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F-District Farming to E-2 District Estate Residential

Complaints

My complaint is as follows:

1. The building projects created new water flooding problems due to excavation and change in contour of the land.

Why

1. I want all zoning activities to cease until all problems created are corrected because of damage to residence on Kedeka Road.
 - a. Contamination to registered property that is registered to **National Register of Historical Homes and Sites**.
 - b. **Improper drainage** going into Black Berry Creek due to man made drainage.
2. **Heath concerns due to E-Mosquito found in Michigan moving westward towards WI, IL, IN.**
3. The new owners should not receive a certificate of occupancy until revised.
4. Remove the **Berm/Canal** and restore to original conditions running **east and west** along multiple adjacent land owners.
5. Refill the East land area to
 - a. Original conditions and
 - b. Install at the **east side** of property with **underground tile using appropriate larger diameter** with appropriate limits that control feeding water into the Bliss Creek.

Petitions – Adjacent land owners

Final Disposition

Do not approve rezoning per adjacent property owners listed below:

Name Print name Signs name	Address	Final Disposition Disapproval by X	Date
Dale Peterson		x	3/10/20

Supplementary #1 Zoning Rules

ARTICLE VIII. FARMING DISTRICT

Sec. 8.1. F District–Farming.

8.1-1 Permitted Uses.

In the F District, the following uses are permitted:

a. The uses as permitted in the R-1 District except for Section 9.5-1 a. and p. thereof. However single-family residential uses are permitted provided:

(1) The one-family residential use was an existing residential structure on December 11, 1979; provided, that the size of the zoning lot may not be reduced after December 11, 1979, unless done in compliance with this Ordinance;

(2) The land on which the one-family residential use is proposed is a parcel of land recorded with this County Recorder of Deeds prior to December 11, 1979, whether the recording is by a deed or deeds, or by a contract to purchase or memorandum of purchase on which there is a detailed legal description; provided the parcel contains a minimum of twenty thousand (20,000) square feet and is at least seventy five feet (75') in width; provided further that all other zoning, waste water disposal and building ordinance requirements are complied with; or

(3) The residence is located on a parcel of not less than fifteen (15) acres in area which parcel has been recorded with the Kane County Recorder between December 11, 1979 and 12:00 o'clock noon (CDT), September 8, 1992.

(4) The residence is located on a parcel of not less than forty (40) acres in an area recorded with the Kane County Recorder and with two hundred fifty feet (250') of frontage on a public right of way and the principal use of said zoning lot is agricultural as defined in this Ordinance.

b. Agriculture as defined herein (see definition Article III), except that neither animals nor poultry may be housed; stabled, kenneled or yarded closer than one hundred feet (100') from any residence other than

F-District Farming to E-2 District Estate Residential Rules

Differences in E1 District–Estate & E2 District-Estate

E1 District–Estate

a. Single-family residence, each one on a building lot or tract of not less than two hundred fifty (250) feet of width at the recorded setback line and four (4) acres in area not including any portion of any public or private highway, street or alley.

E2 District-Estate

- b. Single-family residence, each one on a building lot or tract of not less than two hundred (200) feet in width at the recorded setback line and two and one-half (2½) acres in area not including any portion of any public or private highway, street or alley.

ARTICLE IX. RESIDENTIAL DISTRICTS

Sec. 9.1. EI District–Estate. Note: E2 has more options than E1. See E2....

9.1-1 Permitted Uses.

In the EI District, the following uses are permitted:

- a. Single-family residence, each one on a building lot or tract of not less than two hundred fifty (250) feet of width at the recorded setback line and four (4) acres in area not including any portion of any public or private highway, street or alley.
- b. Churches.
- c. Public and private parks, playgrounds and forest preserves, excluding commercial enterprises therein, provided that the Zoning Board of Appeals may, upon written application made therefore, grant temporary seasonal permits, terminable by said Zoning Board at such time or times as may be determined by it, for the selling and dispensing of food, refreshments and non-alcoholic beverages in certain designated areas, and as shall be compatible with the general purposes of the classification of this district. No right or privilege to continue the selling or dispensing of any such products beyond the period of time designated by the Zoning Board or beyond the time when such right or privilege is terminated by it shall accrue by reason of the issuance of any such permit.
- d. Public and community waterworks, police stations and fire stations.
- e. Public and private nursery schools, grade schools and high schools incorporated and operated not for profit.
- f. Storage of gasoline for private, domestic use, in underground tanks, installation approved by the State Fire Marshal, provided said storage tank is:
 - (1) not less than twenty-five (25) feet from side and rear lot lines, the setback to meet requirements as provided in Section 7.5-2 of this ordinance;
 - (2) not less than twenty-five (25) feet from any well;
 - (3) not less than twenty-five (25) feet from any septic system; and
 - (4) not less than ten (10) feet from any building, and, further, provided that the location of any pump used in connection therewith be in accordance with the above requirements.
- g. Agriculture, which in this district shall mean the cultivation of the soil principally for the production of food products, but shall not include the following:

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- (1) The feeding or other disposal of community or collected garbage.
 - (2) The raising or dealing in poultry, or any animals for business or commercial purposes, except as incidental to a bona fide general farming operation. Said animals or poultry shall not be housed, stabled, kenneled or yarded closer than one hundred (100) feet from any residence other than that of the owner or user of the property. Roosters, pea-fowl and Guinea Fowl may not be kept on property less than five (5) acres in size.
 - (3) Buildings or structures, and the sale of agricultural products produced solely on the premises, are considered agricultural if located on a lot containing not less than five (5) acres of land area.
- h. One sign not over six (6) square feet in area pertaining only to the sale, lease or, identification of the premises upon which it is displayed, which may be illuminated by such lighting as, in the opinion of the Enforcing Officer, shall not constitute a traffic hazard, or a nuisance to neighboring property, except that a single temporary sign, not over three (3) square feet in area, advertising the premises upon which it is displayed, for sale or lease, may be permitted without a permit and must be removed when the premises are sold or leased. One sign for the purpose of identifying the premises upon which it is displayed or the occupants thereof, located outside the public right-of-way, may be erected or installed without a permit, and such signs shall conform to the following size limitations:
- (1) Upon premises having two hundred (200) feet or less of frontage on the public right-of-way, a sign not more than one square foot in area; and
 - (2) Upon premises having more than two hundred (200) feet of frontage on the public right-of-way, a sign not more than three (3) square feet in area.
- i. Telephone booths and pedestal-mounted phones for use by the public. Said booths, or pedestal-mounted phones may be permitted at less than the required distance from the right-of-way line of public or private right-of-way as provided in Section 7.5-2 of this ordinance, provided, however, that if such booth or pedestal-mounted phone is installed near an intersection of two (2) streets or rights-of-way, the minimum setback from one of such intersecting right-of-way lines shall be twenty (20) feet, and provided also that no part of any such booth or pedestal-mounted phone shall be permitted on any such right-of-way, unless approved by the proper highway authority.
- j. Dogs and cats, as pets, are permitted, but not more than three (3) of each over four (4) months of age, in any dwelling unit.
- k. Filling and leveling of holes, pits and low land requiring not more than five hundred (500) cubic yards of fill, with nonodorous and noncombustible material, free from any garbage and food wastes and in compliance with the Kane County Erosion and Sedimentation Control Ordinance.
- l. Waiting stations for bus passengers. Said stations may be permitted at less than required setback distance from center line of public or private right-of-way as provided in Section 7.5-2 of this ordinance, provided, however, that if such station is constructed near an intersection of two (2) streets or rights-of-way, the required setback as set forth in said Section 7.5-2 of this ordinance shall be observed from one of such intersecting streets or rights-of-way, and provided also that no part of any such station shall be permitted on any such right-of-way, except a railroad right-of-way in use by a railroad. Upon discontinuance of the use of any such structure as a waiting station for bus passengers, such structure must be removed within thirty (30) days from such discontinuance.
- m. In connection with subdivision developments, a single temporary office building and off-street parking area shall be permitted on such development for a period not to exceed six (6) years. In this

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connection, a single sign or double-faced sign on a common support or structure, not exceeding one hundred (100) square feet in area for each sign face, shall be permitted on the premises being developed, for a period not to exceed six (6) years. Such use, structures and signs shall require permits as set forth herein.

If a temporary office, in connection with a subdivision development, is located within a "model home," it shall be permitted in the area for a period not to exceed six (6) years.

- n. Lights for illuminating entrance driveways may be installed outside the public right-of-way as, in the opinion of the Enforcing Officer, shall not constitute a traffic hazard or a nuisance to neighboring property.

9.1-2 Special Uses.

- a. Community buildings and social and recreational centers of a community nature incorporated and operated not for profit.
- b. Golf courses and country clubs incorporated and operated not for profit.
- c. Bed and Breakfast Establishments.

9.1-3 Uses Expressly Prohibited.

The following uses are prohibited in E1 Estate Districts:

- a. The storage or keeping of a truck or other commercial vehicle in excess of three-quarter tons or the storage or keeping of commercial equipment and supplies.
- b. The storage or keeping of more than one (1) truck or other commercial vehicle or the storage or keeping of commercial equipment and supplies in connection with each family dwelling unit within or without any building located on the premises.
- c. Garages or other accessory buildings shall not be permitted in this district except as accessory to a residential use.
- d. Storage of boats, recreational vehicles and recreational trailers of any kind closer than required setback line and required sideyard width.
- e. Mobile homes as defined herein. Storage of unoccupied mobile homes and/or conversion of mobile homes to another use. Occupied travel trailers or recreations vehicles. (Ord. No. 79-229, § 7, 12-11-79; Ord. No. 82-66, 5-11-82; Ord. No. 92-187, 9-8-92; Ord. No. 97-240, 9-9-97; Ord. No. 98-45, 4-14-98; Ord No. 17-189, 7-11-17)

Cross reference—Erosion and sedimentation control ordinance, § 9-16 et seq.

Sec. 9.2. E2 District-Estate.

9.2-1 Permitted Uses.

In the E2 District, the following uses are permitted:

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c. Any use permitted in the E1 Districts.

d. Single-family residence, each one on a building lot or tract of not less than two hundred (200) feet in width at the recorded setback line and two and one-half (2¹/₂) acres in area not including any portion of any public or private highway, street or alley.

9.2-2 Special Uses.

Special Uses allowed in the E1 District are allowed in the E2 District.

9.2-3 Uses Expressly Prohibited.

The uses expressly prohibited in the E1 District are expressly prohibited herein. (Ord. No. 79-229, § 7, 12-11-79)

Supplementary #2 Links

1. Zoning Ordinance - Kane County - PDF of zoning laws!
2. <chrome-extension://oemmndcbldboiebfnladdacbfdmadadm/https://www.countyofkane.org/Lists/Events/Attachments/5572/ZBA%20Agenda%203-10-20.pdf>
3. Zoning Board of Appeals

Supplementary #3 Pictures – next page

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42w430 Kedeka Rd



42w430 Kedeka Rd



3/6/2020 Official Protest Petition 4533 Re-zoning from F-District Farming to E-2 District Estate Residential

Black Berry Creek South view from bridge



Ken Rodgers



3/6/2020 Official Protest Petition 4533 Re-zoning from F-District Farming to E-2 District Estate Residential

Ken Rodgers



Ken Rodgers



Gramley



Bike path North view Kedeka Rd.



42w490 Kedeka Rd.



Looking east on Kedeka Rd.



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Looking South on Kedeka Rd.



View from bridge of Black Berry Creek Kedeka Rd.



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Sec. 8.1. F District–Farming.

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F-District Farming to E-2 District Estate Residential Rules

Differences in E1 District–Estate & E2 District-Estate

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E2 District-Estate

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ARTICLE IX. RESIDENTIAL DISTRICTS

Sec. 9.1. E1 District–Estate. Note: E2 has more options than E1. See E2....

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In the E1 District, the following uses are permitted:

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- e. Public and private nursery schools, grade schools and high schools incorporated and operated not for profit.
- f. Storage of gasoline for private, domestic use, in underground tanks, installation approved by the State Fire Marshal, provided said storage tank is:
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Cross reference—Erosion and sedimentation control ordinance, § 9-16 et seq.

Sec. 9.2. E2 District-Estate.

9.2-1 Permitted Uses.

In the E2 District, the following uses are permitted:

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c. Any use permitted in the E1 Districts.

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3. Zoning Board of Appeals

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