

ORDINANCE 97-07
Approving amendments to the Building and Zoning Codes
AGRICULTURAL EXEMPTIONS

WHEREAS, the Kendall County Building and Zoning Ordinances regulate the use, location, and other standards for agriculture and related land uses and structures; and

WHEREAS, the State of Illinois grants limited exemptions for limited agricultural uses from local building and zoning regulation; and

WHEREAS, there have been court rulings in the State of Illinois that have refined the definition of these agricultural exemptions; and

WHEREAS, it is desirable to update building and zoning regulations to reflect current state statutes and court rulings; and

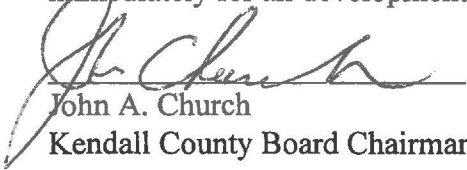
WHEREAS, the County Board initiated proposed amendments to the Building and Zoning Ordinances regarding agricultural exemptions; and

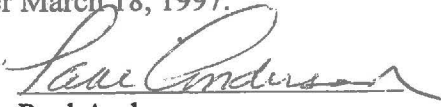
WHEREAS, all administrative procedures required by the Kendall County Zoning Ordinance for text amendments were followed including review by the Regional Planning Commission, notice and public hearing by the Zoning Board of Appeals, finding of fact and recommendation by the Zoning Board of Appeals; and

WHEREAS, the County Board finds that these text amendments serve the intent and purpose of the Kendall County Building and Zoning Ordinances and is in the best interests of the agricultural sector and all other sectors of the County.

NOW THEREFORE, BE IT ORDAINED, that the County Board hereby grants approval of the following Building and Zoning Ordinances text amendments as shown in Exhibit 1 attached hereto this ordinance.

IN WITNESS OF, this ordinance has been enacted on March 18, 1997 and is effective immediately for all development applications received after March 18, 1997.


John A. Church
Kendall County Board Chairman


Paul Anderson
Kendall County Clerk

[The format below is used to describe the text amendments.]

[*xyz = existing ordinance language to be removed]

[xyz = new ordinance language to be added]

(BUILDING ORDINANCE)

<u>Page</u>	<u>Section</u>	<u>Text</u>
23	8	<p><i>AGRICULTURE and FARM RESIDENCE EXEMPTIONS</i></p> <p><i>A. All uses defined as ‘agriculture’ and ‘farm residence’ in the Kendall County Zoning Ordinance and located on zoning lots of 5 acres and larger shall not be required to conform to the standards of the Kendall County Building Ordinance nor shall they be required to pay any building fees.</i></p> <p><i>B. Owners of exempt ‘agriculture’ and ‘farm residence’ to be constructed may chose to voluntarily conform to the Kendall County Building Ordinance including plan submittal, inspections, certificate of occupancy, payment of fees, and all other procedures otherwise required of non-exempt construction.</i></p>

(ZONING ORDINANCE)

3-2	3.02	<p><i>AGRICULTURE.</i> Land, or land and structures, the principle uses of which are the growing of farm or truck garden crops, dairying, pasturage horticulture, floriculture, viticulture and animal and poultry husbandry, and accessory uses customarily incidental to agricultural activities, including the farm buildings, but not the dwelling.</p> <p><i>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, kennels, nurseries, and the like.</i></p>
3-9		<p><i>FARM RESIDENCE.</i> <i>A residence or dwelling with a head of household whose primary occupation is agricultural activities on the same zoning lot.</i></p>

- 7-3 7.00A2 *d. A farm residence shall be permitted on a zoning lot 5 acres or larger.*
- 7-6 ~~7.00G~~ ~~BUILDING PERMITS, CODES, AND FEES~~
~~1. All buildings and structures used for agricultural purposes shall be exempt from fees.~~
~~2. All non agricultural and residential use buildings and structures shall be subject to building permits, codes and fees.~~
- 4-14 4.18 **EXEMPTIONS**
1. Agriculture uses and structures and farm residences on zoning lots 5 acres and larger shall be permitted in all districts and shall not be required to conform to the provisions in the Zoning Ordinance nor pay zoning fees except they shall conform to the zoning certificate requirements and the setback requirements for each district and the following setbacks.
A. Horse stables - 100' from lots zoned residential, commercial.
B. Kennels - 300' from lots zoned residential.
C. Other animal shelters - 400' from lots zoned residential and commercial.
- 4-8 4.08B3b3 *Whose primary employment is agricultural activities on the same lot. If the mobile home is on a zoning lot of 5 acres or larger than it is exempt from all zoning regulations and fees except the setback standards of the district shall still apply.*
- 7-3 7.00B **SPECIAL USES**
~~1. Agricultural sales, storage, and service of agriculturally oriented products. Sales and service of agricultural equipment and related supplies.~~
~~3. Animal feed - storage, preparation, grinding, mixing, wholesale and retail. (Deleted)~~
~~10. Commercial feeding of fish, poultry, livestock. (Deleted)~~
~~11. Commercial or private dog kennels provided that they are located not less than 300' from residential lot lines. (Deleted)~~
~~15. Fur bearing animal farms. (Deleted)~~

~~16. Grain elevators and storage. (Deleted)~~

17. Nurseries and greenhouses, ~~wholesale and retail~~, provided that all plants are grown on the premises. **and that no items produced off-site are sold.**

~~19. Livestock depots and sales yards. (Deleted)~~

~~20. Milk processing and distribution, including pasteurizing and manufacture of ice cream but not including the processing or manufacture of cheese. (Deleted)~~

~~31. Riding academies and stables, including apartment/stable combinations. Residential units for stable employees.~~

32. Sales yards, wholesale or retail, for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc. **,that are not grown on the premises.**

3-21 3.02

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

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 easment 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.*

7-6 7.00D

~~BUILDING SETBACK LINE~~

- ~~1. Every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

 - ~~a. primary throughfares, 100' from the right of way~~
 - ~~b. all other streets, 75' from the right of way~~~~

7-6 ~~7.00E~~

~~SIDEYARDS~~

- ~~1. Each building hereafter erected or remodeled shall have a side yard on each side of the building of not less than 50'.~~

SETBACKS - PRINCIPAL BUILDINGS

1. **Front yard - 100'**
2. **Side yard - 50'**
3. **Rear yard - 50'**

8-3 8.01A14 Farm-type animals *on lots less than 5 acres* provided that

7-6 7.00C ACCESSORY USES

~~1. Those customarily accessory to the pursuit of agriculture, provided that structures for the shelter of livestock, poultry, and other farm animals shall be located not less than 100' from a lot line. (Deleted)~~

4-4 4.04E (ACCESSORY USES)

15. Growing of farm and garden crops in the open - rear yard only
except in the A-1 district crops may be in all yards.

22. Sheds and storage buildings for garden equipment and household items as accessory to dwellings ~~and buildings and structures customarily incidental to the pursuit of agriculture~~ - in rear yard only

4-10 4.11 ACCESSORY BUILDINGS

A. LOCATION. No part of any accessory building shall be located closer than 5' to any side or rear property line or closer than 10' to any main building unless attached to and part of such main building
except as required for horse stables, kennels, and other animal shelters elsewhere in this ordinance. See section 4.18.

(HEIGHT)

C. No accessory building or portion thereof located in a required rear yard shall exceed 2 stories or 25' *except in the A-1 district barns and silos may exceed 25'.*