

## SECTION 6.00 ZONING DISTRICTS

### 6.01 DISTRICTS

For the purpose and provisions herein Kendall County, Illinois is hereby organized into nineteen (19) districts. The minimum area that may constitute a separate or detached part of any zoning district shall be as follows:

SECTION	ZONING DISTRICT	MINIMUM AREA
7.01	A-1 Agricultural District	
8.02	R-1 One Family Residential District	130,000 sq. ft.
8.03	RPD-1 Residential Planned Development-One	20,000 sq. ft.
8.04	RPD-2 Residential Planned Development-Two	20,000 sq. ft.
8.05	RPD-3 Residential Planned Development-Three	20,000 sq. ft.
8.07	R-2 One Family Residential District	90,000 sq. ft.
8.08	R-3 One Family Residential District	45,000 sq. ft.
8.09	R-4 One Family Residence District	30,000 sq. ft.
8.10	R-5 One Family Residence District	15,000 sq. ft.
8.11	R-6 One Family Residence District	7,000 sq. ft.
8.12	R-7 General Residence District	Varies
9.02	B-1 Local Shopping District	10,000 sq. ft.
9.03	B-2 General Business District	10,000 sq. ft.
9.04	B-3 Highway Business District	10,000 sq. ft.
9.05	B-4 Commercial Recreation District	20,000 sq. ft.
9.06	B-5 Business Planned Development District	Varies
9.07	B-6 Office and Research Park District	150,000 sq. ft.
10.01	M-1 Limited Manufacturing District	
10.02	M-2 Heavy Industrial District	
10.03	M-3 Earth Materials Extraction, Processing and Site Reclamation	

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### 6.02 ZONING MAPS

The boundaries of the aforesaid zoning districts are hereby established as shown on the maps entitled "Zoning Map of Kendall County, Illinois, dated July 9, 1974" which maps accompany and are made a part of this amended ordinance, and shall have the same force and effect as if the Zoning Map, together with all notations, references, and other information shown thereon were fully set forth and described herein.

### 6.03 DISTRICT BOUNDARIES

When uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Maps, the following rules shall apply:

- A. District boundary lines are either the center lines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, quarter sections, divisions of sections tracts or lots, or such lines extended otherwise indicated.
- B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line or the street or highway, and the length of frontage shall be in accordance with the dimensions shown on the map from section, quarter section, or division lines, or center lines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- C. Where a lot held in one ownership and of record at the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted portion of the lot by more than twenty-five (25) feet.

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### 6.04 ZONING OF STREETS, ALLEYS, PUBLIC-WAYS, WATERWAYS, AND RIGHTS-OF-WAY

All streets, alleys, public-ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, street, public-ways, waterways, and railroad rights-of-ways. Where the center line of a street, alley, public-way, waterway or railroad rights-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

### 6.05 DISCONNECTED TERRITORY

Any addition to the unincorporated area of the County, resulting from disconnection by municipalities or otherwise, or from submerged land which may be reclaimed hereafter, shall be automatically classified in the "A-1" Agricultural District until such time as the County Board designates the permitted use of land in accordance with the administrative provisions of this amended ordinance.

### 6.06 UTILITIES

A. The following utility facilities are exempted from regulation by this Zoning Ordinance:

Poles, towers, wires, cables, conduits, vaults, or any other similar distributing equipment of a public utility as defined in the Public Utilities Act, if the public utility is subject to the Messages Tax Act, the Gas Revenue Tax Act, of the Public Utilities Revenue Act, or if such facilities or equipment are located on any rights of way and are used for railroad purposes; except as regulated by subsection B below.

B. Telecommunications carrier facilities shall be allowed in all zoning districts if they conform to the following standards.

#### 1. Definitions

- a. "county jurisdiction area" means those portions of the County of Kendall that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect:
- b. "county board" means the county board of the County of Kendall .
- c. "residential zoning district" means a zoning district that is designated under the Kendall County Zoning Ordinance and is zoned predominantly for residential uses:
- d. "non-residential zoning district" means the county jurisdiction area except for those portions within a residential zoning district;
- e. "residentially zoned lot" means a zoning lot in a residential zoning

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- district;
- f. “non-residentially zoned lot” means a zoning lot in a non-residential zoning district;
- g. “telecommunications carrier” means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997.
- h. “facility” means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including:
  - (1) one or more antennas;
  - (2) a supporting structure and the hardware by which antennas are attached;
  - (3) equipment housing; and
  - (4) ancillary equipment such as signal transmission cables and miscellaneous hardware;
- i. “FAA” means the Federal Aviation Administration of the United States Department of Transportation;
- j. “FCC” means the Federal Communications Commission;
- k. “antenna” means an antenna device by which radio signals are transmitted, received, or both;
- l. “supporting structure” means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;
- m. “qualifying structure” means a supporting structure that is:
  - (1) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or
  - (2) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;
- n. “equipment housing” means a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;
- o. “height” of a facility means the total height of the facility’s supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure’s foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility’s supporting structure is to be measured from the highest point of the supporting structure’s foundation;
- p. “facility lot” means the zoning lot on which a facility is or will be located;
- q. “principal residential building” has its common meaning but shall not include any building under the same ownership as the land of the

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facility lot . “Principal residential building” shall not include any structure that is not designed for human habitation;

- r. “horizontal separation distance” means the distance measured from the center of the base of the facility’s supporting structure to the point where the ground meets a vertical wall of a principal residential building; and
- s. “lot line set back distance” means the distance measured from the center of the base of the facility’ s supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way.

### 2. Location Guidelines

- a. A non-residentially zoned lot is the most desirable location.
- b. A residentially zoned lot that is not used for residential purposes is the second most desirable location.
- c. A residentially zoned lot that is 2 acres or more in size and is used for residential purposed is the third most desirable location.
- d. Residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.

The size of a lot shall be the lot’s gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

### 3. Design Guidelines

- a. No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
- b. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.
- c. No facility should encroach onto an existing septic field.
- d. Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.

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- e. Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.
  - f. If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph e of this subsection 3 shall control over any tree-related regulations imposing a greater burden.
  - g. Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
  - h. Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.
4. Standards
- a. Except as provided in this section, no yard or setback regulation shall apply to or be required for a facility.
  - b. A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.
  - c. No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.
  - d. No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.

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- e. No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.
- f. The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

### 5. Approval Process

- a. A facility is permitted if its supporting structure is a qualifying structure or if both or the following conditions are met:
  - (1) The height of the facility shall not exceed 200 feet, except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed 350 feet; and
  - (2) The horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be a least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.
- b. Unless a facility is permitted under paragraph a. of this section 5, a facility can be established only after the county board gives its approval following consideration of the provisions of paragraph c. of this subsection 5. The county board may give its approval after one public hearing by the Zoning Board of Appeals on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of a complete application by the telecommunications carrier, if the county board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.

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- c. For purposes of paragraph b. of this subsection 5, the following siting considerations, but no other matter, shall be considered by the county board or any other body conducting the public hearing:
  - (1) The criteria in subsection 2 regarding location guidelines of this Section;
  - (2) Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
  - (3) The benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;
  - (4) The existing uses on adjacent and nearby properties; and
  - (5) The extent to which the design of the proposed facility reflects compliance with subsection 3 regarding design guidelines of this Section.
- d. A county's review of a building permit application for a facility shall be completed within 30 days. If a decision of the county board is required to permit the establishment of a facility, the county's review of the application shall be simultaneous with the process leading to the county board's decision.
- e. Any public hearing authorized under this Section shall be conducted in a manner determined by the county board. Notice of any such public hearing shall be published at least 15 days before the hearing in a newspaper or general circulation published in the county
- f. Any decision regarding a facility by the county board or a county agency or official shall be supported by written finding of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.

### 6.07 PIPELINES (Amended 3/21/18)

The purpose of this Ordinance is to minimize the negative agricultural impacts and to protect sensitive areas by affording minimal negative impact during and after pipeline construction. This Ordinance shall pertain to all pipelines to be located within agricultural properties with sensitive areas including but not limited to wetlands and existing forested or natural areas, which are not constructed in relation to the direct development of property. Such pipelines shall meet the following standards:

#### A. Pipeline Depth

- 1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:
  - a. A minimum of five (5) feet of top cover where it crosses cropland.
  - b. A minimum of five (5) feet of top cover where it crosses pasture land



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or other agricultural land comprised of soils that are classified by the USDA as being prime soils.

- c. A minimum of three (3) feet of top cover where it crosses pasture land and other agricultural land not comprised of prime soils.
  - d. A minimum of three (3) feet of top cover where it crosses wooded/brushy land or other sensitive areas.
  - e. Substantially the same top cover as an existing parallel pipeline, but not less than three (3) feet, where the route parallels an existing pipeline within a 100 foot perpendicular offset.
2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous strata of gravel exceeding 200 feet in length are encountered, the minimum cover will be 30 inches.

### B. Replacement of Topsoil

1. The topsoil depth shall be determined by a properly qualified soil scientist or soil technician who will set stakes every 200 feet along the right-of-way identifying the depth of topsoil to be removed.
2. The actual depth of the topsoil, not to exceed 36 inches, will first be stripped from the area to be excavated above the pipeline, and from the adjacent subsoil storage area. The topsoil will be stored in a windrow parallel to the pipeline trench in such a manner that it will not become intermixed with subsoil materials.
3. The topsoil must be replaced so that after settling occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance will the topsoil materials be used for any other purpose.
4. As the topsoil is replaced, all rocks greater than three (3) inches in dimension shall be removed from the topsoil.

### C. Restoration of Ground Cover

1. All soil conservation practices (such as terraces, grassed waterways, etc.) which are damaged by the pipeline's construction will be restored to their pre-construction condition.
2. Sensitive areas shall be restored by seeding or planting vegetation that will establish pre-existing character or to the landowners desire, not to exceed what was formerly present.

### D. Restoration and/or Repair of Field Tiles

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1. The Company will endeavor to locate all tile lines within the right-of-way prior to the pipeline's installation so repairs can be made if necessary. The Company will contact affected landowners/tenants for their knowledge of the tile line locations prior to the pipeline's installation. All identified tile lines will be staked or flagged prior to construction to alert construction crews to the possible need for tile line repairs.
2. All the tile lines that are damaged, cut or removed shall be staked or flagged with the stakes or flags in such a manner they will remain visible until permanent repairs are completed. Tile lines must be restored to their original route within 14 days of the pipeline being laid.
3. Where tile lines are severed by the pipeline trench, angle iron, I-beams or an equivalent, shall be used to support the repaired tile lines. The support member shall be sufficient to support a ten (10) ton point load on the surface directly above the repaired tile line.

### E. Ingress and Egress Routes

Prior to the pipeline's installation, the Company and the landowner/tenant will reach a mutually acceptable agreement on the route that will be utilized for entering and leaving the pipeline right-of-way should access to right-of-way not be practical or feasible from adjacent segments of the pipeline right-of-way or public highway or railroad right-of-way.

### F. Property Owner/Tenant Notification and Information Procedure

1. The property owners/tenants of the land on which the pipe will be located shall be notified of the project intent and approximate scheduling of the construction.
2. Written permission shall be obtained from each property owner/tenant affected for pipelines not approved by the Federal Energy Regulatory Commission.

### G. Special Provisions Pertaining to Pipeline Locations

1. All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of 500 feet from any occupied principal structure.
2. All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Section 13.00 of this Ordinance.