

## APPENDIX B-ZONING

### ARTICLE VIII. FARMING DISTRICT

#### Sec. 8.1. F District—Farming.

##### 8.1-1 Permitted Uses.

In the F District, the following uses are permitted:

- a. The uses as permitted in the R-1 District except for Section 9.5-1 a. and p. thereof. However single-family residential uses are permitted provided:
  - (1) The one-family residential use was an existing residential structure on December 11, 1979; provided, that the size of the zoning lot may not be reduced after December 11, 1979, unless done in compliance with this Ordinance;
  - (2) The land on which the one-family residential use is proposed is a parcel of land recorded with this County Recorder of Deeds prior to December 11, 1979, whether the recording is by a deed or deeds, or by a contract to purchase or memorandum of purchase on which there is a detailed legal description; provided the parcel contains a minimum of twenty thousand (20,000) square feet and is at least seventy five feet (75') in width; provided further that all other zoning, waste water disposal and building ordinance requirements are complied with; or
  - (3) The residence is located on a parcel of not less than fifteen (15) acres in area which parcel has been recorded with the Kane County Recorder between December 11, 1979 and 12:00 o'clock noon (CDT), September 8, 1992.
  - (4) The residence is located on a parcel of not less than forty (40) acres in an area recorded with the Kane County Recorder and with two hundred fifty feet (250') of frontage on a public right of way and the principal use of said zoning lot is agricultural as defined in this Ordinance.
- b. Agriculture as defined herein (see definition Article III), except that neither animals nor poultry may be housed; stabled, kenneled or yarded closer than one hundred feet (100') from any residence other than that of the owner or user of the property. Sale of seed shall also be permitted.
- c. Carnivals and circuses (temporary) operating not longer than ten (10) days, and not including the sale of beer or alcoholic liquors.
- d. Hunting, fishing, fish and game preserves.
- e. Governmental and judicial centers.
- f. Picnic grounds, groves and temporary refreshment and amusement stands.
- g. Produce stand (one portable) for the display and sale of only products which are produced on the premises, provided:
  - (1) That such stand shall comply with the setback requirements.
  - (2) That adequate parking space be provided for the motor vehicles of customers off the highway right of way. (See Article XIV of this Appendix, Off Street Parking.)
  - (3) That the lot from which the sale of products are produced and sold shall contain not less than five (5) acres of land area.
- h. Pigeon lofts and poultry farms as herein defined.

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- i. Pipelines, electric substations, or transformer stations, telephone repeater stations and automatic exchanges, radio stations and towers, etc. (See Sections 5.4-3 and 5.4-5 of this Appendix.)but shall not include electrical generation plants, “peaker” plants, and ancillary transmission and distribution facilities.
- j. Sign, one, not larger than twenty (20) square feet in area, pertaining to the sale, lease, or identification of the premises upon which it is located or the sale of farm products produced thereon.
- k. Sign, one, temporary and seasonal, not larger than two (2) square feet, which directs attention to and identifies different varieties of seeds and plants used in the production of food for animal and human use or identifies special conservation practices. Such sign must conform to established setback provisions and may only be displayed during the period between June 1 and December 1 of any given year.
- l. Stables, boarding, as defined herein.
- m. Stables, private, as defined herein.
- n. Truck gardening, nurseries, greenhouses, mushroom barns and apiaries.
- o. Waterways and such hydraulic power plants and terminals as may be erected by the County, State or Federal Government or public utilities for the use of the public.
- p. Weighing stations operated by the State of Illinois.
- q. Forest Preserve uses and activities at the Kane County Events Center, located at the corner of Kirk Road and Cherry Lane in Geneva Township, Illinois, related to educational, cultural, recreational, and sporting events, including public informational signs accessory to the use, provided said informational signs are not more than one hundred and fifty (150) square feet in display area per side and thirty feet (30') in height and are located on public property owned by the Forest Preserve District of Kane County. Furthermore, the size and setback of the public informational signs shall be reviewed by the Kane County Division of Transportation and a determination made that said signs do not interfere with any anticipated public highway improvements and do not create a hazard to public highway safety.
- r. Portable concrete plants, only for Kane County public road improvement projects, and approved by the Kane County Board, located on or immediately adjacent to the County public road right-of-way, and for a specified time period not to exceed one-hundred eighty (180) days.
- s. Country clubs, provided the country club use was existing prior to March 9, 1976.
- t. Migrant labor camps as defined in Section 3.1-1 and that are licensed by The State of Illinois Department of Public Health and comply with the Migrant Labor Camp Code 77 ILL. ADM. Code 935, and have established use with the Kane County Development Department in accordance with Section 4.3 of this Ordinance. The residence must comply with Section 8.1-1 a. of this Ordinance.
- u. Identification signs, deemed by the Kane County Board to be of interest to the general public, of an area not to exceed 6 square feet at the property line, which identify farmland that has been preserved through the Agricultural Conservation Easement Program. The location at the property line of these signs shall be reviewed by the Kane County Division of Transportation and a determination made that said signs do not interfere with any anticipated public highway improvements and do not create a hazard to public highway safety.

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### 8.1-2 *Special Uses.*

- a. Special uses allowed in the R1 District are allowed in the F District.
- b. Private Landing Strips, as defined herein, subject to the following restrictions:
  - (1) Shall be located and be of such area, runway length and design as prescribed by the Illinois Department of Transportation, Division of Aeronautics and the provisions of Article V, Section 5.13 of this Ordinance;
  - (2) Shall be used in connection with a use permitted in this District;
  - (3) Shall base no more than two (2) airplanes; and
  - (4) Shall not be used by itinerant aircraft as defined herein except in cases of emergency.
- c. Asphalt plants, provided the principal ingredient is gravel mined on the premises where the plant is located, and operated from an active, licensed mining operation. Upon the exhaustion of the substance being mined for the aggregate, all mixing apparatus and equipment and other buildings and structures accessory thereto shall be removed from the premises.
- d. Bins, warehouses and other facilities for the storage of surplus grain by the Federal Government, or any of its duly designated agencies.
- e. Boat marinas and boat liveries, as herein defined.
- e.5. Burial grounds, private, for family members only. This is the only district in which this use shall be permitted.
- f. Cemeteries for human beings, including therein mausoleums and/or crematory.
- g. Commercial swimming pools and beaches.
- h. Commercial tennis courts.
- h.5. Commercial TV and radio towers.
- i. Country clubs.
- j. Fair grounds.
- k. Garbage disposal, as defined herein, shall be conducted in accordance with the Kane County Sanitary Landfill Control Ordinance and in accordance with all other applicable ordinances and resolutions of the County of Kane.
- l. Golf courses, public, semi-public and private, including ancillary uses normally provided, such as, restaurants, including the sale and consumption of alcoholic beverages, pro-shops, swimming pools and tennis courts, but not including continually operating driving ranges or miniature golf courses.
- m. Government military reservations.
- n. Health and recreation clubs, as defined herein, and provided that a detailed plat of the proposed club and all proposed improvements shall be submitted to the Zoning Board for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in strict accordance with said plat.
- o. Kennels, as defined herein.

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- p. Mining of topsoil, earth, clay, gravel, peat, sand and stone, and structures incidental to loading the same, also processing, screening and washing yards and plants of a quasi-temporary nature which are commonly removed when the available deposits are worked out, but not including plants, building and yards for the manufacture of clay or concrete products. If such mining operations are conducted upon a lot, piece, parcel or tract of land by the owner thereof for the purpose of improving said lot, piece parcel or tract of land, and the owner thereof shall file with and to the satisfaction of the Enforcing Officer his affidavit that the foregoing conditions are applicable, such mining operations may be conducted without a hearing before the Zoning Board, without approval for the County Board, provided the area involved does not exceed two (2) acres. Restrictions relative to the mining of topsoil, earth, clay, gravel, peat, sand, and stone set forth in Article XV hereof and the Kane County Soil Erosion and Sediment Control Ordinance are applicable to all mining operations.
- q. Monasteries, nunneries, religious retreats, nursing and convalescent homes, assisted living facilities, boarding schools and orphanages.
- r. Penal institutions.
- s. Pet cemeteries and crematory facilities for animals.
- t. Polo fields
- u. Pony riding tracks.
- v. Practice pistol and rifle ranges, skeet or trap shooting.
- w. Recreational camps, as defined herein, and provided that a detailed plat of the proposed camp and all proposed improvements shall be submitted to the Zoning Board for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in strict accordance with said plat.
- x. Repair of farm machinery and sales of feed and seed; provided, that these activities are accessory to the primary activity of farming, but not including sales of farm machinery.
- y. Sawmill operations.
- z. Sewage treatment works, publicly and/or privately owned.
- aa. Stables, public, as defined herein.
- bb. The sale and/or consumption of alcoholic beverages in conjunction with a permitted use or another special use.
- cc. In order to utilize land, lots, buildings or structures, which might remain unused or unoccupied by uses otherwise permitted in this district, an "interim special use" may be established in accordance with the requirements set forth in Section 4.8 of this Ordinance. In addition to the standards set forth in Section 4.8-2 (a) through (f), the interim special use must be compatible with the character and intensity of other structures and uses permitted in this District. In its recommendation to the County Board, in addition to the standards set forth in Section 4.8-2 (a) through (f), the Zoning Board of Appeals shall also find that the proposed interim special use would be compatible with other uses permitted in this District. An interim special use shall be authorized for a limited period of time only, not to exceed five (5) years.
- dd. Other uses similar to those permitted herein as special uses.
- ee. In submitting a petition for any of the above special uses, a detailed plat of all improvements shall be

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submitted to the Zoning Board of Appeals for approval or amendment at the public hearing. Such plat, when approved by the County Board, shall become a part of this Ordinance and development of the site shall be in accordance with said plat.

- ff. Minor variations in the development of the approved plat may be authorized by the Development Committee.
- gg. Produce stand (one) for the display and sale of a minimum of five (5) products which are produced on the premises, plus, a maximum of ten (10) farm produce products, not grown on the site and not including any processed items of any kind, subject to the following restrictions:
  - (1) A temporary use permit upon proper application by such owner or operator is issued by the Zoning Enforcing Officer.
  - (2) Such permit shall not be valid for more than six (6) months (May 1 to November 1) out of each calendar year and a new permit shall be obtained each year during which the granted special use is in effect.
  - (3) Such permit shall require compliance with Article VIII, Section 8.1-1(g), subsection (1) and (2) of this Ordinance.
  - (4) Such permit shall not allow the serving or consumption of food on said premises.
  - (5) At the time the temporary use permit is applied for, the applicant shall submit a plot plan and sketch portraying an open-air structure, in detail, showing the construction of said structure for approval for the display and retail sale of the farm products.
  - (6) The application for such permit shall list the types of produce to be sold, or offered for sale, which are grown or are to be grown on said parcel and shall also list the types of produce proposed to be imported for sale.
  - (7) Such special use, when granted, shall apply only to the original applicant.
  - (8) Where all produce sold or offered for sale is produced on the immediate premises, see subsection 8.1-1(g).
- hh. Concrete mixing plants, provided the principal ingredient is gravel mined on the premises where the plant is located, and operated from an active, licensed mining operation. Upon the exhaustion of the substance being mined for the aggregate, all mixing apparatus and equipment and other buildings and structures accessory thereto shall be removed from the premises.
- ii. Interim use for a limited period of not more than five (5) years specifically for the cultivation of controlled substances licensed by the State of Illinois.

### 8.1-3 *Uses Expressly Prohibited.*

Uses prohibited in the R1 District are prohibited in the F District. (Ord. No. 78-79, § 9, 6-13-78; Ord. No. 79-229, §§ 7, 9, 12-11-79; Ord. No. 80-37, §§ 6, 7, 3-13-80; Ord. No. 82-66, 5-11-82; Ord. No. 92-187, 9-8-92; Ord. No. 92-214, 10-13-92; Ord. No. 93-338, 12-14-93; Ord. No. 94-79, 4-12-94; Ord. No. 97-240, 9-9-97; Ord. No. 02-81, 3-12-02; Ord. No. 07-299, 9-11-07; Ord. No. 14-200; 7-8-14)