

ORDINANCE NUMBER 2023- 24

TEXT AMENDMENTS PERTAINING TO THE REGULATION OF COMMERCIAL SOLAR ENERGY FACILITIES, COMMERCIAL WIND ENERGY FACILITIES, TEST SOLAR ENERGY FACILITIES, TEST WIND TOWERS, SMALL WIND ENERGY SYSTEMS, PRIVATE SOLAR ENERGY SYSTEMS, COMMERCIAL WIND FARMS, SOLAR GARDENS, AND SOLAR FARMS IN THE KENDALL COUNTY ZONING ORDINANCE

WHEREAS, Public Act 102-1123, enacted by the State of Illinois on January 27, 2023, amended the Illinois Counties Code by allowing counties to establish certain zoning and permitting regulations for commercial solar energy facilities, commercial wind energy facilities, test solar energy facilities, and test wind towers; 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, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as "Petitioner", desires to have regulations for commercial solar energy facilities, commercial wind energy facilities, test solar energy facilities, and test wind towers in compliance with Public Act 102-1123; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance amending, adding, and deleting regulations pertaining to commercial solar energy facilities, commercial wind energy facilities, test solar energy facilities, test wind towers, small wind energy systems, private solar energy systems, commercial wind farms, solar gardens, and solar farms; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, 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 amendments and zero members of the public testified in favor or in opposition to the request and two members of the public asked questions and provided suggested amendments regarding aspects of 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 on March 27, 2023, with an amendment requiring Petitioners for commercial wind and commercial solar projects to notify the drainage district, if the property is in a drainage district, of the proposal by certified, return receipt mail and that proof of the mailing be submitted at the time of application; 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 of approval of the requested text amendments; 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: Section 3:02 of the Kendall County Zoning Ordinance is hereby amended by deleting the following terms:

Grid-Interie Solar Energy System.
Ground Mount Solar Energy System.
Passive Solar Energy System.
Photovoltaic System.
Solar Access.
Solar Energy Easement.
Solar Energy System Addition.
Solar Farm.
Solar Garden.
Solar Heat Exchanger.
Solar Mounting Devices.
Solar Storage Unit.
Wind Farm, Commercial.

- III. Amended Text: Section 3:02 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present definition of Building Integrated Solar Energy System replacing it with the following:

“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.”

- IV. Amended Text: Section 3:02 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present definition of Solar Energy System, Private and replacing it with the following:

“SOLAR ENERGY SYSTEM, PRIVATE. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot, planned development, commercial and industrial park, or subdivision on which or in 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.”

- V. Amended Text: Section 3:02 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present definition of Wind Energy System, Small and replacing it with the following:

“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 that does not meet the kilowatt capacity in total nameplate generating capacity as defined by 55 ILCS 5/5-12 and which is intended to primarily reduce onsite consumption of utility power. If all applicable regulations are met a small wind energy system may contain more than one wind energy conversion system. This system may power properties in planned developments, commercial and industrial parks, or subdivisions on which or in which said system is located.”

- VI. Amended Text: Section 3:02 of the of the Kendall County Zoning Ordinance is hereby amended by adding the following terms in the appropriate places alphabetically to the list of definitions:

“COMMERCIAL SOLAR ENERGY FACILITY. Shall have the same meaning as defined in 55 ILCS 5/5-12.”

“COMMERCIAL WIND ENERGY FACILITY. Shall have the same meaning as defined in 55 ILCS 5/5-12.”

“FACILITY OWNER. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a facility owner shall have the same meaning defined in 55 ILCS 5/5-12.”

“NONPARTICIPATING PROPERTY. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating property shall have the same meaning as defined in 55 ILCS 5/5-12.”

“NONPARTICIPATING RESIDENCE. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a nonparticipating residence shall have the same meaning as defined in 55 ILCS 5/5-12.”

“OCCUPIED COMMUNITY BUILDING. For the purposes of commercial solar energy facilities and commercial wind energy facilities, an occupied community building shall have the same meaning as defined in 55 ILCS 5/5-12.”

“PARTICIPATING PROPERTY. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating property shall have the same meaning as defined in 55 ILCS 5/5-12.”

“PARTICIPATING RESIDENCE. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a participating residence shall have the same meaning as defined in 55 ILCS 5/5-12.”

“PROTECTED LANDS. For the purposes of commercial solar energy facilities and commercial wind energy facilities, protected lands shall have the same meaning as defined in 55 ILCS 5/5-12.”

“SUPPORTING FACILITIES. For the purposes of commercial solar energy facilities and commercial wind energy facilities, supporting facilities shall have the same meaning as defined in 55 ILCS 5/5-12.”

“WIND TOWER. For the purposes of commercial solar energy facilities and commercial wind energy facilities, a wind tower shall have the same meaning as defined in 55 ILCS 5/5-12.”

VII. Amended Text: Section 4:05.A.12 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“12. Small wind energy system (Permitted as Accessory Use only in the A-1, R-1, R-2, R-3, 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.”

VIII. Amended Text: Section 4:05.A.13 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“13. Solar Energy System, Private subject to the conditions of Section 4:18.”

IX. Amended Text: Section 4:17.H of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“H. Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction Permit will be issued.”

X. Amended Text: Section 4:18 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“4:18 SOLAR ENERGY SYSTEM, PRIVATE

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 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, planned development, commercial and industrial park, or subdivision to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Freestanding solar energy systems, private may be the first structure constructed on lots zoned residential, business, or manufacturing. 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. 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.

D. 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.

E. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for firefighting 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.

F. 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.

G. 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.

H. 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.

I. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

J. 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.

K. 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. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.

L. Other Requirements.

1. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight feet (8'). The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
2. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
3. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
4. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
5. 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.

M. Applicability. The regulations in this Section apply only to solar energy system, private and do not apply to commercial solar energy facilities.”

XI. Amended Text: Section 7:01.D of the of the Kendall County Zoning Ordinance is hereby amended by adding the following use to appropriate place alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the following conditions:

- a. All commercial solar energy facilities and test solar energy systems located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality’s regulations to flow through the property.
- b. The setbacks for commercial solar energy facilities shall be measured from the nearest edge of any component of the facility as follows:

Occupied Community Buildings or Dwellings on Nonparticipating Properties	One hundred fifty feet (150’) from the nearest point on the outside wall of the structure
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Boundary Lines of Participating Properties	None
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Boundary Lines of Nonparticipating Properties	Fifty feet (50’) to the nearest point on the property line of the nonparticipating property
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Public Road Rights-Of-Way	Fifty feet (50’) from the nearest edge
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The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

- c. A commercial solar energy facility’s perimeter shall be enclosed by fencing having a height of at least six feet (6’) and no more than twenty-five feet (25’).
- d. No component of a solar panel as part of a commercial solar energy facility shall have a height of more than twenty feet (20’) above ground when the solar energy facility’s arrays are at full tilt.
- e. The above setback, fencing, and component height requirements may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.
- f. Sound limitations for components in commercial solar energy facilities shall follow the sound

limitations established by the Illinois Pollution Control Board.

- g. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial solar energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.
- h. A vegetative screening shall be placed around the commercial solar energy facility.
- i. Commercial solar energy facility applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial solar energy facility applicant shall adhere to the recommendations provided through this consultation.
- j. Commercial solar energy facility applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- k. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.
- l. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- m. A commercial solar energy facility owner shall plant, establish, and maintain for the life of the facility vegetative ground cover consistent with State law and the guidelines of the Illinois Department of Natural Resources' vegetative management plans. The vegetation management plan shall be required at the time of application submittal.
- n. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- o. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial solar energy system within a reasonable time after construction of the commercial solar energy facility is complete. The specific time shall be set in the special use permit."

XII. Amended Text: Section 7:01.D of the of the Kendall County Zoning Ordinance is hereby amended by adding the following use to appropriate place alphabetically to the list of special uses:

“Commercial Wind Energy Facility and Test Wind Towers subject to the following conditions:

a. The following conditions apply to all commercial wind energy facilities located outside the one point five (1.5) mile zoning jurisdiction of municipalities and within the one point five (1.5) mile zoning jurisdictions of municipalities under intergovernmental agreements with the County for zoning services. All commercial wind energy facilities located within one point five (1.5) miles of a municipality shall either annex to the municipality or obtain an annexation agreement with the municipality requiring the municipality’s regulations to flow through the property, unless not required to do so by applicable law.

b. The setbacks for wind towers as measured from the center of the base of the wind tower shall be as follows:

Occupied Community Buildings or Nonparticipating Residences	Two point one (2.1) times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
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Participating Residences	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
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Boundary Lines of Participating Properties	None
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Boundary Lines of Nonparticipating Properties	One point one (1.1) times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property
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Public Road Rights-Of-Way	One point one (1.1) times the maximum blade tip height of the wind tower to the center point of the public road right-of-way
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Overhead Communication and
Electric Transmission and
Distribution Facilities (Not Including
Overhead Utility Service Lines to
Individual Homes or Outbuildings)

One point one (1.1) times the
maximum blade tip height of the
wind tower to the nearest edge of the
property line, easement, or right-of-
way containing the overhead line

Overhead Utility Service Lines to
Individual Houses or Outbuildings

None

Fish and Wildlife Areas and Illinois
Nature Preserve Commission
Protected Lands

Two point one (2.1) times the
maximum blade tip height of the
wind tower to the nearest point on
the property line of the fish and
wildlife or protected land

The above setbacks do not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

A wind tower of a commercial wind energy facility shall be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.

The above setback may be waived subject to written consent of the owner of each affected nonparticipating property. This written consent shall be submitted at the time of application submittal.

- c. Sound limitations for wind towers in commercial wind energy facilities shall follow the sound limitations established by the Illinois Pollution Control Board.
- d. The County shall not require standards for construction, decommissioning, or deconstruction of a commercial wind energy system or related financial assurances to be more restrictive than agricultural impact mitigation agreement set in State law. The amount of any decommissioning payment shall be limited to the cost identified in the decommissioning or deconstruction plan, as required by the agricultural impact mitigation agreement, minus the salvage value of the project. A copy of the agricultural impact mitigation agreement shall be submitted with the application materials.

- e. A vegetative screening shall be placed around the commercial wind energy facility.
- f. The commercial wind energy facility shall follow applicable federal regulations pertaining to blade tip height maximums.
- g. Commercial wind energy systems applicants shall provide the results and recommendations from consultations with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCat) or a comparable successor tool. The commercial wind energy system applicant shall adhere to the recommendations provided through this consultation.
- h. Commercial wind energy systems applicants shall provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor toll that is consistent with the U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines and any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.
- i. A facility owner shall demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission or consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the illinois Nature Preserve Commission.
- j. A facility owner shall provide evidence at the time of application submittal of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under applicable State law.
- k. The facility owner shall enter into a road use agreement with the jurisdiction having control over the applicable roads. The road use agreement shall follow applicable law. The facility owner shall supply the Kendall County Planning, Building and Zoning Department with a copy of the road use agreement. This provision shall be waived if the jurisdiction having control over the applicable roads does not wish to enter into an agreement.
- l. The facility owner shall repair or pay for the repair of all damage to the drainage system caused by the construction of the commercial wind energy system within a reasonable time after construction of the commercial wind energy facility is complete. The specific time shall be set in the special use permit."

XIII. Amended Text: Section 7:01.D of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following uses from the appropriate places alphabetically from the list of special uses:

Solar Gardens.
Solar Farms.
Wind, Farms Commercial

XIV. Amended Text: Section 7:01.E of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XV. Amended Text: Section 8:02.B of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XVI. Amended Text: Section 8:02.C of the of the Kendall County Zoning Ordinance is hereby amended by adding the following uses to the appropriate places alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the conditions contained in Section 7:01.D.”

“Commercial Wind Energy Facility and Test Wind Towers subject to the conditions contained in Section 7:01.D.”

XVII. Amended Text: Section 8:03.G.2.d of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XVIII. Amended Text: Section 8:03.H.1.o of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XIX. Amended Text: Section 8:03.H.1 of the of the Kendall County Zoning Ordinance is hereby amended by adding the following uses to the appropriate places alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the conditions contained in Section 7:01.D.”

“Commercial Wind Energy Facility and Test Wind Towers subject to the conditions contained in Section 7:01.D.”

XX. Amended Text: Section 8:06.B.1 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, except Commercial Solar Energy Facilities, Test Solar Energy Facilities, Commercial Wind Energy Facilities, and Test Wind Towers, and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty (40) acres.”

XXI. Amended Text: Section 8:06.C of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XXII. Amended Text: Section 8:07.B.1 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, except Commercial Solar Energy Facilities, Test Solar Energy Facilities, Commercial Wind Energy Facilities, and Test Wind Towers, and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty (40) acres.”

XXIII. Amended Text: Section 8:08.B of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXIV. Amended Text: Section 9:01.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXV. Amended Text: Section 9:01.D of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XXVI. Amended Text: Section 9:02.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

XXVII. Amended Text: Section 9:02.D of the of the Kendall County Zoning Ordinance is hereby amended by adding deleting the following use from the appropriate place alphabetically from the list of conditional uses:

Small Wind Energy Systems.

XXVIII. Amended Text: Section 9:03.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXIX. Amended Text: Section 9:04.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXX. Amended Text: Section 9:04.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXI. Amended Text: Section 9:05.E of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXXII. Amended Text: Section 9:06.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXIII. Amended Text: Section 10:01.C.1 of the of the Kendall County Zoning Ordinance is hereby amended by adding the following uses to the appropriate places alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the conditions contained in Section 7:01.D.”

“Commercial Wind Energy Facility and Test Wind Towers subject to the conditions contained in Section 7:01.D.”

XXXIV. Amended Text: Section 10:01.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXV. Amended Text: Section 10:02.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXVI. Amended Text: Section 10:01.C of the of the Kendall County Zoning Ordinance is hereby amended by adding the following uses to the appropriate places alphabetically to the list of special uses:

“Commercial Solar Energy Facility and Test Solar Energy Systems subject to the conditions contained in Section 7:01.D.”

“Commercial Wind Energy Facility and Test Wind Towers subject to the conditions contained in Section 7:01.D.”

XXXVII. Amended Text: Section 10:03.C of the of the Kendall County Zoning Ordinance is hereby amended by deleting the following use in the appropriate place alphabetically from the list of special uses:

Solar Gardens.

XXXVIII. Amended Text: Section 10:03.D of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Reserved.”

XXXIX. Amended Text: Section 13:08 of the Kendall County Zoning Ordinance is hereby amended by adding the following text:

“4. In cases involving special use permit applications or applications for major amendments to existing special use permits for commercial solar energy facilities and commercial wind energy facilities, the County Board shall make its decision not more than thirty (30) days after the conclusion of the public hearing.”

XL. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the addition of Commercial Solar Energy Facility and Test Solar Energy Systems as special uses in the A-1, R-1, RPD-1, RPD-2, RPD-3, M-1, M-2, and M-3 Districts.

XLI. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the addition of Commercial Wind Energy Facility and Test Wind Towers as special uses in the A-1, R-1, RPD-1, RPD-2, RPD-3, M-1, M-2, and M-3 Districts.

XLII. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the addition of Solar Energy System, Private as permitted use in all zoning districts.

XLIII. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to change Small Wind Energy Systems to permitted uses in the A-1, R-1, RPD-1, RPD-2, RPD-3, R-2, B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2, and M-3 Districts.

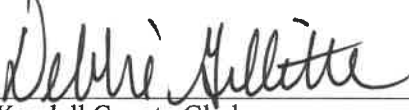
XLIV. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the addition of Small Wind Energy Systems as permitted uses in the R-3 Districts.


XLV. Amended Text: Appendix 9 of the Kendall County Zoning Ordinance is hereby amended to reflect the deletion of Solar Farms, Solar Gardens, and Wind Farms, Commercial from the list of uses within the Kendall County Zoning Ordinance.

XLVI. Any reference or citation errors created by the above text amendments are hereby corrected.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16th day of May, 2023.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Matt Kellogg

