KENDALL COUNTY
AD HOC ZONING ORDINANCE COMMITTEE

MEETING AGENDA

April 22, 2015
5:00pm – 6:45pm
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street
Yorkville, Illinois

1. Approval of Agenda
2. Approval of Minutes from the October 22, 2014 meeting
3. Open discussion on possible changes to R-1, 2 and 3 Zoning to allow small subdivisions without PUD
4. Update on Angela meetings with Townships
5. Other New Business

Next meeting will be on May 27, 2015
KENDALL COUNTY AD HOC ZONING
ORDINANCE COMMITTEE

October 22, 2014
7:30am – 9:00am
Kendall County Hoover Forest Preserve
11285 West Fox Road
Yorkville, Illinois 60560

Present: Larry Nelson (Chairman) & Jeff Wehrli
Members absent: Elizabeth Flowers, Bill Ashton & Scott Gryder
Others present: Mike Hoffman from Teska Associates, Planning & Zoning Manager Angela Zubko, County Administrator Jeff Wilkins, Dan Koukol, Budd Wormley, Ken Hostert, Tom Gilmour, Harold Oliver, Matt Blocker, Art Zwemke, Angelo Kleronomos and Richard Artman.

Chairman Larry Nelson called the meeting to order at 7:34 a.m.

Mr. Nelson introduced Planner Zubko and Mike Hoffman. Planner Zubko thanked everyone for coming and gave a brief overview of why we are all here. Mike Hoffman introduced himself and we went around the room and everyone introduced themselves and shared where they did or currently work. Mr. Hoffman did a powerpoint presentation on the current residential development process in Kendall County, the regional trends and then opened it up to what everyone thought the future held. The following are bullet points that were pointed out:

- National Homebuilders are 2/3 of the market and are not really building west of Route 59. The “Drive to Qualify” market that fueled a lot of past growth in the County is gone.
- Metra service within the County could help to increase housing demand
- The Prairie Parkway would have helped a lot and hopefully it’s not a dead project
- The trend is less people working at home
- Eldamain Road was discussed as a north/south roadway but still will not connect I-88 to I-80
- “FISH” First In Still Here is a saying in the development community these days. It used to be buyers would move in, then move-up to a larger home using the equity from their existing home. However, that move-up market has declined significantly as home values have declined.
- Taxes are too high- need to talk to the school districts and possibly the assessor. Used to be property taxes were low and perceived school quality was high. That has changed.
- Need better technology- fiber optic and would help a lot. Has potential for availability in the eastern part of the County within 3 years.
• Need more jobs and infrastructure here in Kendall County. Focus should be on those items and less on residential development for the next few years.
• More density
• The Millennial’s want to get away on the weekends so they are not necessarily interested in larger rural lots and farms that require time to maintain
• Smaller lots for less work
• Hard to finance
• The 3 T’s: Technology, Transportation & Taxes, along with jobs should be the focus.
• Everyone working together instead of competing, countywide economic development should be the focus. Possibly a Kendall County EDC?
• Economic development efforts should focus on the County’s strengths including high incomes, quality of life, and a well educated work force.
• Nicor has been active in updating, and in some cases expanding, their service within Kendall County

Mike Hoffman and Planner Zubko thanked everyone for attending.

Adjournment:
The next meeting will be December 3, 2014. Jeff Wehrli made a motion to adjourn the meeting. Larry Nelson seconded the motion. All were in favor and the meeting was adjourned at 8:58 a.m.

Respectfully submitted,
Angela L. Zubko
Planning & Zoning Manager
SECTION 8.00 RESIDENTIAL DISTRICT

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 quality of life within Kendall County. 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 attempt to 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. Without sufficient buffers between homes and farmland, tensions can occur over noise and odors attendant with agricultural operations.

This section also ensures that residential projects are designed in such a way as 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 Land Resource Management Plan. 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.
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.

8.07 R-2 ONE-FAMILY RESIDENCE DISTRICT.

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.

2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
   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
   h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply (Amended 10/19/10)
SECTION 8.00 RESIDENTIAL DISTRICT

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 the following conditions:
   i. Beekeeping and the honey produced from beekeeping shall be for personal use only
   ii. Annual permit required with fee of $50 the first year the permit is issued and $25 each year after
   iii. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
   iv. No colony shall be permitted within a front yard setback
   v. 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).
   vi. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height
   vii. 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.
   viii. 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.
   ix. 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.

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x. 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.

xi. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrators 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 affect 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.

xii. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.

xiii. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.

xiv. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.

xv. All approved permits shall comply with the Bees and Apiaries Act of Illinois (510 ILCS 20)

2. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

3. Model homes, with the following restrictions:

   (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning 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.
(iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.

4. Small Wind Energy Systems subject to the conditions of Section 4.17

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 feet.

3. Rear yard. A rear yard of not less than fifty 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.

H. 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.

8.08 R-3 ONE-FAMILY RESIDENCE DISTRICT

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.

2. Keeping of up to twelve (12) chickens on a zoning lot, provided that:
   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
   h. All standards adopted by the Illinois Department of Agriculture and the Kendall County Health Department shall apply (Amended 10/19/10)

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:
   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 Chapter 12.09 of this ordinance shall be allowed.
   d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Chapter 11 of this ordinance.
   e. No more than 3 employees are allowed to work on-site at one time.
   f. Contact the Health Department to make sure the septic system is adequate for the proposed use.
   g. 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.
   h. 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.
   i. 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 following conditions:
   i. Beekeeping and the honey produced from beekeeping shall be for personal use only
   ii. Annual permit required with fee of $50 the first year the permit is issued and $25 each year after
   iii. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
iv. No colony shall be permitted within a front yard setback
v. 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).
vi. All colonies within 100’ of an adjoining home shall require a flyway barrier with a 6’ minimum height
vii. 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.
viii. 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.
ix. 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.
x. 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.
xii. 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 affect 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.
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3. Model homes, with the following restrictions:

   (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning 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.

   (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.

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 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 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.

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 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:

8.09 R-4 ONE-FAMILY RESIDENCE DISTRICT
I talked to Mike Hoffman today and he stated:

We really wanted to promote Planned Developments, and particularly Conservation Design – and felt the best way to do that was to require it. It was also felt that would be the best way to encourage development consistent with the vision contained in the LRMP. It was felt that still allowing R1, with 3 acre minimum lots, would provide an option for conventional development if that was desired.

So that’s why Kendall County wanted to eliminate R-2 and R-2 zoning.
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John Sterrett

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