

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA**

Wednesday, October 23, 2019 – 5:00 p.m.

CALL TO ORDER

ROLL CALL: Larry Nelson (Chair), Kendall County Regional Planning Commission Chairman or Designee (Bill Ashton), Kendall County Zoning Board of Appeals Chairman or Designee (Randy Mohr), Kendall County Board Chairman or Designee (Scott Gryder), Kendall County Soil and Water Conservation District Representative (Megan Andrews), Kendall County Planning, Building and Zoning Committee Chairman or Designee (Matthew Prochaska), and Jeff Wehrl

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from September 25, 2019 Meeting (Pages 2-4)

NEW/OLD BUSINESS

1. Review of Sections 7:01, 8:01, 9:00, 10, 12:04, 12:08, 12:09, 12:10, and 12:21 of the Zoning Ordinance with Corrections Proposed by Teska Associates (Pages 5-64)

OTHER BUSINESS/ANNOUNCEMENTS

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, December 11, 2019 (Second Wednesday)

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of September 25, 2019*

Chairman Larry Nelson called the meeting to order at 5:13 p.m.

Members Present: Bill Ashton, Scott Gryder (arrived at 6:17 p.m.), Larry Nelson, Matthew Prochaska, and Jeff Wehrli

Member Absent: Megan Andrews and Randy Mohr

Others Present: Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

Without objection, the agenda was approved.

APPROVAL OF MINUTES

Mr. Prochaska made a motion, seconded by Mr. Wehrli, to approve the minutes of the August 28, 2019, meeting. With a voice vote of four (4) ayes the minutes were approved.

NEW/OLD BUSINESS

1. Review of Sections 3, 7:01, 8:02, 9, and 12 of the Zoning Ordinance with Corrections Proposed by Teska Associates
Mr. Asselmeier provided a follow-up on items discussed at previous meetings.

In Section 3:01, a general statement regarding words and terms not defined shall have the meanings indicated by common dictionary definition. This phrase came from the Stormwater Management Ordinance. The Committee favored this language.

The consensus of the Committee was to keep the definitions of billboard and outdoor advertising structure (billboard) in the in Ordinance.

The Committee did not object to the new definition of grade.

The consensus of the Committee was that riding stables should be a conditional use on A-1 zoned property.

The consensus of the Committee was to remove the beekeeping renewal fee.

Mr. Asselmeier noted that several references refer to Section 7:01. This was because many of these uses and their conditions were mentioned in Section 7:01 before any other section of the Zoning Ordinance.

Sign and parking regulations were removed from individual sections because uses still have to follow the regulations contained in the Zoning Ordinance; the reference to sign and parking regulations in the business section was unnecessary.

The consensus of the Committee was to have reference pointing people from Section 12:03 to Section 3:02 so that Section 12 did not need to be renumbered.

In Section 12:04.A “other signs installed by a governmental entity” to list of public or quasi-public informational signs.

In Section 12:04.J, the consensus of the Committee was to have signs removed within five (5) days from the date of closing or lease initiation.

Acronyms for Planning, Building and Zoning and Zoning Board of Appeals were added throughout the document.

The consensus of the Committee was to remove the replacement bonus contained in Section 12:06.D.

The consensus of the Committee was to remove the language pertaining to political temporary signs in Section 12:08.A.1.c.

The consensus of the Committee was to remove the 60% maximum for permitted changeable copy signs and set the illumination by special use permit in Section 12:08.A.3 in agricultural areas.

In Section 12:15.A, the consensus of the Committee was to amend the language regarding the date of adoption to use more general language.

In Section 12:17.K, the consensus of the Committee was to add “unless otherwise allowed by a special use permit.”

The consensus of the Committee was to move 12:19 and 12:20 to the penalties and enforcement sections of Section 13.

Staff will research the amortization language in Section 12:21.

Chairman Nelson asked if Staff had any additional changes to address unnecessary regulations in the Zoning Ordinance. Mr. Asselmeier responded that Staff is incorporating those suggested in the proposal as the review of sections occurred.

Mr. Gryder arrived at this time (6:17 p.m.).

Mr. Prochaska favored re-examining allowing home occupation to be conducted outdoors.

Discussion occurred regarding noise coming from special use permits if new residential use move into closer proximity. The suggestion was made to put language on plats acknowledging the existence of special use permits.

2. Approval of Fiscal Year 2019-2020 Meeting Calendar

Mr. Ashton made a motion, seconded by Mr. Gryder, to approve the meeting calendar. With a voice vote of five (5) ayes, the motion passed.

OTHER BUSINESS/ANNOUNCEMENTS

None

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT:

The next meeting will be October 23, 2019. Mr. Prochaska made a motion to adjourn the meeting, seconded by Mr. Wehrli. With a voice vote of five (5) ayes, the motion passed and the meeting adjourned at 6:40 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Follow-Up Items from September Meeting

7:01 A-1 Agricultural District

B. POLICY

~~To achieve the purposes of the agricultural district it~~ It shall be the policy of the county to: **(Changed from bullets to numbers)**

1. ~~To allow~~ **Allow** only those uses of land which are clearly and primarily best suited for agricultural purposes within the A-1 zoning district.
2. ~~To prevent~~ **Prevent** mixtures of urban and rural land uses which ~~create or tend to~~ 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 practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS.**

8:01 Purpose, Goals and Objectives (Residential Districts)

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 **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 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 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.

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 installed 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.

12:08 AGRICULTURAL DISTRICT

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:
 - a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, **and shall not exceed 60% of the total permitted sign area.**
 - b. Anything displayed on the changeable copy sign shall remain illuminated and visible **for a minimum of 5 minutes for a time period stated in the special use permit.** No scrolling is permitted.
 - c. The message shall not flash. Any message that remains visible for less than 5 minutes 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.

12:09 RESIDENTIAL DISTRICTS

3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs for places of worship, **and** schools **and government** uses, subject to the following standards:
 - a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, **and shall not exceed 60% of the total permitted sign area.**
 - b. Anything displayed on the changeable copy sign shall remain illuminated and visible **for a minimum of 5 minutes for a time period stated in the special use permit.** No scrolling is permitted.
 - c. The message shall not flash. Any message that remains visible for less than 5 minutes 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.
- i. The location of the sign shall be in accordance with ~~s~~Section 12:06 of the Zoning Ordinance.

12:10 BUSINESS DISTRICTS (and Manufacturing).

- 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, **and shall not exceed 40% of the total permitted sign area.**
- 8. Electronic Message Board Display. Electronic Message Board Displays are permitted in all Business and Manufacturing Districts subject to the following standards (*Amended 10/19/10*):
 - a. The electronic message board must be located along an arterial or major collector roadway.
 - ~~b. The electronic message board component of a sign shall comprise no more than 80% of the sign's total allowed sign face area~~
 - c. Any individual letter scrolling or otherwise displayed on the electronic message board shall remain illuminated and visible for at least 2 seconds
 - d. The message shall not flash. Any message that remains visible for less than 2 seconds shall be considered flashing
 - e. 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
 - f. 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
 - g. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line
 - h. All advertising content shall only be permitted for tenants of the subject property and community events
 - i. 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
- j. Location of the sign shall be in accordance with ~~s~~Section 12:06 of the Zoning Ordinance.

~~12.21 AMORTIZATION (Amended 10/17/2000)~~

~~All outdoor advertising structures which display a commercial message shall be removed no later than seven (7) years from the date of this amendatory ordinance. Outdoor advertising structures which display a non-commercial message may remain provided that the sign meets the size, setback, height and bulk standards of the district. Signs may also be reconstructed to meet this requirement provided that building permits are issued to complete such reconstruction.~~

The State's Attorney believes that the above paragraph is a taking.

SECTION 10:00 MANUFACTURING DISTRICTS

Updated 5.8.19

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 ~~s~~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 ~~such uses, structures or buildings they~~ comply with the regulations of Section 4:05.
2. Ambulance Service (Private)
3. Animal feed; preparation, grinding, mixing and storage.
4. Auction Facility
5. Banquet Halls are permitted subject to the ~~following~~ conditions ~~in~~

Section 7:01.D.

- ~~a. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)~~
- ~~b. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.~~
- ~~c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.~~
- ~~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.~~

- 6. Beverages, non-alcoholic, bottling and distributing.
- 7. Business or trade school
- 8. Clean up and restoration services **with the following** subject to the conditions **in Section 7:01.D.**

SECTION 10:00 MANUFACTURING DISTRICTS

Updated 5.8.19

- ~~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 Land Resource Management Plan.~~
 - ~~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.~~
 - ~~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 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.~~
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.**
13. Glass cutting and glazing establishments
14. Light manufacturing and assembly.
15. Micro Distillery subject to the **following** conditions in **Section 7:01.D**.
 - ~~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 Land Resource Management Plan.~~
 - ~~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 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~~

16. ~~Miscellaneous uses -- as follows:~~

~~Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.~~

~~Signs.~~

~~Temporary buildings for construction purposes for a period not to exceed the duration of such construction.~~

17. Motor vehicle Sales/ Motorcycle Sales including truck sales.

18. Nano Breweries, subject to the **following** conditions **contained in Section 7:01.D.** *(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 Land Resource Management Plan.~~
- ~~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.~~

19. Offices, business and professional, including medical clinics.

SECTION 10:00 MANUFACTURING DISTRICTS

Updated 5.8.19

20. Parking Garages for storage of private passenger automobiles and commercial vehicles.

21. Public and community service uses - as follows: **(re-lettered)**

- a) Bus terminals, bus **storage (indoor and outdoor) garages, bus lots, street railway terminals, or street car houses.**
- b) Electric sub-stations.
- c) Fire stations.
- 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.

22. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products **(re-lettered)**:

- 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.

SECTION 10:00 MANUFACTURING DISTRICTS

Updated 5.8.19

- 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 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

SECTION 10:00 MANUFACTURING DISTRICTS

Updated 5.8.19

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.
- 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.

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Updated 5.8.19

- 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.
- 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

SECTION 10:00 MANUFACTURING DISTRICTS

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- 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.
- lll) 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 **sub-section Section 10:01.C.**

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Updated 5.8.19

- t) Umbrellas.
- uu) Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.
- vv) Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.
- ww) Watches.
- xx) Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.
- yy) 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, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

23. Retail and services as follows (**re-lettered**):

- 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 **as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.**
- 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

24. Residential uses -- as follows:

~~Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.~~

25. Signs.

26. Telecommunication Stations.

27. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

28. 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 Heavy Manufacturing District, provided the performance standard set forth in Section 4:12. can be met in their entirety.**
3. Adult Regulated uses; the following uses are deemed to be regulated uses (**re-lettered**):
 - 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. No regulated use, either as a permitted use or as a special use, shall be maintained; **(re-numbered)**

- i. Within 1,000 feet of the property line of another;
- ii. 500 feet of any of the following zoning districts or provided for under this ordinance: R-1, R-2, R-3, B-1, B-2, B-3, B-4; 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. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions **(re-lettered)**:
 - 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.
 - ~~d) Other requirements as noted in Section 4.13 of this Zoning Ordinance.~~

5. 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 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.
6. Art Galleries and studios
 7. Grain Storage.
 8. Indoor Target Practice with the **following** conditions **contained in Section 7:01.D.**
 - ~~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.~~

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- ~~e. Must meet all requirements of the Kendall County Health Department.~~
- ~~f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.~~
- 9. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
- 10. Kennels with the conditions ~~contained in Section 7:01.D. 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 Land Resource Management Plan (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.~~
- 11. Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on July 1, 2020) (Amended 12-19-17).
 - a. **Definitions:** All terms not defined in ~~s~~Section 3:02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended
 - b. **Preliminary Requirements.** All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
 - i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.
 - ii. *Registration.* Applicants must be registered with the Illinois Department of Agriculture
 - iii. *Location.* A Cultivation Center must be located more than 2,500 feet from the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130/105.
 - iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all

- applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
- v. *Code Compliance.* Cultivation Centers must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
 - vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/105, as amended.
- c. **Required Permit Information.** Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:
- i. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130/105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.
 - ii. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.
 - iii. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and
 - iv. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/105, as amended, and
 - v. Proof that applicant is registered with the Illinois Department of Agriculture.
- d. **Operational and Facility Requirements:**
- i. *Enclosed, Locked Facility.* All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.
 - ii. *Storage.* No outdoor storage of any kind will be permitted at Cultivation Centers.
 - iii. *Edibles.* Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130/80.
 - iv. *Waste.* Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with the requirements set forth in 410 ILCS 130/180 and 8 Ill. Admin. Code. 1000.460, as amended respectively.

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- v. *Signs.* All signage shall comply with Section 12:00 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.
 - vi. *Other Products.* It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.
 - vii. *Fence.* All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.
 - viii. *Registration:* The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.
- e. **Legal Protections.**
- i. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Cultivation Center's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
 - ii. *Indemnification.* The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney

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- representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.
- iii. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.
 - f. **Revocation:** Any special use permit granted under this Zoning Ordinance may be revoked for failure to comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in **sSection 13:00** of the Zoning Ordinance.
12. Medical Cannabis Dispensing Centers- Temporary (will be automatically repealed on July 1, 2020) (Amended 12-19-17).
- a. **Definitions:** All terms not defined in **sSection 3:02** of this Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended
 - b. **Preliminary Requirements.** All Medical Cannabis Dispensing Organization special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
 - i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.
 - ii. *Location.* A Dispensing Organization may not be located within 1,000 feet of the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use, as required pursuant to 410 ILCS 130/130 and Section 1290.50 of the Department of Financial and Professional Regulation rules.
 - iii. *Images.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary

- shall utilize or contain any flashing lights, search lights or spot lights of any similar lighting system.
- iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
 - v. *Code Compliance.* Dispensing Organizations must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
 - vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/130, as amended.
- c. **Required Permit Information.** Upon applying for a Dispensing Organization special use permit, the applicant must provide the following information:
- i. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and
 - ii. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/130 & Section 1290.50.19, as amended.
- d. **Operational and Facility Requirements:**
- i. *Enclosed, Loading/unloading bay.* All medical cannabis deliveries shall take place in an Enclosed, Locked Facility.
 - ii. *Storage.* No outdoor storage of any kind will be permitted at Dispensing Organizations.
 - iii. *Advertisement/Signs.*
 - 1) ~~All signage shall comply with Section 12 of the Kendall County Zoning Ordinance.~~
 - 2) Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.
 - 3) Electronic message boards and temporary signs are not permitted in connection with a Dispensing Organization.
 - 4) 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.
 - 5) No Advertisements shall be placed or maintained within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game arcade admission to which is not restricted to persons age 21 or older.

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- 6) No advertisement shall be posted on publicly-owned or -operated property.
 - 7) If the dispensing organization sells edible cannabis infused products, it must display a placard that states the following: "Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens." The placard shall be no smaller than 24" tall by 36" wide, with typed letters no smaller than 2". The placard shall be clearly visible and readable by customers and shall be written in English.
- iv. *Other Prohibitions.* A dispensing organization shall not:
- 1) produce or manufacture cannabis;
 - 2) allow consumption of cannabis at the dispensary;
 - 3) sell cannabis unless it is pre-packaged and labeled in accordance with Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946;
 - 4) sell cannabis or cannabis-infused products to consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH;
 - 5) enter into an exclusive agreement with any cultivation center;
 - 6) operate drive through windows;
 - 7) transport cannabis to residences of registered qualifying patients or designated caregivers;
 - 8) operate if video surveillance equipment is inoperative;
 - 9) operate if the point of sale equipment is inoperative;
 - 10) operate if the State's medical cannabis electronic verification system is inoperative; or,
 - 11) have fewer than two people working at any time while the dispensary is open.
- v. *Landscaping.* All dispensing organizations shall ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight.
- vi. *Lighting.* All dispensing organizations shall ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance.
- vii. *Hours of operation:* A dispensary may operate between 6 a.m. and 8 p.m. local time.
- e. **Legal Protections.**
- i. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Dispensing Organization, the Dispensing Organization's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any

damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Dispensing Organization's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.

- ii. *Indemnification.* The permitted Dispensing Organization, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of the County's own choosing, due in whole or in part to the Dispensing Organization's acts or omissions and/or for any illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.
 - iii. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.
- f. **Revocation:**
- i. Any special use permit granted under this ordinance may be revoked for failure to comply with the terms of this ordinance. The decision to revoke a special use permit is subject to the review procedure identified in **sSection 13:00** of the Kendall County Zoning Ordinance.
 - ii. Applicants must be registered with the Illinois Department of Financial and Professional Regulation prior to commencing operations and shall remain registered at all times of operation. The Dispensing Organization must notify Kendall County within ten (10) days of its registration being suspended or revoked. Failure to register or timely notify Kendall County of the suspension or revocation will result in immediate revocation of the special use.

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g. **Repeal.** This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on July 1, 2020) (Amended 12-19-17).

13. Motor freight terminals.
14. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
15. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
16. Paintball Facilities subject to the **following** conditions **contained in Section 7:01.D.**
 - ~~a. Minimum lot size of 20 acres;~~
 - ~~b. Hours and days of operation as specified in Special Use Permit to be determined by the County Board~~
 - ~~c. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and~~
 - ~~d. No paintball activity shall leave the boundaries of the site, including fired paintballs.~~
 - ~~e. Requirement of netting to be installed around the property shall be determined by the County Board~~
 - ~~f. Paintball guns shall only be powered by carbon dioxide (CO2), high pressured air (HPA) or Nitrogen (N2).~~
 - ~~g. All signage shall comply with the provisions of Section 12 of the Kendal County Zoning Ordinance.~~
 - ~~h. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.~~
 - ~~i. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food service shall be adhered to.~~
17. Parks and recreational areas
18. Planned developments, industrial
19. Private Clubs or lodges
20. Private clubs such as soccer, ~~ect. etc.~~ provided ~~all other sections of the Zoning Ordinance and Health Department regulations are met and~~ an event parking plan is provided with the application.

21. Racetrack ~~provided that the following minimum standards are met subject to the conditions of Section 9:04.C.~~
- ~~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 other animals shall comply with the following requirements:
 - ~~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 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.~~~~

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22. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
23. Stadiums, auditoriums and arenas.
24. Theaters, outdoor drive-in.
25. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
26. Truck Wash Facility or Motor Vehicle Wash Facility
- ~~27. 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.~~
28. Wind Farms, Commercial, subject to the **following conditions in Section 7:01.D.**
 - ~~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 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~~

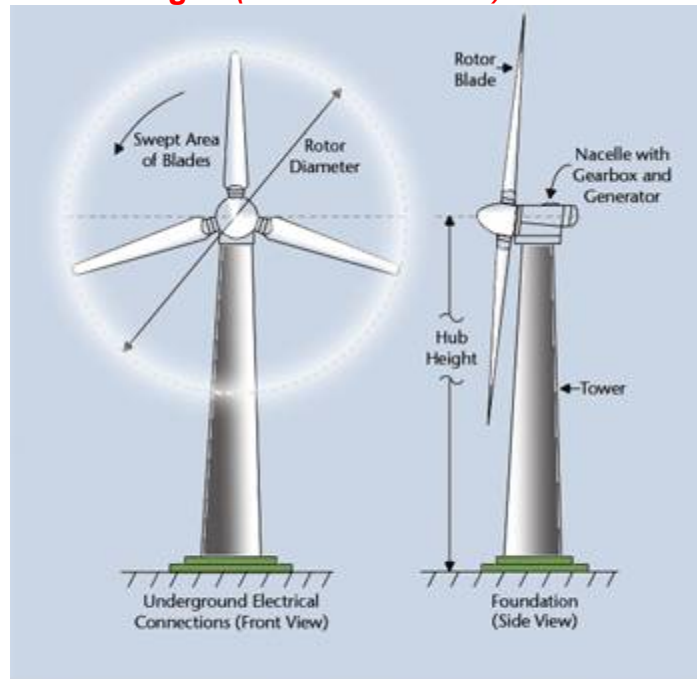
- ~~volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view. To avoid cluttering the skyline, transformers and other 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 turn-outs 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 in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.~~
- ~~b. Performance Standards - The following standards are to be achieved by each Wind Farm project without exception. Because they are standards, they are considered to be 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.~~
- ~~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 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 wind storms.~~
- ~~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, reconstruction 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 land owner’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 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 Zoning Board of Appeals, 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 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:~~

~~1. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed; and~~

~~2. 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.~~

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

- D. Conditional Uses. ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: Small Wind Energy Systems only if specially authorized by the Zoning Administrator.~~
~~1. Small Wind Energy Systems subject to the conditions of Section 4.18~~

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.
 - 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')**.

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- 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 **following** conditions **listed in Section 10:01.A.1 and Section 10:01.A.2.**

- ~~1. All 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 Residence 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.~~

- B. PERMITTED USES. The following uses are permitted:

1. Any use permitted in the M-1 Districts except banks and financial institutions.
2. Production, processing, cleaning, servicing, testing, and repair, including the following products (**re-lettered**):
 - 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,

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hydrochloric, picric and sulfuric acids and derivatives.

- 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.

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3. Storage, including the following uses and materials or products (**re-lettered**):
 - 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 **above**.
 2. Commercial off-premise advertising structures in accordance with **s**Section 12:11 of this Ordinance.
 3. Correctional Facilities subject to the **following conditions in Section 7:01.D.**
 - ~~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, Child Day Care or place of worship.~~**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.**
 4. Explosive, including storage, when not prohibited by other ordinance.
 5. Junk yards and **M**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. Miscellaneous uses as follows:~~

Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.

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8. Slaughter House
- D. CONDITIONAL USES. ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: Small Wind Energy Systems only if specially authorized by the Zoning Administrator.~~
~~1. Small Wind Energy Systems subject to the conditions of Section 4.18~~
- 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 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 (**Re-lettered**)

- 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 **s**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 following conditions in Section 7:01.D.
 - ~~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 Planning, Building and Zoning 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 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 Planning, Building and Zoning 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 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.~~
- ~~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 1st and March 31st, no firing shall take place prior to 10:00 a.m. or after 5:00 p.m. and between April 1st and September 30th, no firing shall take place prior to 10:00 a.m. or after 8:30 p.m. However, not withstanding 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 Planning, Building and Zoning Department annually on or before February 1st 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.~~
 - ~~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)~~

5. Solar Gardens ~~subject to the provisions of Section 4:00 of the Kendall County Zoning Ordinance~~

D. CONDITIONAL USES. ~~The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator: Small Wind Energy Systems only if specially authorized by the Zoning Administrator.~~

~~1. Small Wind Energy Systems subject to the conditions of Section 4.18~~

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 (1½) times the depth of the excavation (see diagram **at end of Section** 10:03.1);

b. If consolidated materials occur in the mined face, the slope of the face may be steeper than 1½ to 1 slope per "a" above for the

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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. (**removed numbering**) 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.
- H. FENCING (**removed numbering**) 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.
- 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 **Planning-Building-and Zoning 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 **Planning, Building and**

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Zoning-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. (Ord. #99-25 August 17, 1999) (**re-numbered**)

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 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 G below Section I above**.
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

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review such alternative location, have it reviewed by the technically trained person provided for in subparagraph (b) 2 above, and make recommendations to the County Board concerning it.

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 ~~Zoning Board of Appeals 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 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

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 permit. Before the onset of any operations the Enforcement Officer (?) must be provided with copies of all necessary permits.

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;

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- 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. 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;

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- 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 ~~Zoning Board of Appeals~~ **ZBA** for public hearing, review and recommendation in accordance with the procedures provided under Section ~~13.06~~ **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.
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 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 **Planning,**

- ~~Building and Zoning 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 ~~Zoning Board of Appeals ZBA~~ hearing.
- iii The ~~Planning, Building and Zoning Department PBZ~~ shall prepare a written report and oral statement on the revised or extended reclamation plan and enter it into evidence at the ~~Zoning Board of Appeals ZBA~~ hearing.
 - iv Any application for a renewal of a Mining Permit shall be filed with the ~~Zoning Board of Appeals 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. ~~Annual Inspections~~ 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.
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 ~~10.03-1-C~~ **Section 10:03.1.C of this Ordinance.**

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 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 **Planning Building and Zoning 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 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

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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 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

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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 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

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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.
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 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.

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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 1st until November 1st. 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-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

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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 1st until November 1st 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.
 - 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~~ Blasting operations at all permitted sites operated by the aggregate

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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.

- 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. The Enforcement Officer, 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 **Planning and Development 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 **Planning and Development 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 Enforcement Officer, in conjunction with the **Planning, Building and Zoning PBZ** Department, shall prepare a report and submit it to the **Planning, Building and Zoning 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 Enforcement Officer 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 Enforcement Officer with a topographic survey with two (2) foot contours, at the same scale as the aerial photo, said topographic 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 Enforcement Officer in conjunction with other appropriate

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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 **of Planning, Building and Zoning** when so designated by the Zoning Administrator.

G. **SEVERABILITY**

~~If any Section, subdivision, clause sentence or paragraph in this Ordinance shall be held to be unconstitutional, the unconstitutionality thereof shall not affect the remaining parts of this Ordinance.~~

H.G. EXEMPTIONS

Any mining operation legally commenced prior to the adoption of this Section 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.

Residential

Mine Surface

Road

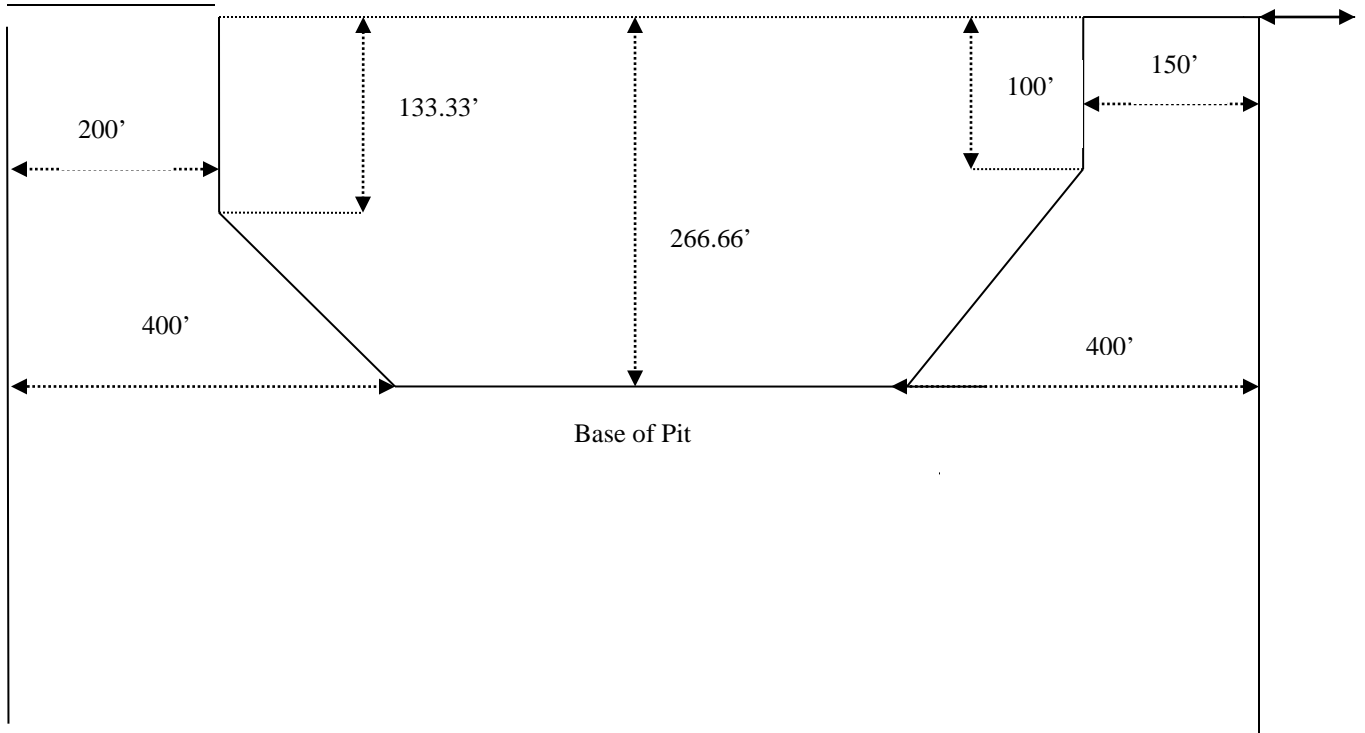


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