent glare or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future non-residential as shown on the officially adopted version of on the Land Resource Management Plan (LRMP)), or public streets the maximum illumination at the property line shall be five (5.0) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) foot-candles.

Higher maintained foot-candle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during Site Plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board. (Amended 7/19/2011)

- e) The maximum mounting height (including fixture, pole and base) for light standards located in a parking lot shall not exceed twenty (20) feet measured from ground level to the base of the lens. (Amended 7/19/2011)

**SECTION 11:00 OFF-STREET PARKING AND LOADING**

Updated on 9.15.20

- f) All non-residential lighting is required to be turned off no later than sixty (60) minutes after business hours, only leaving lighting necessary for site security, unless otherwise approved by the Planning, Building, and Zoning Committee of the County Board.
- g) Non-residential out lot lighting fixtures must be architecturally compatible with fixtures used elsewhere in the development.
- h) Decorative seasonal lighting shall be limited to a power rating of less than or equal to 75 watts.

13. Repair and Service. No motor vehicle repair work for compensation or sale of gasoline and motor oil of any kind shall be permitted in conjunction with open accessory off-street parking facilities provided in a residential district, except as may be permitted under an approved Special Use or planned unit development. (Amended 7/18/2006)

**11:03 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES**

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- A. FOR USES IN A RESIDENTIAL DISTRICT. Parking spaces accessory to dwelling shall be located on the same zoning lot as the use served.
- B. FOR USES IN BUSINESS AND MANUFACTURING DISTRICTS. All required parking spaces shall be within one thousand feet (1000') from the entrance of the principal building being served. Spaces accessory to dwelling units (not including hotels) shall be within three hundred feet (300') of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residential district, except that private, free, off-street parking accessory to such uses may be allowed by special use permit in accordance with the Administrative Section in any residential district within two hundred feet (200') of and adjacent to any business or industrial use.

**11:04 SCHEDULE OF PARKING REQUIREMENTS**

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time (Amended 9/15/20).

## SECTION 11:00 OFF-STREET PARKING AND LOADING

Updated on 9.15.20

<b>Residential Uses</b>	
One-Family Dwelling, Two-Family Dwellings, and Multiple-Family Dwellings	Two (2) parking spaces shall be provided for each dwelling unit (garage spaces or in the driveway behind the front yard setback line).
Bed and Breakfasts	One (1) parking space shall be provided for each guest room, plus the spaces required for a single family home. Parking spaces may be stacked in a driveway to prevent the over-paving of the area.
Hotel or Motel	One (1) parking space for each guest room, plus one (1) space per employee shall be provided.
Lodging or Boarding Houses	One (1) parking space shall be provided for each lodging room plus one space for the owner or manager.
Private Clubs and Lodges (with sleeping facilities)	One (1) parking space shall be provided for each lodging room plus one (1) for each employee, plus parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons (exclusive of lodging-room capacity) of such club or lodge.
<b>Retail and Service Uses</b>	
Automobile Laundry	Five (5) stacking spaces shall be provided for each manual wash rack. Ten (10) stacking spaces shall be provided for each automatic wash lane. For either manual or automatic facilities, one (1) parking space for each employee shall be provided. For automobile laundries associated with a gas station, a bypass lane shall be provided.
Automobile Service Stations	One (1) space shall be provided for each employee plus two (2) spaces per pump station, but not less than five (5) parking spaces.
Bowling Alleys	Four (4) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses - bars, restaurants and the like as set forth herein for such uses.
Drive-thru restaurant	Stacking of eight (8) vehicles plus one (1) parking stall per one hundred (100) square feet of floor area.
Restaurants	One (1) parking space shall be provided for each seventy-five (75) square feet of floor area for the entire premises ( <i>Amended 9/15/20</i> ).

**SECTION 11:00 OFF-STREET PARKING AND LOADING**

Updated on 9.15.20

Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops	One (1) parking space shall be provided for each six hundred (600) square feet of floor area for the entire premises ( <i>Amended 9/15/20</i> ).
Health Clubs and fitness centers	One (1) parking space shall be provided per each two hundred (200) square feet AND one (1) per employee for the entire premises ( <i>Amended 9/15/20</i> ).
Establishments Engaged in Manufacturing, Assembly, Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods, or Products	One (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise.
Motor Vehicle Sales and Machinery and heavy equipment Sales	One (1) parking space shall be provided for each six hundred (600) square feet of sales floor area, plus three spaces (3) for every service bay, plus one (1) space per employee. All required parking shall be in addition to areas reserved for storage and sale of vehicles.
Offices - Business, Professional and Governmental	One (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor area.
Offices – Medical or Dental	One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
Research and Development	One (1) parking space for each two hundred and fifty (250) square feet up to fifty-thousand (50,000) square feet; thence one (1) space for each five hundred (500) square feet over fifty-thousand (50,000) square feet.
Retail Stores and Banks	One (1) parking space shall be provided for each two hundred (200) square feet of gross floor area. Drive-in banks or other similar drive-in establishments shall provide four (4) stacking spaces per teller or customer service window.
Tennis, squash, racquetball facility, indoor or outdoor	Three (3) parking spaces shall be provided per court.
Theaters (indoors)	One (1) parking space shall be provided for each three (3) seats.
Undertaking Establishments, Funeral Parlors	Fifteen (15) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises; in addition there shall be provided stacking space for not less than ten (10) automobiles for funeral procession assembly.



## SECTION 11:00 OFF-STREET PARKING AND LOADING

Updated on 9.15.20

Warehouses and Storage, Not Including Self Storage Facilities ( <i>Amended 9/15/20</i> )	One (1) parking space for each one thousand (1,000) square feet of warehouse or storage area, plus one (1) parking space for each two hundred and fifty (250) square feet of office area, plus one (1) space for each vehicle kept on the premises.
Wholesale Establishments (but not including Warehouses and Storage Buildings other than Accessory)	One (1) parking space shall be provided for each six hundred (600) square feet of floor area.
<b>Community Service Uses</b>	
Place of Worship, School, College and Other Auditoriums	One (1) parking space shall be provided for each three (3) auditorium seats. Adequate space shall also be provided for buses used in connection with the activity of the institution and all loading and unloading of passengers shall take place upon the premises.
Colleges, Universities and Business, Professional and Trade Schools	One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each three (3) students based on the maximum number of students attending classes on the premises at any one time during any 24 hour period.
Hospitals	One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each employee, plus one (1) parking space for each doctor assigned to the staff.
Libraries, Art Galleries and Museums - Public	One (1) parking space shall be provided for each four hundred (400) square feet of gross floor area.
Public Utility and Public Service Uses, including police and fire services	One (1) parking space shall be provided for each employee per shift plus one (1) parking space for each vehicle used in the conduct of the enterprise plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
Child Care Facility/ Nursery School	One third (0.33) parking spaces per student capacity (as determined by the Fire Protection District), plus one (1) parking space for each employee. Adequate drop-off and pick-up locations must be provided.
Elementary or Junior High School	One (1) parking space for each employee plus one (1) space for each (20) students plus one (1) space for each vehicle used in the conduct of the school (plus additional parking as required for associated gymnasiums or auditoriums).

## SECTION 11:00 OFF-STREET PARKING AND LOADING

Updated on 9.15.20

High Schools	One (1) parking space for each employee plus one (1) space for each two (2) students and one (1) space for each vehicle used in the conduct of the school. (plus additional parking as required for associated gymnasiums or auditoriums).
Auditoriums, Stadiums, arenas, gymnasiums, convention halls, dance halls, exhibition halls, skating rinks and other similar places of assembly	Parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons shall be provided.
<b>Miscellaneous Uses</b>	
Fraternities, Sororities and Dormitories	One (1) parking space shall be provided for each three (3) active members plus one (1) parking space for each employee.
Private Clubs and Lodges (without sleeping facilities for guests)	Parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons
Rest Homes, Convalescent Centers, Assisted Living, or Residential Care Homes	One (1) parking space shall be provided for each five (5) beds, plus one (1) parking space for each employee on duty at one time, plus one (1) parking space for each doctor assigned to the staff.
Theaters - Automobile Drive-In	Reservoir parking space equal to ten percent (10%) of the vehicle capacity of such theaters shall be provided.
Airports or aircraft landing field Heliports Convents and monasteries Crematories and mausoleums Fraternal institutions Outdoor amusement establishments - fairgrounds, permanent carnivals, kiddy parks and other similar amusement centers Municipal or privately owned recreation buildings, community centers, club houses, or other recreational uses such as ball fields or golf courses Penal and correctional institutions Rectories and parish houses Swimming pools	Parking spaces shall be provided in adequate number as determined by the Regional Plan Commission and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public

**SECTION 11:00 OFF-STREET PARKING AND LOADING**

Updated on 9.15.20

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. Such determination may be appealed to the Regional Plan Commission or determined as part of review of an application for special use permit *(Amended 9/15/20)*.

**11:05 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES (Amended 7/18/2006)**

**A. STORAGE OF UNOCCUPIED RECREATIONAL VEHICLES, TRAILERS AND MOBILE HOMES (Amended 7/18/2006)**

1. Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district provided they comply with the following regulations:
  - a) The number of recreational vehicles and trailers on a lot shall not be restricted when such recreational vehicles or trailers are located within the interior of a permitted structure or when fully screened from adjacent property. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the vehicle does not exceed the height of the permitted screening and so that the vehicle is not directly visible from adjacent properties when viewed at ground level.
  - b) Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:
    - i. Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 11:02, such vehicles shall be parked on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.
    - ii. Recreational vehicles, trailers and their contents may not encroach into a required front or corner side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.
    - iii. Recreational vehicles may be stored or parked within a required rear or interior side yard setback.

Exception: An owner of a recreational vehicle located on property in the R-4, R-5, R-6 or R-7 Residential District which cannot comply with the front yard setback provisions of the applicable zoning district as of June 20, 2006 and that has registered said vehicle with the Kendall County Planning, Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an

obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (R.O.W.) Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle *(Amended 9/15/20)*.

This exception shall be non-transferable to any subsequent owner(s) or occupants of the property and shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property.

Owners shall be required to register their properties with the Planning, Building and Zoning Department on a form approved by the Department prior to December 29, 2006. The Planning, Building and Zoning Department shall keep a copy of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and shall note in the file that the exemption has been terminated *(Amended 9/15/20)*.

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

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

*(Amended 7/18/2006)*

2. The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the

number presented in the table above only under the following circumstances *(Amended 9/15/20)*:

- a) For purposes of conducting maintenance on, or the loading and unloading of a recreational vehicle or trailer in preparation for a trip or similar recreational use provided the duration does not exceed seventy-two (72) hours within a one (1) week period.
  - b) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to fourteen (14) consecutive days within a one (1) year period or twenty-one (21) days (non-consecutive) within a one (1) year period unless otherwise approved in writing by the Zoning Administrator.
3. Unoccupied mobile homes can be stored only in commercial and industrial districts only as part of a permitted trailer storage or sales business *(Amended 9/15/20)*.

**B. OCCUPIED RECREATIONAL TRAILERS AND MOBILE HOMES (Amended 2/16/2010)**

- 1. Occupied recreational trailers and mobile homes may be located in "recreational camps" and subject to the standards and conditions of a special use permit *(Amended 9/15/20)*.
- 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 of the home to be repaired or constructed on the same zoning lot *(Amended 9/15/20)*.
  - c) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be occupied and stored on the lot shall be limited to fourteen (14) consecutive days within a one (1) year period or twenty-one (21) days (non-consecutive) within a one (1) year period unless otherwise approved in writing by the Zoning Administrator. This provision shall also apply to properties zoned A-1 Agricultural. *(Amended 7/18/2006)*
- 3. Occupied mobile homes utilized for the following purposes may be located in agricultural districts subject to the following restrictions *(Amended 9/15/20)*:



## a) Medical Care Assistance:

- i. Limited to one (1) per zoning lot provided the individual occupying the mobile home provides medical care or assistance to the occupant of the primary residence on the same zoning lot; and
- ii. That the zoning lot on which the mobile home and principal residence to which it is accessory are located, must be of sufficient size to provide a lot area of at least 130,000 sq. ft. for each dwelling unit.
- iii. Shall comply with all zoning and permit requirements and fees of the county.

## b) Temporary Housing:

- i. Limited to one (1) per zoning lot provided the individuals residing in said temporary housing will be the future occupants of a home to be repaired or constructed on the same zoning lot,
- ii. Mobile homes serving as temporary housing for the repair or re-construction of a Farm Residence are exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's Floodplain Regulations and fees, and the setback standards of the A-1 district.

## c) Ag Labor Housing:

Where the occupant is an individual whose employment is related to agricultural activities on the same zoning lot the mobile home is exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's Floodplain Regulations and the setback standards of the A-1 district. In addition, the zoning lot on which the mobile home and principal residence to which it is accessory are located must be of sufficient size to provide a lot area of at least 130,000 sq. ft. for each dwelling unit.

## d. ECHO Housing:

Provided it complies with the provisions of Section 7.01.E of this Chapter (*Amended 9/15/20*).

## C. INSTALLATION.

- 1. Occupied mobile homes must comply with Kendall County regulations for sewage disposal.
- 2. Occupied mobile homes must comply with State regulations for tie-downs.

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

D. PERMITS.

1. Permits are required for recreational trailers and mobile homes that are to be occupied with the exception of those situations permitted under Section 11.05.B.2.c (*Amended 9/15/20*).
2. Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or the Illinois Mobile Home Safety Act. (*Amended 7/18/2006*)
3. Permits and annual renewals may be approved by the Zoning Administrator as follows (*Amended 9/15/20*):
  - i. Medical care or assistance: Permits may be renewed annually provided a doctor's certification is provided indicating assistance is still required.
  - ii. New home construction or repair: Permits may be issued for a period of up to one (1) year, and may be extended by the Planning, Building and Zoning Director by six (6) months if the applicant shows adequate progress in construction.
4. Permits may be rescinded by the PBZ Committee for failure to conform to this ordinance.
5. Recreational trailers and mobile homes must be removed from the zoning lot within sixty (60) days of notice of the rescinded or expired permit, unless otherwise allowed by ordinance (*Amended 9/15/20*).
6. Permits for a temporary mobile home must be renewed annually or as stated above. The Planning, Building and Zoning Committee may extend permits beyond the one (1) year and six (6) month limit as stated in Section 11.05.D.3.ii. 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 sixty (60) days (*Amended 9/15/20*).
7. Fees:
  - i. Permit application form must be accompanied by a fee set by the Kendall County Board, not refundable.

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- ii. An annual fee set by the Kendall County Board will be required on or before the renewable date stated on the approved permit.
- E. That all applications for a permit be accompanied by an affidavit, stating as follows:
  - 1. Names and addresses of occupants.
  - 2. Location of use.
  - 3. Description of trailer.
  - 4. Reason for application.
  - 5. Statement that a change in usage, name or number of occupants, location, will be reported to the Building and Zoning Office immediately.

**11:06 ADDITIONAL REGULATIONS - OFF-STREET LOADING**

- A. **LOCATION.** All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons capacity shall be closer than fifty feet (50') to any property in a residential district unless completely screened by building walls, or a uniformly painted solid fence, natural vegetation screening providing one hundred percent (100%) opacity, wall or any combination thereof, not less than six feet (6') in height. No permitted or required loading berth shall be located within thirty-five feet (35') of the nearest point of intersection of any two (2) streets.
- B. **SIZE.** Unless otherwise specified, a required loading berth shall be at least twelve feet (12') in width by at least thirty feet (30') in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen feet (14').
- C. **ACCESS.** Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- D. **SURFACING.** All open off-street loading berths shall be improved with a concrete pad
- E. **REPAIR AND SERVICE** *(Amended 9/15/20)*.
  - 1. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential, manufacturing or business district.
  - 2. Space allocated to any off-street loading shall not while so allocated be used to satisfy the space requirements of any off-street parking facilities or portions thereof.

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**F. LANDSCAPING FOR LOADING DOCKS.** The landscaping shall consist of one (1) of the following options (*Amended 9/15/20*):

1. A berm that is at least four feet (4') higher than the finished elevation of the loading dock (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet (30') of frontage shall be provided. Shrubs shall be placed on the property such that vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
2. A minimum two foot (2') grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and ten (10) shrubs for every thirty feet (30') of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
3. A wall, fence or natural vegetative screening no less than four feet (4') in height across the length of the loading dock.

The minimum size for plant materials (at time of installation) shall be as follows (*Amended 9/15/20*):

- i. Shade tree – 2-1/2" caliper
- ii. Evergreen Tree – 6' height
- iii. Ornamental tree 2" caliper single trunk or 6' height multi-trunk.
- iv. Shrubs – 24" height

**G. SCHEDULE OF LOADING REQUIREMENTS.** For the uses listed in the following table, off-street loading berths shall be provided on the basis of the gross floor of the building or portions thereof devoted to such uses in the amount shown herein.

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Auditoriums, convention halls, exhibition halls, sports arenas, stadiums	10,000 to 100,000	1 - 12' X 60'
	For each additional 100,000 or fraction thereof	1 – additional 12' X 60'
Banks and offices - business, professional and governmental	10,000 to 100,000	1 - 12' X 30'
	For each additional 100,000 or fraction thereof to 500,000	1 additional 12' X 30'
	For each additional 500,000 or fraction thereof	1 additional 12' X 30'

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USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Bowling alleys	10,000 to 100,000	1 - 12' X 30'
	For each additional 100,000 or fraction Thereof	1 additional 12' X 30'
Establishments dispensing food or beverages for consumption on the premises	5,000 to 10,000	1 - 12' X 30'
	10,001 to 25,000	2 - 12' X 30'
	25,001 to 40,000	3 - 12' X 60'
	40,001 to 100,000	4 - 12' X 60'
	For each additional 100,000 or fraction thereof (Amended 9/15/20)	1 additional 12' X 60'
Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products	5,000 to 40,000	1 - 12' X 30'
	40,001 to 100,000	2 - 12' X 60'
	For each additional 100,000 or fraction thereof (Amended 9/15/20)	1 additional 12' X 60'
Hospital, sanitariums, nursing homes, convalescent centers, assisted living, etc., churches and schools	10,000 to 100,000	1 - 12' X 30'
	For each additional 100,000 or fraction thereof	1 – additional 12' X 30'
Hotel, clubs, and lodges	10,000 to 100,000	1 - 12' X 30'
	For each additional 100,000 or fraction thereof	1 – additional 12' X 30'
Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, or business or professional offices (other than accessory) auditoriums, or exhibition halls	10,000 to 20,000	1 - 12' X 30'
	20,001 to 150,000	1 - 12' X 60'
	For each additional 150,000 or fraction thereof (Amended 9/15/20)	1 additional 12' X 60'



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USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Motor vehicle and machinery sales	5,000 to 25,000	1 - 12' X 30'
	25,001 to 40,000	2 - 12' X 60'
	40,001 to 100,000	3 - 12' X 60'
	For each additional 100,000 or fraction thereof (Amended 9/15/20)	1 additional 12' X 60'
Retail stores	5,000 to 10,000	1 - 12' X 30'
	10,001 to 25,000	2 - 12' X 30'
	25,001 to 40,000	3 - 12' X 30'
	40,001 to 100,000	4 - 12' X 30'
	For each additional 100,000 or fraction thereof (Amended 9/15/20)	1 additional 12' X 30'
Theaters	8,000 to 25,000	1 - 12' X 30'
	For each additional 50,000 or fraction thereof	1 additional 12' X 30'
Wholesale establishments (but not including warehouse and storage buildings other than accessory)	5,000 to 10,000	1 - 12' X 60'
	10,001 to 25,000	2 - 12' X 60'
	25,001 to 40,000	3 - 12' X 60'
	40,001 to 100,000	4 - 12' X 60'
	For each additional 100,000 or fraction thereof (Amended 9/15/20)	1 additional 12' X 60'
Warehouses and storage buildings	For each 100,000 or fraction thereof	1 - 12'x60'
Undertaking establishments	8,000 to 100,000	1 - 12' X 30'
	For each additional 100,000 or fraction thereof	1 additional 12' X 30'

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USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Other	Uses not listed in this schedule of loading requirements shall provide loading berths according to the most similar use, as determined by the Zoning Administrator.	

## SECTION 12:00 SIGNS

### 12:01 PURPOSE

This section of the Zoning Ordinance is established to create the standards for a comprehensive and balanced system of sign regulations for the following purposes:

- A. To encourage, as a means of communication in Kendall County, the employment of signs which are:
  - 1. Compatible with their surroundings.
  - 2. Appropriate to the type of activity to which they pertain.
  - 3. Expressive of the identity of individual proprietors.
  - 4. Legible in the circumstances in which they are seen.
  - 5. Respectful of the reasonable rights of other sign owners.
- B. To preserve, protect and promote the public health, safety and welfare.
- C. To improve pedestrian and traffic safety.
- D. To maintain and enhance the County's appearance and ability to attract sources of economic development by promoting the reasonable, orderly and effective display of signs consistent with established ordinances of the county.
- E. To minimize the possible adverse effect of signs on nearby public and private property.
- F. To preserve the value of private property by assuring the compatibility of signs with surrounding land uses.
- G. To ensure that signs are designed as integral architectural elements of the building and site to which they principally relate.

### 12:02 SCOPE

No sign regulated by this section shall be constructed, erected, converted, altered, rebuilt, enlarged, remodeled, relocated or expanded until a permit for such sign has been obtained in accordance with the standards and procedures set out in this Chapter. However, no permit shall be required for exempt or temporary signs as defined herein.

### 12:03 DEFINITIONS

All signage related definitions can be found in Section 3:02 of this Ordinance (*Amended 9/15/20*).

## 12:04 EXEMPTIONS

The following signs shall be exempted from all but the maintenance and public safety requirements of this Section. No permit is required for any sign designated as exempt below.

- A. **PUBLIC OR QUASI-PUBLIC INFORMATIONAL SIGNS.** Any public notice, warning, directional, and other instructional or regulatory signs identifying or locating a town, hospital, community center, public building or historic place situated in Kendall County, Illinois, or other signs approved by a governmental entity, and also signs identifying or locating a school, college, YMCA, YWCA, church or similar place of worship, service club, soil conservation activity, 4-H Club, or similar public or quasi-public activity for religious, civic, educational or cultural purpose. Such signs shall not exceed an area of six (6) square feet each, nor a total of 24 square feet for all signs, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than 5 feet from the fronting highway right-of-way (*Amended 9/15/20*).
- B. **HISTORIC MARKERS.** Historic markers erected by duly authorized public authorities.
- C. **INTERIOR SIGNS.** Any signs inside a building, not attached to a window or door, which can not be read from vehicles passing on adjoining streets.
- D. **NON-SIGN DECORATIONS.** Temporary displays, including holiday lights, decorations, painted window areas, works of art, flags (not exceeding 50 sq. ft.), memorial signs, religious or historic symbols, and other displays with no commercial message. Pennants are not considered decorations, and are specifically prohibited.
- E. **TRAFFIC CONTROL SIGNS,** such as Stop, Yield, and similar signs which are located on private property and meet Illinois Department of Transportation standards, and which contain no commercial message.
- F. **MEMORIAL SIGNS.** Memorial signs or tablets listing names or buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.
- G. **INSTRUCTIONAL, DIRECTIONAL AND WARNING SIGNS.** Signs, not exceeding six (6) square feet in area, which provide instruction, direction or warning and are located entirely on the property to which they pertain to identify rest rooms, public telephones, walkways, parking lot entrances and exits, and features of a similar nature or with respect to warnings, "no trespassing", "no dumping", and similar warning signs. Parking lot entrance and exit signs shall

not exceed two feet 6 inches (2'- 6") in height.

- H. GARAGE / YARD SALE SIGNS. A sign which advertises a residential garage sale, provided that such signs do not exceed five (5) square feet each, are located with no more than one (1) sign per lot frontage either on the zoning lot containing the sale or on other private property with that property owner's or tenant's permission, and are only in place one week prior and during the time the garage sale is actually taking place.
- I. CONSTRUCTION SIGNS. Construction Signs shall not be installed prior to issuance of a building permit and shall be removed within seven (7) days of issuance of an occupancy permit. The sign shall be placed on private property on the premises of the construction and set back a minimum of ten (10) feet from any public right-of-way. One (1) construction sign shall be permitted per zoning lot. The sign shall not exceed thirty-two (32) square feet in surface area. The sign shall not exceed ten (10) feet in height from Grade.
- J. REAL ESTATE SIGNS. One (1) real estate sign per street frontage of a zoning lot, advertising the sale or lease of premises within said zoning lot. Such signs may not be located in the public right-of-way, nor be directly illuminated. Signs shall not exceed six (6) square feet for residential districts, and thirty-two (32) square feet for all other districts. The maximum height for all Real Estate Signs is 8 feet. Real Estate Signs shall be removed within seven (7) days after the real estate closing, or lease or rental transaction is completed, except that "Open House" Signs shall be erected and removed on the day of the event (*Amended 9/15/20*).
- K. BULLETIN BOARDS. Bulletin Board Signs not exceeding twenty (24) square feet for public, charitable or religious institutions where the same are located on the zoning lot of said institutions. Maximum height for bulletin boards is 20 ft.
- L. WINDOW SIGNS. Window Signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building. Such signs shall not exceed thirty-five (35) percent of the Window Surface Area for each building face. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The County Sheriff or his designee(se) shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.
- M. POLITICAL SIGNS.



## 12:05 ADMINISTRATION

- A. **PERMIT REQUIRED.** Unless otherwise exempted in Section 12:04, no sign shall be erected, structurally altered, or relocated without having first obtained a valid permit for such sign, issued by the County PBZ Department. No permit shall be required for routine maintenance of a sign.
- B. **PERMIT APPLICATION.** Application for permits to erect, construct, or alter a sign shall be submitted on a form and in the manner prescribed by the PBZ Department. Each application shall be signed by the owner of the sign and the owner of the property upon which it is to be located. Applications for permits shall be accompanied by such information as may be required to assure compliance with all applicable regulations, including:
1. Name, address and telephone number of the applicant;
  2. A drawing or photograph showing the position of the sign or advertising structure in relation to the structures;
  3. Two (2) prints of the drawings and specifications, and color renderings for the proposed sign or advertising structure, including the methods of construction, illumination, materials and attachment to the buildings or in the ground. Such drawings must include all text and graphics proposed on the sign, drawn to scale with dimensions;
  4. If required by the Planning, Building and Zoning Department, a copy of a statement by a registered professional engineer indicating that said sign meets structural and wind pressure requirements, and will not pose a public health or safety threat;
  5. Name of person, firm, corporation or association responsible for erecting the sign or advertising structure;
  6. Written consent of the owner or agent of the zoning lot on which the sign or advertising structure is to be erected;
  7. A master sign plan documenting all existing signs on the zoning lot, including their type and area, location, and the occupant of the site to which each sign pertains; and
  8. Any additional information requested by the Zoning Administration to show full compliance with this and all other applicable County regulations.
- C. **APPLICATION REVIEW PROCEDURES** (*Amended 9/15/20*)
1. The following procedure must be followed for approval of a sign permit:
    - a. PBZ Department Approval. Applications for all signs requiring a permit shall be reviewed and approved or denied by the PBZ Department.
    - b. ZBA. Appeals from decisions of the PBZ Department, and all

variances to this Ordinance shall be considered by the ZBA. All recommendations of the ZBA shall be referred to the County Board for final consideration.

- c. PBZ Committee. Appeals from decisions of the PBZ Department with regard to Building Code issues shall be considered by the PBZ Committee of the County Board. All recommendations of the PBZ Committee shall be referred to the County Board for final consideration.

#### D. INSPECTION PROCEDURES

1. Optional Pre-installation Inspection. The person responsible for the installation of a sign may request a pre-installation inspection prior to installing any permanent sign requiring a permit. Such inspection shall include a footing inspection, if applicable, and confirmation of the other details of mounting and placement. Since such an inspection is not mandatory, an additional fee will be charged for a pre-installation inspection.
2. Final Inspection. The person responsible for the installation of a sign shall notify the PBZ Department upon completion of the work to schedule a final inspection.
3. Additional Inspection. Any other reasonable inspection as required.

#### 12:06 GENERAL STANDARDS *(Amended 8/17/2004)*

##### A. LOCATION.

1. No sign shall be located in a sight triangle easement formed by intersecting streets. The sides of the triangle formed by the right-of-way of the intersecting streets shall be forty (40) feet in length as measured outward from the point of intersections of said rights-of-way.
2. All signs shall be located a minimum of ten feet from the property line or ROW line (whichever is greater), provided the PBZ Department may require a greater setback or other location, so that said sign will not obstruct the view along any highway, at any intersection, private driveway, field entrance, or other point of ingress or egress.
3. No sign shall be allowed to encroach upon the public right-of-way or public property.
4. All signs shall be located on the premises for which they are advertising

except where indicated otherwise under Sections 12:04 and 12:12 of this Ordinance. Real estate and development signs may be located off site for a period not to exceed two (2) years, provided that a special use is granted pursuant to Section 12:12 of this Ordinance (*Amended 9/15/20*).

**B. ILLUMINATED SIGNS.** All Illuminated Signs shall be subject to the following requirements:

1. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district. When sign is visible from a residential district, it shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
2. Internally Illuminated Signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such spacing and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics.

**C. TRAFFIC SAFETY.** In order to ensure reasonable traffic safety, it shall be unlawful to erect or maintain any fluttering, undulating, swinging, rotating, blinking, or flashing sign or attention gathering device. No sign or advertising structure shall be erected, installed or maintained in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reason of position, shape, color or lighting thereof.

No sign or advertising structure shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or imitate, resemble or be confused with any authorized traffic sign, signal or device. Accordingly, no sign or advertising structure shall make use of the words "Stop", "go", "look", "caution", "warning", "danger", or any similar word, phrase, symbol or character, or employ any red, yellow, orange, green or other colored lamp or light, in such a manner as to interfere with, mislead or confuse traffic.

**D. LANDSCAPING BONUS.** Provision of landscaping around the base of free-standing signs shall be encouraged through a bonus of 10% applied to the allowable area for individual signs if the following requirements are met. To receive this bonus, all proposed landscaping shall be illustrated on the plans submitted as a part of a sign permit application (*Amended 9/15/20*).

1. For every one square foot of gross sign area, there shall be provided one square foot of landscape area adjacent to the sign.
2. The required landscape area shall compliment the sign and consist of plantings such as, but not limited to, hedges, low shrubs, perennial flowers

and ground cover. Sodded or seeded areas shall not qualify as part of the landscaped area.

3. In addition to the plantings described above, the landscaped areas shall also contain ground protection such as, but not limited to ground cover plants or mulch.
4. It shall be the duty of the owner of such parcel to maintain all landscaped areas in a neat and proper manner.

**12:07 COMPUTATION** The following principles shall control the computation of sign area and sign height.

- A. **COMPUTATION OF AREA OF INDIVIDUAL SIGNS.** The area of a sign face shall be the total exposed surface within a continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentalions or other figures together with any material, or color used as an integral part of the background of the display, or to differentiate the sign from the background on which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. **COMPUTATION OF AREA OF MULTI-FACED SIGNS.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back or with an interior angle of 90° or less so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- C. **COMPUTATION OF HEIGHT.** The height of a sign shall be the measurement from the top of the highest element of the sign to the established street centerline elevation.

#### **12:08 AGRICULTURAL DISTRICT**

- A. **PERMITTED SIGNS.** In all agricultural districts the following classes of signs are permitted in accordance with regulations set forth herein:

1. Non-flashing Non-illuminated Signs, as follow:

- a. Crop identification signs, not exceeding six (6) square feet in area, advertising a product grown or produced on the property. The duration of these signs shall be limited to the growing season. Crop Identification Signs shall be unlimited in number, and shall not



- require a permit.
  - b. Wall or Free-Standing Signs associated with permitted uses, not exceeding thirty-two (32) square feet in gross surface area. One wall or free-standing sign shall be permitted on each frontage.
  - c. Free-standing and Temporary Signs as regulated in Section 12:14 (Amended 9/15/20).
- 2. Non-flashing Illuminated Signs, as follows:
  - a. Wall or Free-Standing signs associated with government, institutional and approved special uses, not exceeding thirty-two square feet in gross surface area. One wall or free-standing sign shall be permitted on each frontage. Hours of illumination shall be limited from 6:00a.m. to 11:00p.m. daily except that public safety facilities may be illuminated 24 hours a day. Churches shall also be exempt for this provision on those days of the year when special services or events are held for the observance of religious holidays. (AMENDED 8/17/04)
- 3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs for places of worship, schools and government uses, subject to the following standards (Amended 9/15/20):
  - a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type.
  - b. Anything displayed on the changeable copy sign shall remain illuminated and visible for a time period stated in the special use permit.
  - c. The message shall not flash or pulsate. Any message that remains visible for less than 2 seconds shall be considered flashing.
  - d. Changeable Copy signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
  - e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
  - f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line.
  - g. All content shall only be permitted for the place of worship, school or government use and their events and functions only.
  - h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.



4. Location and Height for signs located in the Agricultural District

- a. Crop Identification Signs shall not be placed in a public right-of-way.
- b. Location shall be in accordance with Section 12:06 of the Zoning Ordinance.
- c. No sign attached to the wall of a building or other structure shall extend above the roofline of that building or structure.
- d. No sign shall exceed eight (8) feet in height from grade to the highest point of the sign.

12:09 RESIDENTIAL DISTRICTS

A. PERMITTED SIGNS. In all residential districts, the following signs are permitted in accordance with the regulations set forth hereinafter:

1. Non-Flashing, Non-Illuminated Accessory Signs as follows:

a. Nameplates, subject to the following:

For one and two-family dwellings, there shall be not more than one nameplate, not exceeding two (2) square feet in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation provided that on a corner lot two such nameplates for each dwelling unit, one facing each street, shall be permitted.

For multiple-family dwellings, for apartment hotels, and for buildings other than dwellings, a single nameplate not exceeding nine (9) square feet in area and indicating only the name and address of the building and the name of the management thereof may be displayed provided that on a corner lot two such signs, one facing each street, shall be permitted.

- b. Free-standing Signs for the sale of multiple parcels of property within an approved subdivision or for a single parcel of more than forty acres shall not exceed one hundred (100) square feet and shall be permitted for a period of not more than two years, except that a permit may be renewed annually for a period not to exceed one year.
- c. Subdivision Identification Signs. Two permanent subdivision signs not exceeding thirty-two (32) square feet in size per face, inclusive of any logo, shall be allowed per development. Where the

development has access on two or more streets, or has more than one entrance on one street, identification shall be allowed at each entrance.

- d. Public or semipublic buildings, or public park identification sign. Not more than one sign per street frontage not exceeding thirty-two (32) square feet in size per face inclusive of any logo.

2. Non-flashing Illuminated Signs, as follows: re-lettered

- a. Wall or Free-Standing signs associated with government, institutional and approved special uses, not exceeding thirty-two square feet in gross surface area.
- b. One wall or free-standing sign shall be permitted on each frontage.
- c. Hours of illumination shall be limited between 6:00a.m. and 11:00p.m. daily except that public safety facilities may be illuminated 24 hours a day.
- d. Churches shall also be exempt for this provision on those days of the year when special services or events are held for the observance of religious holidays.
- e. In general, these types of signs should be internally illuminated and lighting should be diffused or indirect and shall not have any direct rays reflecting onto any adjoining road R.O.W. or any lot on the perimeter on which the signs are located. Externally illuminated signs shall be permitted provided the light source is attached to the sign and is focused in a downward direction and is shielded so as to prevent the light from shining on to adjoining properties or road R.O.W.'s. Externally illuminated signs shall not be permitted to utilize exposed light bulbs, flood lights, neon tubing, flashing, blinking, traveling, and similar forms of illumination including illuminated canopies. *(Amended 9/18/2007)*

3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs for places of worship and schools uses, subject to the following standards *(Amended 9/15/20)*:

- a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type.
- b. Anything displayed on the changeable copy sign shall remain illuminated and visible for a time period stated in the special use permit.
- c. The message shall not flash or pulsate. Any message that remains visible for less than 2 seconds shall be considered flashing.
- d. Changeable Copy signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from

the principal residential structure.

- e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
- f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line.
- g. All content shall only be permitted for the place of worship and school use and their events and functions only.
- h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.
- i. The location of the sign shall be in accordance with Section 12:06 of the Zoning Ordinance.

4. Location and Height for signs located in a Residential District

- a. Location shall be in accordance with Section 12.06 of the Zoning Ordinance.
- e. Signs for the sale of multiple parcels of property within an approved subdivision or for a single parcel of more than forty (40) acres shall not exceed twenty (20) feet from grade.
- c. Subdivision Identification Signs and public/semipublic building signs shall not project higher than eight (8') feet above grade.
- d. No sign attached to the wall of a building or other structure shall extend above the roofline of that building or structure.

12:10 BUSINESS DISTRICTS.

A. PERMITTED SIGNS.

- 1. Signs relating only to the name and use of buildings or premises upon which they are placed. Advertising signs and outdoor billboards advertising products or matters not related to the occupancy and use of the premises shall not be permitted. The following signs shall be permitted and governed as follows:
  - a. *Wall Signs.* One wall sign not exceeding five (5) percent of the total square footage of the building facade upon which it is placed.
  - b. *Canopy, Marquee or Awning Signs.* The surface area of a Canopy, Marquee or Awning sign shall not exceed ten (10) square feet, or

thirty (30) percent of the exterior surface area of the canopy, marquee or awning attached to the building front, whichever is greater. Such signs shall be harmonious in scale and proportion with the building they are mounted to and with the architectural elements of the building.

- c. *Free-standing Signs.* One ground-mounted sign or pole sign per lot not exceeding fifty (50) square feet per face.
- d. *Directories.* For buildings with multiple tenants, a directory sign may be substituted in lieu of the allowable free-standing sign subject to review and approval by the PBZ Department as to height and overall square footage.
- e. *Public or semipublic buildings, or public park identification sign.* Not more than one sign per street frontage not exceeding thirty-two (32) square feet in size per face inclusive of any logo.
- f. *Nameplates.* One attached, non-illuminated sign not exceeding two (2) square feet in size displaying the name, occupation, and/or service located upon the premises, and the address.
- g. *Temporary Signs.* Temporary Signs shall be permitted as described in Section 12:14.

2. Location and Height for signs located in a business district.

- a. *Wall Signs.* Wall Signs shall be face mounted on the building wall, projecting not more than twelve (12) inches from the facade of the building. Such signs shall not project above the parapet wall, mansard, or other roofline and shall be recessed where involving a pitched roof location.
- b. *Canopy, Marquee or Awning Signs.* Such signs shall be completely within the borderline of an outer edge of the marquee or canopy, and shall in no instance be lower than eight feet above the ground surface over which the marquee or canopy is constructed.
- c. *Ground-mounted Signs.* Such signs shall not exceed eight (8) feet in height from grade to the highest point on the sign.
- d. *Pole Signs.* Such signs shall not exceed twenty (20) feet in height. The bottom of the sign shall be at least ten (10) feet above surrounding grade.

- e. Location shall be in accordance with Section 12:06 of the Zoning Ordinance.

B. OTHER REQUIREMENTS.

1. Number of signs. Each building or property shall be allowed a maximum of two signs, which may be either an attached sign, a ground-mounted sign, a pole sign, a canopy sign, a wall sign, or an awning sign. Window Signs and nameplates are excluded from this maximum of two signs.
2. Buildings with multiple occupancy. For buildings and/or property containing more than one business or tenant, each business or tenant may have one wall sign conforming to the requirements of this section. Each sign must be attached to the lease unit containing the business tenant identified.
3. Additional Signs. Each building or property may have one additional attached sign on walls containing a main entrance which faces customer parking areas and is not visible from either a public or private street. For this exception to apply, the signs must be attached to the same wall as their respective entrances and both the signs and the entrances must be upon the same plane of the building.
4. Painted Wall Signs. No sign may be painted, or similarly posted directly on the surface of any wall. Nor shall any sign be permitted to be placed on any wall, fence, or standard, facing the side of any adjoining lot located in any Residential District.
5. Integrated Shopping Centers. For integrated shopping centers containing five or more stores or shops, one (1) additional sign may be erected not exceeding one hundred (100) square feet in area advertising only the name and the location of the integrated shopping center. Such sign shall be placed not less than ten (10) feet from the front property lines of the premise upon which the sign is located and the bottom edge of such signs shall be at least eight feet above the surrounding ground. The overall height shall not exceed twenty (20) feet above grade.
6. Flashing Signs. No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals shall not be permitted.
7. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type (Amended 9/15/20).



8. Electronic Message Board Display. Electronic Message Board Displays are permitted in all Business and Manufacturing Districts subject to the following standards (*Amended 9/15/20*):
  - a. The electronic message board must be located along an arterial or major collector roadway.
  - b. Any individual letter scrolling or otherwise displayed on the electronic message board shall remain illuminated and visible for at least 2 seconds
  - c. The message shall not flash or pulsate. Any message that remains visible for less than 2 seconds shall be considered flashing
  - d. Electronic message board signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure
  - e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence
  - f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line
  - g. All advertising content shall only be permitted for tenants of the subject property and community events
  - h. The electronic message board shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location
  - i. Location of the sign shall be in accordance with Section 12:06 of the Zoning Ordinance.
9. Off-Premise Signs. Off-premise signs shall only be allowed subject to the conditions and restrictions as set forth in Section 12:12 of this ordinance with the following exception:
  1. The Zoning Administrator may grant a conditional use for an Off-Premise Identification sign provided one or more of the following conditions exist:
    - a. When the building or parcel of land on which the business is located is a land-locked or partially land-locked parcel of land that does not have frontage onto any adjoining roadway and is not part of an integrated shopping center or an outlot within an integrated shopping center.
    - b. When the building or parcel of land on which the business is located obtains its primary access onto an adjoining roadway by means of a private drive or shared ingress/egress easement.

- c. The building or parcel on which the business is located is setback more than 200 feet from the road to which the private drive or ingress/egress easement provides access.

Such signs may be placed within in the private drive or ingress/egress easement providing access to the property or on a lease parcel of an adjoining property subject to the approval of the Zoning Administrator. Such signs shall further comply with the size, height, visibility and setback requirements of Section 12:10.A of this ordinance and shall be so located as not to obstruct vehicular movement.

At his or her discretion, the Zoning Administrator may refer such requests to the Zoning Board of Appeals for input prior to making a final determination on whether to grant or deny such request. In the event the request is denied by the Zoning Administrator, the applicant may pursue an appeal of the decision in accordance with the provisions as stated in Section 13:06 of this Ordinance (*Amended 9/15/20*).

## 12:11 MANUFACTURING DISTRICTS.

### A. PERMITTED SIGNS.

1. The following signs shall be permitted and governed as follows:
  - a. All signs permitted in the Business Districts.
  - b. Outdoor advertising structures, advertising signs, and poster panels, provided the total area of all such outdoor advertising structures, advertising signs, and poster panels, do not exceed one hundred (100) square feet, and provided that no commercial messages are displayed on said signs. Outdoor advertising structures which display a commercial message are prohibited.
2. Location and Height for signs located in a Manufacturing District
  - a. No sign shall project higher than forty-five (45) feet above grade.
  - b. No advertising sign or structure shall be located within five hundred (500) feet of any public park, forest preserve, school, or any freeways, expressways and toll roads designated as such in the records of the governing authorities.
  - c. No advertising sign shall be located within five hundred (500) feet of any property located in a Residence District.

- d. This section shall govern unless pre-empted by the laws of the State of Illinois.
- e. Location shall be in accordance with Section 12:06 of the Zoning Ordinance.

#### 12.12 SPECIAL USE SIGNS *(AMENDED 8/17/04)*

Outdoor advertising structures which advertise off-premise commercial messages may not be permitted by this section except where otherwise provided within Section 12:06 A.3 and Section 12:10.B.8 of this Ordinance. Commercial off-premise advertising structures may be permitted via a special use only in the M-2 and M-3 Manufacturing Districts.

#### 12.13 PERMITTED EXTRA SIGNS

In addition to the signs permitted by other sections of this ordinance, the following signs are permitted uniquely to gasoline stations *(Amended 9/15/20)*.

- A. Two (2) signs per pump island which designate the function of the island as "self-service" or "full service". Such signs may be illuminated and shall not have more than two (2) faces and shall not exceed three (3) square feet per face.
- B. One (1) sign per type of fuel sold which designates the price of that fuel. Such signs may be illuminated and shall not have more than two (2) faces and shall not exceed six (6) square feet per face. The sign area for more than one (1) type of fuel should generally be combined into one (1) sign.
- C. One (1) non-illuminated sign identifying the service performed in each service bay may be placed over the opening to each bay. Such signs shall have one (1) face and shall not exceed three (3) square feet each.
- D. One (1) non-illuminated nameplate identifying the owner or operator is permitted adjacent to the doorway of the station. Such nameplate shall have one (1) face and shall not exceed two (2) square feet in area.
- E. Temporary Signs advertising batteries, tires, oil or other products directly related to motor vehicles, if the signs are located directly adjacent to a display of the product(s) described. Such signs may have two (2) faces, however, their total area shall not exceed eight (8) square feet.
- F. One sign over each pump stand not to exceed eighteen inches (18") in height with length governed by the length of the pump itself.

G. One Wall Sign on a detached car wash building, provided that it conforms to all other provisions for Wall Signs as stated in this Section.

H. Any signs required by State or Federal Government.

## 12:14 TEMPORARY SIGNS

A. GENERAL PROVISIONS. Unless otherwise specified elsewhere in this Section, the following general provisions shall apply to all Temporary Signs (*Amended 9/15/20*):

1. Location. All Temporary Signs shall be erected only on the property of the permitted use, and shall be set back a minimum of five (5) feet from any public right-of-way. (*Amended 7/19/2011*)
2. Illumination. No Temporary Sign shall be illuminated.
3. Number. Unless a specific number of signs is listed for a particular Temporary Sign type, only one (1) Temporary Sign shall be permitted per zoning lot or business.

B. TEMPORARY SIGN TYPES. Temporary Signs shall be limited in use to the following types of signs:

1. Free-standing Signs shall be permitted subject to the following provisions:
  - a. *Height*. Free-standing Signs shall not exceed eight (8) feet in height from Grade.
  - b. *Duration*. Free-standing Temporary Signs shall be displayed for no more than 60 days in one calendar year.
  - c. *Material*. Free-standing Signs shall be constructed of wood, metal, or other durable material and reasonably supported in or on the ground by adequate bracing. Banner signs are permitted. (*Amended 7/19/2011*)
  - d. *Surface Area*. Free-standing Signs shall not exceed thirty-two (32) square feet in surface area per face, and may be single-faced or double-faced.
2. Beacon or Search Lights may be permitted in connection with grand openings or special events provided:
  - a. *Direction of Illumination*. Lights must be oriented skyward not

breaking an angle of forty-five (45) degrees from the ground.

- b. *Duration.* The Sign(s) may be displayed for no more than fifteen (15) days. Upon expiration of said fifteen (15) days, the use of said sign shall be discontinued and no Beacon or Search Light advertising the same business or establishment shall be reinstalled or re-erected for a period of six (6) months.
  - c. *Number.* Only one beacon or search light shall be permitted per zoning lot.
3. *Inflatable Signs* may be permitted in Business Districts in connection with grand openings or special events provided:
- a. *Duration.* The Sign(s) may be displayed for no more than fifteen (15) days. Upon expiration of said fifteen (15) days, the use of said inflatable sign shall be discontinued and no inflatable sign advertising the same business or establishment shall be reinstalled or re-erected for a period of six (6) months.
  - b. *Number.* Only one (1) inflatable sign shall be permitted per zoning lot.
4. *Special Events Signs.* Special Events Signs may only be permitted within the B-4 (Commercial Recreation) district and only in association with a special event occurring on the property on which the special event sign is located (*Amended 9/15/20*).
- a. *Duration.* The sign(s) may be placed on a property no more than ninety (90) days during a calendar year.
  - b. *Material.* Special Event Signs shall be constructed of wood, metal, vinyl, or other durable material and reasonably supported by adequate bracing. Banner signs are permitted.
  - c. *Location.* Special Event Signs shall only be permitted along state highways and setback at least ten (10) feet from the edge of the R.O.W. Multiple Special Event Signs shall maintain a distance of six (6) feet from one another. Signs shall be parallel to the R.O.W.
  - d. *Number.* No more than twenty-five (25) special event signs shall be permitted on a property.
  - e. *Surface Area.* Special Event Signs shall not exceed sixteen (16) square feet in surface area and shall only be single sided.



## 12:15 LEGAL NONCONFORMING SIGNS

- A. **LEGAL NONCONFORMING SIGNS.** Any legal sign located within the County prior to the adoption of signage regulations, as amended, and which does not conform with the provisions for permitted signs of this Section, is considered a "legal non-conforming" sign (*Amended 9/15/20*).
- B. **LOSS OF LEGAL NONCONFORMING STATUS.** A sign loses its legal nonconforming status if one (1) or more of the following occurs. On the date of occurrence the owner shall have thirty (30) days to remove the sign or to secure a permit to bring the sign into compliance with this Section.
  - 1. Sign Altered -- The sign is altered in any way which tends to or makes the sign less in compliance with requirements of this ordinance than it was before alteration.
  - 2. Sign Relocated -- The sign is relocated either on the premises or to another location.
- C. **CONTINUING OBLIGATION.** Nothing in this Section shall relieve the owner or user of a legal non-conforming sign, or owner of the property on which the legal non-conforming sign is located, from the provisions of this Chapter regarding safety, maintenance, and repair of signs, provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure, sign face or message in such a way which makes the sign more non-conforming.

## 12:16 SIGNS IN THE PUBLIC RIGHT-OF-WAY

No signs shall be allowed in the public right-of-way, except for the following:

- A. **PERMANENT SIGNS**, including:
  - 1. Public Signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
  - 2. Informational Signs of a public utility regarding its poles, lines, pipes, or facilities.
- B. **EMERGENCY SIGNS.** Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

#### 12:17 PROHIBITED SIGNS (Amended 10/17/2000)

All signs not expressly permitted under this ordinance or exempt from regulation under Section 12:04, are prohibited in Kendall County. Such signs include, but are not limited to:

- A. Signs containing statements, words or pictures of an obscene or pornographic nature.
- B. Any sign or advertising device painted or displayed on any vehicle or trailer parked on the public right-of-way, public property, or private property so as to be prominently visible from a public right-of-way and parked for the flagrant purpose of providing advertisement of products or directing people to a business or activity.
- C. Signs nailed, tacked or otherwise affixed to trees or other vegetation in such a way as to puncture bark.
- D. Handbills, posters, notices, or similar attention gathering devices posted or affixed on traffic control boxes, signs, lamp poles, utility poles, or traffic control support.
- E. Projecting signs.
- F. Pennants.
- G. Banner signs, unless permitted as a temporary or special event sign in Section 12:14 of this Ordinance. (Amended 7/19/11)
- H. Any sign attached to a chimney, on a fence or fence-type wall, unless permitted under Section 12:14.B.4 of this Ordinance, retaining wall, bench, fence post, refuse enclosure, utility box, storage shed, bus shelter, satellite dish, antenna, or other accessory structure. (Amended 7/19/11)
- I. Any exterior string of lights, neon, or exposed light bulbs, except those that are temporarily displayed in conjunction with traditionally accepted civic, patriotic, or religious holidays for a duration not to exceed sixty (60) days.
- J. Any additional or subsequent sign painted on, attached, or otherwise affixed to Poles or permitted signs.
- K. Outdoor advertising structures which display commercial messages, unless otherwise allowed by a special use permit (Amended 9/15/20).

## 12:18 MAINTENANCE AND OPERATION

- A. **MAINTENANCE AND REPAIR.** Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, cleaning and other acts required to maintain the sign, advertising structure, marquee, canopy or awning in its originally permitted and installed condition in accordance with the following criteria and with other applicable County regulations:
1. *Paint or Treat* -- To prevent rust, peeling, flaking, fading or rotting, the owner of any sign or advertising structure shall, as required, paint all parts and supports thereof unless the same are galvanized, stainless or otherwise treated.
  2. *Repairs* -- Broken panels, missing letters, defective illumination, torn fabric, flaking or peeling paint and other damage to a sign, advertising structure, marquee, awning, canopy or support structure shall be repaired.
  3. *Clean and Sanitary* -- All signs or advertising structures and the area surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all debris, rubbish and obnoxious substances, and any related grassed area or landscaping shall be kept trimmed and in a healthy condition.
- B. **OBSOLETE OR ABANDONED SIGNS.** For any sign or advertising structure now or hereafter existing, which advertises a business, commodity, service, entertainment, activity, or event which has been discontinued, or is located on property which has been vacant and unoccupied, the PBZ Department shall give written notice requiring removal to the sign owner listed on the permit, or if the permitted owner cannot be located, to the owner, agent or person having the beneficial use of the building or premises upon which it is found. If, after notification, the proper person fails to remove the sign or structure within sixty (60) days after such notice the PBZ is hereby authorized to have such sign or advertising structure removed.
- C. **UNSAFE AND UNLAWFUL SIGNS.** For any sign or advertising structure that is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this Section, the PBZ Department shall give written notice to the sign owner as listed on the sign permit, or if the permitted owner cannot be located, to the owner, agent or person having the beneficial use of the building or premises upon which it is found. If, after notification, the proper person fails to remove or alter the structure so as to comply with the standards of this Section within 30 days after such notice, the PBZ Department is hereby authorized to have such sign or advertising structure

removed.

- D. **SAFETY HAZARD.** The PBZ may summarily, and without notice, have removed any sign or advertising structure which is an immediate safety hazard to persons or property.
- E. **LIEN TO RECOVER COSTS.** In the event of failure by any party to reimburse the County within sixty (60) days for costs incurred for repair or removal ordered by the PBZ Department, the County Board shall certify the charges for repair or removal to the County's legal counsel, who will be then authorized to file a Notice of Lien in the Office of the Kendall County Recorder of Deeds to foreclose this lien, and to sue the owner of the real estate, or sign permitted, or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses and reasonable attorney's fees to be fixed by the court. Included in the expenses recoverable by the County are the costs of filing the notice of lien, foreclosing said lien, and all litigation costs, together with all office and legal expense incurred in connection with the collection of the amount due.

#### 12:19 VIOLATIONS

- A. Any of the following shall be a violation of this ordinance and shall be subject to the procedures in case of violation and penalties found in Section 13:00 of this Ordinance as well as the remedies set forth in Section 13:00 of this Ordinance (Amended 4/21/20):
  - 1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;
  - 2. To install, create, erect, or maintain any sign requiring a permit without first securing such a permit;
  - 3. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Ordinance, or for which the sign permit has lapsed; or
  - 4. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this Ordinance.

SECTION 12.00 SIGNS

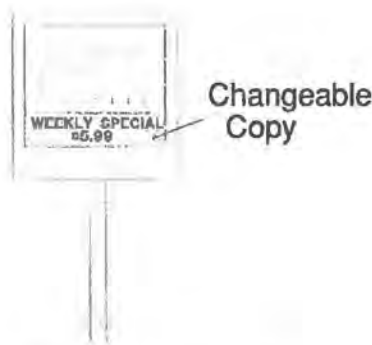
KENDALL COUNTY SIGN ORDINANCE

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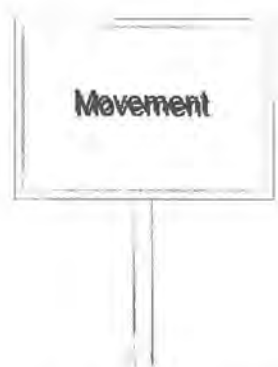
SIGN DEFINITIONS



Banner Sign



Changeable Sign



Animated Sign



Construction Sign



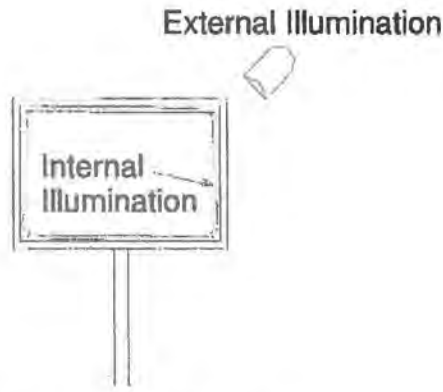
Freestanding Signs



Pennant



Inflatable Sign



Illuminated Sign



Marquee or Canopy Sign



SECTION 12.00 SIGNS  
KENDALL COUNTY SIGN ORDINANCE  
SIGN DEFINITIONS

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Memorial or  
Tablet Sign



Portable Sign



Projecting Sign



Roof Sign



Wall Sign



Real Estate Sign

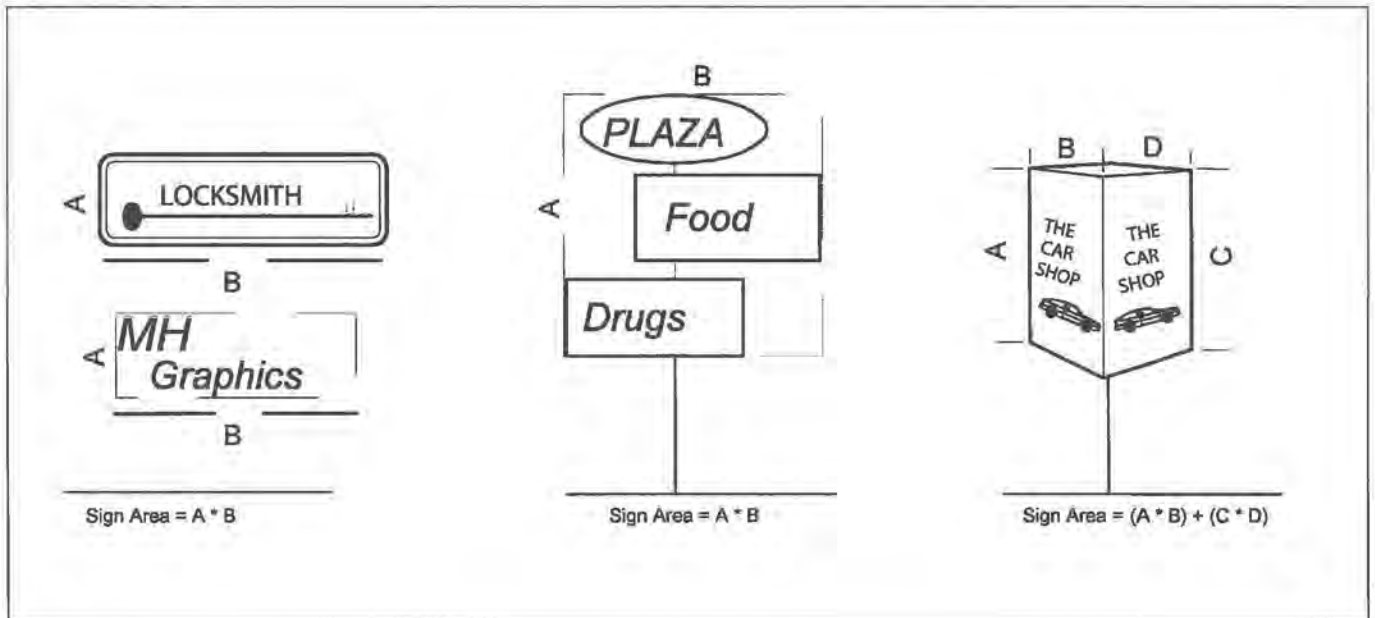


Nameplate

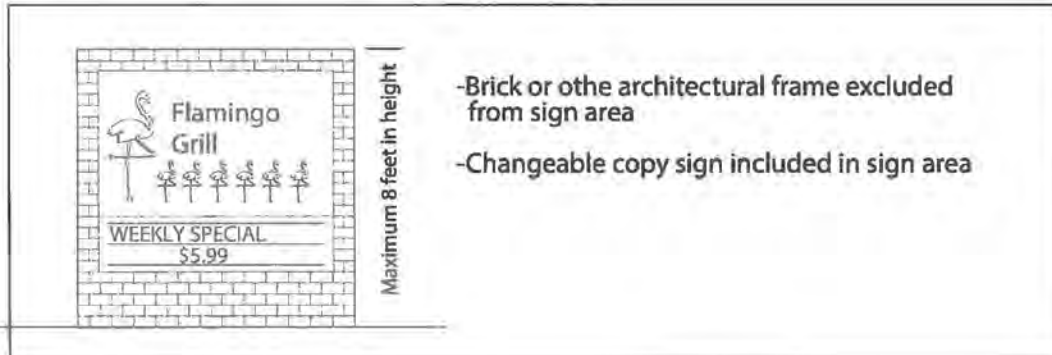
## SECTION 12.00 SIGNS

### KENDALL COUNTY SIGN ORDINANCE

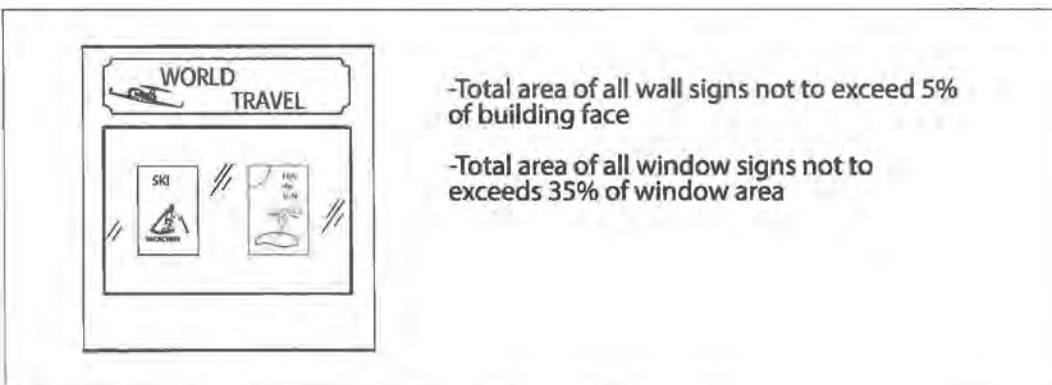
#### SIGN DIAGRAMS



#### SIGN AREA COMPUTATION



#### GROUND SIGN

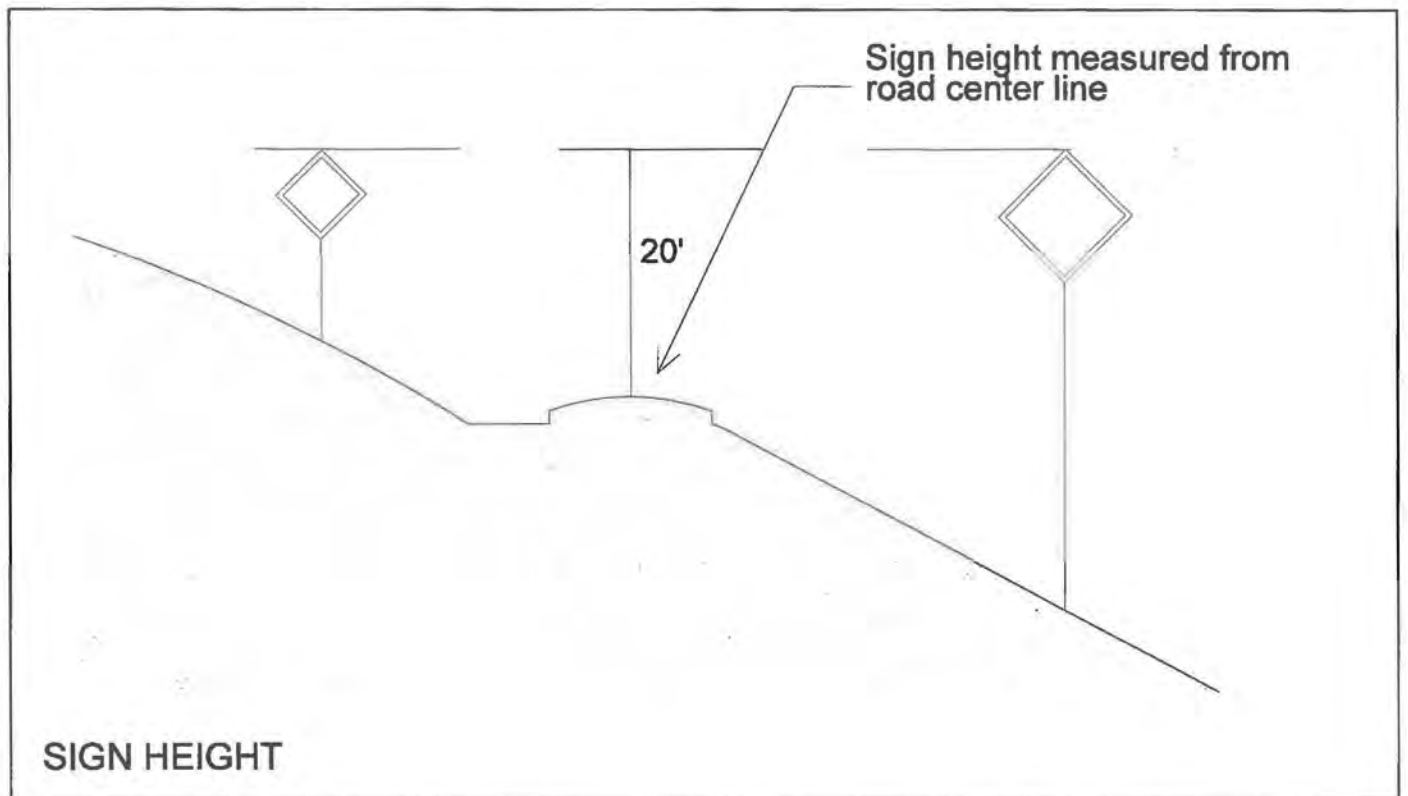
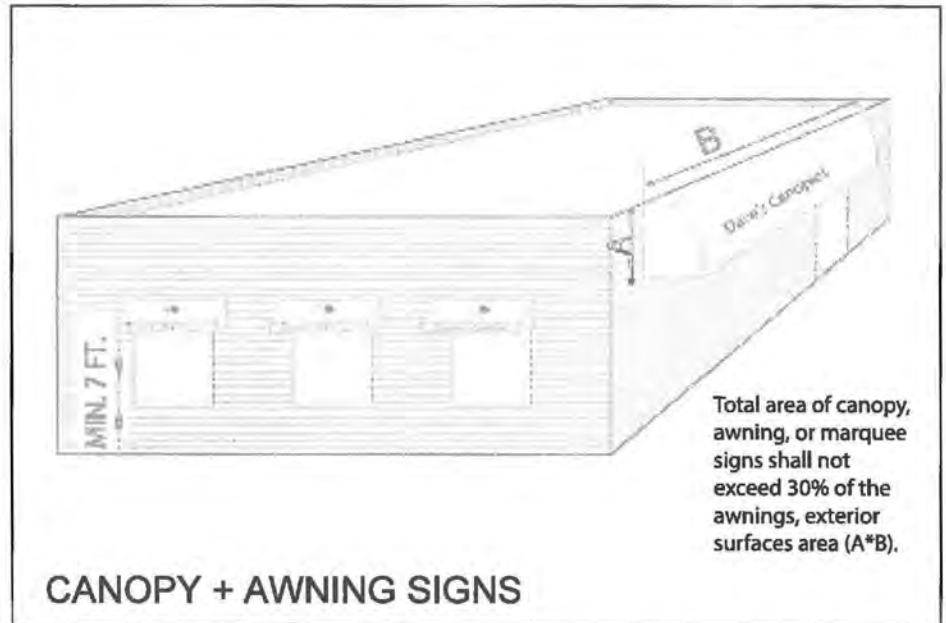
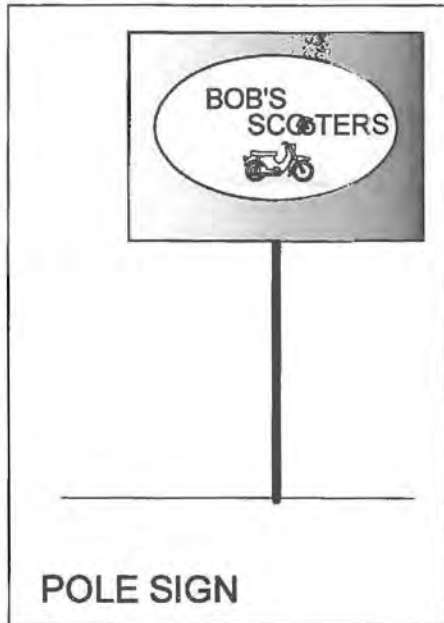


#### WALL AND WINDOW SIGNS

SECTION 12.00 SIGNS

KENDALL COUNTY SIGN ORDINANCE

SIGN DIAGRAMS



SECTION 13:00 ADMINISTRATION

UPDATED 9.15.20

13:01 ADMINISTRATIVE OFFICERS

A. THE ZONING ADMINISTRATOR.

1. The enforcement of this amended ordinance is hereby vested in the Zoning Administrator of the County and such deputies or assistants as have been or shall be duly appointed by the County Board in accordance with Section 3:02 of this Code.
2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:
  - a. Examine and approve an application pertaining to the use of land or structures when the application conforms with the provisions of this ordinance.
  - b. Issue Zoning Certificates and make and maintain records thereof.
  - c. Issue Occupancy Certificates and make and maintain records thereof.
  - d. Supervise inspections of structures and uses of land to determine compliance with the terms of this ordinance, and where there are violations, initiate action to secure compliance.
  - e. Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this ordinance require referral to the Regional Plan Commission, the ZBA, the ZPAC, the PBZ Committee, or the full County Board. (*Amended 3.21.18*)
  - f. Maintain permanent and current records of this ordinance, including, but not limited to, maps, amendments, the rules or practice and procedure of the ZBA, special use, variations, appeals and applications therefore, and records of hearings thereon - including the recording of district amendments and special uses on the Official Zoning Map (*Amended 9/15/20*).
  - g. Decide or make recommendations on all other matters under this ordinance upon which the Zoning Administrator is required to act.
  - h. Receive all notices of petitions for appeals, variations, amendments and special use permits which have been referred to the ZBA or

SECTION 13:00 ADMINISTRATION

UPDATED 9.15.20

other appropriate reviewing body.

- i. Maintain all zoning records which are a part of the administration of this ordinance.
  - j. Initiate, direct and review from time to time, a study of the provisions of this ordinance, and make reports of this recommendation to the ZBA, the Regional Planning Commission and the County Board not less frequently than annually.
  - k. Direct the development of proposed amendments to the provisions of this ordinance as may be necessary from time to time.
  - l. Publish periodically this ordinance, including the Official Zoning Map (*Amended 9/15/20*).
  - m. Provide and maintain public information service relative to matters arising out of this ordinance.
3. Procedure in case of violation. Whenever the Zoning Administrator or his or her designee determines that a violation of this Ordinance has occurred, the Zoning Administrator or his or her designee shall sign and cause a written Citation to be served upon the owner, tenant, and/or occupant of the property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), which Citation shall inform the person served of the Ordinance violation and the date of a required court appearance.

Any violation or attempted violation of this Ordinance, or any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by any of the following remedies or any other remedies available at law or in equity:

1. Issue a stop-work order for any and all work or use;
2. Revoke all permits and cause the cessation of any and all construction activities
3. Seek an injunction or other order of restraint or abatement that requires the removal of the sign(s), the correction of the nonconformity, or the abatement of the activity or use;



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UPDATED 9.15.20

4. Impose any penalties that can be imposed directly by the County under the Zoning Ordinance;
5. Seek in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance;
6. In the case of a sign, construction activity, or use that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning ordinance and building code for such circumstances; and
7. Enforcement of building codes.

All enforcement procedures found in this Ordinance are cumulative and the County shall have available all remedies for violations of this Ordinance as provided for or allowed by State law. *(Amended 4.21.20)*

B. ZONING BOARD OF APPEALS

1. Creation and Membership. A Zoning Board of Appeals (ZBA) is hereby created, such Board to consist of five members appointed by the County Board, at least four of whom shall reside in the unincorporated area of the County. The County Board may provide for the appointment of an additional two members to serve for a term of five years. No two of whom shall reside in the same Congressional Township, and shall be confirmed by the members of the County Board. At the end of the term of the two additional members, the County Board may provide for the appointment of successors or may allow the Board of Appeals to revert to a membership of five. All members shall be residents of Kendall County.
2. Terms of Office. The members of the ZBA shall be appointed for a term of five years. If a vacancy occurs, by resignation or otherwise among the members of the Board, the County Board shall appoint a member for the unexpired term. The County Board shall also have the power to remove any member of the ZBA for cause, after public hearing *(Amended 9/15/20)*.
3. Officers. The County Board shall name one of the members of the ZBA as Chairman upon his appointment, and in the case of a vacancy shall name a new chairman.
4. Quorum. A majority of members of the ZBA shall constitute a quorum.

SECTION 13:00 ADMINISTRATION

UPDATED 9.15.20

5. Employees. The County Board may appoint and fix the compensation of a secretary and such other employees as are necessary for the discharge of its duties.
6. Offices. The County Board shall provide suitable offices for the holding of hearings and the preservation of records, documents, and accounts.
7. Appropriations. The County Board shall appropriate funds to carry out the duties of the ZBA and the Board shall give the authority to expend, under regular County procedure, all sums appropriated to it for the purposes and activities authorized herein.
8. Rules and Procedures. The ZBA shall adopt such rules concerning the filing of appeals and applications for amendments, variances and special use permits, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the Office of the ZBA and shall be a public record. *(Amended 3.21.18)*
9. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Notice of said meetings shall occur in a manner defined by applicable law. All meetings of the Board shall be open to the public *(Amended 9/15/20)*.
10. Powers and Duties. The ZBA shall:
  - a. Hear and determine appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator charged with the enforcement of this amended ordinance with the exception of violations. *(Amended 8.17.04)*
  - b. Hear and decide all matters referred to it, or upon which it is required to pass under this amended ordinance.
  - c. Hear and pass upon applications for variations when a property owner or his agent shows that a strict application of the terms of this amended ordinance relation to the use, construction or alteration of buildings or structures, or the use of land imposes upon him practical difficulties or particular hardships.
  - d. To hear all applications for amendments to this ordinance in the

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manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board. *(Amended 4.20.04)*

- e. To hear all applications for special use permits, major amendments to special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board. *(Amended 3.21.18)*
  - f. Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.
  - g. No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the Zoning Ordinance for a period of twelve months from the date of said denial or recommendation to deny.
11. Jurisdiction. The concurring vote of three members of a Board consisting of five members or the concurring vote of four members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions. *(Amended 8.15.17)*
12. Judicial Review. All decisions and findings of the ZBA, on appeals, application for variations, special use permits, or amendments, shall, after a hearing, be subject to review by court as by law may be provided *(Amended 9/15/20)*.

C. KENDALL COUNTY REGIONAL PLANNING COMMISSION. The Planning Commission shall have the following duties under this ordinance:

- 1. To receive from the Zoning Administrator copies of all applications for amendments and special use permits along with the committee report from the ZPAC and report thereon with its recommendations.
- 2. To hold conferences in regard to proposed plan developments under this Ordinance and submit a written report with its recommendations.
- 3. To initiate, direct and review a study of the provisions of this Ordinance

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and the Official Zoning Map and to make reports on its recommendation to the County Board not less frequently than annually (*Amended 9/15/20*).

4. To establish bylaws governing the calling and procedures of the RPC's meetings provided such bylaws are not in conflict with applicable law (*Amended 9/15/20*).

13:02 ZONING CERTIFICATES.

- A. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by an officer, department or employees of Kendall County unless the application for such permit has been examined by the office of the Zoning Administrator and has affixed to it a certificate of his office that the proposed building or structure and use thereof complies with all the provisions of this ordinance.

However, with respect to the performance standards of this amended ordinance for manufacturing and other specified uses, the Zoning Administrator shall accept as proof of compliance with such standards as the certificate of an architect or structural engineer licensed by the State of Illinois stating that the building or structure and proposed use thereof does conform with the said performance standards for the district in which it is located. Upon receipt of such certificate and if all other relevant requirements of this amended ordinance are met, the Zoning Administrator shall without further delay approve and authorize the issuance of a zoning certificate, provided that within fifteen days from the date of such approval, the Zoning Administrator shall examine said application and shall advise the architect or structural engineer in writing if the building structure, or use thereof may not in fact comply with the performance standards of this amended ordinance for the district in which it is or is to be located, and in this case the Zoning Administrator may require posting of a performance bond, such bond to be subject to forfeiture, and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M-1 performance standards, should the establishment in fact, fail to so comply.

Failure of the architect or structural engineer to show compliance or to submit said bond or certified check within thirty days of such notification shall be cause for revocation of the zoning certificate and all further work authorized by said certificate shall be immediately discontinued.

- B. Any permit, zoning certificate, or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.



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13:03 CERTIFICATES OF OCCUPANCY OR COMPLETION (*Amended 9/15/20*)

A. SCOPE OF PERMITS.

1. No building or addition thereto, constructed after the effective date of this amended ordinance and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this amended ordinance shall be used for any purpose, until a certificate of occupancy or completion has been issued by the office of the Zoning Administrator. No change in use to the production, processing, or storage of materials or goods, and no change is used from the production, processing, or storage of one kind of materials or goods to another kind shall be made until a certificate of occupancy or completion has been issued by the office of the Zoning Administrator. Every certificate of occupancy or completion shall state that the use or occupancy complies with all the provisions of this amended ordinance.
2. Application for Occupancy or Completion Certificate. Every application for a building permit shall be deemed to be an application for an occupancy or completion certificate. Every application for an occupancy or completion certificate for a new use of land where no building is required shall be made directly to the office of the Zoning Administrator.
3. Issuance of Occupancy or Completion Certificate. No occupancy or completion certificate shall be issued until construction has been completed or the use established and has been inspected and certified by the office of the Zoning Administrator to be in compliance with all the provisions of this amended ordinance; provided that pending the issuance of an occupancy or completion certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during the partial occupancy of the premises. An occupancy or completion permit shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued not later than fifteen days after the office of the Zoning Administrator is notified in writing that the Building or premises is ready for occupancy.
4. Fees. The County Board may establish by ordinance the fee to be charged for an occupancy or completion permit.



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13:04 VARIATIONS (AMENDED 03/21/2000; 01/18/11)

A. PURPOSE AND CONDITIONS.

1. In order that the spirit of this ordinance may be observed and substantial justice done, the ZBA shall upon application or appeal determine and vary the terms thereof, other than use the variance of which shall not be permitted, upon making a finding of fact that, owing to special conditions, a literal enforcement of the provisions of this amended ordinance would result in a particular hardship or practical difficulty (*Amended 9/15/20*).
2. Variations shall run with the land and are transferred to the new owner provided a building permit has been issued (if required) and the use or structure has been lawfully established within one year of variation approval.
3. In making its determination as to whether there is a particular hardship or practical difficulty, the ZBA shall take into consideration the extent to which the following conditions have been established by the evidence:
  - a. That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.
  - b. That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.
  - c. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.
  - d. That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.
  - e. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.
4. The ZBA may impose such conditions and restrictions upon the premises

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benefited by a variation as may be necessary to prevent injurious effects there from upon other property in the neighborhood, and better to carry out the general intent of this amended ordinance.

- B. **AUTHORIZED VARIATIONS.** Variation from the regulations of this amended ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards set forth in subsection 13:04.A hereof and may be granted for any item except for a use.
- C. **APPLICATION FOR VARIATION AND NOTICE OF HEARING.** An application for a variation shall be filed with the Zoning Administrator on a prescribed form who shall forward a copy of same to the ZBA without delay. The application shall contain such information as the ZBA may from time to time by rule provide. No more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once nor more than thirty (30) or less than fifteen (15) days before the hearing, in a newspaper of general circulation in Kendall County. The published notice may be supplemented by such additional form of notice as the County Board may by rule provide.

13.05 ADMINISTRATIVE VARIATIONS

- A. **PURPOSE AND CONDITIONS.**
  - 1. Administrative variations are intended to provide a streamlined approval procedure for minor modifications of zoning ordinance regulations while keeping with the general purpose and intent of zoning ordinance regulations and the established character of the area in which it is located.
  - 2. Variations shall run with the land and are transferred to the new owner provided a building permit has been issued (if required) and the use or structure has been lawfully established within one year of variation approval.
- B. **AUTHORIZED ADMINISTRATIVE VARIATIONS.**
  - 1. The PBZ Director or persons designated by the County Board is authorized to grant relief from any numerical or quantitative standard in this zoning ordinance by up to ten percent (10%).
  - 2. The Administrative Variation may not be approved unless the PBZ Director or persons designated by the County Board makes a written finding that the requested variation will not have significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public and that any adverse impact resulting from the administrative variance will be mitigated to the maximum extent feasible.

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## C. APPLICATION FOR ADMINISTRATIVE VARIATION:

1. A complete application for Administrative Variation must be filed with the PBZ Department.
2. After the application and site plan are received, the applicant will need to provide notice via postal certificate of mailing to all adjoining property owners, even those located across the street. Proof of the mailing will need to be provided to the PBZ Department.



3. If no written objection is received within 15 days of the postal certificate of mailing, the PBZ Director or persons designated by the County Board may either grant or deny the application. If the petition is denied, or a written objection is received in a timely manner, the applicant will need to apply for a standard Variation in front of the ZBA. If the PBZ Director or persons designated by the County Board does not feel comfortable making a recommendation the Director or persons designated may take the petition to the PBZ Committee for a final decision. Also in the case of denial from the Director or persons designated by the County Board and the petitioner does not agree with the recommended denial the petition can then be taken to the PBZ Committee for a final decision.
4. In granting an Administrative Variation, the PBZ Director or persons designated by the County Board may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding areas, and to carry out the state purpose and intent of this zoning ordinance.

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13:06 APPEALS (*Amended 01.18.11*)

- A. SCOPE OF APPEAL. Except for violations of this code cited by the Zoning Administrator or his or her designee, an appeal may be taken to the ZBA by any person, firm, or corporation, or office, department, board or bureau affected by a decision of the office of the Zoning Administrator. The appeal shall specify the grounds thereof and shall be filed within such time and in such form as may be prescribed by the Board by general rule. The Zoning Administrator shall, upon request of the ZBA, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken. (*Amended 8.17.04*)
- B. HEARING OF APPEAL. The ZBA shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the interested parties. At the hearing, any party may appear in person, by agent, or by attorney.
- C. STAYING OF WORK ON PREMISES. When an appeal from the decision of the Zoning Administrator has been taken and filed with the ZBA, all proceedings and work on the premises concerning which the decision was made shall be stayed unless the Zoning Administrator shall certify to the Board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the ZBA or by the Circuit Court of Kendall County, on application, on notice to the Zoning Administrator and the owner of the premises affected and on due cause shown. After the owner or his agent or persons or a corporation in charge of the work on the premises affected have received notice that an appeal has been filed with the ZBA, the Zoning Administrator shall have full power to order such work discontinued or stayed and to call upon the police power of the County to give full force and effect to the order.
- D. DECISION ON APPEAL. In exercising its powers, the ZBA may, upon the concurring vote of three members of a five member Board or four members of a seven member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator. (*Amended 9.19.17*)

13.07 AMENDMENTS (*Amended 01.18.11*)

- A. AUTHORITY. The regulations imposed and the districts created under the authority of this ordinance may be amended, from time to time, by ordinance in accordance with applicable Illinois Statutes. Two types of amendments are possible. A map amendment is needed to change the zoning classification of a particular parcel or parcels. A text amendment is needed to change the regulations of this ordinance. An amendment shall be granted or denied by the County Board only after a public hearing before the ZBA, and a report of its findings and recommendations has thereafter been submitted to the County Board.
- B. INITIATION OF AMENDMENTS. Amendments may be proposed by the County



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Board, a Committee designated by the County Board, the ZBA, the Regional Plan Commission, the Zoning Administrator, or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment (*Amended 9/15/20*).

C. APPLICATION FOR AMENDMENT.

1. An application for an amendment shall be filed with the Zoning Administrator.
2. A copy of such application shall thereafter be forwarded to the ZPAC, the Regional Plan Commission and to the County ZBA with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
3. For all proposed map amendments, the Applicant will promptly forward via certified mail return receipt requested a copy of the complete application and notice of public hearing to the Township containing the subject parcel, and to any municipality within one and one-half (1½) miles of the subject parcel.

D. HEARING ON APPLICATIONS. The ZBA shall hold a public hearing on each application for an amendment. Hearings on map amendments shall be held in the township affected by the terms of such proposed amendments or in the County Office Building. Provided, that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. Hearings on text amendments shall be held in the County Office Building. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the ZBA shall, by rule, prescribe from time to time (*Amended 9/15/20*).

E. NOTICE OF PUBLIC HEARING.

1. The applicant shall publish notice of the time and place of the Public Hearing in a newspaper of general circulation in Kendall County not less than fifteen days before such hearing.
2. At least fifteen days prior to each hearing the PBZ Department shall post a sign on the road or street frontage of the land proposed to be reclassified by amendment and a copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within one and one-half miles of the land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the ZBA may, by rule, prescribe from time to time.
3. In addition to the above requirements, if the property is zoned A-1, the applicant shall provide notice of the public hearing at least 15 days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within five hundred feet (500'), excluding road right-of-way, of the parcel to be rezoned.



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5. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested.

F. FINDING OF FACT AND RECOMMENDATION OF THE ZBA. Within thirty (30) days after the close of the hearing on a proposed amendment, the ZBA shall make written findings of fact and shall submit same together with its recommendation to the County Board of Kendall County. Where the purpose and effect of the proposed amendment is to change the Zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters (*Amended 9/15/20*):

1. Existing uses of property within the general area of the property in question.
2. The Zoning classification of property within the general area of the property in question.
3. The suitability of the property in question for the uses permitted under the existing zoning classification.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The ZBA shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The ZBA may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.
5. Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

G. DECISIONS.

1. ZBA findings shall be forwarded to the County PBZ Committee of the County Board for review and recommendation to the full Board. The County Board, upon report of the County ZBA and without further public hearing, may grant or deny any proposed amendment, or may refer it back to the County ZBA or PBZ Committee for further consideration.
2. In case of written protest against any proposed map amendment, signed by the owner or owners of at least twenty percent of the land to be rezoned or signed by the owner or owners of twenty percent of the frontage proposed to be altered, or by the owner or owners of twenty percent of the frontage immediately adjoining or across an alley, street or

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public right-of-way there from, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half mile of the limits of a zoned municipality with a recorded comprehensive plan, by the city council or president and board of trustees of the zoned municipality with limits nearest adjacent, filed with the Clerk of Kendall County, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the County Board of Kendall County (Amended 9/15/20).

## 13:08 SPECIAL USES &amp; PLANNED DEVELOPMENTS (Amended 3.21.18)

- A. **PURPOSE.** The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts.
- B. **INITIATION OF SPECIAL USES.** Any individual, firm or corporation having a possessory interest entitled to exclusive possession in land, or several such owners acting jointly having such interest in parcels of land comprising one contiguous tract or the County Board may file an application for one or more special uses as provided in this ordinance.
- C. **PROCESSING.**
  - 1. An application for a special use shall be filed with the Zoning Administrator.
  - 2. A copy of such application shall be forwarded to the ZPAC for review, comment, and recommendation
  - 3. A copy of such application and the committee report from the ZPAC shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.
  - 4. A copy of such application and the reports from the ZPAC and Planning Commission shall thereafter be forwarded to the ZBA with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations. (Amended 3.21.18)
  - 5. The recommendation and findings of the ZBA shall be forwarded to the PBZ Committee of the County Board for review and recommendation prior to final action by the County Board.
- D. **CONDITIONS AND GUARANTEES.** Prior to or after the granting of a special

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use, the ZBA may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restriction imposed shall constitute a violation of this ordinance. *(Amended 3.21.18)*

E. DECISIONS. *(Amended 3.21.18)*

1. The ZBA shall report to the County Board a Finding of Fact using the criteria listed in Section 13:08.J of this ordinance and a recommendation as whether the County Board should deny, grant or grant subject to conditions.
2. The County Board, upon report of the ZBA and without further public hearing, may grant or deny a proposed special use, or may refer back to the ZBA for further consideration.
3. The County Board shall act to grant, deny, or amend the recommendations for every Special Use pertaining to a regulated use within 30 days of the date of those recommendations.

F. REVOCATION. In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. If a revocation is proposed, the ZBA shall hold a public hearing (following procedures outlined in Section 13:08 H below) and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice at least 15 days in advance of the hearing. *(Amended 3.21.18)*

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

G. APPLICATION FOR SPECIAL USE. An application for special use or amendment of a special use shall be filed with the Zoning Administrator and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth herein.

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H. HEARING ON APPLICATION. Upon receipt in proper form of the application and statement referred to in paragraph 13:08.G of this ordinance, the ZBA shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, place and date of such hearing shall be published in a newspaper published in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in Kendall County. The notice must also contain:

1. The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.
2. Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.
3. Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.
4. Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity.
5. Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.
6. A brief statement of the proposed special use.

In addition to any other notice required by this Section, the Zoning Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within seven hundred fifty feet (750'), excluding road right-of-way, of the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested. The petitioner or applicant must pay the costs of the publication of the notices required by this Section. (*Amended 4.17.18*)

An audio recording of the proceedings shall be made by the County and shall be retained for a period of one year from the date of hearing. The petitioner at his or her discretion may elect to provide a court reporter, at his or her own expense, for the purposes of making a formal transcript of the proceedings. In addition to



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the application fee, the petitioner shall be responsible for the cost of the ZBA in conducting the hearing in accordance with the schedule of fees as established by the County Board. *(Amended 3.21.18)*

- I. AUTHORIZATION. For each application for a special use the Zoning Board of Appeals shall report to the County Board of Kendall County its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The County Board may grant or deny any application for a special use. *(Amended 3.21.18)*

No proposed special use once denied by the County Board shall be again, on a subsequent petition, considered for approval within a period of twelve (12) months from the date of said denial.

- J. STANDARDS. No special use shall be recommended by the ZBA unless said ZBA shall make a written finding. The ZBA shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items *(Amended 3.21.18)*:
1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
  2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
  3. That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
  4. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals.
  5. That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.
- K. CONDITIONS. The ZBA may recommend and the County Board may provide



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such conditions or restrictions reasonably necessary to meet the standards listed in Section 13:08.J upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood. *(Amended 3.21.18)*

- L. DURATION. Special Uses granted hereunder shall be transferable and shall run with the land unless otherwise specified by the terms of the Special Use permit.
- M. AMENDMENTS TO APPROVED SPECIAL USES. Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use. Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a Special Use *(Amended 9/15/20)*.

Amendment of Special Uses under this paragraph shall apply to all existing, valid Special Uses issued prior to the date of the amendment of this ordinance as well as any future Special Uses granted under this ordinance. *(Amended 9.15.2009)*

- N. MINOR AMENDMENTS ON PROPERTY GOVERNED BY A SPECIAL USES ORDINANCE: Minor Amendments are those that do not alter the intent or uses of the property for which a Special Use has been approved. Minor Amendments shall be limited to the following:
  - 1. Proposed additions, enlargements or changes in any existing or proposed building or buildings, shown on any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable), and the addition of accessory structures not shown on such plans may be permitted provided that all of the following conditions are met:
    - a) The proposed addition, enlargement or change will, in the opinion of the Zoning Administrator, result in a better utilization of the property or a more efficient and desirable use of the land.
    - b) The change shall not constitute more than a ten (10) percent increase in the lot coverage of all approved buildings on the property or a ten (10) percent increase of the total floor area of all approved buildings on the property.
    - c) The proposed addition, enlargement or change will not infringe upon or extend into any required building setback, off street parking or loading space or required building separation or

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- exceed the height or bulk regulations of the underlying zoning district.
- d) The additional off-street parking or loading spaces required for such proposed addition, enlargement or change, can be supplied as required by the applicable zoning ordinance provisions.
- e) The proposed addition, enlargement or change will not result in an enlargement or increase of any previously approved variation.

2. Minor Modifications of Conditions provided that all of the following are met:

- a) The proposed modification will, in the opinion of the Zoning Administrator, result in equal or better performance than the original condition imposed.
- b) The proposed modification or change shall not result in a change of more than ten (10) percent of any previously imposed condition.
- c) The result of the proposed modification shall be that the property will still be in substantial compliance with the previously approved ordinance.

An owner seeking an approval of such change shall submit an application for a minor amendment to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a minor amendment to the PBZ Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a minor amendment to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. *(Amended 9.15.2009)*

O. **MAJOR AMENDMENTS:** A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13:08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in State law governing the issuance of special use permits and additional requirements as specified in the By-Laws of the ZBA *(Amended 9/15/20)*.

P. **PLANNED DEVELOPMENTS.**

1. Purpose. Planned developments are intended to encourage imaginative site planning which integrates the development proposal with existing topography and other natural environmental assets of the land while conserving the County's rural character. Clustering of units is encouraged to provide common open space. Procedures for approval of Residential

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Planned Developments (RPD) are outlined in Section 13:09 of this zoning ordinance. All other Planned Developments (industrial, commercial, etc.) may be developed in accordance with standards herein *(Amended 9/15/20)*.

2. Zoning Map. Approved planned developments shall be delineated and designated by number on the Official Zoning Map. A file, available for inspection by the public, shall be maintained by the Zoning Administrator for each planned development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein *(Amended 9/15/20)*.

3. Procedure.

- a. A pre-application conference shall be held with the Zoning Administrator or his or her deputies. At such conference the applicant shall provide information as to the location of the proposed planned development; the uses, and approximate area of use category; a list of any and all exceptions to the subdivision and zoning ordinances of Kendall County and any other information necessary to clearly explain the planned development *(Amended 9/15/20)*.

The Zoning Administrator or his or her deputies shall review and consider the proposal as to its compatibility with the LRMP and the goals and policies for planning of the County and advise the applicant on the information, documents, exhibits, drawings, and limitations on the proposal that should be included in the application to the County for a special use permit for Planning Development.

- b. The applicant shall request a concept review of the Planned Development/special use, by letter addressed to the Secretary of the Plan Commission, to be placed on the agenda of ZPAC and the next regular meeting of the Plan Commission for a preliminary discussion and concept review of the proposed Planned Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development which shall include, but not necessarily be limited to the following *(Amended 9/15/20)*:

- i. A tentative sketch plan, which may be in freehand sketch form, showing the location and extent of the types of land uses proposed.
- ii. The existing topography at five-foot contour intervals which may be taken from U.S.G.S. information.
- iii. Existing streets surrounding the subject property.
- iv. Existing utilities including storm drainage facilities.

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- v. The following shall be provided by either graphic exhibits or written statement (*Amended 9/15/20*):
  - i. The density of commercial uses, including maximum lot coverage and building height.
  - ii. The off-street parking and other service facilities proposed.
  - iii. The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planning Development application.
- c. After final adjournment of the meeting, the Plan Commission shall submit to the PBZ Committee of the County Board, a report in writing containing its recommendations. The PBZ Committee shall then review the concept at their next regular meeting and shall either (*Amended 9/15/20*):
  - i. provide the applicant with a recommendation for any suggested modifications and direction to proceed to a formal Planned Development submission; or
  - ii. recommend that the applicant not proceed, along with reasons for the recommendation.
- d. The formal petition for a Planned Development shall be filed with the Zoning Administrator. The Zoning Administrator or his/her deputies shall be responsible for distributing the complete application to the following at the appropriate time:
  - i. ZPAC
  - ii. Members of the Regional Planning Commission
  - iii. ZBA
  - iv. The County Board (*Amended 3.21.18*)

The applicant shall be responsible for providing copies via certified mail return receipt request to the following as soon as possible after filling the application with the County.

- i. Township(s) affected by the application
  - ii. All municipalities within 1½ miles of the subject property
- e. The ZBA shall set a hearing date and shall cause notice of the hearing to be published at least once following the procedures set forth in Section 13:08.H of this ordinance. (*Amended 3.21.18*)
- f. The petition shall be heard by the ZBA and reviewed by the Planning Commission and the report of each shall be submitted to the County Board. The Plan Commission shall submit its review to the ZBA prior to the public hearing. The report of the findings and



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recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. *(Amended 3.21.18)*

- g. The County Board may grant a special use for a Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.
4. Construction of Improvements. The petitioner shall construct and install the required improvements in accordance with the County Subdivision Regulations and the Special Use Ordinance.
  5. Street Classification. Street classifications, definitions, and specification, shall be in accordance with the regulations as established in the Subdivision Regulations and the LRMP of Kendall County, as may be amended from time to time, as may be modified by the special use permit.
  6. Standards. No Planned Development shall be authorized by the County Board unless the Plan Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met *(Amended 9/15/20)*:
    - a) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
    - b) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
    - c) That any industrial park areas established in the Planned Development conforms to all requirements therefore as set forth elsewhere in this ordinance.
    - d) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Development use. When private streets and common driveways are made a part of the Planned Development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.



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7. Agricultural Planned Developments. For planned developments located in the agricultural district A-1, exceptions may be made in the regulations of such district as follows:
  - a. *Use Regulations (Amended 9/15/20).*
    - i. In the agriculture district A-1 use listed as permitted use and special uses may be allowed.
    - ii. Residential, single family uses providing said use is limited to planned unit developments for conventional golf courses and further providing that the gross area of residential use does not exceed 40% of the zoning parcel, and
    - iii. Clubhouses, restaurants in which alcoholic beverages are sold, and other business uses specifically described which are complimentary to the principle use as a golf course providing such uses are limited to planned unit development for conventional golf courses.
  - b. *Gross Density Premiums.* The maximum gross densities for agricultural planned developments may be increased up to a maximum of fifteen percent, in accordance with and when the development included one or more of the following (*Amended 9/15/20*):
    - i. Is adjacent to, or across from a public or permanent private open space which is not less than ten acres in area with a depth perpendicular to a lot line of the planned development of not less than three hundred feet. For the dedication of public recreational and educational sites recommended in the Comprehensive Plan - equal to the number of dwelling units that would otherwise have been permitted upon lands so dedicated.
    - ii. For the provision of unique design features which required unusually high development costs and which tend to achieve an especially attractive and stable development - as determined by the County Planning Commission.
  - c. *Yards.* Yard requirements may be varied or waived - except along the perimeter of the development.
8. Residential Planned Developments. After August 18, 1998, all new residential planned developments shall be zoned R-1 PUD unless the property is already zoned R-2 or R-3. For planned developments located in one or more residence districts, exceptions may be made in the regulations of such districts, as follows:
  - a. *Use Regulations (Amended 9/15/20).*

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- i. In any Residential Planned Development uses listed as permitted uses are allowed, and single-family attached, single-family semi-detached, and multiple-family dwellings may be allowed.
  - ii. Uses listed as special uses in the zoning district in which the development is located may be allowed.
  - iii. In residential planned developments containing over fifty dwelling units, permitted uses and special uses permitted in the B-1 Limited Business District may be allowed, provided that such uses and accessory uses shall not occupy more than five percent of the net land area of the development.
- b. Base Density. Maximum permitted density for a residential planned development will be based on the sum of the base density and the density premium provisions of this Section. Base density for all planned developments shall be .25 dwelling units per buildable acre. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of .25 dwelling units per acre (the base density) and the appropriate density premium as noted below. Buildable area is defined as the total area of the property minus the following: (re-lettered)
  - i. wetlands,
  - ii. the 100-year floodplain, as shown on official FEMA maps,
  - iii. land within the required right-of-way of an existing roadway,
  - iv. land under an existing permanent easement prohibiting future development (including electrical power lines, fiber-optic lines and pipelines).

Lot sizes smaller than otherwise required in the underlying zoning district may be permitted provided adequate septic systems are provided and lots have direct access to a common open space.
- c. Density Premiums. The maximum gross densities for residential planned developments may be increased up to a maximum of .8 dwelling units per buildable acre (.25 d.u./ac. base density plus maximum premium of .55 d.u./ac.) if the development includes one or more of the following (*Amended 9/15/20*):
  - i. Secondary open space that is substantially more than the minimum size otherwise required for storm water detention or through park dedication requirements. (Bonus not to exceed .35 dwelling units per buildable acre)
  - ii. Provision of recreational amenities, beyond minimum standards established in the subdivision ordinance, including but not limited to: a golf course, ballfields, playground

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equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond those designated on the County Transportation Plan), community centers, and exceptional landscape improvements such as native or natural plantings. (Bonus not to exceed .10 dwelling units per buildable acre).

- iii. Offsite and perimeter road improvements in addition to those needed to provide adequate access solely for the proposed development. (Bonus not to exceed .10 dwelling units per buildable acre).
- iv. Endowment of a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the County). (Bonus not to exceed .10 dwelling units per buildable acre).
- v. Conservation of traditional rural architecture reminiscent of Kendall County's agricultural heritage, preservation of historical structures, or design of new structures which reflect these architectural themes. (Bonus not to exceed .10 dwelling units per buildable acre).
- vi. Protection of slopes exceeding 25% as measured over a 10-foot interval and minimization of mass grading (Bonus not to exceed .10 dwelling units per buildable acre).
- vii. Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with Army Corps of Engineers Section 404 Permit requirements. (Bonus not to exceed .10 dwelling units per buildable acre).

- d. Yards. Yard requirements may be varied or waived if lot is located adjacent to common open space.

9. Business Planned Developments. For planned development located in one or more business districts, exceptions may be made in the regulations of such districts, as follows:

- a. *Use Regulations.* Uses as permitted and special uses in the residential and business districts are allowed.

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- b. *Bulk Regulations.* Gross Density. In the B-1 District - not more than nine dwelling units per gross acre - except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and a lodging room as 0.5 of a dwelling unit.  
  
In the B-2 District - not more than seventeen dwelling units per gross acre - except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and a lodging room as 0.5 of a dwelling unit.
    - c. *Performance Standards.* In accordance with the standard of the district in which the development is located (*Amended 9/15/20*).
- 10. Industrial Planned Developments. For planned developments located in one or more industrial districts, exceptions may be made in the regulations of such districts, as follows:
  - a. *Use Regulations.* Uses listed as permitted and special uses in the commercial and manufacturing districts.
  - b. *Bulk Regulations (Amended 9/15/20).*
    - i. *Yards.* Yard requirements may be waived - except along the interior boundaries of the development.
    - ii. *Floor Area Ratio.* Floor area ratio requirements of the district are applicable to the entire planned development and not to specific uses which may be located within the planned development. For this purpose, the net site area shall be used in the computation.
  - c. *Performance Standards.* In accordance with the requirements of the prevailing district.
- 11. *Re-Application.* At least one year shall elapse between the date of an adverse decision and reapplication or repetition for a variation, amendment or special use.

## Q. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.

- 1. In order to protect areas devoted to residential, business and light manufacturing uses from annoying or dangerous classes of industrial nuisances and hazards, Kendall County has divided into two manufacturing performance districts - M-1 and M-2 graduated respectively in terms of industrial performance standards from high to low. For practical purposes, the performance standards in the manufacturing districts have been supplemented by lists and of the uses permitted in these districts.

It is recognized, however, that among the uses first permitted in the M-2

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Districts, there may be individual establishments having such high performance standards that they could safely be permitted in the M-1 District even though engaged in operations not listed as permitted in the M-1 District. It is consistent with the purposes of this amended ordinance and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Districts *(Amended 9/15/20)*.

The ZBA is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the ZBA is satisfied beyond a reasonable doubt that all performance standards for the M-1 District, as well as all other regulations, will be complied with. In authorizing such Special Use, the ZBA may require the posting of a performance bond by the owners or operators of the proposed establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M-1 performance standards should the establishment in fact fail to so comply. *(Amended 3.21.18)*

2. Preliminary to granting a Special Use permit as prescribed in Section 13:08.H, the ZBA shall require the applicant for a Special Manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State of Illinois, which certificate shall include the following: *(Amended 3.21.18)*
  - a. A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
  - b. A statement that the proposed operation will conform with the performance standards for the M-1 Districts, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
  - c. Such other pertinent information as the ZBA shall deem necessary to assist it in making its findings and report. *(Amended 3.21.18)*

#### 13:09 PROCEDURE FOR APPROVAL OF RPD-1, RPD-2 OR RPD-3 DEVELOPMENT *(Amended 9/15/20)*.

##### A. PRELIMINARY PLAN PROCESS *(Amended 9/15/20)*.

- 1 Pre-Application Discussion. The purpose of this informal meeting is:
  - a. To introduce the applicant and the site designer(s) to the County's zoning and subdivision regulations and procedures



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- b. Discuss the applicant's objectives in relation to the County's official policies and ordinance requirements
  - c. Identify early on using, the four step process, the specific issues that will need to be addressed in designing the site. The meeting will include the applicant, the site designer(s) as well as members of the County's Concept Plan Committee and additional representatives as may be required from the affected school and/or park districts, emergency service providers and representatives of any municipality within 1.5 miles of the proposed development.
- 2. Existing Features (Site Analysis) Plan. Plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring to the Pre-Application Discussion a copy of the Existing Features (Site Analysis) Plan. Detailed requirements for Existing Features (Site Analysis) Plans are contained in another section of this ordinance, but at the minimum must include
  - a. A contour map based at least upon topographical maps published by the U.S. Geological Survey;
  - b. The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements;
  - c. Soil boundaries as shown on USDA Natural Resources Conservation Service medium intensity maps and supplemental soils surveys of the property based on a 200-foot grid;
  - d. The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails and any sites listed on the Critical Trends Assessment Program of the Illinois Department of Natural Resources; and
  - e. A drain tile study.

In order to adequately prepare the Existing Features (Site Analysis) Plan, an NRI report shall be prepared, and shall be submitted as part of the pre-application materials supplied along with any additional studies as recommended in said report including but not limited to a wetland delineation report or other similar studies.

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The Existing Features (Site Analysis) Plans shall identify both Primary Open Space and Secondary Open Space. Together, these Primary and Secondary Open Space Areas comprise the development's proposed open space, the location of which shall be consistent with the Planning Goals and Objectives for Natural Resources of the Land Resource Management Plan. The Existing Features (Site Analysis) Plan shall form the basis for the Concept Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section 13:09.C (*Amended 9/15/20*).

3. On-Site Inspection. After the Existing Features (Site Analysis) Plan has been prepared, the Director of Planning, Building and Zoning or his designated representative shall, if possible, schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize County officials with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the Secondary Conservation Areas and potential house locations and street alignments. Separate on-site inspections are encouraged if a convenient date cannot be established for a group visit. If this visit is not scheduled before submission of the sketch plan or the Concept Plan, it should occur soon thereafter.

- B. **CONCEPT PLAN PROCESS.** After the pre-application discussion, a sketch plan or a Concept Plan shall normally be submitted to the Concept Plan Committee for review and comment for all proposed subdivisions. The Concept Plan Committee shall at a minimum be composed of the Director of Planning, Building and Zoning, County Highway Engineer, the County's Consulting Engineer, Director of Environmental Health, Director of the County Forest Preserve, one representative from each of the County Board, Building and Zoning Committee, Plan Commission, Zoning Board of Appeals and a representative from the municipalities within 1.5 miles or other affected districts (*Amended 9/15/20*).

The purpose of the Concept Plan is to obtain the County's early sense on the appropriateness of the project as well as the overall pattern of streets, house lots, Primary and Secondary Open Space Areas, and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, stormwater management, or the accurate delineation of internal lot boundaries.

As used in this ordinance, the term "Concept Plan" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments. This is the stage

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where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. For any project of ten (10) acres or more, these drawings shall be prepared by a team that includes a landscape architect and a civil engineer.

The Concept Plan shall include, at a minimum, the following:

1. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), rights-of-way, preliminary lot locations and sizes, open space areas and any other information as determined by the Director of Planning, Building and Zoning.
2. How the plan follows the four-step process.
3. A topographic survey with two-foot contour intervals.
4. A preliminary tree preservation plan, that identifies all significant trees proposed to be preserved or removed.
5. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
6. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
7. Preliminary specifications of the following (*Amended 9/15/20*):
  - a. Sequence of phases or stages of development of the Planned Development. Common open space areas shall generally be provided in each phase consistent with the phasing of dwelling units.
  - b. A general landscape planting plan prepared by a landscape architect, which meets the approval of the Plan Commission.
8. The following shall be provided by either graphic exhibits or written statement (*Amended 9/15/20*):
  - a. The density of residential uses and the number of dwelling units by type.
  - b. The ancillary and non-residential uses to be provided in a Residential Planned Development.
  - c. The calculation of buildable acreage, the estimated percent and acreage of land used for each of Primary and Secondary Conservation purposes, and the projected type and acreage of passive and recreational open space.

A Concept Plan shall be submitted by the applicant to the Director of Planning, Building and Zoning for referral to the Concept Plan Committee, the applicable Township, and any municipality within 1 ½ miles of the

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proposed development, for their review and comment. If requested by an effected municipality or township, the developer shall present their concept plan at an appropriate local government meeting. After a complete submission has been received, the Planning, Building and Zoning Department prepare a report describing how the Plan conforms to the requirements of the County's ordinances, including the Development Evaluation Criteria of Section 8:03.O, and the LRMP and will discuss with the applicant and review their recommendations. The report shall include a copy of any correspondence received from local municipalities or townships *(Amended 9/15/20)*.

If in the opinion of the Concept Review Committee, the proposed design and layout of the project does not adequately preserve protect or incorporate the significant natural features of the site as identified in the four step process with regard to wetlands, fens, seeps, high quality streams or significant trees as defined in the County's Subdivision Control Ordinance or if there is a difference of opinion between the committee and the developer regarding the quality of the features being recommended for preservation by the Concept Review Committee, the Committee may designate a consultant experienced in development design and in the protection of natural features and greenway lands to meet with the applicant and the committee to provide an independent assessment of the proposal. All reasonable costs associated with use of the consultant shall be paid by the applicant.

In reviewing the proposal, the consultant shall provide the applicant and the committee with comments as to how the proposed plan sensitively incorporates and maximizes the preservation of the significant natural resources and features of the site and how these proposed plans and documents conform with the *(Amended 9/15/20)*:

- i. Goals and objectives of the Kendall County LRMP;
- ii. Intent and rules of the Residential Planned Development Ordinance;
- iii. Principles and practices of conservation design.

In addition, the consultant shall supply an assessment of the quality of the natural resources and features present on the property along with input as to which features are significant enough to warrant preservation or enhancement. As part of this assessment, the consultant shall also present recommendations on how the concept plan should be revised to accomplish these objectives.



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After receiving the input from the consultant, the developer may prepare a revised Concept Plan for presentation to the Concept Review Committee for review and recommendation to the Plan Commission or request a recommendation on the original plan submitted. The Concept Plan Committee shall schedule a meeting within 15 days of submission of a revised plan to the Director of Planning, Building & Zoning. After review of the submitted plan, the Committee shall provide their recommendation.

The Director of Planning, Building and Zoning or his designated representative shall then submit the Concept Plan and report to the Plan Commission, for review and recommendation within 45 days of the original submission of the Concept Plan. The Concept Plan, report, and the minutes of the applicable Plan Commission meeting shall then be transmitted to the PBZ Committee for their review. Each body shall review the proposal and provide their recommendation. Alternatively, the PBZ may recommend further review by the Concept Plan Committee. If the PBZ recommends further review by the Concept Plan Committee, the application shall be forwarded to that body, along with the report and the minutes of the applicable meetings of the Plan Commission and the Planning, Building, and Zoning Committee. The Concept Plan Committee shall schedule a meeting within 15 days of the recommendation by the PBZ.

The Concept Plan Committee shall meet with the applicant on one or more occasions and shall recommend approval, approval with conditions, or denial. Such recommendation shall be transmitted to the Planning, Building, and Zoning Committee of the County Board for final action.

C. FOUR STEP PROCESS. Each sketch plan or Concept Plan shall follow a four-step design process, as described below. When the Concept Plan is submitted, applicants shall be prepared to demonstrate to the Concept Plan Committee and Kendall County Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and greenway lands.

1. Designating the Open Space. During the first step, all potential conservation areas (both primary and secondary) are identified, using the Existing Features (Site Analysis) Plan and the 200-foot grid soil survey. Primary Conservation Areas shall consist of wetlands, floodplains, slopes over 25%, and soils susceptible to slumping. Secondary Conservation Areas shall include all remaining open space areas and shall strive to include the most sensitive and noteworthy natural, scenic, and cultural resources on the property (*Amended 9/15/20*).



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Guidance on which parts of the remaining land to classify as Secondary Conservation Areas shall be based upon:

- a. the procedures described in Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks, produced by Natural Lands Trust and published by Island Press,
- b. on-site visits or inspections,
- c. the open space location criteria contained in Section 8:03.N (Amended 9/15/20),
- d. the evaluation criteria listed in Section 8:03.P, and (Amended 9/15/20)
- e. information from published data and reports.



Step 1: Developing a "yield plan" to determine the maximum allowable density for the site.

*The site is 120 acres, which includes 10 acres devoted to wetlands. At 90,000 square feet per lot, the 110 buildable acres yield 47 total lots. In addition, the 120-acre site provides for about 15% open space.*

2. Location of House Sites. During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Section 8:03.O, subdivision applicants shall identify tentative house sites on the Concept Plan and proposed house sites on the detailed Final Plan.

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House sites should generally be located not closer than 100 feet from Primary Open Space Areas, but may be situated within 50 feet of Secondary Open Space Areas, in order to enjoy views of the secondary open space without negatively impacting the primary open space. The building "footprint" of proposed residences may be changed by more than fifty feet in any direction with majority approval from the members of the Kendall County Board. Changes involving less than fifty feet do not require approval (*Amended 9/15/20*).



**Step 2:** *Identifying and analyzing key environmental features such as woodlands, topography, wetlands, and natural drainage.*

*This site has extensive environmental features, including large woodlands (shown as the green area) with natural drainage ways (shown as the blue dotted line). One of the natural drainage ways leads to a river on the west side of the graphic. Wetlands are shown as light blue shapes.*

3. **Street and Lot Layout.** The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the County or Township and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels).

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Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted).



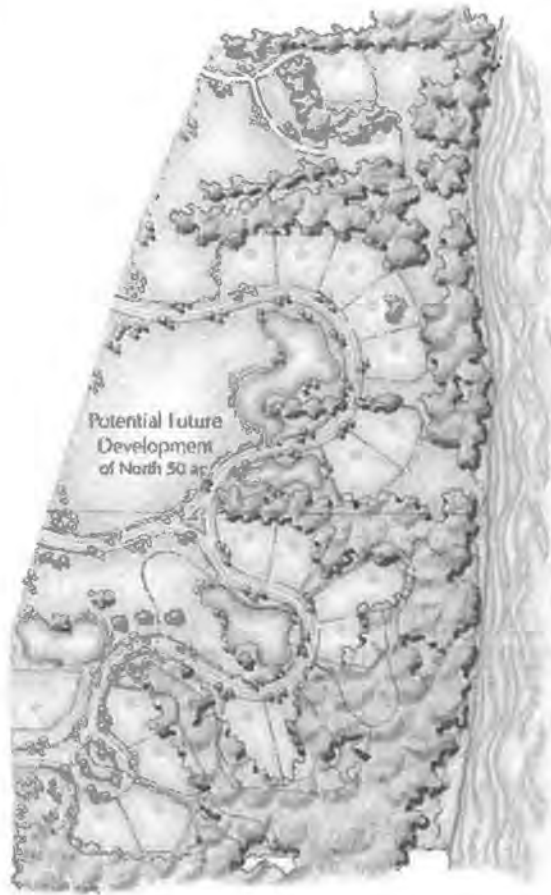
Step 3: *Identifying “development opportunities” and “conservation opportunities.”*

*Illustrated in green, conservation opportunities are formed by the environmental features identified in Step 2. The yellow shapes represent development opportunities, offering sites for residential lots.*

The County generally encourages the creation of single-loaded residential access streets, in order that the maximum number of homes in new developments may enjoy views of open space.

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Note that in situations where more formal, "neo-traditional," or village-type layouts are proposed, Steps Two and Three may be reversed, so that the location of house sites follows the location of streets and squares.

4. Lot Lines. The fourth step is simply to draw in the lot lines (where applicable). These are generally drawn midway between house locations.

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**Step 4:** *Preparing a site design with residential lots, a road network, and conservation areas.*

*At 40,000 square feet per lot, the 110 buildable acres yield 59 total lots in this conservation design plan. The 120-acres site provides about 60% open space, which is much greater than the yield plan from Step 1. The existing farm structure along the eastern edge was also preserved as its own lot (light orange area). The higher lot count and greater open space coverage emphasize the benefits of using the conservation design approach.*

#### D. PRELIMINARY SITE PLAN/PLAT APPROVAL.

1. **Preliminary Site Plan.** Prior to approval of the Concept Plan, the applicant shall submit to the Plan Commission a "Preliminary Site Plan/Preliminary Plat" that shows the approximate layout of proposed streets, house lots, and open space lands complies with the zoning and subdivision ordinances of the County and any municipalities within 1 ½ miles of the development, particularly those sections governing the design of subdivision streets and stormwater management facilities. This site plan requirement is meant to provide the County with assurance that the proposed plan is able to be accomplished within the current regulations of the County. The site plan shall also note any variations needed to implement the plan as drawn. At his or her own risk, an applicant may skip the Preliminary Plat stage and proceed directly to Final Plan Approval or may combine Preliminary and Final Plat approval (*Amended 9/15/20*).



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2. Content of Petition. The formal petition shall contain, in addition to all other requirements, the following:
  - a. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), street classification, rights-of-way, pavement width of street and driveways, all principal buildings, lot sizes, building lines, easements for utility services, off-street parking, service areas, open space recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Development.
  - b. Preliminary architectural plans for all residential buildings proposed to contain more than one dwelling unit shall be submitted in sufficient detail to show the basic planning, the number of units per building and the estimated number of bedrooms per dwelling unit. Building elevations shall be required only for structures containing more than one dwelling unit. Preliminary architectural plans for business or other non-residential buildings shall illustrate elevations and proposed exterior materials.
  - c. A topographic survey with two-foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered Illinois surveyor.
  - d. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
  - e. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
  - f. Preliminary engineering plans and specifications for the following improvements:
    - (i) Roads and streets, including classifications, width of right-of-way, widths of paved surfaces and construction details.

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- (ii) Sidewalks and trails, including widths of paved surfaces and construction details.
  - (iii) Sanitary and storm sewer system.
  - (iv) Water supply system.
  - (v) Street lighting and public area lighting system.
  - (vi) Recommended installations for electric, gas and telephone facilities and distribution.
  - (vii) Sequence of phases or stages of development of the Planned Development.
  - (viii) A general landscape planting plan and tree removal and preservation plan, prepared by a landscape architect which meets the approval of the Plan Commission.
- g. The following shall be provided by either graphic exhibits or written statement:
- (i) The density of residential uses and the number of dwelling units by type.
  - (ii) The ancillary and non-residential uses to be provided in a residential planned development.
  - (iii) The off-street parking and other service facilities proposed.
  - (iv) The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planned Development application.
  - (v) The calculation of buildable acreage, the percent and acreage of land used for each of Primary and Secondary Open Space purposes, and the type and acreage of passive and recreational open space.
  - (vi) Other submittals as requested by the County PBZ Department (including but not limited to traffic studies, ground water studies, etc.).

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3. Procedures for Approval.

- a. The applicant shall request the Preliminary Plan/Plat Approval in addition to a petition for a zoning map amendment, by letter addressed to the PBZ or his/her designee, to be placed on the agenda of the next regular meeting of the Zoning, Platting Advisory Committee (ZPAC) for a preliminary discussion of the proposed Planned Development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the proposed development.
- b. A copy of the petition shall also be submitted to the applicable Township and any municipality within 1 ½ miles of the proposed development, with extra-territorial jurisdictional control. The applicant shall present the application at a regularly scheduled meeting of the Plan Commission (or other applicable body) of the township or municipality. The Township and/or municipality may submit comments to the County regarding the petition within 30 days (*Amended 9/15/20*).
- c. The Director of Planning, Building and Zoning or his designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.
- d. The petition shall be reviewed by the ZPAC within 30 days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The director or staff shall submit minutes of the ZPAC meeting containing such recommendation shall be submitted to the Plan Commission for review and recommendation, along with any written correspondence received from any municipality or township.

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- e. The petition shall be heard by the Plan Commission within 60 days of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least 30 days in advance the Plan Commission meeting. Upon completion of their review of the preliminary plan or plat, a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the Plan Commission meeting containing such recommendation shall be submitted to the ZBA, along with and written correspondence received from any municipality or township.
- f. The Chairman of the ZBA shall set a hearing date on the zoning map amendment to be held within 30 days of the submission of the Plan Commission report provided any necessary revisions or supplemental information requested by the Plan Commission have been supplied at least 15 days in advance the hearing. The Chairman shall cause notice of the hearing to be published at least once, not more than thirty days nor less than fifteen days before said hearing date in one or more newspaper of general circulation in the County. Written notice shall be given by the applicant to all property owners as prescribed by the ZBA by-laws.
- g. Upon completion of their review of the map amendment and preliminary plan or plat, the ZBA shall make a recommendation. The Director of Planning, Building and Zoning or his designated representative shall forward a copy of the petition, the minutes of the applicable meetings containing the recommendations of the Plan Commission and the Zoning Board of Appeals accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. to the Planning Building and Zoning Committee of the County Board. The PBZ Committee shall review the petition within 30 days of the public hearing, unless a legal objection is eligible for filing in which case the PBZ Committee shall review the petition within 60 days *(Amended 9/15/20)*.

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- h. The Director of PBZ or his designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Plan Commission, Zoning Board of Appeals and Planning Building and Zoning Committee to the County Board. The County Board shall review the petition within 30 days of the PBZ Committee's meeting.
  - i. The County Board may grant an ordinance approving a map amendment for the Planned Development as well as any related special use permits. A separate ordinance approving the Concept Plan and Preliminary Plan/Plat may also be granted including plats, landscape plans, and the like. The Concept Plan and Preliminary Site Plan or Plats required by Section 13:09.B.4 and 13:09.D shall be explicitly made a part of the Planned Development Ordinance (*Amended 9/15/20*).
- 4. Zoning Map Approved Residential Planned Developments shall be delineated and designated by a number on the zoning district map. A file, available for inspection by the public, shall be maintained by the Director of PBZ for each Planned Development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.

E. FINAL PLAN APPROVAL

- 1. Request. The applicant shall request the Final Plan Approval, by letter addressed to the Director of PBZ or his/her designee, to be placed on the agenda of the next regular meeting of the Plan Commission for a preliminary discussion of the proposed Planned Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development (*Amended 9/15/20*).
- 2. Content of Petition. The formal petition shall contain, in addition to all other requirements, the following:
  - a. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), street classification, rights-of-way, pavement width of street and driveways, all principal buildings, lot sizes, building lines easements for utility services, off-street parking, service areas, open space recreation facilities and any other information



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necessary to clearly show the proposed elements of the Planned Development.

- b. Preliminary architectural plans for all residential buildings proposed to contain more than one dwelling unit shall be submitted in sufficient detail to show the basic planning, the number of units per building and the estimated number of bedrooms per dwelling unit. Building elevations shall be required only for structures containing more than one dwelling unit. Preliminary architectural plans for business or other non-residential buildings shall illustrate elevations and proposed exterior materials.
- c. A topographic survey with two-foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered Illinois surveyor.
- d. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
- e. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
- f. Specifications of the following improvements:
  - i. Roads and streets, including classifications, width of right-of-way, widths of paved surfaces and construction details.
  - ii. Sidewalks, including widths of paved surfaces and construction details.
  - iii. Sanitary and storm sewer system.
  - iv. Water supply system.
  - v. Street lighting and public area lighting system.
  - vi. Recommended installations for electric, gas and telephone facilities and distribution.
  - vii. Sequence of phases or stages of development of the Planned Development.
  - viii. A general landscape planting plan, prepared by a landscape architect which meets the approval of the Plan Commission.

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- g. The following shall be provided by either graphic exhibits or written statement:
  - i. The density of residential uses and the number of dwelling units by type.
  - ii. The ancillary and non-residential uses to be provided in a residential planned development.
  - iii. The off-street parking and other service facilities proposed.
  - iv. The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planning Development application.
  - v. The calculation of buildable acreage, the percent and acreage of land used for each of Primary and Secondary Conservation purposes, and the type and acreage of passive and recreational open space.
  - vi. Estimates of cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
  - vii. Petitioner's proposed development agreement, covenants, restrictions and conditions, special service district and home owner's association by-laws to be established as a part of the Planned Development.
  - viii. Open Space Maintenance and Monitoring Plan that complies with the standards set forth in Appendix Nine of the Kendall County Subdivision Control Ordinance.
  - ix. Other submittals as requested by the County PBZ Department.
  - i. Construction of Improvements. The petitioner shall construct and install the required improvements in accordance with the County Subdivision Regulations and the Special Use Ordinance.
  - ii. Street Classification. Street classifications, definitions, and specification, shall be in accord with the regulations pertaining to same as established in the Subdivision Regulations and the Comprehensive Plan of Kendall County, as may be amended from time to time, as may be modified by the special use permit.
  - iii. Standards. No Planned Development shall be authorized by the County Board unless the Plan Commission shall find and recommend that the following standards will be met:

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- a. The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- b. The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- c. That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Development (*Amended 9/15/20*).
- d. When private streets and common driveways are made a part of the Planned Development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.

3. Procedures for Approval.

- a. A copy of the petition shall be filed with the PBZ Department, and ten copies of the petition shall be filed with the Director of PBZ or his/her designee. Attached to each copy shall be copies of the supporting documents and exhibits provided for herein.
- b. A copy of the petition shall also be submitted to the applicable Township and any municipality within 1 ½ miles of the proposed development. The applicant shall present the application at a regularly scheduled meeting of the Plan Commission (or other applicable body) of the township or municipality. The Township and/or municipality may submit comments to the County regarding the petition within 30 days.
- c. The Director of PBZ or his designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.
- d. The Petition will be placed on the agenda of the next regular meeting of the ZPAC for a preliminary discussion of the proposed

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Planned Development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the final plat for the proposed development.

- e. The petition shall be reviewed by Zoning, Platting Advisory Committee within 30 days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the ZPAC meeting containing such recommendation shall be submitted to the Plan Commission for review and recommendation, along with any written correspondence received from any municipality or township
- f. The petition shall be reviewed by the Plan Commission within 60 days of the of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least 30 days in advance the Plan Commission meeting. Upon completion of their review of the Final Plat, a recommendation shall be made, accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the Plan Commission meeting containing such recommendation shall be submitted to the PBZ Committee of the County Board for review and recommendation to the County Board (*Amended 9/15/20*).
- g. The Chairman of the PBZ Committee shall review the matter within 30 days of the submission of the Plan Commission report and receipt of the required approvals for the final engineering plans and supporting documents by all applicable reviewing agencies (*Amended 9/15/20*).
- h. Following review and recommendation by the PBZ Committee, the Director of PBZ or his designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Plan Commission and the Planning Building and Zoning Committee to the County Board. The County Board shall review the petition within 30 days of the PBZ Committee's meeting (*Amended 9/15/20*).

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- i. The County Board may grant an ordinance for the Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like. The site development plan required by Section 13:09.B shall be explicitly made a part of the Planned Development Ordinance (*Amended 9/15/20*).

4. Relationship to Subdivision Approval

- a. An application for approval of a Residential Planned Development, as provided for in this Section 13:09, may be undertaken concurrently with an application for subdivision plat approval, as provided in the Kendall County Subdivision Control Ordinance (*Amended 9/15/20*).
- b. Certain large projects may be platted and developed in phases. In such cases, the final subdivision plat may be done on a phase-by-phase basis, after receiving preliminary Planned Development approval and preliminary subdivision approval for the entire development. However, the final Planned Development plan for the entire development must be approved in advance of or concurrently with final plat approval of the first phase.
- c. Required Open Space in a Phased Subdivision Plat. In projects which are developed in phases, each subdivision plat phase need not provide 30% of that phase's area as open space (in accordance with the minimum open space requirement for Residential Planned Developments). However, each phase shall provide a reasonable amount of open space, to serve residents of that phase until the entire development is built out and the minimum required open space (30% of the total acreage of the entire development) is completed.

13:10 SITE PLAN REVIEW (*Amended 9.18.2001*)

- A. PURPOSE and INTENT. Site plan approval is required to insure that plans that are otherwise in conformance with this Ordinance also include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and drainage of the site in a manner that will promote safety and convenience for the public and will preserve surrounding property values. Site Plan review is not a substitute for required State and County building permit reviews.



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- B. **APPLICABILITY.** Site Plan Review is required for all new construction or additions and changes in the use of land or existing buildings which results in any alteration or construction within the following zoning districts:

1. All Business Districts.
2. All Manufacturing Districts.
3. All commercial development within a Planned Development.
4. All non-residential or non-agricultural structures within a Residential or Agricultural District.

The following activities are excluded from Site Plan Review:

1. Normal maintenance.
2. Construction or alteration of any building in use exclusively as a single-family or two-family dwelling or any uses devoted exclusively to agriculture, horticulture or floriculture.
3. Home occupations as defined in the zoning ordinance.
4. Restoration or reconstruction of a damaged structure if such restoration does not exceed 50% of the value of the entire structure based on the Kendall County Assessor's records. Such restoration must commence within one year from the date of the fire or other casualty or act of God. If restoration or reconstruction does not begin within one year, a site plan shall be required.

- C. **VARIANCE.** The PBZ Director or the PBZ Committee of the County Board may grant exceptions from the site plan requirements.

- D. **SITE DESIGN STANDARDS.** The following development standards are established as criteria for the review of Site Plans.

1. Responsive to Site Conditions. Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance.

To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken (*Amended 9/15/20*).

2. Traffic and Parking Layout. Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized

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and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles.

Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Relief from this provision may be considered by the PBZ Committee for rear yard parking facilities in Manufacturing (M-1, M-2), and Commercial Recreation (B-4) zoning districts or for hardship cases, such as projects where barrier curb installation would conflict with drainage requirements. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing.

Traffic studies may be required by the ZPAC or PBZ Committee. Such traffic studies should address:

- a. Projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
  - b. Projected traffic flow patterns, including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
  - c. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be provided.
3. Site Layout. Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
  4. Consistent with the LRMP. The proposed use and the design of the site should be consistent with the LRMP.
  5. Building Materials. The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements.
  6. Relationship to Surrounding Development. A site shall be developed in harmony with neighboring street pattern, setbacks and other design

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elements.

7. Open Space and Pedestrian Circulation. Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property.
8. Buffering. Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view.
9. Emergency Vehicle Access. Every structure shall have sufficient access for emergency vehicles.
10. Mechanical Equipment Screening. All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts.
11. Lighting. The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view.
12. Refuse Disposal and Recycling Storage Areas. All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited.

## E. PETITION FOR SITE PLAN REVIEW

1. Standing. A petition for Site Plan review shall be made by a person, firm or corporation that is the legal owner or has a possessory interest on the land which is described in the application for site plan review.
2. Filing. Petitions for Site Plan review shall be filed in writing with the Zoning Administrator and shall be accompanied by such documents and information as the ZPAC or PBZ Committee may require. Such documents and information shall include, but are not limited to, the following:
  - a. Completed petition for Site Plan review in a format developed by

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- b. the County;
  - b. Application fee;
  - c. Generalized location map;
  - d. Plats and drawings depicting compliance with the aforementioned site design standards.
- 3. Plan Requirements. The petition for Site Plan review and drawings should include the following:
  - a) Name of the project, boundaries, and location map showing the site's location in County, date, north arrow and scale of plan;
  - b) Name, address and telephone number of the owner of record.
  - c) All existing lot lines, easements and right-of-way, including area in acres or square feet.
  - d) Contiguous land uses and zoning, and location and use of structures within 200 feet of the site.
  - e) Location and use of all existing and proposed structures within the development.
  - f) Location of all present and proposed roads, parking areas, driveways, sidewalks, fences, curbs, paths and walls.
  - g) Location and proposed screening details for all permanent waste disposal containers.
  - h) Location, height, intensity and bulb type of all external lighting fixtures. The direction of illumination and methods to eliminate glare into adjoining properties should be shown.
  - i) Location of all present and proposed utilities, including but not limited to sewage or septic systems, water supply, telephone, cable and electrical systems, and storm water drainage systems, such as drain lines, culverts, catch basins, hydrants and drainage swales. Detailed soil mapping may be required to ensure suitability of the property for septic field installation.
  - j) Location of existing and proposed natural features, including topography, forest cover and water sources.
  - k) Elevation plans for exterior facades of proposed structures, showing design features and indicating type and color of materials to be used.
  - l) Landscaping proposed for the development, including new plantings and existing plant material to be preserved, along with an indication of trees to be removed or transplanted. A separate landscape plan may be submitted in lieu of illustration on the Site Plan.
  - m) A copy of the permit application and any revisions required by the U.S. Army Corps of Engineers for any flood plain or wetland modification.
  - n) Timetable for construction of improvements.
- F. Procedure. A written application for site plan review shall be submitted to the PBZ Department, which will schedule the item for review. Consultation with the appropriate County staff and consultants is encouraged throughout this process to insure a minimum delay. If requested by the applicant, the County will review



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applications for Site Plan review concurrently with separate requests for rezoning or platting. The review process will include the following:

1. *Zoning and Planning Advisory Committee.* One copy of the complete application, along with eight (8) copies of the site plan shall be submitted by the property owner or his certified agent to the Zoning Administrator at least fourteen (14) days prior to the ZPAC meeting. The purpose of the ZPAC meeting will be to evaluate the completeness of the application and to provide the applicant with feedback/input on the proposed site plan. Prior to the ZPAC meeting, the Zoning Administrator shall distribute copies of the Site Plan to Committee members. After discussion on a proposed site plan, the ZPAC may approve, deny, or approve with modifications, or request that the applicant revise the plan and return to a future ZPAC meeting for further review *(Amended 9/15/20)*.
  2. *PBZ Committee.* Site plan decisions by ZPAC may be appealed to the PBZ Committee.
- G. *Revocation.* Where a Site Plan has been approved and where no substantial construction work is initiated within one year from the date approving the Site Plan, then, without further action by the PBZ Committee, such Site Plan approval shall become null and void.
- H. *Enforcement.* It is the policy of the County that enforcement of this Site Plan review requirement is in the highest public interest. If any person, firm, or corporation violates the provisions of this Section, the County may exercise any or all of the remedies and penalties available under law. *(Amended 4.21.20)*.

13:11 PENALTIES. *(Amended 4.21.20)*

Any person, firm or corporation who violates Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense.

In addition to the above, the County may take summary steps to abate violations to this Ordinance and charge the violator with the cost of abating the violation. Upon nonpayment, the County may file a lien against the property.

In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.



SECTION 14:00 SEPARABILITY

It is hereby declared to be the intention of the Chairman and County Board of Kendall County that the several provisions of this amended Zoning Ordinance are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall declare any provision of this amended zoning ordinance to be invalid, such ruling shall not affect any other provision of this amended ordinance not specifically included in the said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this amended zoning ordinance to a particular property, building or other structure, such ruling shall not affect the application of said provision to any other property, building, or structure not specifically included in said ruling.

## **Appendix 1 Lot Size Guide--Agriculture and Residential Districts**

This is a guide only. For exact requirements refer to provisions in Section which applies.

	A-1	R-1	R-2	R-3	R-4	R-5	R-6	R-7	RPD-1	RPD-2	RPD-3
Minimum Single-Family Residential Lot Size – sq. ft.	130,000*	130,000	90,000	45,000	30,000	15,000	7,000	7,000	20,000	20,000	20,000
Minimum Lot Width – ft.	200**	200'	lot depth	40% of lot depth	40% of lot depth	40% of lot depth	40% of lot depth	40% of lot depth	100'	100'	100'
Maximum Building Height – ft.											
–Single-Family Residential		40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
–Churches		45'	45'	45'	45'	45'	45'	24'	45'	45'	45'
–Other Non-Residential Uses	N/A	45'	45'	45'	45'	45'	45'	24'	45'	45'	45'
Front Yard Setback - ft. (minimum)											
–Freeway & Arterial Roads					40'	40'	40'	50'			
–Major & Minor Collector Roads	**See Below				30'	30'	30'	40'			
–All other roads		150' or 50'	50'	50'	25'	25'	25'	30'	30'	30'	30'
Side Yard Setback - ft. (minimum)	50'	50'	25'	10% of lot width	10% of lot width	10% of lot width	10% of lot width	10'	10% of lot width	10% of lot width	10% of lot width
Side Yard Setback - Corner Lot - ft. (minimum)	150'	50'	50'	30'	30'	30'	30'	30'	10% of lot width	10% of lot width	10% of lot width
Rear Yard Setback - ft. (minimum)	50'	50'	50'	50'	30'	30'	30'	30'	50'	50'	50'
Public Utilities Required W-Water; S-Sewer	N/A	N/A	N/A	N/A	S	S	W, S	S	N/A	N/A	N/A
Minimum Non-Residential Lot Size - Acres	N/A	N/A	5	5	5	5	5	5	***See Below	***See Below	**See Below
Lot Coverage - Maximum Percent	N/A	10%	12%	20%	20%	40%	40%	40%	See Ordinance	See Ordinance	See Ordinance
Density - No. of Units per Acre	N/A	N/A	N/A	0.8	1.2	2.2	3.5	15	.45(max) .33 (min.)	.65 (max) .45 (min.)	1 (max.) .86 (min.)
Gross Acres Required	N/A	Not Specified	<10	<10	N/A	N/A	N/A	N/A	Not Specified	Not Specified	Not Specified

\*Minimum listed is for existing and replacement homes or A-1 conditional home permits. See A-1 District Regulations for specifics.

\*\*A-1 Front Yard Requirements--100' from a dedicated road right-of-way or 150' from the center line of all adjacent roads.

\*\*\*Minimum RPD non-residential lot sizes are specific to use. Please refer to the RPD regulations.

All "Special Use" lot sizes shall be specified in the Special Use Permit.

Updated 9/15/2020

**Appendix 2 Lot Size Guide--Other Districts**

This is a guide only. For exact requirements refer to provisions in the Section which applies.

	B-1	B-2	B-3	B-4	B-5	B-6	M-1	M-2	M-3
Minimum Lot Size - sq. ft.	10,000	10,000	10,000	20,000	As approved by the County Board	150,000	Not Specified	Not Specified	Not Specified
Minimum Lot Width - ft.	100'	100'	100'	100'	As approved by the County Board	250'	Not Specified	Not Specified	Not Specified
Maximum Building Height - ft.	35'	35'	35'	50'	As approved by the County Board	75'	Not Specified	Not Specified	Not Specified
Front Yard--ft.									
--Arterial Roadways	50'*	50'*	50'	50'*		75'*	50'	50'	
--Major or Minor Collector Roadways	40'***	40'***	40'***	50'***	As approved by the County Board	50'***	40'	40'	
--All Other Streets	30'****	30'****	30' ****	40'****		40'****	30'	30'	N/A
Side Yard--ft. (minimum)	10'****	10'****	20'****	10'****	As approved by the County Board	30'	10% of lot width (up to 20')	10% of lot width (up to 20')	TBD by ZBA
Rear Yard--ft. (minimum)	20'****	20'****	20'****	10'****	As approved by the County Board	40'****	40'	40'	TBD by ZBA
Lot Coverage - Maximum Percent	75%	70%	70%	75%	As approved by the County Board	70%	60%	70%	Not Specified
Floor Area Ratio - Maximum	0.5	0.5	0.5	0.2	As approved by the County Board	0.5	N/A	N/A	Not Specified
Distance from Other Zoning Districts - ft.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	200'
Distance from Property Lines - ft.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100'
Distance from any Street or Road - ft.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	150'
Gross Acres Required	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10

\*or 100' in B-1, B-2, B-3, B-4 or 125' in B-6 from the center line of all adjacent roads, whichever is greater

\*\*or 90' in B-1, B-2, and B-3 or 100' in B-4 and B-6 from the center line of all adjacent roads, whichever is greater

\*\*\*or 70' from the center line of all adjacent roads, whichever is greater; 75' in the B-1 and B-3; and 80' in the B-4; and 90' in B-6

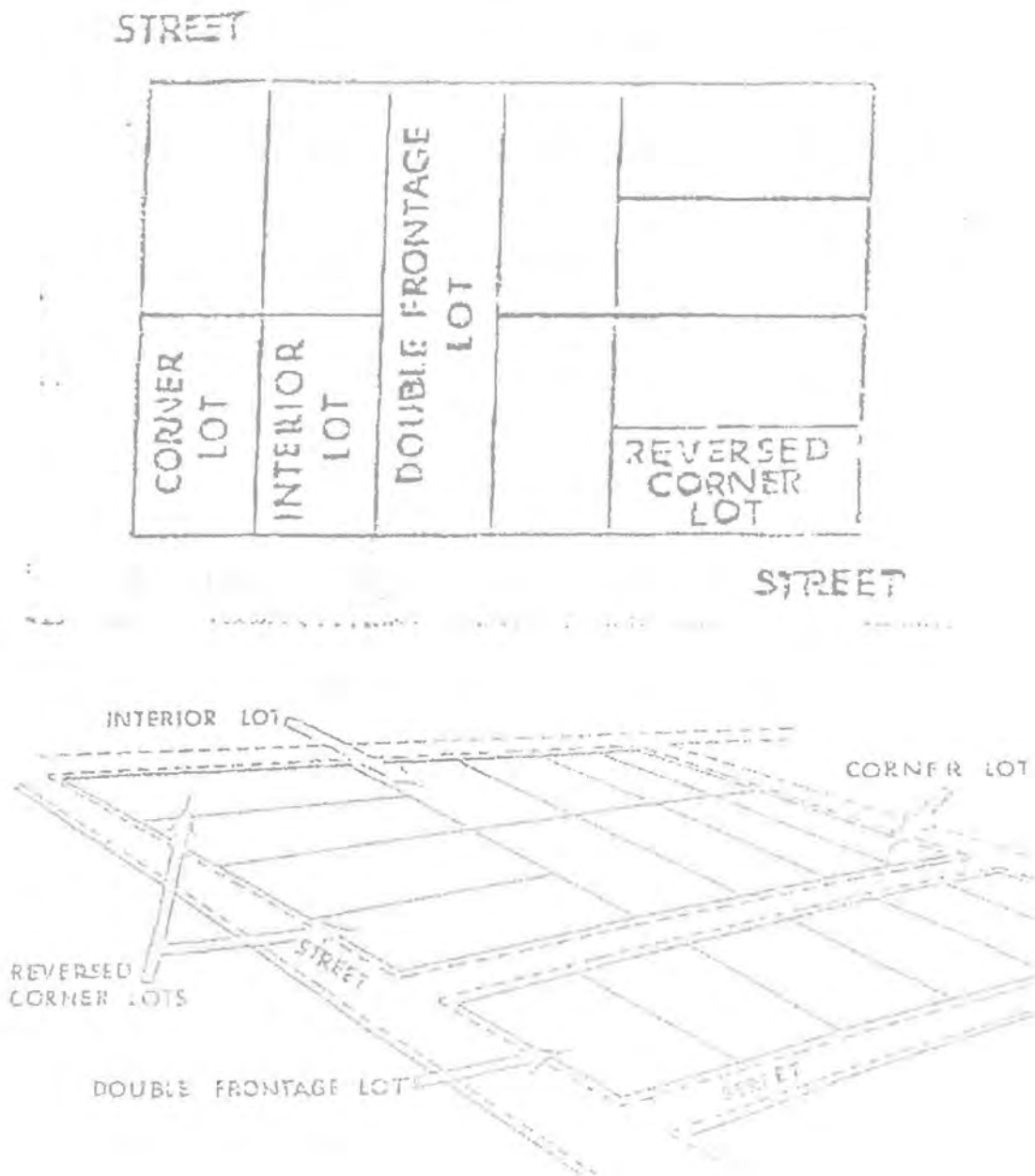
\*\*\*\*When adjoining property in an A-1 or R district or a municipality, a side yard equal to that required on the adjacent property shall be provided, but in no event shall the setback be less than the minimum listed above.

\*\*\*\*\*No building within 300' of a Residential district shall exceed 40' in height.

Updated 9/15/2020

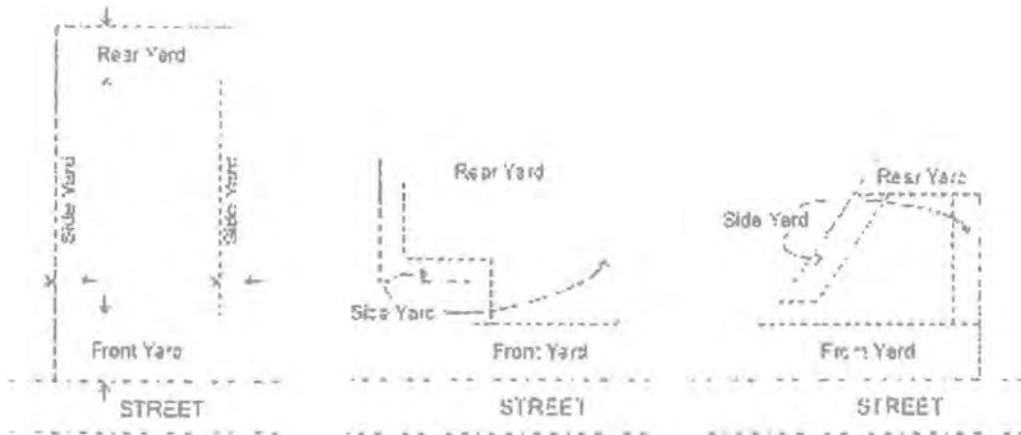
APPENDIX A-3

EXAMPLE OF LOT TYPES



APPENDIX A-4

REQUIRED YARDS ILLUSTRATED



INTERIOR LOTS



THROUGH LOT

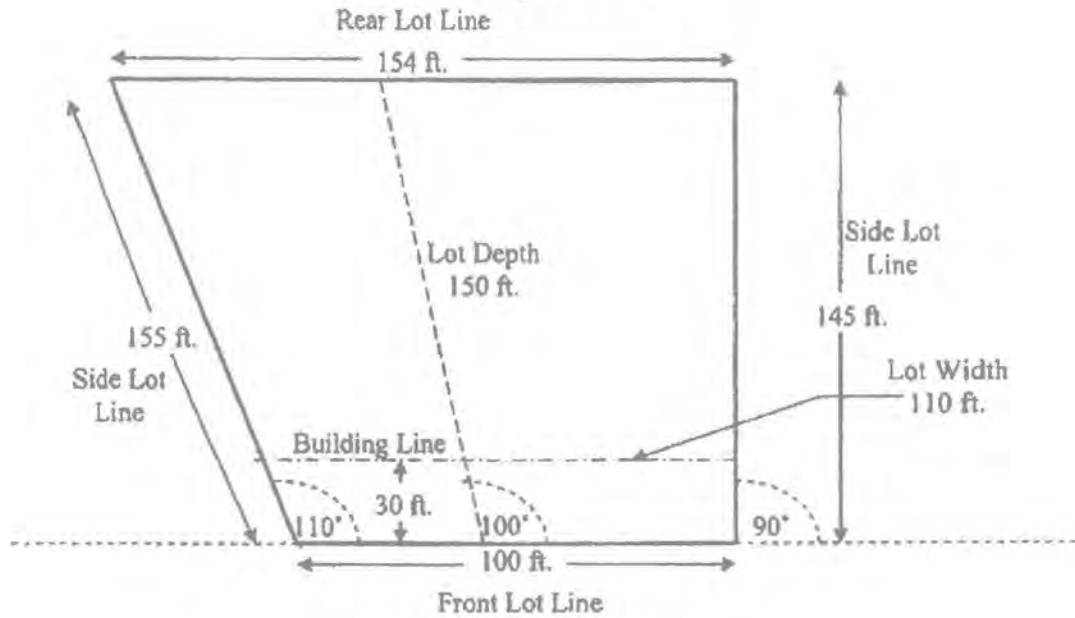


CORNER LOT

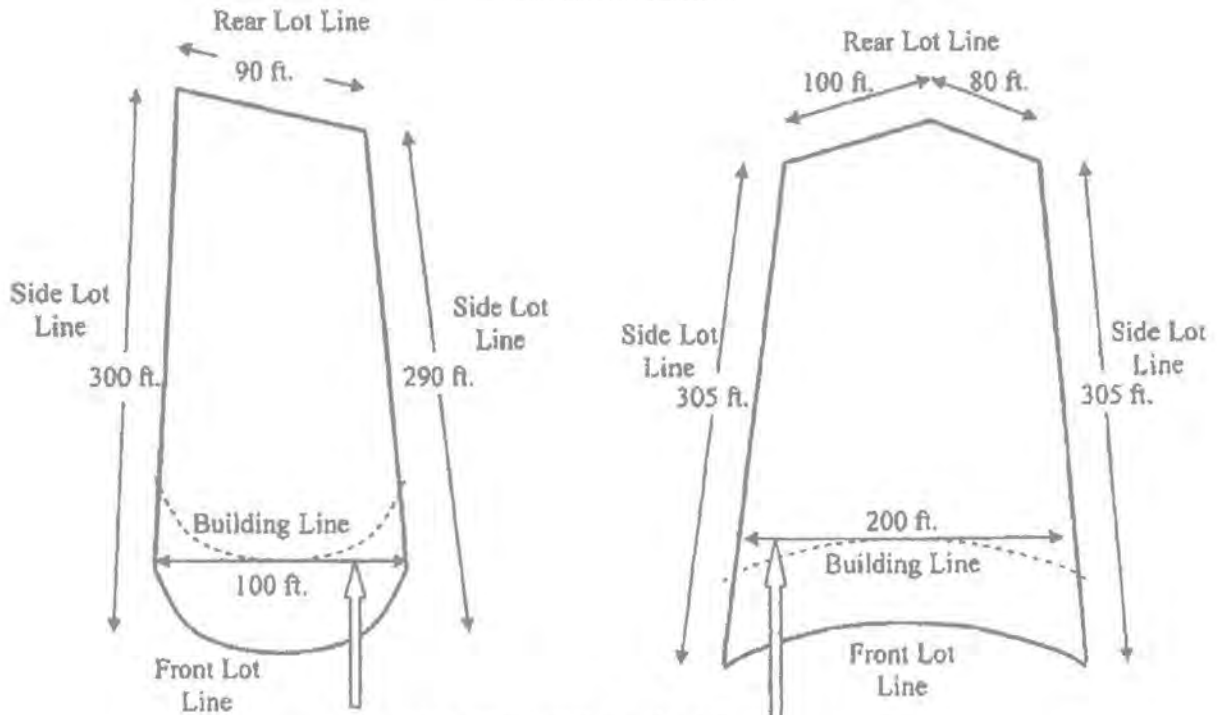
On a corner lot, the corner side yard is from the side of the house to the street, where the front of the houses faces is considered the front yard.



### Lot Width & Depth Explained Rectangular Lots



### Curvilinear Lots



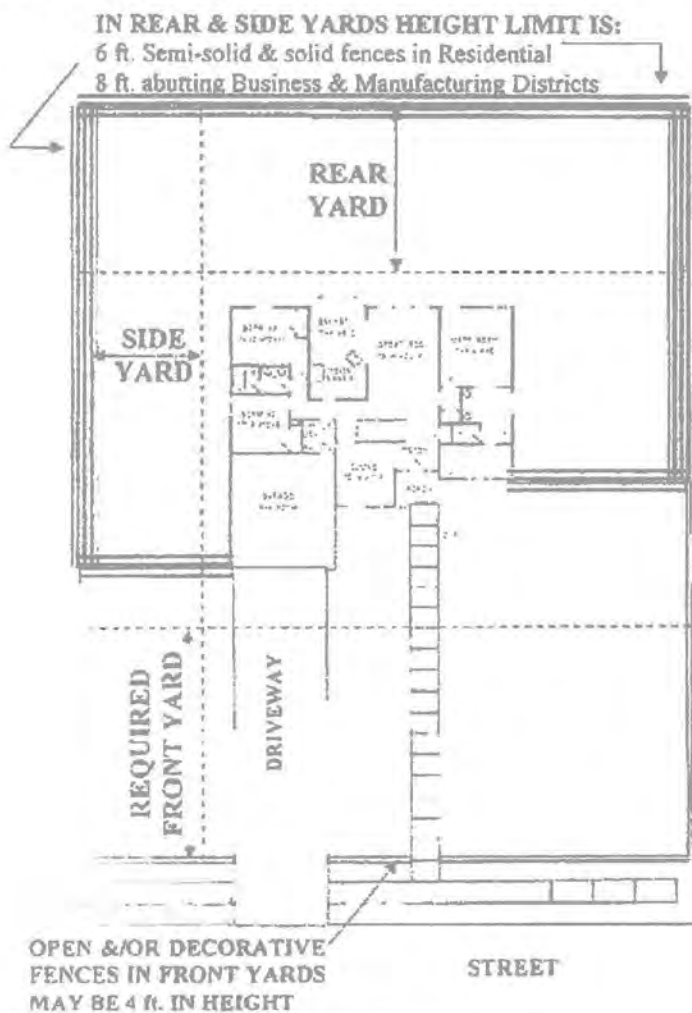
Lot width at the building setback line  
measured along the tangent of the arc.

**PERMITTED FENCES,  
LOCATIONS IN YARDS AND  
HEIGHT LIMITS ILLUSTRATED**

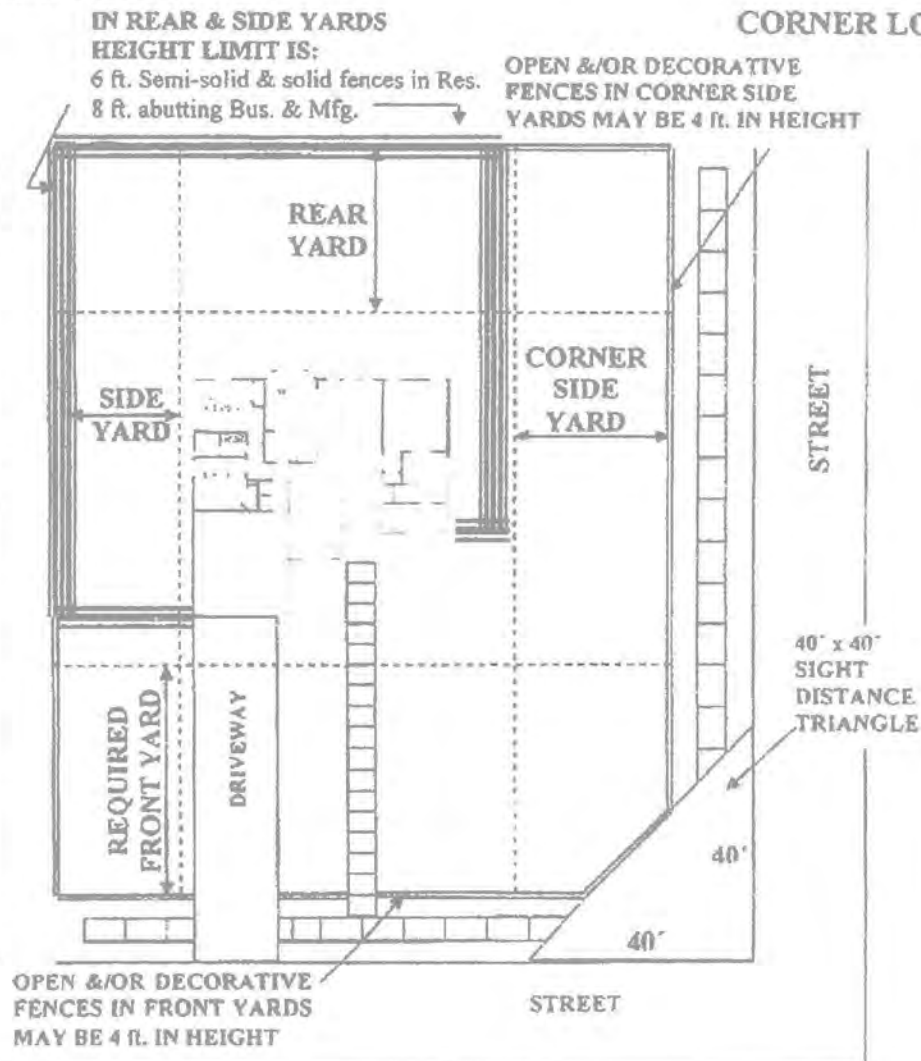
**APPENDIX A-6**

**Residential Districts**

**INTERIOR LOT**



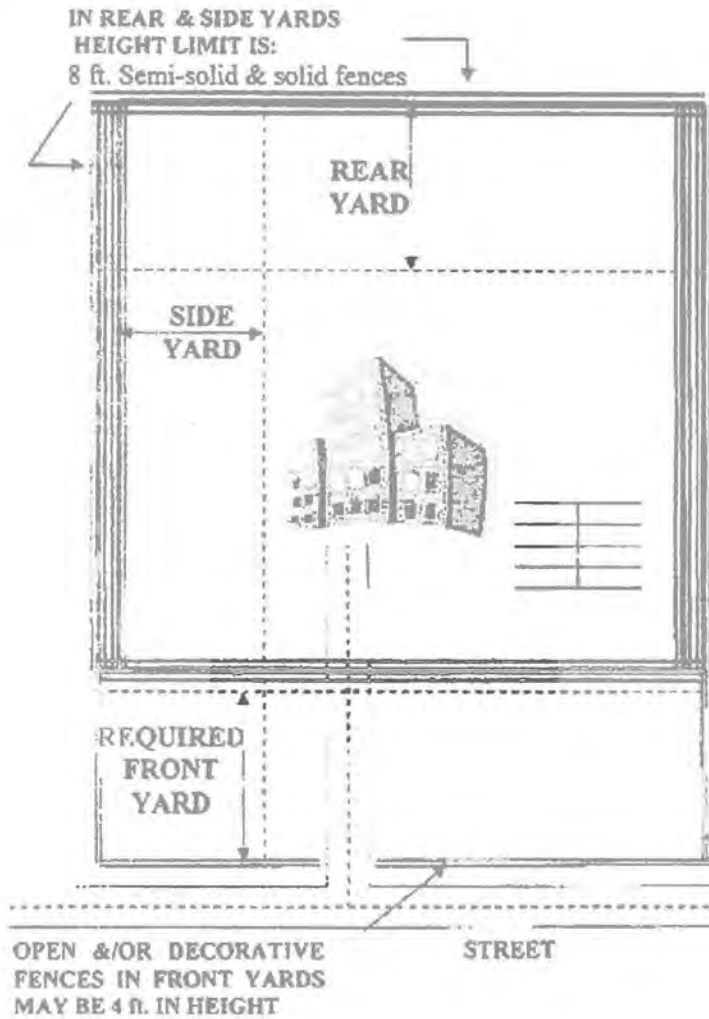
**CORNER LOT**



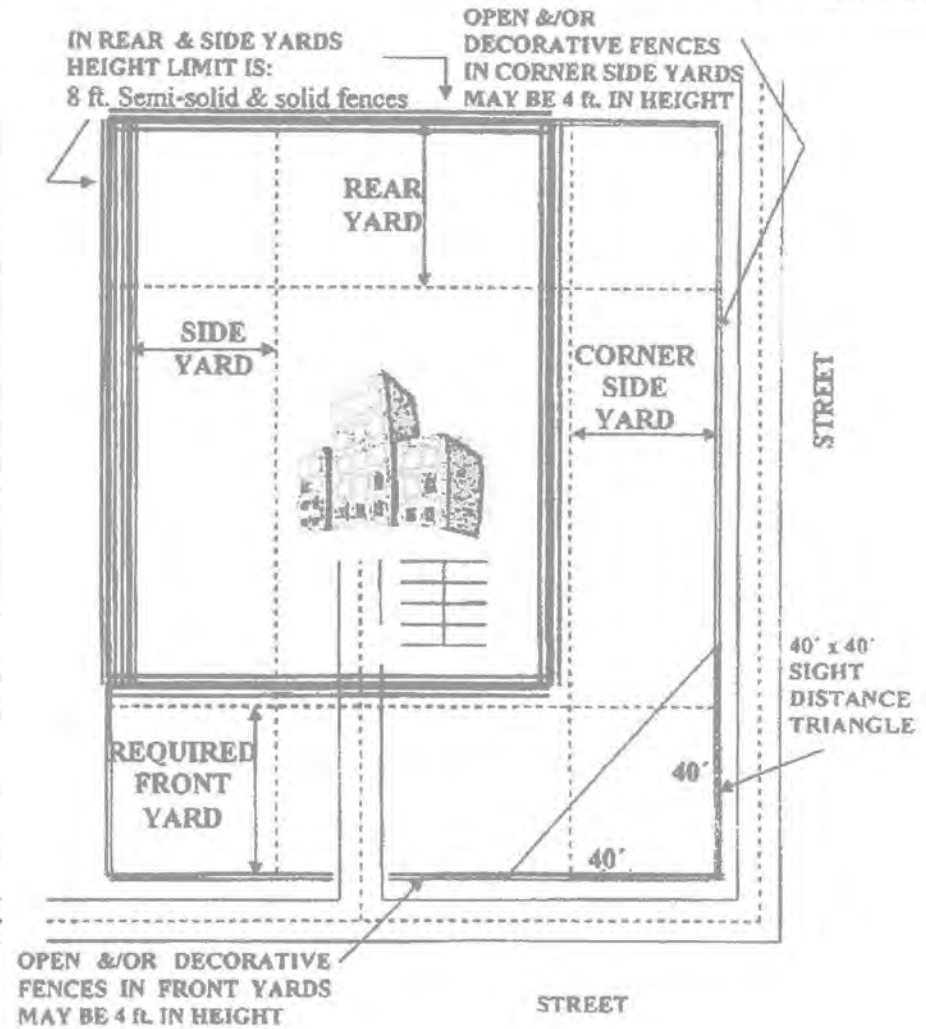
PERMITTED FENCES,  
LOCATIONS IN YARDS AND  
HEIGHT LIMITS ILLUSTRATED  
Business & Manufacturing Districts

APPENDIX A-7

INTERIOR LOT

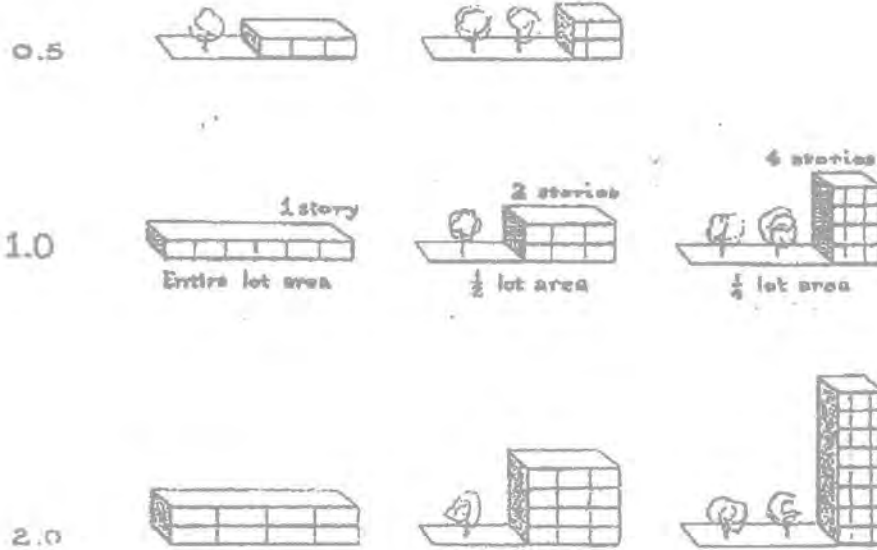


CORNER LOT

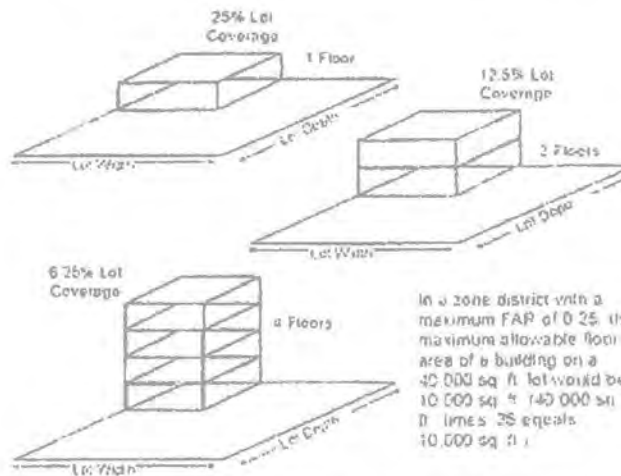


APPENDIX A-8

# FLOOR AREA MEASUREMENTS (how to calculate)



## Possible Building Configurations for 0.25 FAR



NOTE: Variations may occur if upper floors are stepped back from ground level lot coverage

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
--	-----	-----	-----------------	-----	-----	-------------------------	-----	-----	-----	-----	-----	-----	-----	-----	-----	------------

Table of Permitted and Special Uses

APPENDIX A-9

P Permitted Use  
 C Conditional Use  
 S Special Use  
 T Temporary Use  
 Blank Not Permitted

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Accessory Agricultural Services (includes blacksmith, sale of farm supplies by farmers as agents, or similar accessory use to a farm residence)	C															See Ordinance
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Adult Day Care or Respite Care	S							P	P	P						
Adult Use / Regulated Uses (per Section 4.16)													S	S		See Ordinance
Adult-Use Cannabis Craft Grower	S												S	S		See Ordinance
Adult-Use Cannabis Cultivation Center	S												S	S		See Ordinance
Adult-Use Cannabis Dispensing Organization										S			S	S		See Ordinance
Adult-Use Cannabis Infuser Organization										S			S	S		See Ordinance
Adult-Use Cannabis Processing Organization										S			S	S		See Ordinance
Adult-Use Cannabis Transporting Organization													S	S		See Ordinance



Exhibit P, Page 10

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Agency Licensed Family Residential Care Homes – Transitional Halfway House	S	S	S	S	S											See Ordinance
Agency Licensed Group Residential Care Home-Permanent	S	S	S	S	S											
Agricultural Implement Sales and Service	S								S	P						See Ordinance
Agricultural Labor Housing or living quarters for groomsman or employee watchman	C															See Ordinance
Airports and heliports including airport hangers, tie downs and aircraft service and repair	S	S	S	S	S								S	S		See Ordinance
Airstrips or Heliports (Private)	S	S	S	S	S								S	S		See Ordinance
Ambulance Service (Private)									P	P			P	P		
Amphitheater											S		S	S		See Ordinance
Amusement Park/ Establishment										S	S		S	S		See Ordinance
Animal Feed preparation, grinding, mixing and storage	S												P	P		
Animal Hospital										P						
Animal Processing Plant (Small poultry & small animal processing plant)	S															See Ordinance
Antique Shops									P	P						
Art Galleries and Studios								P	P	P			S	S		
Art and School Supply Stores									P	P						

Exhibit P, Page 11

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Asphalt and/or Concrete Batch Mixing Plants with or without recycling facilities															S	
Athletic fields	S	S	C	S	S	S	S				S		S	S		See Ordinance
Attached Single-Family Dwelling Units			P				P									See Ordinance
Auction Facilities	S								P	P	P		P	P		See Ordinance
Bait Shop	S							P	P	P	S		S	S		See Ordinance
Banks and Financial Institutions									P	P		P	P			
Banquet Halls	S									P	P		P	P		See Ordinance
Barber Shops, Beauty Parlors, Massage or Similar Personal Service Shops								P	P	P						
Bed and Breakfast Establishments	S	S	S	S												See Ordinance
Beverages, non-alcoholic, bottling and distributing										P			P	P		
Bicycle Sales and Repair								P	P	P						
Boat Launching Ramp											P					
Boat, Trailer and RV Sales or rental and service									S	P	P					
Book and Stationary Stores								S	P	P		S				See Ordinance
Building Material Sales (Retail)									P	P						
Business or Trade Schools												P	P	P		
Camera and Photographic Supply Stores								S	P	P						
Carpet and Rug Stores										P			P	P		
Catering Establishments									P	P			P	P		
Cemetery, including crematoriums and mausoleums)	S	S	S	S	S											See Ordinance

Exhibit P, Page 12

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Chickens	P	P	S	P	P											See Ordinance
Child Day Care Facilities	S	S	S	S	S	S	S	S	S	S	P	S	S	S		
Christmas Tree Sales	T							T	T	T	T	T				See Ordinance
Clean up & restoration services	S									P			P	P		See Ordinance
Clubs and Lodges (non-profit) and Fraternal or religious Institutions								S	S	S			S	S		
Colleges and Universities (excluding business colleges or trade schools operated for profit)			S									P	P	P		See Ordinance
Commercial Off-Premise Advertising Structure														S	S	
Communication Use	S	S		S	S			S	S	S			S	S		
Community Center			S													See Ordinance
Community Center/ After school programs/ Educational Center										S						
Composting of landscaping waste & food waste	S															See Ordinance
Concrete ready-mix or asphalt plant due to major construction	T							T	T	T	T	T	T	T	T	See Ordinance
Construction equipment sales and service.										P			P	P		
Consumer Credit payday loan office, Financing or Financial Offices										S		P	S	S		
Contractor or Construction Services									C	C			P	P		See Ordinance
Contractors' Office and Shops									C	C			P	P		See Ordinance
Convenience Store			S					P	P	P	S	S	S	S		See Ordinance
Convention Center										S			S	S		

Exhibit P, Page 13

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Copying/Reproduction Stores & banner or sign supplies									P	P			P	P		
Correctional Facilities	S													S		See Ordinance
Crematories/Funeral Homes									S	P						
Crop and Tree Farming	P															
Currency Exchange								S	S	P						
Custom Dressmaking, Millinery, Tailoring or Shoe Repair Shops								P	P	P						
Dairy and Livestock Farming	P															
Drive Through or Drive Up Windows for any Permitted Use excluding the sale of alcoholic beverages								S	S	P						
Drug Store			S					P	P	P						See Ordinance
Dry Cleaning and Pressing Establishments								C	C	P						See Ordinance
Duplexes or Two-Family Detached			P				P									
Dwelling Unit for Watchmen and Families including a Caretaker	P							S	S	S	P	S	P	P		
Elderly Cottage Housing (ECHO)	C															See Ordinance
Electrical Appliances Stores and Repairs								C	P	P						See Ordinance
Explosives (including storage)														S	P	See Ordinance
Fairgrounds											P					
Farming	P		P													
Farm-Type Animals	P	P	S													See Ordinance
Feed Yards	C															See Ordinance
Fertilizer sales including limited storage									S	S			S	S		

Exhibit P, Page 14

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Fertilizer and Seed Sales (includes bulk storage and mixing)	S															
Fire Stations		P	P	P	P			P	P	P	P	P	P	P		
Forest Preserve	P		P													
Forestry	P															
Funeral Homes/Crematories									S	P						
Furrier									P	P						
Game Breeding	P															
Gardening Supplies and Seed Stores (retail sales only)								P	P	P						
Glass Cutting and Glazing Establishments									P	P			P	P		
Golf Courses		S	S	S	S	S	S				P					See Ordinance
Golf Courses, club houses, country clubs and membership riding clubs	S		S								P					
Government Buildings and Facilities	S							P	P	P	P	P	P	P		
Grain Storage	S												S	P		See Ordinance
Grazing and Forage	P															
Green houses and Nurseries	P									P						
Grocery and Food Sales (under 10,000 sq.ft.)								P	P	P						
Grocery and Food Sales (10,000 sq.ft. and over)									P	P						
Group Homes (licensed or certified with 8 or less persons)	P	P	P	P	P											See Ordinance
Group Homes (licensed or certified with 9 or more persons)	S	S	S	S	S											See Ordinance
Guest house w/kitchen facilities	C															See Ordinance
Halfway House	S	S		S	S											See Ordinance



Exhibit P, Page 15

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Health Clubs (public or private)			P							P	P	S				See Ordinance
Home based retail and/or wholesale food operation	C	C	C	C	C	C	C									See Ordinance
Home Occupation	P	P	P	P	P	P	P									See Ordinance
Horse Breeding and Raising	P															
Hospice	S	S	S	S	S											
Hospital			S						S	S		P	S	S		
Hotel and/or Motel										P	S	S	S	S		
Indoor Business Sales and Service (under 10,000 sq. ft.)								P	P	P						
Indoor Business Sales and Service (in excess of 10,000 sq. ft.)									P	P						
Indoor Entertainment and Recreation									S	P	S		S	S		
Indoor Retail Sales of Goods (under 10,000 sq.ft.) – Includes Repairs of Goods Sold on Premises								P	P	P						
Indoor Retail Sales of Goods (10,000 sq.ft. and over) – Includes Repairs of Goods Sold on Premises									P	P						
Indoor Target Practice	S								S	S	S	S	S	S		See Ordinance
Junk Yards and Automobile Wrecking Yards														S		See Ordinance
Kendall County Sheriff's Office shooting range															S	See Ordinance
Kennels	S									S	S		S	S		See Ordinance

Exhibit P, Page 16

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Laboratories (medical, dental, research, experimental, and testing)									C	P		P	P	P		See Ordinance
Land Application of domestic septage	P															See Ordinance
Lands and buildings used for horticulture or farm purposes		P	P													
Landscape Business	S									S			S	S		See Ordinance
Laundries, Automatic Self-Service Types								C	C	P						See Ordinance
Light Manufacturing and Assembly												S	P	P		
Livestock Sales and Purchasing (does not include stockyard or slaughter house)	C															See Ordinance
Medical Cannabis Cultivation Center	S												S	S		See Ordinance
Medical Cannabis Dispensing Organization										S			S	S		See Ordinance
Meeting Halls									S	S			S	S		
Micro/Craft Distillery	S									S			P	P		See Ordinance
Micro-Brewery, and/or Winery										S			S	S		
Miniature Golf Course			S							P	P					See Ordinance
Model Homes		C	C	C	C											
Mobile Home Park							S									
Monument Sales (excludes cutting or grinding of stones)									P	P						
Motor Freight Terminals													S	S		
Motor Vehicle Accessory Stores									P	P						
Motor Vehicle Gas Station									S	P			P	P		See Ordinance
Motor Vehicle/Motorcycle Service Stations									S	P			P	P		See Ordinance

Exhibit P, Page 17

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Motor Vehicle/Motorcycle Sales									S	P			P	P		See Ordinance
Motor Vehicle Washing									S	P			S	S		
Multi-family dwellings			P				P									
Musical Instrument Sales and Repair (includes lessons)								S	P	P						
Nano Breweries	S							P	P	P			P	P		See Ordinance
Offices (Business and Professional including medical clinics)								P	P	P		P	P	P		
Offices of architects, brokers, engineers, etc.	S															See Ordinance
Outdoor Commercial sporting activities	S															See Ordinance
Outdoor Display									C	C						
Outdoor storage									S	S			S	S		See Ordinance
Outdoor Target Practice or shooting	S														S	See Ordinance
Packaged Liquor Store or any sale of alcoholic beverages									P	P		S	S	S		See Ordinance
Paintball Facilities	S												S	S		See Ordinance
Parks	S	P	P	P	P								S	S		
Parking Garages									S	P		P	P	P		See Ordinance
Pawn Shop										S			S	S		
Personal and Business Service Shops (under 10,000 sq. ft.)			S					P	P	P						See Ordinance
Personal and Business Service Shops (in excess of 10,000 sq. ft.)			S						P	P						
Pet Shops- wholly within an enclosed building									P	P						
Performing Arts Center	S									S	P		S	S		See Ordinance
Philanthropic and eleemosynary Institutions	S	S		S	S						P					See Ordinance

Exhibit P, Page 18

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Photography Studios								P	P	P						
Places of Worship	S	S	C/S	S	S	S	S	S	S	S	S	S	S	S		See Ordinance
Planned Unit Development			P			S	S	S			S	P	S	S		See Ordinance
Plumbing, Heating, and Roofing Supply Shops									P	P			P	P		
Police Stations			P					P	P	P	P	P	P	P		
Portable Concrete Crushing, Screening, & Stockpiling of dirt, crushed concrete and RAP (incidental to a major construction project)	T							T	T	T	T	T	T	T	T	See Ordinance
Postal Substation			P					P	P	P	P					
Private Clubs or Lodges	S												S	S		See Ordinance
Private Clubs- soccer, etc.												S	S	S		See Ordinance
Processing or Assembly									C	C			P	P		See Ordinance
Production and sale of sweet cider, hard cider, wine, jams, etc. Also tasting and retail of items produced on site and ancillary items	S									S	S		S	S		See Ordinance
Production, Processing, Cleaning, Testing, or Repair Services (Limited uses)													P	P		See Ordinance
Public or Private Utilities and Service Uses	S	S	S	S	S	S	S	S	S	S		S	P	P		See Ordinance
Public 911 Safety Towers	C															See Ordinance
Racetrack											S		S	S		See Ordinance

Exhibit P, Page 19

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Railroad Freight Terminals, Railroad Switching and Classifications Yards, Repair Shops and Roundhouses														S		
Recreational Areas			P								P		S	S		See Ordinance
Recreational Camps or RV Parks	S										S		S	S		See Ordinance
Research Laboratories including testing												P				See Ordinance
Rest Homes, Nursing Homes and sanitariums		S	S	S	S	S	S									
Restaurants, Cafes, Cafeterias, and Like Uses								P	P	P		S	S	S		See Ordinance
Restaurants including drive-in type of establishments										P						
Retail shops or office use with conditions					S											See Ordinance
Retail or Wholesales sale of pottery, art, or home décor products	S															See Ordinance
Retail or Wholesale Sales Yards for Agricultural Products	S									S			S	S		See Ordinance
Riding Stables including polo clubs, rodeo clubs and similar uses	C		S								S		S	S		See Ordinance
Roadside Stands	P	P	P													See Ordinance
Schools (elementary, junior high and high school)	S	S	C	S	S	S	S									See Ordinance
Schools (music, dance, business, commercial, or trade)									P	P		P	S	S		See Ordinance
School bus garages	S	S	C	S	S	S	S						P	P		See Ordinance
Seasonal Festivals	C										P					See Ordinance



Exhibit P, Page 20

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Secondary Dwelling Unit			S													See Ordinance
Self Service Storage Facilities									C	S		S	S	S		See Ordinance
Seminaries, Convents, Monasteries (and like uses)		S	S	S	S	S	S				S		S	S		See Ordinance
Service or Commercial uses for immediate convenience												S				See Ordinance
Service Clubs	S															
Single-Family Attached Dwelling Units			P				P									See Ordinance
Single-Family Detached Dwelling		P	P	P	P	P	P									
Single-Family Semi-Detached Dwelling							P									
Single-Family Dwelling (130,00 square foot minimum and evidence that it is incompatible with agricultural uses)	C															See Ordinance
Single-Family Residential use (40 acres, allocated, approved lot or replacement home)	P															See Ordinance
Slaughter House														S		
Slaughtering of Poultry or Rabbits													P	P		
Sod Farms	P															
Solar Gardens	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Ordinance
Solar Farms	S															See Ordinance
Sports Arena and Stadiums											S		S	S		See Ordinance
Storage Facilities (for motor vehicles, boats, trailers and other recreational vehicles)	S												P	P		See Ordinance

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	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Storage of manure, peat, topsoil, petroleum, and goods used in or produced by manufacturing activities													S	P		
Storage of products when accessory to the pursuit of agriculture	P												P	P		
Surface and/or open pit mining, extraction and or processing of aggregate materials															P	See Ordinance
Taverns									S	P		S				
Telecommunications Stations	S							S	S	S	S	S	P	P		
Temporary buildings for construction offices or storage		P	P	P	P	P	P	P	P	P	P	P	P	P		
Temporary building, trailer, or yard for construction materials and/or equipment	T															See Ordinance
Temporary stockpiling of dirt on private property (incidental to a major construction project)	T	T		T	T											See Ordinance
Theaters										S	S		S	S		See Ordinance
Tobacco Shops								P	P	P						
Trailers or mobile homes for residential purposes during construction of new home	T															See Ordinance
Transfer Stations													S	S		See Ordinance
Truck and Tractor Amusement Competition Events	C										P					See Ordinance
Truck Farming	P															
Truck Driving School										S			S	S		
Truck Sales													P	P		

Exhibit P, Page 22

	A-1	R-1	RPD-1; 2 & 3	R-2	R-3	R-4, R-5 & R-6	R-7	B-1	B-2	B-3	B-4	B-6	M-1	M-2	M-3	Conditions
Truck Stop										S			S	S		
Truck Wash Facility													S	S		See Ordinance
Veterinary establishments	S							S	P	P						See Ordinance
Whole sales (not including storage or warehousing)												P				See Ordinance
Wholesaling and Warehousing													P	P		
Small Wind Energy Systems	C	C	C	C				C	C	C	C	C	C	C	C	See Ordinance
Wind Farms, Commercial	S												S	S		See Ordinance
Other uses not specifically listed as permitted. Conform to goals, purpose and objectives of district		S		S	S						S	S	S	S		See Ordinance

**For B-5, Business Planned Development (BPD) District, 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.**

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