

ORDINANCE # 99- 25

AMENDMENT TO KENDALL COUNTY ZONING ORDINANCE

To Change the Notice Requirements to
Require Notification of Property Owners and,
in Townships With at Least 20,000 Residents, to
Reduce the Area to Receive the Location Protection Notice to 1,000 Feet

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

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

WHEREAS, such amendments may be proposed by the County Board, the Zoning Board of Appeals, and by other persons, firms or corporations; and

WHEREAS, Donald J. Hamman of 6275 Illinois Route 71 owns land in Section 19 of Oswego Township and meets the criteria for proposing a text amendment; and

WHEREAS, Mr. Hamman and John F. Philipchuck, an attorney representing Mr. Hamman, petitioned the Kendall County Board to amend Section 10.03 G.1. of the Kendall County Zoning Ordinance; and

WHEREAS, the said section of currently states:

Within seven days of filing any application for M-3 zoning or M-3 Special Use, the applicant shall give notice of such filing, and at applicant's expense, send by registered mail through the Building and Zoning Office, a copy of such application as well as a copy of this complete paragraph, to each owner/agent of any residence located within one mile of any boundary of the property sought to be permitted. If, within fifteen days of receipt of such notice, any owner or occupant of such residence files with the Building and Zoning Administrator a "Request for Location Protection," substantially in the form provided in paragraph 2 below, then the following shall occur:

WHEREAS, said petition proposed to amend said section as follows:

Within seven days of filing any application for M-3 zoning or M-3 Special Use, the applicant shall give notice of such filing, and at applicant's expense, send by registered mail through the Building and Zoning Office, a copy of such application as well as a copy of this complete paragraph, to each owner

as set forth on the tax assessor's records of all property located within five-hundred feet of the parcel sought to be permitted. If, within fifteen days of receipt of such notice, any owner or occupant of such property files with the Building and Zoning Administrator a "Request for Location Protection," substantially in the form provided in paragraph 2 below, then the following shall occur:

WHEREAS, on February 24, 1999, the Kendall County Regional Planning Commission reviewed and voted to recommend denial of said petition with a vote of 0 Aye, 8 Nay, 2 Abstain, and 0 Absent; and

WHEREAS, on April 27, 1999, the Kendall County Zoning Board of Appeals conducted a public hearing and made two recommendations as noted below; and

WHEREAS, the first recommendation by the Zoning Board of Appeals was to recommend approval of amending said section in part to notify owners of any property as set forth by tax assessor's records with a vote of 7 Aye, 0 Nay, 0 Abstain, 0 Absent.

WHEREAS, the second recommendation by the Zoning Board of Appeals was to recommend denial of amending said section in part to notify owners within five hundred feet with a vote of 0 Aye, 7 Nay, 0 Abstain, and 0 Absent; and

WHEREAS, on May 10, 1999, the Planning, Building and Zoning Committee reviewed and tabled said petition at the request of the petitioners for revision; and

WHEREAS, the petitioners submitted a revised petition for said section to read as follows:

Within seven days of filing any application for M-3 zoning or M-3 Special Use, the applicant shall give notice of such filing, and at applicant's expense, send by registered mail through the Building and Zoning Office, a copy of such application as well as a copy of this complete paragraph, to each owner as set forth on the tax assessor's records of all property located within one mile of the parcel sought to be permitted. If, within fifteen days of receipt of such notice, any owner or occupant of such property files with the Building and Zoning Administrator a "Request for Location Protection," substantially in the form provided in paragraph 2 below, then the following shall occur. Provided however, if the proposed use of the property is for the surface mining of sand and gravel only (and includes no blasting or any special use), and the property is situated wholly within a township having a population in excess of 20,000, then notice shall only be sent to properties located with five hundred (500) feet of the parcel sought to be permitted.

WHEREAS, on August 9, 1999, the Planning, Building and Zoning Committee reviewed

and voted to amend said revised petition in part to increase the distance of notification from five hundred (500) feet to one thousand (1,000) feet; and

WHEREAS, the Planning, Building, and Zoning Committee voted to recommend approval of said revised and amended petition with a vote of 4 Aye, 0 Nay, 0 Abstain, and 1 Absent; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing and recommendations by the Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends the Kendall County Zoning Ordinance to read as follows:

10.03 M-3 EARTH MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION

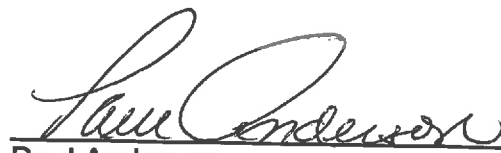
G. REQUEST FOR LOCATION PROTECTION

1. Within seven days of filing any application for M-3 zoning or M-3 Special Use, the applicant shall give notice of such filing, and at applicant's expense, send by registered mail through the Building and Zoning Office, a copy of such application as well as a copy of this complete paragraph, to each owner as set forth on the tax assessor's records of all property located within one mile of the parcel sought to be permitted. If, within fifteen days of receipt of such notice, any owner or occupant of such property files with the Building and Zoning Administrator a "Request for Location Protection," substantially in the form provided in paragraph 2 below, then the following shall occur. Provided however, if the proposed use of the property is for the surface mining of sand and gravel only (and includes no blasting or any special use), and the property is situated wholly within a township having a population in excess of 20,000, then notice shall only be sent to properties located with one thousand (1,000) feet of the parcel sought to be permitted.

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on August 17, 1999.



John A. Church
Kendall County Board Chairman



Paul Anderson
Kendall County Clerk