

ORDINANCE # 2006- 41

**AMENDMENT TO THE SECTION 3.02 "DEFINITIONS" AND SECTION 7.01.D  
"SPECIAL USES" AND 7.01.E "CONDITIONAL USES OF THE A-1 "AGRICULTURAL  
DISTRICT" OF THE  
KENDALL COUNTY ZONING ORDINANCE**


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.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 3.02 "DEFINITIONS"; Section 7.01.D "SPECIAL USES"; and Section 7.01.E "CONDITIONAL USES" of the A-1 Agricultural District of the Kendall County Zoning Ordinance as provided in attached Exhibit "A".

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on June 20, 2006.

  
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Attest:

  
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John A. Church  
Kendall County Board Chairman

Paul Anderson  
Kendall County Clerk

**EXHIBIT "A"**

DEFINITIONS

Section 3.02

**PRIVATE AIRSTRIP** – A private aircraft landing strip open to residents and invitees or open to ultra-light or short take-off and landing vehicles only.

**AIRPORT** – Any area of land, water, or both, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way.

**BASIC UTILITY STAGE 1 AIRPORT** – An airstrip that is open to the public, with a minimum runway length of 2,200' and a minimum width of 100'.

**SELF-STORAGE OR MINI-WAREHOUSE** - A building consisting of individual, self-contained units that are leased or owned for the storage of business supplies and household goods. Business goods are limited to those not associated with any office, retail or other business or commercial use within the self-storage warehouse facility.

**KENNEL** – Any lot or premises or portion thereof on which more than a total of 4 dogs, cats, and other household domestic animals or combination thereof over four months of age are kept for sale, or on which more than two such animals are boarded for compensation.

**WIND FARM, COMMERCIAL:** A single wind driven machine or a collection of wind driven machines or turbines that convert-wind energy into electrical power for the primary purpose of sale, resale or offsite use.

**WIND FARM, NONCOMMERCIAL:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. If all applicable regulations are met a non-commercial wind farm may contain more than one wind energy conversion system.

## 7.01 A-1 AGRICULTURAL DISTRICT

### 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. Agricultural implement sales and service.
2. Agricultural Labor Housing, subject to the following restrictions:
  - a. Shall be used in connection with a use permitted in this district.
  - b. Shall provide for adequately screened off-road parking for the occupants.
  - c. Shall meet all requirements of the Kendall County Health Department.
3. 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.**
4. Animal feed; preparation, grinding, mixing and storage.
5. ~~Asphalt and (or) concrete batch mix plants~~
65. ~~Bed and breakfast establishments.~~
76. Cemeteries, including crematoriums and mausoleums provided no building shall be located less than one hundred (100) feet from a lot line.
87. Churches, temples or synagogues, **provided any such facility with a seating capacity of 350 or more people shall 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.**
98. Communication uses, gas regulator stations, telephone exchanges, electric substations and generators.
- 40-9. ~~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.**

4410. Kennels when located more than 600' from an occupied principal residential structure other than the owner's residence.
4211. Fairgrounds.
4312. Golf courses, club houses, country clubs, and membership riding clubs.
4413. Fertilizer and seed sales, including bulk storage and mixing.
4514. Governmental buildings and facilities.
4615. Grain Storage, when not accessory to the pursuit of agriculture.
4716. Gun clubs, if located not nearer than one thousand (1000) feet to any residence other than that of the owner or lessee of the site, and if not so operated as to withdraw the land from its primary agricultural use. **Appropriate regulations for lighting and hours of operation shall be included in the conditions for a gun club.**
17. **Landscaping business, provided that:**
- a: **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. **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.**
18. Living quarters, a residential dwelling unit not to exceed two thousand (2,000) square feet, for a groomsman or an employee-watchman and immediate family in conjunction with a permitted use or an approved conditional or special use. The living quarters shall be limited to one (1) home, apartment or dwelling unit per zoning lot or zoning parcel.
19. Parks.
20. Philanthropic institutions and institutions supported by charity.
21. **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.**
2122. Private clubs or lodges, except those the chief activity of which is a service customarily carried on as a business.
23. **Production of sweet cider, hard cider, and wine from crops grown on the same property where such production takes place, and the tasting, and sale thereof at wholesale or retail.**
2224. Recreational camps.
- b: 2325. 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

~~24. Sanitary landfills and other means of solid waste management, including transfer stations.~~

**24. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses. Subject to the following:**

- a. All such facilities shall meet all State Animal Management Statutes.**
- a. 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.**
- b. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).**
- c. 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**
- d. Submission of a manure management plan for review and approval by the Kendall County Health Department.**
- e. 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.**
- f. 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.)**
- g. Provision of handicapped accessible bathroom facilities for customers and employees.**
- h. Compliance with basic life safety requirements for building ingress and egress.**

25. Schools and Day Care Facilities.

~~e: 26. Seminaries, convents, monasteries and similar religious institutions including dormitories and other accessory uses required for operation.~~

~~d: 27. Similar and compatible uses to those allowed as "permitted or conditional uses" in this district.~~

~~e: 28. Slaughter houses~~

**f: 2926. 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 shall be in enclosed buildings. Self-storage or mini-warehouse**

**facilities are specifically prohibited in the Agricultural District.**

3027. The composting of landscape 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, Part 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 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 Waster 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 owners permission.
- m. Other conditions as appropriate for the particular facility.

g: 3428. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.

29. Commercial Wind Farms, 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 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.

h:

**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 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. Safety** - Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.5 times the turbine hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.5 times the turbine hub height. Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. If lighting of turbines, or other structures, is required, "daytime white-nighttime red" shall be the only type of lighting allowed unless prohibited by law. All turbines and towers shall be a shade of white in color.

**3230.** Offices of architects, brokers, engineers, insurance agents, lawyers, real estate agents, planners and other professionals, medical and dental practitioners, **clergy**, ministers, ~~priests, rabbis,~~ 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:

1. To encourage the preservation of existing farmhouses, barns and related structures and the pastoral setting and viewsapes they provide.
2. 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.
3. 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 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)

E. CONDITIONAL USES:

1. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator.

- a. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, provided: ~~that the lot is not located nearer than five hundred (500) feet from an existing dwelling or Residence District.~~

- 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.
- b. 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.
- c. Feed yards provided that the lot is not located nearer than one thousand (1,000) feet from a Residence District.
- d. 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.
- e. 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 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 owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property.

- f. Non-commercial Wind Farms, provided:
- i. Minimum Parcel Size: The minimum parcel size to establish a non-commercial wind farm is one acre.
  - ii. Total Height: There is no limitation on tower height, except as imposed by setback, clear zone and FAA regulations.
  - iii. Set-back: The wind energy system shall be set back a distance equal to one hundred ten (110) percent of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.
  - iv. Clear Zone: The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten (110) percent of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible/ flammable liquids, and above ground utility/electrical lines.
  - v. Noise: Wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - vi. Tower Security: Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet. The tower is recommended to be

- enclosed with an appropriate fence.
- vii. Lighting: Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) regulations or appropriate authorities.
- viii. Signs/Advertising: No tower should have any sign, writing, or picture that may be construed as advertising.
- ix. Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the Planning, Building and Zoning Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County Planning Commission to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County Planning Commission will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the Planning Commission may be appealed to the County Board.
- x. Multiple wind energy systems: Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all non-commercial wind farm regulations contained in these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements, as defined by these regulations. The minimum distance between wind energy systems shall be equivalent to one hundred ten (110) percent of the combined height of the tower plus the blade length.
- xi. Approved Wind Turbines: At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.

- xii. Onsite Electrical Use: On the Construction/Use Permit Application, the applicant must certify that the proposed system will be used primarily to reduce onsite consumption of electricity.
- xiii. Compliance with the ICBO Electric Code: Construction/Use Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- xiv. Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system found to be unsafe by an authorized county official shall be repaired by the owner to meet federal, state and local safety standards or removed within six months. If any wind energy system is not operated for a continuous period of 12 months, the county will notify the landowner by registered mail and provide 45 days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within 120 days of receipt of notice from the county.

2. Single Family Dwellings may be authorized by the County Board under the following conditions:

- a. 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.
- b. Septic suitability is approved by the Health Department.
- c. 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.
- d. 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:



- i. Existing woodland coverage of a substantial portion of the site containing trees in excess of 6" in diameter measured at breast height;
  - ii. Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less;
  - iii. Excessive slopes;
  - iv. 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.
- e. That such application shall be presented to the Plan Commission and Zoning Board of Appeals for Review. Their recommendations shall be forwarded to the County Board who may grant or deny such application.

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

3. **Corn Mazes** or Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met:

- a. 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.
- b. The operator shall provide adequate parking on the site, such that no on-street parking will be required.
- c. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
- d. No alcohol shall be sold on the premises without a Kendall County liquor license.
- e. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- f. Events shall not exceed six (6) ~~two (2)~~ consecutive days in duration.
- g. Events shall not exceed two (2) times per calendar year on any particular property.
- h. Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.

- i. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department.
- j. 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.

Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.