

ORDINANCE # 2011- 26

**AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE SECTION  
7.01 "Agricultural District"**

*WHEREAS*, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

*WHEREAS*, the Kendall County Board amends these ordinances from time to time in the public interest; and

*WHEREAS*, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals on August 29, 2011.

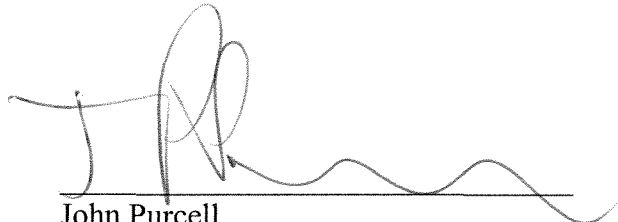
*NOW, THEREFORE, BE IT ORDAINED*, the Kendall County Board hereby amends Section 7.01 "Agricultural District" of the Kendall County Zoning Ordinance as provided in attached Exhibit "A".

*IN WITNESS OF*, this Ordinance has been enacted by the Kendall County Board this 18<sup>th</sup> day of October, 2011.

Attest:



Kendall County Clerk  
Debbie Gillette



John Purcell  
Kendall County Board Chairman

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7.01 A-1 Agricultural District

A.     PURPOSE

It is recognized that the public health and welfare of the citizens of Kendall County are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. This district is intended to ensure that lands within the county which are well suited for agricultural production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

Specific purposes for this district are:

- To establish a zoning district in which agriculture and certain related uses are encouraged as principal uses of the land.
- To preserve fertile, tillable soils as a valuable natural resource.
- To enhance and maintain the sound economic base that agricultural pursuits provide the county and region.
- To provide open areas which contribute to the stability of the environment and enhancement of air and water quality.
- To preserve woodlands and wetlands associated with farms which, because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life, but may not be conducive to the agricultural uses cited in this ordinance.
- To prevent scattered, indiscriminate urban development within areas zoned agricultural.
- To generally limit residential development of agriculturally zoned properties or those areas identified as agricultural uses in the County's Land Resource Management Plan to not more than one dwelling unit per each 40 acres of land. *(AMENDED – 12/16/03)*

B.     POLICY

To achieve the purposes of the agricultural district it shall be the policy of the county:

- To allow only those uses of land which are clearly and primarily best suited for agricultural purposes within the A-1 zoning district.
- To 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.
- That allowance of farm residences under this section shall not change the general character of agricultural use.

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### C. USES PERMITTED

1. Accessory Uses
2. Crop and tree farming
3. Dairy and livestock farming
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Farming
6. Forest Preserve
7. Forestry
8. Game breeding
9. Grazing and forage
10. Greenhouses and nurseries
11. Group Homes, subject to the following:
  - a. No more than eight (8) persons plus staff.
  - b. Licensed or certified by the State of Illinois.
  - c. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
12. Home occupation (Defined as: Any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. Tearooms, restaurants, animal hospitals, and kennels, among others, shall not be deemed to be "home occupation".), 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. 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.
  - d. No stock in trade shall be kept or displayed on the premises unless such stock is clearly secondary and necessary to the performance of the services provided by the home occupation and at no time shall exterior storage of materials be permitted.
  - e. No person shall be employed other than a member of the family residing on the premises and one person outside the family, providing that additional persons (more than one) 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.
  - f. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape

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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.
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- 13. Horse breeding and raising
  - 14. Land Application of domestic septage with approval from the Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Private Sewage Disposal Ordinance and the Illinois EPA.
  - 15. Roadside stands, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back at least ninety (90) feet from the center line of all adjacent roads, and with off-street parking for a minimum of five (5) cars, or one space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to only those products grown or produced on the premises. Sales only permitted from March 15 through November 15.
  - 16. Single Family Residential Use, provided:
    - a. Standard Lot - A new residence shall be permitted on a zoning lot forty (40) acres or larger. Prior to the construction of any new residence, the property owner shall file with the Kendall County Planning, Building and Zoning Department a legal description detailing the location of the parcel, along with a sketch identifying the location of the proposed residence. The County will maintain records of parcels that have been allocated for single-family residences. *(AMENDED – 12/16/03)*
    - b. Allocation –Parcels of forty (40) acres or more in size shall be entitled to one allocation for a single-family residence for each forty acres of available land within the overall zoning lot. Available land shall be determined as the total acreage of any parcel regardless of the number of existing residences on the premises or replacement homes for which the parcel may be eligible. The available allocations shall be registered in accordance with the procedures outlined in subsection 7.01.C.16.e. below. Prior to the construction of any new residence, the property owner shall file with the Kendall County Planning, Building and Zoning Department a legal description detailing the location of the acreage to which the allocation(s) is/are being assigned. All parcels upon which a single-family residence is to be constructed utilizing a building permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family residences, and record the dimensions of the parcels upon which the single-family residences are built upon. *(AMENDED – 7/17/07)*

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- c. Existing Approved Lots - Single Family Dwellings on zoning lots approved pursuant to the applicable regulations prior to 8th day of March, 1977, which are as follows:
  - i. Any three-quarter (3/4) acre lot, or larger, existing prior to July 17, 1959.
  - ii. Any vacant three (3) acre parcel or larger that existed prior to August 8, 1971.
  - iii. Any vacant five (5) acre parcel or larger that existed prior to August 28, 1972.
  - iv. Any vacant twenty (20) acre parcel or larger that existed prior to March 8, 1977.
  - v. Any lot in a subdivision or group of lots combined to meet the

minimum area requirements of a zoning lot except as otherwise permitted under Section 5.15.B of this ordinance. *(AMENDED – 12/16/03)*

- d.
  - i. Replacement Home – A replacement home is defined as a residence intended to replace a pre-existing home destroyed or damaged to the extent that it was demolished. *(AMENDED – 12/16/03)*
  - ii. A replacement home shall be permitted in those instances where the owner can supply physical evidence documenting the prior existence of a residence on the property and further provided that it is registered in accordance with the procedures and deadlines established below in subsection 7.01.C.16.e. Evidence shall be submitted to the Kendall County Planning, Building and Zoning Department and may include historic aerial photographs, tax records, plat maps or other legal documentation verifying the prior existence of a residential dwelling. *(AMENDED – 12/16/03)*
  - iii. Except for those parcels of land created prior to December 16, 2003 which are improved with existing residences or are eligible for a replacement home, all replacement home lots shall have a minimum area of 130,000 square feet. *(AMENDED – 12/16/03)*
  - iv. Lots created prior to December 16, 2003 which are less than 130,000 square feet in area and are improved with existing residences or are eligible for a replacement home shall be considered legally non-conforming and shall not be further reduced in size except as may result from the required dedication of additional right-of-way for an adjoining roadway. *(AMENDED – 12/16/03)*
  - v. If the Planning, Building and Zoning Department determines

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that adequate evidence is not provided to support a replacement home, the applicant may appeal the decision to the Planning, Building and Zoning Committee of the County Board. Appeals of the Board's decision shall be reviewed by the Zoning Board of Appeals in accordance with Section 13 of this ordinance. (AMENDED – 12/16/03)

- e. All existing zoning lots which meet the requirements of 16 a, 16b, 16c or 16d above shall be registered by the property owner with the Kendall County Planning, Building and Zoning Department prior to the issuance of a building permit. One single-family residence shall be permitted for each registered allocation. All parcels upon which a single-family residence is to be constructed utilizing a building

permit allocation shall be a minimum of 130,000 square feet with a minimum lot width of 200 feet at the front building setback line. The County will maintain records of parcels that have been registered for single-family dwellings in the A-1 zoning district along with the number of permit allocations available to each tract. As each available permit allocation is used, the Planning, Building, and Zoning Department shall record the location and dimensions of the parcels upon which the single-family residences are built upon and shall update the records to track the number of available allocations remaining. (Amended 7/17/2007)

- f. Allocations Registered Prior to December 16, 2003. Parcels in excess of 60 acres in size which were registered for a single allocation prior to December 16, 2003, may register for additional allocations for each 40 acres of available land for any zoning lot in excess of 40 acres in size that remains within the original parent parcel. These additional allocations will be registered in the same manner as outline in subsection 7.01.C.16.e. (Amended 7/17/2007)

Parcels classified as "Existing Approved Lots" under subsection 16.c above shall be registered on or before December 29<sup>th</sup>, 2005. If an owner declines to register a parcel by this date, the burden of proof of the availability of a permit will shift to the owner, who shall be required to prove, by clear and convincing evidence, that a building permit allocation is applicable to the parcel in question. After December 29<sup>th</sup>, 2005, the owner of a zoning lot meeting the standards of 16c above shall file a petition with the Kendall County Planning, Building and Zoning Department to construct a new single family dwelling on an unregistered prior zoning lot. The petition shall be reviewed by the Zoning Administrator and approved, denied, or referred to the Planning, Building, and Zoning Committee of the County Board (Amended 1/18/11). In

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considering the petition, the Zoning Administrator shall consider the following findings of fact:

The petitioner must have purchased the property prior to May 1, 2000;

The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased. *(AMENDED – 12/16/03)*

- 20· Sod farms
- 21· Storage of products when accessory to the pursuit of agriculture.
- 22· Truck farming

D.        SPECIAL USES PERMITTED

The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13.07.

- 1. Adult Day Care or Respite Care
- 2. Agency Licensed Family Residential Care Homes - Transitional Halfway house.
- 3. Agricultural implement sales and service.
- 4. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
  - 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 residence.
  - 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. *(Amended 6/20/2006)*
- 5. Animal feed; preparation, grinding, mixing and storage.
- 6. Athletic Field with lights, provided that the following conditions are met:
  - a. The minimum site area shall be 140,000 square feet.
  - b. All structures, viewing, parking, and seating areas shall be set back at least 100 feet from any street or property line.
  - c. Photometric lighting plans will be submitted and approved by the County. All lighting shall be directed downward, and should minimize glare and light trespassing on adjacent property.
- 7. Auction Facility
- 8. Bait Shop with items not produced on the property.
- 9. Banquet Halls are permitted subject to the following conditions:
  - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.

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- b. The subject parcel must be a minimum of 5 acres.
- c. 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)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. 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.

10. Bed and breakfast establishments are permitted subject to the following conditions:

- a. Shall have no more than five (5) guest rooms for rent.
- b. Shall be in operation for not less than six (6) nights in a six (6) month period.
- c. Shall maintain a guest register which shall be available at all times for inspections.
- d. Shall be located in a single family detached dwelling, not an accessory building or garage.
- e. Shall satisfy all requirements of the Kendall County Health Department in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Building Department prior to the issuance



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of occupancy permits.

- f. In addition to the parking requirements for a single family detached dwelling, the bed and breakfast establishment shall provide one (1) additional space for each guest room. The off street parking for a bed and breakfast establishment shall not be located in any required yard, but it shall be screened from adjacent properties by a landscape screen of at least fifty (50) percent capacity.
  - g. Only one (1) sign shall be permitted for each bed and breakfast establishment. The maximum size of such sign shall be four (4) square feet per sign face.
  - h. Each guest room may have its own private bath. No guest room shall have any kitchen facilities.
  - i. Guest room shall mean sleeping room intended to serve no more than two (2) adult transient guests per night.
  - j. Accommodations shall be provided in guest rooms only. The length of stay in a bed and breakfast establishment shall be a maximum of One (1) week.
  - k. Any application for a special use shall include, in addition to all other documents required for a special use application, floor plans drawn to scale accurately showing the guest rooms in relation to the rest of the single family detached dwelling.
11. Cemeteries, including crematoriums and mausoleums provided no building shall be located less than one hundred (100) feet from a lot line.
12. Composting of landscape waste and food waste, subject to the following:
- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
  - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
  - c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
  - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
  - e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
  - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
  - g. Soil samples shall be taken by an independent testing service and

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analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.

- h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
  - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
  - j. Truck weights shall be limited to 73,280 pounds.
  - k. The operator shall provide weight receipts to Kendall County.
  - l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
  - m. Other conditions as appropriate for the particular facility. *(Amended 6/20/2006)*
13. Communication uses, gas regulator stations, telephone exchanges, electric substations and generators.
14. Correctional Facilities subject to the following:
- 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, day care or place of worship.
  - c. 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. *(Amended 6/20/2006)*
15. Child Day Care Facilities.
16. Fertilizer and seed sales, including bulk storage and mixing.
17. Golf courses, club houses, country clubs, and membership riding clubs.
18. Governmental buildings and facilities.
19. Grain Storage, when not accessory to the pursuit of agriculture.
20. Group Homes, subject to the following:
- i. More than nine (9) persons plus staff.
  - ii. Licensed or certified by the State of Illinois.
  - iii. A minimum distance of one thousand (1,000) feet is maintained between group homes and adjacent properties as measured from the lot line.
21. Halfway house must be located a minimum of one thousand (1,000) feet of any dwelling.
22. Hospice.
23. Indoor Target Practice
24. Kennels with the condition 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-

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residential. The animals must be indoors by sunset.

25. Landscaping business, provided that:

- a. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
- b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)
- c. No landscape waste generated off the property can be burned on this site.

26. Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents, planners and other professionals, medical and dental practitioners, clergy, salesmen, sales representatives or manufacturing representatives, provided that the subject parcel is not less than 3.0 acres in size; is located within ¾ mile of an existing or proposed commercial center as designated on the County LRMP; has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan; and is located in an area not designated on the Land Resource Management Plan as dedicated for agricultural uses.

- a. The following purpose is served:
  - To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewsapes they provide.
  - To allow for the establishment of low intensity office uses within existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
  - To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
- b. All special use permit applications for an office use must meet the following requirements:
  - 1. Unless otherwise approved by the County Board, the office use shall be conducted within one or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
  - 2. If any proposed additions or new structure are to be built on the property, (a) the architectural design of those structures must be

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reflective of the existing architecture on the site; (b) the additional square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel; and (c) placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of the locality.

3. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the office use.
  4. The office use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
  5. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the county as part of any such special use request for office uses provided that such demolition shall not exceed 15% of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.
  6. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading; the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.
  7. No sign, other than one identification sign as permitted in Chapter 12 of this ordinance shall be allowed.
  8. Off-street parking shall be provided in accordance with the provisions of Chapter 11 of this ordinance. (AMENDED - 9/21/04)
27. Outdoor Commercial Sporting Activities including but not limited to sports shooting, swimming facilities and motocross sports. Appropriate regulations for

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lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude athletic fields with lights, paintball facilities and riding stables including but not limited to polo clubs, and similar uses.

28. Paintball Facilities subject to the following conditions:

- a. Minimum lot size of 20 acres;
- b. The facility shall have direct access to a road designated as a major collector (or higher) in County Land Resource Management Plan unless the Township Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road;
- c. Hours and days of operation as specified in Special Use Permit to be determined by the County Board
- d. All safe and spectator areas must be protected by special paintball netting, and participants and spectators must wear approved paintball goggles; and
- e. No paintball activity shall leave the boundaries of the site, including fired paintballs.
- f. Requirement of netting to be installed around the property shall be determined by the County Board
- g. Paintball guns shall only be powered by carbon dioxide (CO<sub>2</sub>), high pressured air (HPA) or Nitrogen (N<sub>2</sub>).
- h. All signage shall comply with the provisions of Section 12 of the Kendal County Zoning Ordinance.
- i. Ammo for such paintball guns shall only include paintball pellets made of non-toxic, biodegradable water soluble substances.
- j. All applicable State and County rules and regulations pertaining to wastewater treatment and disposal, potable water supply, and food service shall be adhered to.

26. Parks.

27. Philanthropic institutions and institutions supported by charity.

28. Places of Worship subject to the following conditions:

- a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
- b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00.

29. Private Airstrip and/or heliports, provided it complies with all Illinois Department of Transportation (IDOT) Division of Aeronautics and Federal Aviation Administration (F.A.A.) requirements and provisions of Section 4.13 of this Zoning Ordinance. *(Amended 6/20/2006)*

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30. Private clubs or lodges not including uses regulated in Section 4.16 (Adult Book Store, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Entertainment Facilities, Adult Use, Adult Massage Parlors or Spas, Tattoo Parlors and Permanent Body Art Establishments, Striptease Club or Gentlemen's Club and Adult Video Store.)
31. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted. *(Amended 9/15/2009)*
32. Public Service uses:
  - a. Filtration plant, pumping station, and water reservoir.
  - b. Sewage treatment plant.
  - c. Telephone exchange.
  - d. Electric substations and booster stations.
  - e. Non-exempt governmental uses.
33. Recreational camps and recreational vehicle parks subject to the following conditions:
  - a. The minimum lot size must be 20 acres
  - b. All standards of the Health Department are met in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance and Kendall County Food Establishment Sanitation Ordinance.
  - c. Must seek approval from the Fire and police departments
  - d. Adequate directional signage must be throughout the property
  - e. Maximum continuous stay shall not exceed 90 days.
34. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
35. Retail or Wholesales sale of pottery, art, or home décor products, *alone or* together with the operation of a tea room, sit-down food sale area for food sales on-premises incidental to the operation of the primary retail sales use provided that the subject parcel is not less than 3.0 acres in size, has hard-surfaced road frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan; and is located in an area not designated on the Land Resource Management Plan as dedicated for agricultural uses.
  - a. The following purpose is served:

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- To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewsapes they provide.
  - To allow for the establishment of low intensity retail or wholesale uses within existing structures that will serve as transitional uses between agricultural areas and advancing suburban development.
  - To prevent spot zoning of parcels for commercial uses and the expansion of commercial strips along the County's arterial roadways.
- b. All special use permit applications for a retail or wholesale use must meet the following requirements:
1. Unless otherwise approved by the County Board, the retail or wholesale use shall be conducted within one or more buildings or structures on a qualifying zoning lot unless the applicant can demonstrate to the County's satisfaction that conversion of an existing structure is not feasible due to structural or other similar limitations.
  2. If any proposed additions or new structure are to be built on the property, (a) the architectural design of those structures must be reflective of the existing architecture on the site; (b) the additional square footage may not exceed fifty (50) percent of the combined square footage of the existing structures on the parcel; and (c) placement of any new structures or additions to existing buildings shall be done in a manner that does not detract from the maintenance of the existing viewscape of the locality.
  3. There shall be no outside display of goods or outside storage of equipment, materials, or motor vehicles utilized in conducting the retail or wholesale use.
  4. The retail or wholesale use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond that which normally occurs in the A-1 zoning district.
  5. Limited demolition of an existing farmhouse, barn, or accessory structure may be permitted upon the submission of a site plan and architectural drawings for review and approval by the county as part of any such special use request for retail or wholesale uses provided that such demolition shall not exceed 15% of the combined square footage of all existing structures on the premises. The combined square footage of existing structures shall be defined as the sum total of the square footage of all existing structures situated on a qualifying zoning parcel at the time of submission and approval of the first application for such a special use on said qualifying parcel.
  6. Submission of a site plan and drawings indicating the location of existing structures and any proposed or existing additions thereto shall be supplied to demonstrate how the special use will serve to preserve or enhance the architecture of the existing structures and agricultural character of the property. Such plans and drawings shall include details regarding facilities for traffic movement, parking and loading;

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the design and appearance of all sides of any existing or future buildings to be maintained on the premises including any areas of demolition or expansion and the size thereof; details of any proposed landscaping or buffering as are necessary or appropriate to maintain the agricultural character of the premises and to fit harmoniously with the character, use and zoning of adjoining surrounding properties and to avoid any appreciable adverse effect upon such properties.

7. No sign, other than one identification sign as permitted in Chapter 12 of this ordinance shall be allowed.
  8. Off-street parking shall be provided in accordance with the provisions of Chapter 11 of this ordinance. *(Amended 9/18/2007)*
36. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses subject to the following:
- i. All such facilities shall meet all State Animal Management Statutes.
  - ii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time, unless otherwise approved in the special use permit.
  - iii. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
  - iv. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
  - v. Submissions of a manure management plan for review and approval by the Kendall County Health Department.
  - vi. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
  - vii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
  - viii. Provision of handicapped accessible bathroom facilities for customers and employees.
  - ix. Compliance with basic life safety requirements for building ingress and egress. *(Amended 6/20/2006)*
37. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic field auxiliary thereto.
38. Service Clubs.
39. Storage facilities for motor vehicles, boats, trailers, and other recreational vehicles provided that the business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs. Unless specifically permitted under a special use permit, all storage



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shall be in enclosed buildings. Self-storage or mini-warehouse facilities are specifically prohibited in the Agricultural District. *(Amended 6/20/2006)*

40. Telecommunications Stations

41. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation. *(Amended 6/20/2006)*

42. Wind Farms, Commercial, subject to the following:

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

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archeological resources.

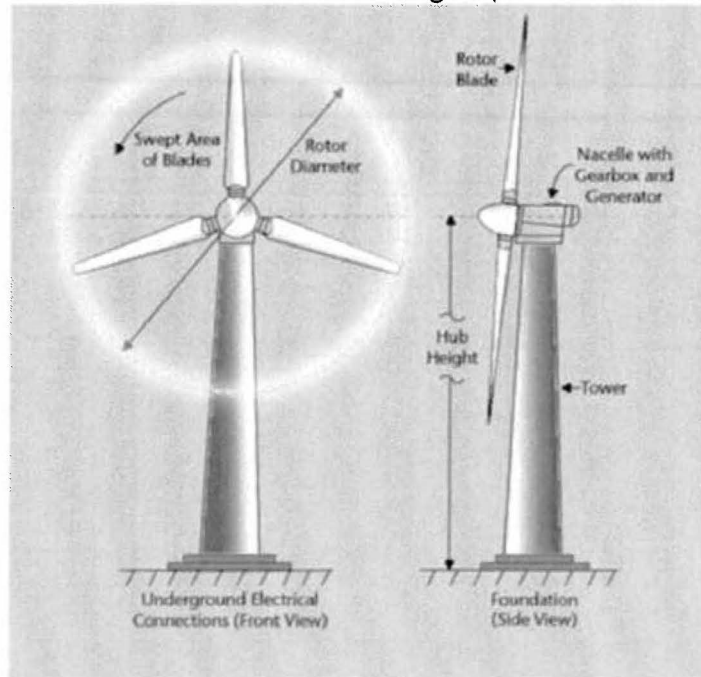
- v. Public Safety – Wind Farms shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.
  
- b. Performance Standards - The following 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, re-construction 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

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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

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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 hearing officer, 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.

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- 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.

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- 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.

E.        CONDITIONAL USES:

- 1. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator.
  - a. Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
  - b. Public 911 safety towers provided:
    - i. The height cannot exceed 200' if it is located within 1.5 miles from the corporate limits of any municipality with a population of 25,000 or more. If it is further than 1.5 of a municipality with a population of 25,000 or more, it can be 350'.
    - iii. No building or tower that is part of a public 911 safety tower should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
    - iv. 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.
    - v. No public 911 safety tower should encroach onto an existing septic field.
    - vi. Except as provided in this section, no yard or setback regulation shall apply to or be required for a public 911 safety tower.
    - vii. No minimum lot area, width, or depth shall be required for a public 911 safety tower and unless the tower is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a public 911 safety tower. If the tower is to be manned on a regular, daily basis, one off-

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street parking space shall be provided for each employee regularly at the site. No loading facilities are required.

- viii. No portion of a tower's supporting structure or equipment housing shall be less than 15 feet from the front lot line or less than 10 feet from any other lot line.
  - ix. Fencing should be installed around a public 911 safety tower. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.
- c. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, provided:
- i. The lot is not located nearer than five hundred (500) feet from an existing dwelling other than the owners residence or a Residential District.
  - ii. All such facilities shall meet all State Animal Management Statutes.
  - iii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time.
  - iv. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
  - v. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
  - vi. Submission of a manure management plan for review and approval by the Kendall County Health Department.
  - vii. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
  - viii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
  - ix. Provision of handicapped accessible bathroom facilities for customers and employees.
  - x. Compliance with basic life safety requirements for building ingress and egress. *(Amended 6/20/2006)*
- c. Buying and selling of livestock, but not a stockyard or a slaughter house. Such uses may not be located nearer than one thousand (1,000) feet from a Residence District.

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- d. Feed yards provided that the lot is not located nearer than one thousand (1,000) feet from a Residence District.
  
- e. Accessory agricultural services such as a Black smith; Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises; or similar accessory use to a farm residence provided:
  - i. The applicant shall send notice to all owners of property within five hundred (500) feet of the subject site by certified mail within five (5) days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten (10) days after the date of the notice, file a written objection with the Zoning Administrator thereto, the question of whether such application shall be granted shall be referred to the Zoning Board of Appeals which shall consider the matter at its next regular or special meeting. A report summarizing the findings of fact and a recommendation of the Zoning Board of Appeals shall be forwarded to the County Board for a determination.
  - ii. Such use shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six (6) feet in height.
  - iii. Such use shall not utilize more that twenty-five (25%) percent of the lot area or two (2) acres, whichever is less.
  - iv. On-site employees shall consist of immediate family members, and not more that three (3) other persons.
  - v. Said business shall be owned by the owner of the residence.
  - vi. Such businesses shall provide a parking area to accommodate at least two (2) cars in addition to one parking space for each on-site employee. Such off-street parking area shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
  - vii. No more than one business shall be permitted on a site.
  - viii. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use.
  
- f. Elderly Cottage Housing Opportunities (ECHO Housing), provided:
  - i One manufactured home is permitted on a separate ground area of not less than five acres in an A-1 District. Current health codes must be met.
  - ii. The following purpose is served:
    - To permit adult offspring to provide small temporary residences for their aging parents who are in need of support while maintaining



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independence.

- To permit families to provide security and support for non-elderly relatives with serious health problems or physical disabilities.
  - To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
  - To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
  - To permit E.C.H.O. housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.
- iii A conditional use permit must meet the following requirements for Temporary E.C.H.O.:
- There can only be one (1) E.C.H.O. housing unit located on each parcel.
  - The E.C.H.O. housing unit must comply with all setbacks within the respective zoning districts.
  - The E.C.H.O. housing unit must not exceed one thousand-two hundred (1,200) square feet of living space with not more than two (2) bedrooms.
  - The E.C.H.O. housing unit must be compatible with the surrounding area.
  - The E.C.H.O. housing unit must be an attached or detached pre-manufactured home with a removable foundation or a mobile home.
  - Each E.C.H.O. housing unit may have one (1) parking space.
  - The owner of the principal residence and at least one occupant of the E.C.H.O. unit must be related by blood, marriage or adoption.
  - The owner(s) of the principal residence and lot must live in one of the dwelling units on the lot. No more than two occupants shall reside in an E.C.H.O. unit.
  - In order to be eligible for E.C.H.O. housing, at least one of the occupants of the E.C.H.O. unit must be over sixty-two (62), or unable to live independently because of mental or physical disabilities. All disabled occupants must submit a letter from a physician verifying the disability and stating the projected duration of the disability.
  - The principal owner of the property must annually submit an affidavit to the Zoning Administrator, verifying that the unit is still occupied by the eligible resident(s). Once the unit is no longer occupied by the eligible resident(s), the principal owner has six (6) months to remove the unit from the property. If the unit is not removed within six (6) months, the Kendall County Zoning Department may remove the structure. The principal owner of the property will be held financially liable for the cost. If the principal

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owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property.

- g. Small Wind Energy Systems subject to the conditions of Section 4.18
- h. Guest house with kitchen facilities provided it is in an accessory structure
- i. Agricultural Labor Housing or living quarters for a groomsman or an employee-watchman, provided that the following conditions and restrictions are met:
  - i. Shall be used in connection with an agricultural purpose as defined in State Statute 55ILCS 5/5-12001 as here after amended.
  - ii. Shall meet all requirements of the Kendall County Health Department.
  - iii. Shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and immediate family.
  - iv. Shall meet all required setbacks and minimum lot size.
- i. Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*
  - i. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject property unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
  - ii. The operator shall provide adequate parking on the site, such that no on-street parking will be required.
  - iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
  - iv. No alcohol shall be sold on the premises without a Kendall County liquor license.
  - v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
  - vi. Events shall not exceed six (6) consecutive days in duration.
  - vii. Events shall not exceed two (2) times per calendar year on any particular property.
  - viii. Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.
  - ix. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
  - x. Any event activities shall start no earlier than 9:00 A.M., and shall end no later than 9:00 P.M., any day of the week.

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- xi. Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.
  
- j. Seasonal Festivals provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*
  - i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary
  - ii. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office
  - iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services
  - iv. No alcohol shall be sold on the premises
  - v. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services
  - vi. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
  - vii. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property
  - viii. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
  - ix. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday
  - x. Events shall be permitted once a year unless otherwise approved by the PBZ Committee
  - xi. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year
  - xii. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
  - xiii. All signage shall comply with Section 12.00 of the Zoning Ordinance
  - xiv. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line
  - xv. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his

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or her discretion, refer the request 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 in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.

- k. Single Family Dwellings may be authorized under the following conditions:
  - i. Each such dwelling shall be located on a zoning lot that meets the standards of single-family residential lots, one hundred and thirty thousand (130,000) sq. ft. minimum.
  - ii. Septic suitability is approved by the Health Department.
  - iii. It is the intent to limit such usage, and if, in the judgment of the County Board, contiguous parcels requesting approval hereunder represent an unwarranted expansion of this usage, then denial is warranted.
  - iv. That application shall be made on forms provided by the Zoning Administrator and shall include specific written and graphic statements and illustrations establishing evidence that the site meets the standards as follows:
    - That the site for the proposed use must be incompatible with agricultural use that may be evidenced by establishment of one or more of the following criteria:
      - 1) Existing woodland coverage of a substantial portion of the site containing trees in excess of 6" in diameter measured at breast height;
      - 2) Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less;
      - 3) Excessive slopes;
      - 4) Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, flood-prone areas or buildings.
  - v. That such application shall be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the application to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action.

It is the policy that allowance of dwellings under this section shall not change the general character of agricultural use in the surrounding area.

## F. TEMPORARY USES PERMITTED

Upon application and issuance by the Zoning Administrator of a permit thereof, the following uses may be operated as temporary uses. The Zoning Administrator may require that a site plan be submitted with the application to provide a means of evaluating compliance with Ordinance requirements. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.07) if the stated time limit is to be exceeded.

1. 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.
2. 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.
3. Christmas Tree Sales; each permit shall be valid for a period of not more than sixty (60) days.
4. Concrete ready-mix or asphalt concrete plants, when necessary and incidental to a major construction project.
  - 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 a clean and vegetated 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.

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- 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.

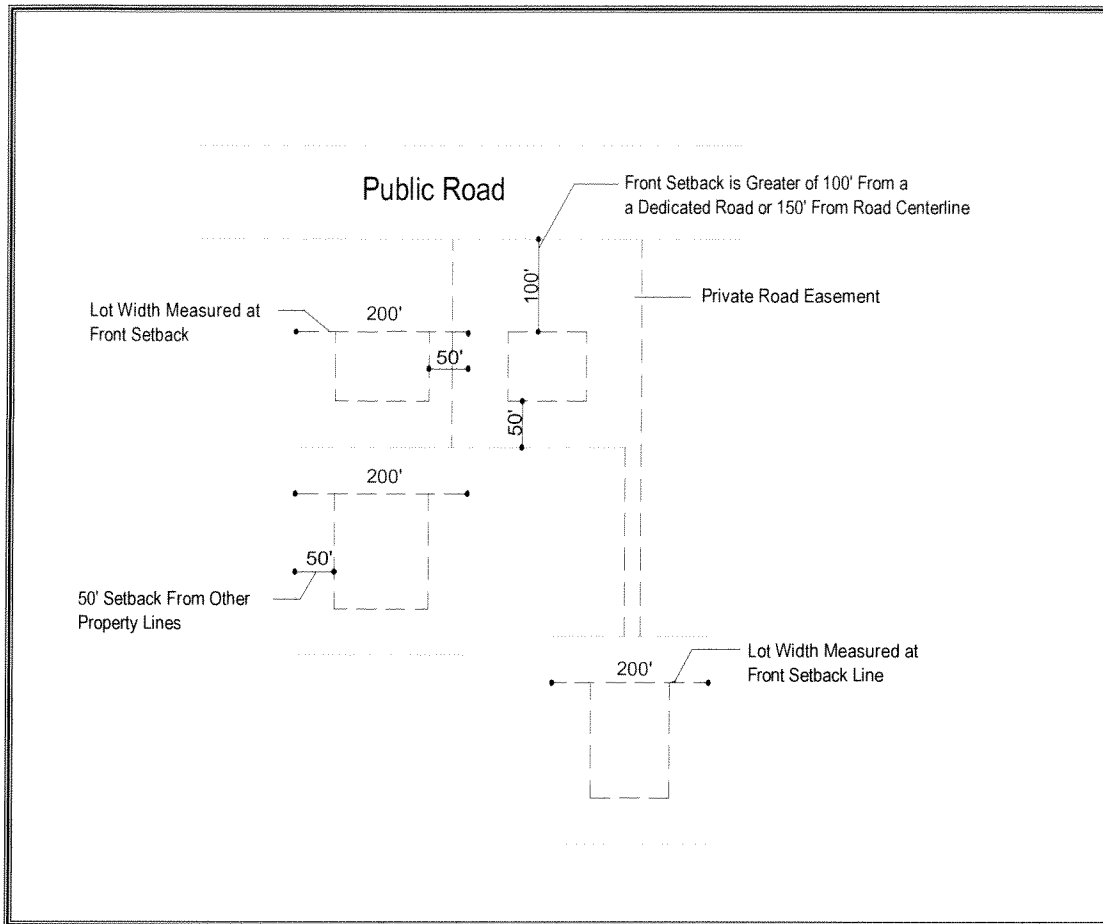
G. ACCESSORY USES PERMITTED

Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted or special use are permitted; provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or structural features inconsistent with the permitted use or special use.

H. SITE AND STRUCTURE REQUIREMENTS - (AMENDED – 12/16/03)

- 1. Minimum Lot Area and Minimum Lot Width per the following table:

Type of Use	Minimum Lot Area	Minimum Lot Width (measured at the front building setback line)
New Residence	Forty (40) acres	200 feet
Existing Residences or Replacement Homes that are subdivided from a larger agricultural parcel	130,000 square feet	200 feet
Other Permitted Residences	As provided in Section 7.01C.16 c	No minimum.
Special or Conditional Uses	No minimum, unless specifically listed	200 feet or as approved for the special or conditional use
All Other Permitted Agricultural Uses	No minimum	200 feet measured from the front building setback line



## 2. Setbacks

- a. Principal buildings - 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. Also, fifty (50) feet from all property lines dividing lots held in separate ownership.
- b. Accessory structures - One hundred and fifty (150) feet from the center line of all adjacent roads and ten (10) feet from all property lines dividing lots held in separate ownership.

## I. SPECIAL PROVISIONS

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1.     Parking requirements – in accordance with the applicable regulations set forth in Section 11.00.
  
2.     Sign Requirements - in accordance with the applicable regulations set forth in Section 12.00.
  
3.     Variances to the 40 acre minimum lot size requirement – the Zoning Administrator shall have the authority to administratively grant a variance of less than 10% to the minimum 40 acre lot size requirement for an allocation as set forth in paragraph 7.01.A.16.b. above. Said variance shall be processed in accordance with the terms of the administrative authority as provided for under the ILCS as amended. *(AMENDED – 12/16/03)*