

SECTION 4.00 GENERAL PROVISIONS

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4.01 INTERPRETATION.

- A. **MINIMUM REQUIREMENTS.** The provisions of this zoning ordinance shall be held to be minimum requirement for the promotion of public health, safety, morals, and welfare.
- B. **RELATIONSHIP WITH OTHER LAWS.** Where the conditions imposed by any provision of this amended zoning ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable condition imposed by any other provision of this ordinance or regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- C. **EFFECT ON EXISTING AGREEMENTS.** This amended ordinance is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this amended ordinance are more restrictive (or impose higher standards or requirements) that such easements, covenants or other private agreements, the requirements of this amended ordinance shall govern.

4.02 SCOPE OF REGULATIONS

- A. **CHANGE IN STRUCTURES OR USE.** Except as may otherwise be provided in Section 5.00, "Non-conforming Building and Uses", all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter shall be subject to all regulations of this amended ordinance (which are applicable to all regulations of this amended ordinance) which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- B. **NON CONFORMING BUILDINGS, STRUCTURES AND USES.** Any lawful buildings, structures or use existing at the time of the enactment of this amended ordinance may be continued, even though such building, structure or use does not conform to the provisions of this amended ordinance for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Section 5.00, "Non-conforming Buildings and Uses."
- C. **BUILDING PERMITS.** When a building permit for a building or structure has been issued in accordance with law prior to the effective date of this amended ordinance, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, said building or structure

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may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated - subject thereafter to the provision of Section 5.00 "Non-conforming Buildings and Uses."

4.03 USE AND BULK REGULATIONS

- A. **USE.** No buildings, structure or land shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified in the district in which it is located.
- B. **BULK.** All new buildings and structures shall conform to the building regulations established herein for the district in which each building shall be located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks and necessary appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of Kendall County.

4.04 LOT COVERAGE (Amended 10/17/2000)

- A. **MAINTENANCE OF YARDS, COURTS AND OTHER OPEN SPACES.** The maintenance of yards, courts and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, courts, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.
- B. **DIVISION OF ZONING LOT.** No zoning lot improved with a building or buildings shall hereafter be divided into two or more zoning lots and no portion of any zoning lot which is improved with a building or buildings shall be sold, unless all zoning lots resulting from each such division or sale and improved with a building or buildings shall not be less conforming to all bulk regulations of the zoning district in which the property is located.
- C. **LOCATION OF REQUIRED OPEN SPACE.** All location of required open spaces or yards or courts and other open space allocated to a building or dwelling group shall be located on the same zoning lot as such building dwelling group, except as otherwise permitted in planned development and planned open spaces.

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- D. **REQUIRED YARDS FOR EXISTING BUILDINGS.** No yards now or hereafter provided for a building existing on the effective date of this amended ordinance shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this amended ordinance for equivalent new construction, except as provided in Section 5.11.
- E. **CORNER CLEARANCE.** There shall be no material obstruction to vision on any corner lot between a height of two feet and a height of ten feet above the finished grade of either street within a forty (40) foot triangle formed by the intersection street lines with the following exception:

On corner lots within that part of a yard, court, or other open area located within a radius of twenty-five (25) feet from the point of intersection of the two (2) street right-of-way lines forming the lot corner, no buildings, structures, or shrubs as herein permitted as obstructions in front or side yards adjoining a street shall be erected, altered, or planted which have a height more than thirty (30) inches above the ground grade in this area, and trees planted in such areas shall be maintained in a manner that trees shall not have branches lower than eight (8) feet above the ground grade elevation in this area. (Amended 11/18/2003)

4.05 ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. **ACCESSORY BUILDINGS OR USE.** An "accessory building or use" includes but is not limited to the following:
- a) A children's playhouse, garden house and private greenhouse;
 - b) A garage, shed or building for domestic storage;
 - c) Storage or merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
 - d) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
 - e) Incinerators incidental to residential use;
 - f) A non paying guest house (without kitchen facilities) or rooms for guests within an "accessory building" provided such facilities are used for the occasional housing of guests of the occupancy of the principal building and not for permanent occupancy by others. (Only permitted on parcels of 3 acres or more in the A-1 district or R-1 district)
 - g) Swimming pool, private, for use by the occupant and his guests;
 - h) Off-street parking and loading facilities;

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- i) Signs (other than advertising signs) as permitted and regulated in each district incorporated in this Ordinance;
- j) Carports as a separate structure;
- k) Towers for personal use, i.e. radio towers, towers to receive internet service.
- l) Small wind energy system (Permitted as Conditional Use only in the A-1, R-1, R-2, and all Business and Manufacturing Districts – may also be approved as part of an Residential Planned Development) subject to the conditions of Section 4.17 (*Amended 2/16/2010*)
- m) Solar panels (*Amended 2/16/2010*)
- n) Home Occupations (see Section 4.06 – 4.07)

B. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS. The following table identifies accessory buildings, structures and uses that are permitted as obstructions in required yards (setbacks) subject to the following restrictions.

- 1. No structure shall be placed within a recorded easement.
- 2. No other obstruction shall occur within a recorded easement unless the sole purpose of the easement is for service to only the subject property.
- 3. No obstruction shall adversely impact drainage.
- 4. Unless otherwise indicated in the table listed below, no obstruction shall be closer than five feet from a property line.
- 5. No obstruction shall encroach onto a private septic system or private water wells.

In the following table, an (x) indicates the obstruction is permitted:

	Front	Side	Rear
Awnings or canopies, which may project not more than three (3) feet into a required yard	X	X	X
Arbors or trellises, and where trellises are attached to the principal building they may also project into front yards or side yards			X
Air conditioning equipment			X
Architectural entrance structures on a lot or at entrance roadways into subdivisions provided they comply with the setbacks established in Section 12.0 herein.	X	X	X

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	Front	Side	Rear
Balconies			X
Bay windows - projecting not more than three (3) feet into a yard.	X	X	X
Chimneys, attached - projecting not more than three (3) feet into a yard.	X	X	X
Decks, attached to a principal structure, when constructed entirely or partially around a swimming pool, for the sole purpose of providing a connection of the swimming pool to the principal structure. Such decks shall be removed from the required side and/or rear yard within thirty (30) days of the removal of the swimming pool they are providing a connection for. <i>(Amended 11/15/11; Ord. 11-31)</i>		X	X
Eaves and gutters on principal buildings or attached accessory buildings projecting not more than four (4) feet into a front and rear yard nor more than twenty-four (24) inches into a side yard.	X	X	X
Fallout shelters, attached or detached, when conforming also with other codes and ordinances of the County			X
Fire escapes, open or enclosed, or fire towers - may project into a required front yard or side yard adjoining a street not more than five (5) feet and into a required interior side yard not more than three and one-half (3½) feet	X	X	X
Flagpoles, within two and one-half feet (2.5') of a property line	X	X	X
Garages or carports, detached		X	X
Growing of farm and garden crops in the open is allowed in all yards up to property line.	X	X	X
Lawn furniture, such as sun dials, bird baths, and similar architectural features may encroach to within two and one-half feet (2.5') of a lot line.	X	X	X

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	Front	Side	Rear
Open off-street parking and loading spaces may encroach to within two and one-half feet (2.5') of a lot line unless otherwise permitted in Section 11.0 herein.			X
Ornamental light standards to within two and one-half feet (2.5') of a property line	X	X	X
Playground and laundry-drying equipment		X	X
Playhouse and open sided summer houses		X	X
Sheds and storage buildings for garden equipment and household items as accessory to dwellings.		X	X
Sills, belt courses, cornices, and ornamental features of the principal buildings, projecting not more than eighteen (18) inches into a yard.	X	X	X
Steps, open or ramps - necessary for access to and from the dwelling or an accessory building, steps or ramps as access to the lot from the street, and in gardens or terraces, up to the property line.	X	X	X
Swimming pools, private - when conforming also with other codes or ordinances of the County.		X	X
Swimming pools, above or below ground, detached or attached to a principal structure, when also conforming with the setback regulations of well and septic systems. <i>(Amended 11/15/11; Ord. 11-31)</i>		X	X
Terraces, patios, and outdoor fireplaces		X	X
Tennis courts, private		X	X
Trees, shrubs, and flowers up to property line except as otherwise regulated per Section 4.04.F Corner Clearance.	X	X	X
Other accessory buildings, structures, and uses as herein permitted in district regulations as accessory to a specific permitted use.		X	X

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- C. LOCATION. Except as otherwise provided for under Section 4.05 no part of any accessory building shall be located closer than five (5) feet from any side or rear property line, nor closer than ten (10) feet to any main buildings, unless attached and made a part of such main building. In the A-1 Agricultural District accessory structures must be ten (10) feet from all property lines dividing lots held in separate ownership. If an accessory structure is the first building on a A-1 Agricultural lot it must meet principle building setbacks as set forth in section 7.01.H.2.a of the Zoning Ordinance.
- D. TIME OF CONSTRUCTION. Except in Agricultural Districts, no accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory. (Amended 11/18/2003)
- E. HEIGHT OF ACCESSORY BUILDINGS IN REQUIRED REAR YARDS. No accessory building or portion thereof located in a required rear yard shall exceed the maximum height outlined below:

Zoning	Maximum Height
A-1	No limit
R1, R2, RPD-1, RPD-2	25'
R3 or RPD-3	20'
Other residential classification	15'
Commercial or industrial	25'

(Amended 11/18/2003)

- F. FOOTPRINT OF ACCESSORY BUILDINGS. Any detached accessory building must have a footprint no larger than 70% of the principal structure if located in the R5, R6 or R7 zoning districts. (Amended 11/18/2003)
- G. ON REVERSED CORNER LOTS. On a reversed corner lot in a Residential District, and within fifteen (15) feet of any adjacent property to the rear in a Residence District, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty (60) percent of the least depth which would be required under this ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory building shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line or portion thereof of

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property in a Residence District.

4.06 HOME OCCUPATION- AGRICULTURAL provided:

- a. It is conducted entirely within the dwelling or permitted accessory building by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
- b. A maximum sign of 8 square feet will be permitted but must meet setback requirements in section 11 of the Zoning Ordinance and be unlit.
- c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold, i.e., hair products may be sold at a salon.
- d. No person shall be employed on site other than members of the family residing on the premises and two persons outside the family, providing that additional persons outside of the family may be permitted by the Zoning Board of Appeals pursuant to an application for special use filed in accordance with the provisions of this ordinance.
- e. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
- f. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.

4.07 HOME OCCUPATION- RESIDENTIAL provided:

- a. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
- b. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.
- c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.

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- d. No more than ten (10) vehicle trips by either customers, delivery persons or employees may be made throughout a day to and from the home occupation.
- e. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.
- f. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
- g. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.
- h. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. To exceed this limit requires a variance.
- i. Salons shall be limited to one chair or nail table, commonly referred to as a station.

4.08 LOT AREA AND DIMENSIONS

- A. **CONTIGUOUS PARCELS.** When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the Use District in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- B. **LOTS OR PARCELS OF LAND OF RECORD.** Any single lot or parcel of land held in one ownership which was of record, May 10, 1960, that does not meet requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts, or usable open spaces are not less than seventy-five percent (75%) of the minimum required dimensions or area, except as provided in sub-section 5.15.

4.09 ACCESS TO PUBLIC STREETS

- A. Every principal building that is constructed on a lot shall have vehicular access by private driveway to a public street. Private driveways shall be located, designed, and constructed according to the standards in the Subdivision Ordinance.
- B. Individual driveways which provide access to one lot and shared private

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driveways which provided access to two lots shall be approved by the Zoning Administrator.

- C. Shared private driveways which provide access to three or more lots shall be approved by the County Board. In cases where the proposed access would be for lots that existed before March 17, 1998; the procedure for approval would be recommended by the Zoning Administrator, Plat Officer, Planning, Building, and Zoning Committee, and a vote by the County Board. Other cases would be part of the subdivision review procedure.

4.10 NUMBER OF BUILDINGS ON A ZONING LOT

Except in the case of a Planned Development, not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the said zoning lot with any other principal building.

4.11 TENTS

Tents shall not be erected, used or maintained on any lot, except such small tents as are customarily used for recreational purposes and located on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business or manufacturing purposes shall be permitted. Temporary as defined as no longer than 7 days. If a tent will be erected longer than 7 days a permit must be acquired from the Zoning Administrator or his or her designee. Agriculturally zoned property is exempt from these provisions.

4.12 PERFORMANCE STANDARDS (Amended 8/19/2014)

Any use established after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards set forth in Title 35 of the Illinois Administrative Code and Administered by the Illinois Pollution Control Board (www.ipcb.state.il.us). No use lawfully established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with these performance standards.

4.13 EXISTING SPECIAL USES (Amended 11/18/2003)

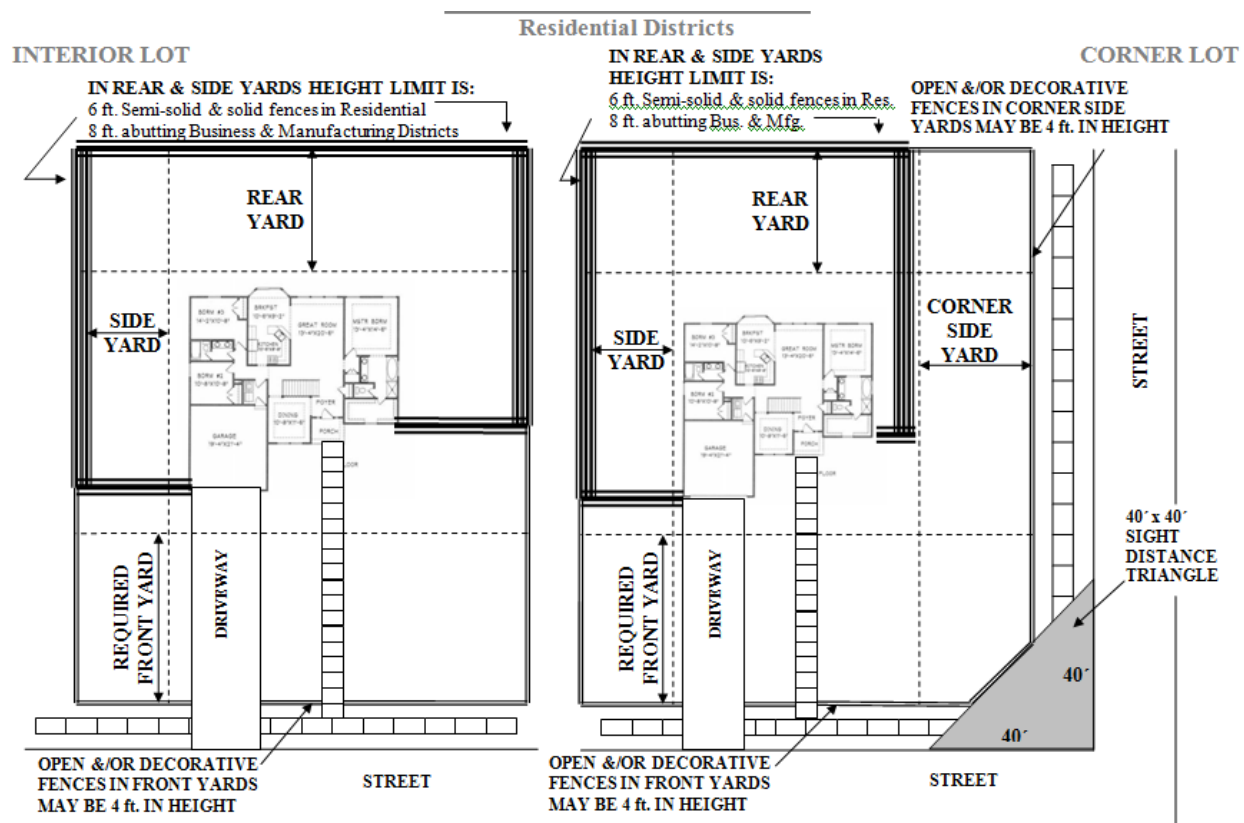
When a use is classified as a special use under this amended ordinance, and exists as a permitted use at the date of adoption of this ordinance, it shall be considered as legal use, without further action of the County Board, the Zoning Administrator or the Board of Appeals.

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4.14 FENCES

- A. GENERAL. Fences that are open, semi-solid or solid are allowed in all districts and yards with the following conditions, unless otherwise regulated herein:
1. Fences located in the A-1 District shall be excluded from any fence height restriction or fence type restriction specified in this section below.
 2. Only decorative or open fences, which do not exceed four feet (4') in height, are allowed in a front yard. (The front yard is a yard lying between the roadway right-of-way line and the nearest line of the building)



3. Semi-solid and solid fences shall be regulated as follows:
 - a. In Residential districts, solid and semi-solid fences are permitted up to six feet (6') in height in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. Where a side yard or rear lot line of a residentially zoned lot abuts property located in a Business or Manufacturing district, a solid or semi

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solid fence of up to eight feet (8') in height may be permitted in the required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard. (Amended 6/20/2006)

- b. In Business and Manufacturing districts, solid and semi-solid fences are permitted up to eight feet (8') in height, and may be placed along the lot line in required side and rear yards with the finished side out provided they do not extend into a required front or corner side yard.
4. Fences may be placed up to a property line provided that fences shall not encroach into rights-of-way.
5. Fences on corners of vehicular intersections shall comply with Section 4.04F, Corner Clearance, of this ordinance.
6. Except in the A-1 District & R-1 District, barbed-wire and aboveground electric fences shall not be located in any Residential District or residential platted subdivision. The use of underground electric fences to contain domestic pets is permitted in any District.

B. REQUIRED FENCES, HEDGES, AND WALLS. (Amended 11/18/2003)

1. A six foot high fence or wall shall be constructed along the perimeter of all areas considered by the Board of Appeals to be dangerous to the public health.
2. When required by the Zoning Administrator, a six foot high solid masonry wall shall be erected along the property line or zone boundary lines to separate industrial and commercial districts or uses from abutting residential district as follows:
 - a. Where the zone boundary is at a rear lot line which is not a street, the wall shall be on that line.
 - b. Where the boundary is a side lot line, the wall shall be parallel to said side lot line and be reduced to three feet in height in the area set forth as a required front yard for the abutting residential district. The wall paralleling the front property line shall be set back from said property line not less than ten feet and the space between the wall and the property line to be landscaped and maintained.
 - c. Where the boundary is a street, the wall shall be set back from the property line a distance of ten (10) feet. The space between

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the wall and the property line shall be landscaped and maintained.

- d. Where the boundary is an alley, the wall shall be on the property line along the alley.
- e. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, State or Federal law.

4.15 USES - NOT PERMITTED. (Amended 11/18/2003)

When a use is not specifically listed in the sections devoted to "Uses Permitted", it shall be assumed that such uses are hereby expressly prohibited unless, by a written decision of the Zoning Board of Appeals it is determined that said use is similar to and not more objectionable than use listed.

4.16 REGULATED USES. (Amended 6/19/2007)

A. The following uses are deemed to be regulated uses:

- 1. Adult Book Store.
- 2. Adult Motion Picture Theater.
- 3. Adult Mini-Motion Picture Theater.
- 4. Adult Entertainment Facilities.
- 5. Adult Use.
- 6. Adult Massage Parlors or Spas.
- 7. Tattoo Parlors and Permanent Body Art Establishments.
- 8. Striptease Club or Gentlemen's Club.
- 9. 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.

4.17 SMALL WIND ENERGY SYSTEMS (Amended 2/16/2010)

- A. Total Height: There is no limitation on tower height, except as imposed by setback, clear one and FAA regulations.
- B. Set-back: The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the hub height from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire

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anchors, may extend closer than ten (10) feet to the property line.

- C. Clear Zone: The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten (110) percent of the hub height. This clear zone shall be maintained free of any occupied structures on adjoining properties, tanks containing combustible/ flammable liquids, and above ground utility/electrical lines.
- D. Noise: Wind energy systems shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- E. Tower Security: Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.
- F. Lighting: Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.
- G. Signs/Advertising: No tower should have any sign, writing, or picture that may be construed as advertising.
- H. Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the Planning, Building and Zoning Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County Planning Commission to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County Planning Commission will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the Planning Commission may be appealed to the County Board.

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- I. Multiple wind energy systems: Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all non-commercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the hub height.
- J. Approved Wind Turbines: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.
- K. Onsite Electrical Use: On the Construction/Use Permit Application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.
- M. Compliance with the National Electrical Code: Construction/Use Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- N. Removal of Defective or Abandoned 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 six months. 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 landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the county.

4.18 SOLAR PANELS (Amended 11/20/2018)

- A. Roof Mounted for On-Site Energy Consumption. Solar panels located on the roof of an existing structure shall be permitted in all districts. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not

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exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of roof mounted solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility.

- B. Freestanding for On-Site Energy Consumption. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems. Freestanding solar panels shall be permitted if they comply with the standards listed in the Kendall County Zoning Ordinance. Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits. The use of freestanding solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility.

- C. Solar Gardens. Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:
 - 1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.
 - 2. Rooftop community systems are permitted in all zoning districts where buildings are permitted.
 - 3. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.

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4. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
 5. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
 6. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.
- D. Solar Farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:
1. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.
 2. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
 3. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer.
 4. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
 5. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.

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6. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
 7. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.
- E. **Setback Requirements.** Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions.
- No solar energy system shall be located in any front yard of any residentially zoned or used property.
- F. **Design Standards.** Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.
1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

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2. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.
 3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
 4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department.
- G. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- H. Plan Approval Required. All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.
1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
 2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

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4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.
- I. Approved Solar Components. Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.
- J. Compliance with Building Code. All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.
- K. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- L. Building Permit Requirements and Fees. All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the Kendall County Planning, Building and Zoning Department as follows:

0-	10 kilowatts (kW)	\$150.00	
11-	50 kilowatts (kW)	\$300.00	
51-	100 kilowatts (kW)	\$600.00	
101-	500 kilowatts (kW)	\$1,200.00	
501-	1,000 kilowatts (kW)	\$2,750.00	
1,001-	2,000 kilowatts (kW)	\$6,000.00	
	Over 2,000 kilowatts (kW)	\$6,000.00	+ \$200.00 for each additional 0-100 kilowatts

Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site

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consumption of energy for agricultural purposes.

M. Liability Insurance and Indemnification.

1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
2. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.

N. Decommissioning Plan.

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning, Building and Zoning Department, to remove the solar energy system from the property.

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2. A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.
 3. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.
 4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.
 5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.
 6. The Kendall County Board shall require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.
 7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.
- O. Other Requirements.
1. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.
 2. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.
 3. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain

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appropriate warning signage that is posted such that is clearly visible on the site.

4. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
5. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
6. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
7. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
8. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

4.19 TEMPORARY USES PERMITTED (Amended 3/21/18)

An owner seeking an approval of a permitted temporary use shall submit an application for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator or his/her deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.00) if the stated time limit is to be exceeded.

1. Christmas Tree Sales; each permit shall be valid for a period of not more than sixty (60) days in any Agricultural or Business District.
2. Concrete ready-mix or asphalt plants, when necessary and incidental to a

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major construction project in any Agricultural, Business or Manufacturing District.

- a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - b. The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure.
 - c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
 - d. The plant shall produce product only for the specific parcel for which the temporary use is permitted. For plants constructed to support a major road project, the plant shall be located adjacent to the roadway.
 - e. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
 - f. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
3. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district provided that:
- a. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation.
 - b. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods.
 - c. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
4. Trailers or mobile homes may be used for residential purposes only during the construction of a residence and must be removed within thirty (30) days of obtaining a certificate of occupancy or completion of construction. In no case shall a trailer or mobile home be permitted to remain on the premises for more than two years.

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5. Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District as long as the following conditions are met:
 - a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - b. The operation shall be located a minimum of seven hundred and fifty (750) feet from the lot line of any residential building and/or a minimum of three hundred (300) feet from the lot line from retail businesses.
 - c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit.
 - d. The operation shall have hard surface road frontage. If located in an Agricultural District, the operation must have frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan.
 - e. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
 - f. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

6. Temporary Stockpiling of dirt on private property when necessary and incidental to a major construction project:
 - a. Erosion control measures must be in place
 - b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - c. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
 - b. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.