

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, July 25, 2018 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko, and One Vacancy (Big Grove Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from June 27, 2018 Meeting (Pages 2-35)

PETITIONS

1. **Amended Petition 17-28 – Kendall County Planning, Building and Zoning Committee (Pages 36-48)**

Request: Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Purpose: Amendments to Regulations of Outdoor Target Practice or Shooting Ranges for Non-Profit and For-Profit Shooting Ranges

2. **Amended Petition 18-07 – Kendall County Planning, Building and Zoning Committee (Pages 49-53)**

Request: Text Amendments to Section 13.08 of the Kendall County Zoning Ordinance Pertaining to the Renewal, Amendment, and Revocation of Special Use Permits

Purpose: Amendments Clarify Renewal Procedures for Special Use Permits and Amends the Procedure for Amending and Revoking Special Use Permits; Proposal Applies to Special Use Permits Issued after the Adoption of the Proposed Amendment.

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS

None

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 18-14-Saar Map Amendment on Route 71

OTHER BUSINESS/ANNOUNCEMENTS

ADJOURNMENT Next regularly scheduled meeting on Wednesday, August 27, 2018

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved Hearing and Meeting Minutes of June 27, 2018

Chairman Ashton called the public hearing to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson (arrived at 7:01 p.m.), Budd Wormley, and Angela Zubko

Members Absent: Roger Bledsoe

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Todd Milliron

PUBLIC HEARING

Petition 18-04 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request. The proposed changes include:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining (Mr. Asselmeier acknowledged the typographical error in the letter, but noted that the “south” was included in the notice in the newspaper).
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon’s Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

Ms. Wilson arrived at this time (7:01 p.m.).

Mr. Nelson requested that the final map be officially added to the record. No objections were expressed regarding this request.

Ms. Wilson asked if the properties north of Helmar Road would remain agricultural other than the commercial shown on the map. Mr. Asselmeier stated that properties north of Helmar Road were in Kendall Township and not part of the scope of this proposal.

Todd Milliron, Yorkville, asked how large in acreage was in the mining area. Mr. Nelson responded a strip of mixed use business existed between Route 47 and the mining. The specific distance was small because the Commission considered Route 47 to be a logical stop because of the berming requirements for mining currently contained in the Zoning Ordinance.

Mr. Nelson made a motion to approve the proposed amendments to the Land Resource Management Plan as presented with the amendment that only Lisbon Township information be shown on the map, seconded by Mr. Wormley. Ms. Zubko noted that the zoning of properties would not change if this proposal were adopted. Mr. Nelson noted that a property owner wishing to change their zoning would need to go through the rezoning process.

Yes – Ashton, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (8)

No – None (0)

Absent – Bledsoe (1)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 30th.

Mr. Nelson made a motion, seconded by Ms. Wilson, to adjourn the public hearing. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at the public hearing at 7:10 p.m.

Enclosures from Public Hearing:

1. May 30, 2018 Letter to Property Owners Including the Three (3) Maps Presented at the Public Hearing.
2. Certificate of Publication for Petition 18-04 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. June 27th Letter from Ruth Bell to the Kendall County Regional Planning Commission.

Chairman Ashton called the meeting to order at 7:10 p.m.

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: Roger Bledsoe

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Todd Milliron, Mark Perle, June Alice, Tom Muth, Dan Caceres, Robert Blake, Priscilla Gruber, Scott Wallin, David Lombardo, and Peter Pasteris

APPROVAL OF MINUTES

Ms. Zubko made a motion, seconded by Mr. Wormley, to approve the May 23, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

PETITIONS

Petition 18-20 Fox Metro Water Reclamation District

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is considering improvements at their plant on Route 31. Rather than amending their special use permit, Fox Metro is requesting that the southern portion of the property, presently zoned R-1 with a special use permit for a sewage treatment facility, be rezoned to M-1. A wastewater treatment

facility is a permitted use in the M-1 District and the rezoning would place the entire Fox Metro property in the same zoning classification. The northern portion of the property is already zoned M-1.

If the map amendment is approved, any improvement to the Fox Metro facility would still require site plan approval per Section 13 of the Kendall County Zoning Ordinance.

The Petitioner previously received special use permits to operate a sewage treatment facility onsite through the 1974 comprehensive County rezoning and Ordinances 2011-13 and 2011-35.

The existing use of the property as a wastewater treatment facility has occurred since the 1920s. The Petitioner has no desire to change the land use of the property. Even if the Petitioner did desire to change the land use of the property, a large amount of remediation and site work would be required to transform the property into a residential or other light manufacturing use.

The existing land use is Institutional. The future land use in the Land Resource Management Plan is Mixed Use Business. M-1 is a type of Mixed Use Business zoning classification.

An EcoCat is not required because the property is not zoned A-1.

The application to the Soil and Water Conservation District was submitted on May 21, 2018. The LESA score was 44 indicating a low level of protection. Previous LESA scores were 62 and 110; both scores indicate a low level of protection.

Information was sent to Oswego Township on May 29, 2018. They expressed no opposition to the proposal.

Information was sent to the Oswego Fire Protection District on May 29, 2018. They expressed no opposition to the proposal.

Information was sent to the Village of Montgomery on May 29, 2018. They expressed no opposition to the proposal.

ZPAC reviewed this proposal on June 5, 2018. They unanimously recommended approval of the proposal.

The area around the subject property has a variety of agricultural, residential, and manufacturing related zoning classifications.

Staff has no concerns about the ability of Route 31 to handle the proposed map amendment.

Wetlands are located on the subject property. Any further development of the property would have to secure all applicable permits including stormwater permits.

Fox Metro is taking precautions to reduce odors.

Because the Future Land Use Map in the Land Resource Management Plan calls for the subject property to be Mixed Use Business and the M-1 zoning classification corresponds to the Mixed Use Business designation, Staff recommends approval of the proposed map amendment. If the map amendment is approved, the special use permits and R-1 related variances granted by Ordinances 2011-13 and 2011-35 would be repealed. Any additional R-1 related variances would also be repealed upon rezoning.

Ms. Zubko noted that if the proposal is approved, only ZPAC would review changes to the site plan. The County Board would not review proposed changes and the opportunities for public comment would be reduced. Ms. Zubko had concerns regarding Fox Metro continuing to make changes.

Chairman Ashton noted that no change in use was proposed. Fox Metro is proposing changing their site plan.

Dan Caceres and Tom Muth, on behalf of Fox Metro, discussed the proposed changes to their facility. The south plant expansion is underway. Fox Metro is replacing their operations and maintenance facility which was originally constructed in the 1920s. The proposed changes are on the portion of the property zoned R-1 with the special use permit.

Discussion occurred regarding the maintenance of the cemetery west of Fox Metro. The cemetery is owned by Oswego Township and the Township is responsible for maintaining the cemetery. Mr. Muth will discuss the maintenance of the cemetery with the Township.

The bulk of the land of the Fox Metro campus is zoned R-1 with a special use permit. The entire campus is ninety-four (94) acres; Fox Metro is not acquiring more property at this time.

The operations and maintenance building expansion will double the size of the building. For this reason, the change does not qualify as a minor amendment to a special use permit. Mr. Nelson suggested that the Zoning Ordinance be amended to allow a small addition like this change to be considered a minor amendment to a special use permit.

Todd Milliron, Yorkville, stated changes to the Fox Metro campus should be reviewed by the public and the public should have an opportunity to comment on the changes. He provided a history of the Fox Metro's work in the floodplain. Mr. Muth stated Fox Metro worked out the issues with the neighbor regarding work in the floodplain. Mr. Muth discussed the process of obtaining approvals from the Illinois Environmental Protection Agency and U.S. Environmental Protection Agency.

Robert Blake, Oswego, said that Fox Metro only sent him the legal description which was very hard to read. Mr. Blake believes that Fox Metro does not care about their neighbors. The notice sign for the meeting was at the front gate to Fox Metro's property. Mr. Blake would like Fox Metro to have to appear before the County Board before making changes to their property.

Ms. Zubko asked about odor precautions. Mr. Muth noted that a carbon active system has been installed to reduce odors and they clean clarifiers whenever possible. The number of overflows has decreased dramatically. The proposed south plant expansion was approximately eighty-five percent (85%) complete; construction should be completed by March 2019.

Ms. Wilson made a motion to recommend approval of the map amendment as requested, seconded by Ms. Zubko.

Yes – Ashton, Rodriguez, and Wormley (3)

No – Casey, Nelson, Shaw, Wilson, and Zubko (5)

Absent – Bledsoe (1)

The motion failed. This proposal will go to the Zoning Board of Appeals on July 30th.

Mr. Nelson voted no because he wanted the Zoning Office to have greater authority to approve minor amendments to special use permits when small changes to site plans are proposed on a larger site. Mr. Nelson also noted that a portion of the property was used as a wastewater treatment plant before zoning was created. Several Commissioners voted no because they believed that the public should comment on expansions in the future. Ms. Zubko would have no problem approving a change to the site plan for the building expansion if it were part of a special use permit amendment. The rezoning gives great latitude over the use of the land with less oversight.

Amended Petition 17-28 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

The proposal is very different from the version previously reviewed by the Commission. A clarification of property instead of yard was made. In addition, Forest Preserve and State owned land would be exempt from the regulations. The minimum lot size was removed; the setbacks of the district must be met. A sign listing firearms is required. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing. Hazardous waste plan addressing lead management required and included with other plans suggested by the National Rifle Association. No discharge of lead shot into wetland was included in the requirement to follow all applicable federal, state and local laws. The requirement to be at least one thousand feet (1,000') from existing dwellings and property lines of schools, daycares, places of worship, and air strips was removed. No alcohol allowed. No projectiles shall leave the boundaries of the site. All applicable Federal, State and local rules and regulations shall be adhered to. The safety area and range must be under the control of the operator of the range. An insurance requirement was added. The noise requirement was added with no distinction between day and night. The new ordinance does not apply to existing ranges and new ranges open the public are governed by the proposal. The easement provision contained in previous proposal was removed. Language regarding berm height was included in the proposal.

Chairman Ashton asked about hearing and vision protection requirement. This requirement applies to the sign only.

Ms. Wilson asked why Forest Preserves and State lands were exempted from the regulations. The Planning, Building and Zoning Committee made that decision.

Ms. Zubko asked why the proposal was advanced. Mr. Asselmeier stated the Planning, Building and Zoning Committee wanted different regulations.

Several Commissioners expressed concerns regarding the repeal of the five (5) acre minimum and no reduction in overnight noise compared to daytime noise. The only setback would be the base of the berm.

Ms. Wilson asked about runoff regulation. Mr. Asselmeier responded that the Kendall County Stormwater Management Ordinance falls under following all applicable federal, state, and local laws.

Mark Perle, Old Ridge Road, expressed concerns regarding gun discharges at the Anderson Tree Farm. To date, no evidence exists that a gun range for commercial operations exists at the Anderson Tree Farm. He felt

that the five (5) acre minimum should remain. Mr. Perle also expressed concerns regarding the downgrading of the requirements of the range chief by not requiring certification. He also wanted the one thousand foot (1,000') requirement to churches and schools should remain. He wanted a better definition of "private" property. He believed that businesses should be required to get approval for unpaid shooting on the property. The recommendation given to Mr. Perle and his neighbors was to contact the State's Attorney's Office and to attend their Township meeting to discuss the matter with the Sheriff's Office.

David Lombardo, Shorewood, discussed the range size requirements. He felt that the County Board should have discretion on specific cases regarding the size and location of gun ranges based on the neighborhood of the gun range. Mr. Lombardo stated that experience should be considered in cases where certification is not provided. If regulations become too tight, the regulations cannot be codified which could lead to lawsuits.

Priscilla Gruber, Old Ridge Road, requested that gun ranges should be at one thousand feet (1,000') from houses and airstrips. She would also like to see the five (5) acre requirement remain in the regulations.

Todd Milliron, Yorkville, compared the situation with Anderson Tree Farm to the gun business situation in Seward Township from 2016 and 2017.

Scott Wallin, Minooka, asked why this proposal was under consideration. He did not think the County should invite this type of use into the County.

The suggestion was made to divide the proposal by firearm type in order to have more specific regulations. The specific categories would be shotgun, pistol, and rifle.

Ms. Zubko made a motion to send the proposal back to the Planning, Building and Zoning Committee with the request that the proposal be divided into three (3) separate sections-shotgun, pistol, and rifle, seconded by Mr. Nelson. Commissioners encouraged the Planning, Building and Zoning Committee not to exempt the Forest Preserve and State from the proposed regulations.

Yes – Ashton, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (8)

No – None (0)

Absent – Bledsoe (1)

The motion passed. This proposal will go to the Planning, Building and Zoning Committee on July 9th.

Amended Petition 18-07 Kendall County Planning, Building and Zoning Committee

Due to the lateness of hour, the Commission laid over Petition 18-07 to the July 25th Commission meeting.

Todd Milliron, Yorkville, does not like the simple majority language. He would like a supermajority vote of the County Board. He would like to see cause, documentation, and due process when amendments to or revocation of special use permits are considered.

Peter Pasteris, Johnson Road, expressed concerns regarding the proposal. He does not believe a special use permit should be revoked or amended if someone is following the provisions of their special use permit.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

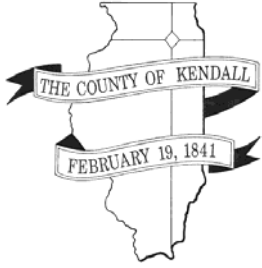
OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Mr. Wormley made a motion, seconded by Mr. Casey, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 9:20 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

May 30, 2018

RE: Proposed Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

The Kendall County Regional Planning Commission and Kendall County Comprehensive Land Plan and Ordinance Committee are considering changing the Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. In general, the proposed changes are as follows:

1. Changing the Agricultural Area West of Route 47 from Slightly North of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

The existing Future Land Use Map and the Proposed Future Land Use Map are enclosed for your reference. The proposed Future Land Use Map is slightly different from the proposal presented at the February meeting in Plattville. The map key is:

Mining=M-3 (Mining and Mining Related Uses)

Mixed Use Business=B-6, M-1, M-2 and M-3 (Large Office and Manufacturing Uses)

Commercial= B-1, B-2 and B-3 (Small Office and Retail Uses)

The Kendall County Regional Planning Commission will hold a public hearing on the proposed changes on Wednesday, **June 27th at 7:00 p.m. at 111 W. Fox Street, in Rooms 209 and 210, in Yorkville.**

If the Proposed Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or masselmeier@co.kendall.il.us.

Sincerely,

THE COUNTY OF KENDALL

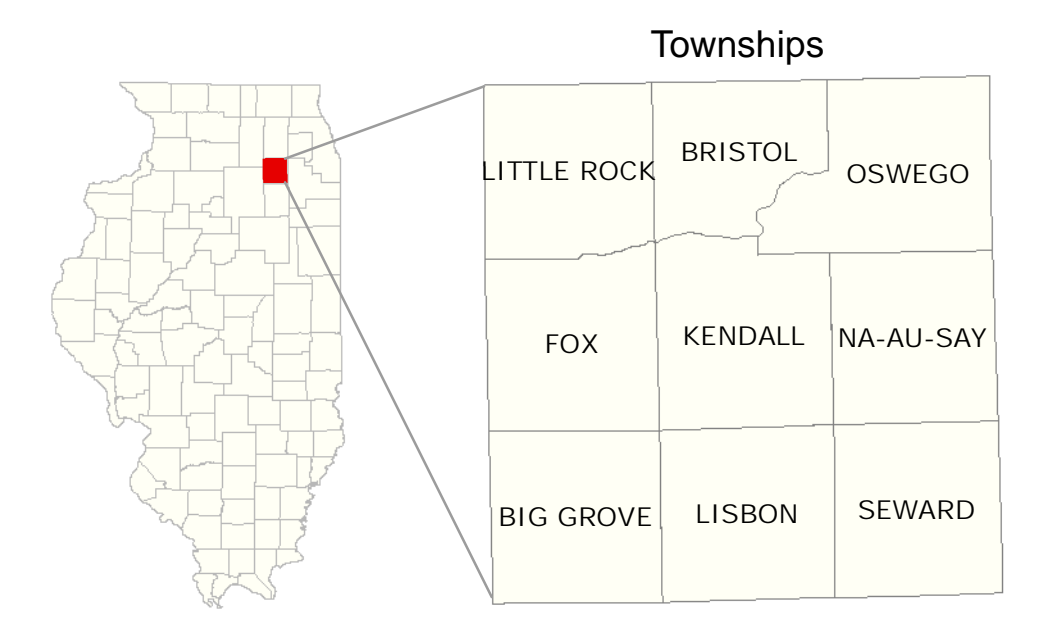
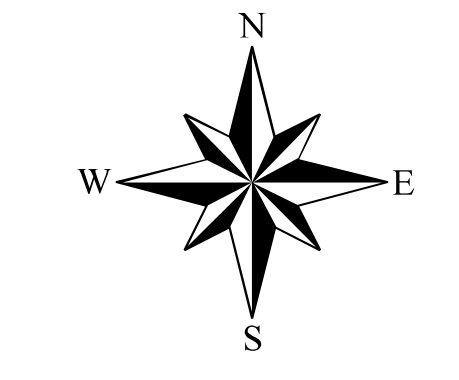
Matthew H. Asselmeier, AICP
Senior Planner

Encs: Current Future Land Use Map
Proposed Future Land Use Map

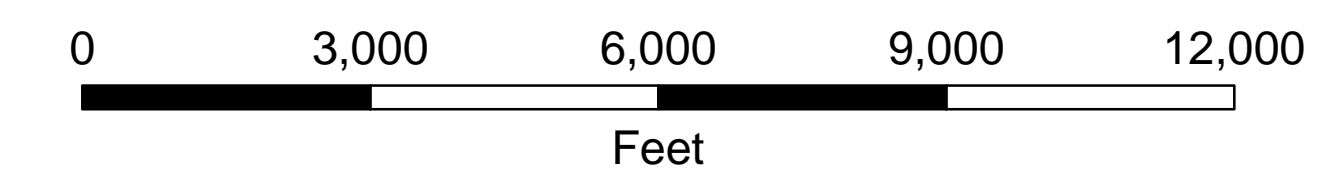
Future Land Use Lisbon Township KENDALL COUNTY

- 2017 -

<http://www.co.kendall.il.us>

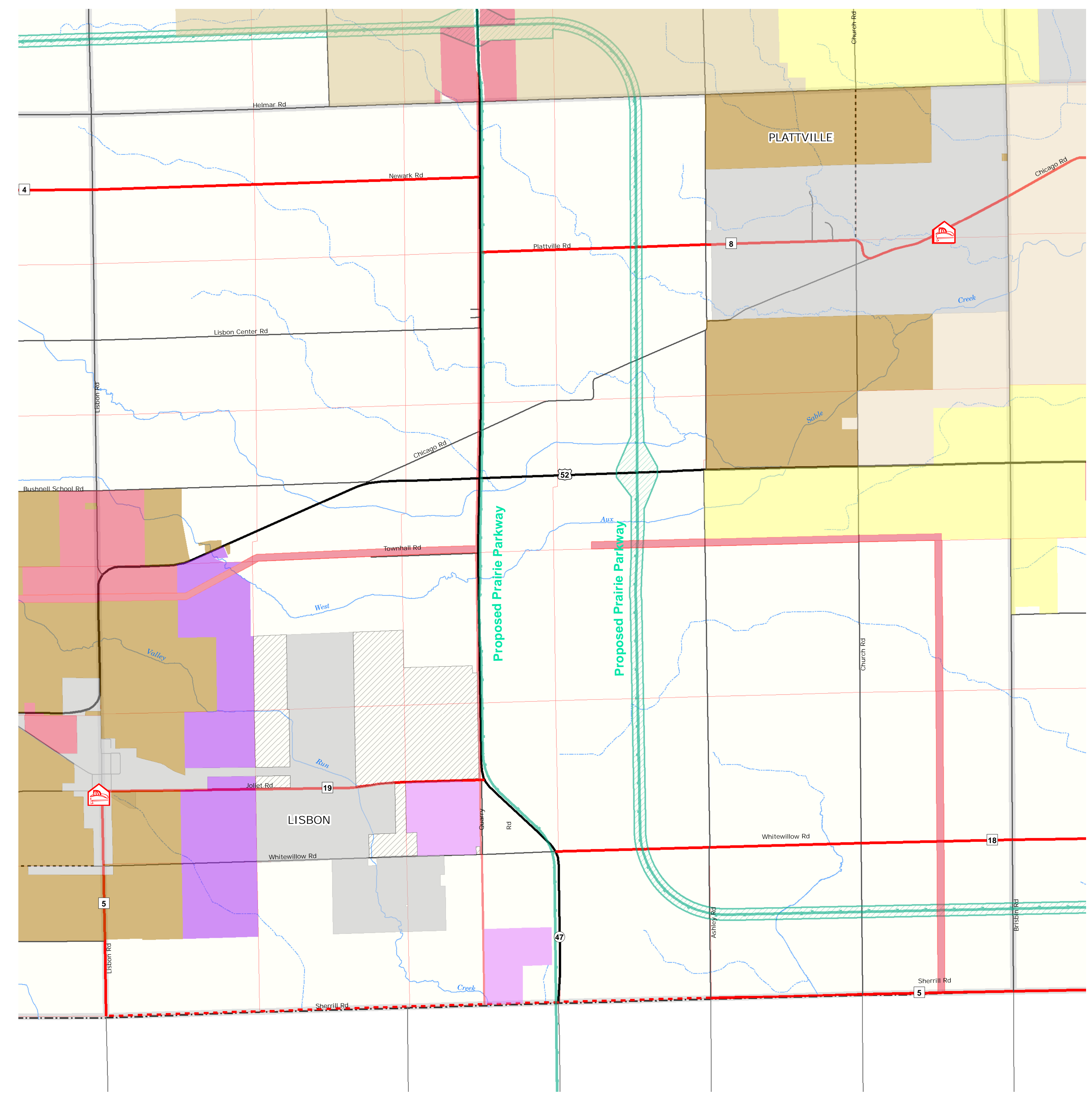


Scale: 1 in = 2,000 feet



Legend

- Future Land Use**
Land Use Type
- Urban Areas - Incorporated
 - Suburban Residential - Max Density 1.00 DU Acres
 - Rural Residential Max Density 0.65 DU Acres
 - Rural Estate Residential Max Density 0.45 DU Acre
 - Countryside Residential Max Density 0.33 DU Acre
 - Commercial
 - Commonwealth Edison
 - Mixed Use Business
 - Transportation Corridors
 - Mining
 - Potential Mining District
 - Public/Institutional
 - Agriculture
 - Open Space
 - Forest Preserve/State Parks
 - Unknown
 - FEIS_centerline
 - Protected Corridor - 2007

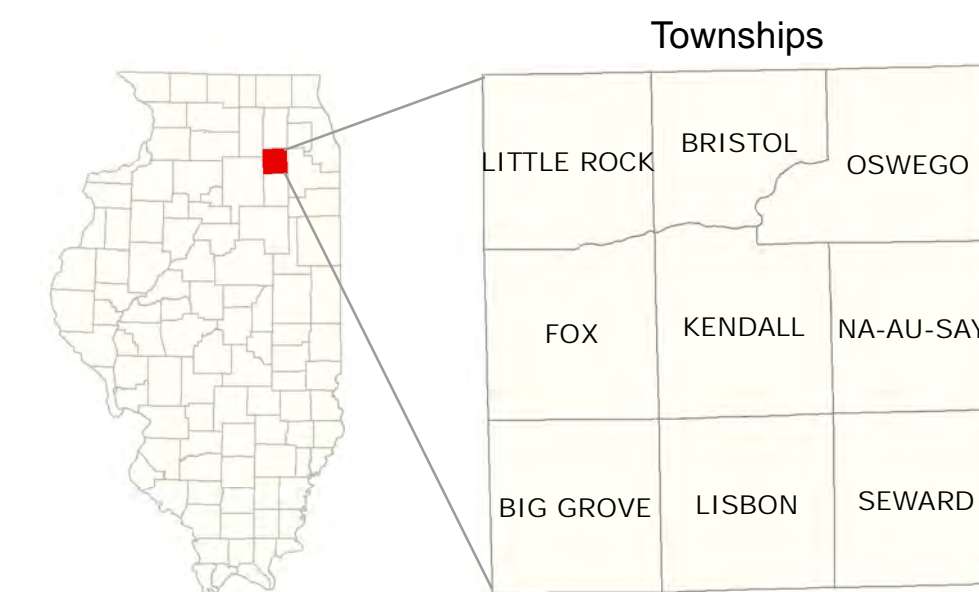
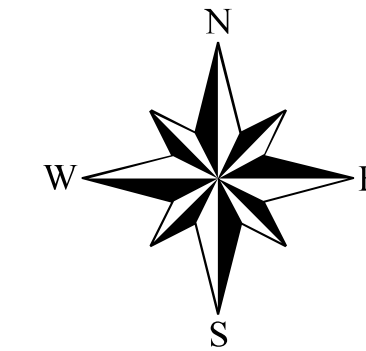


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

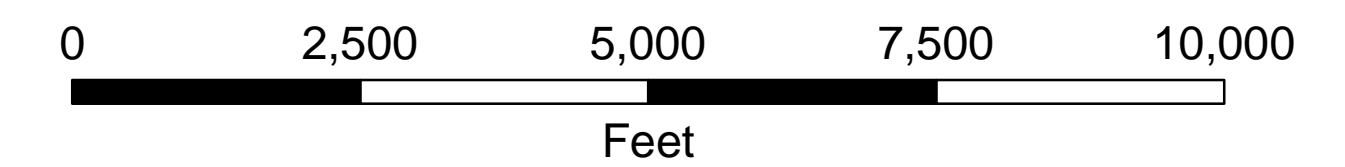
DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

<http://www.co.kendall.il.us>



Scale: 1 in = 1,667 feet



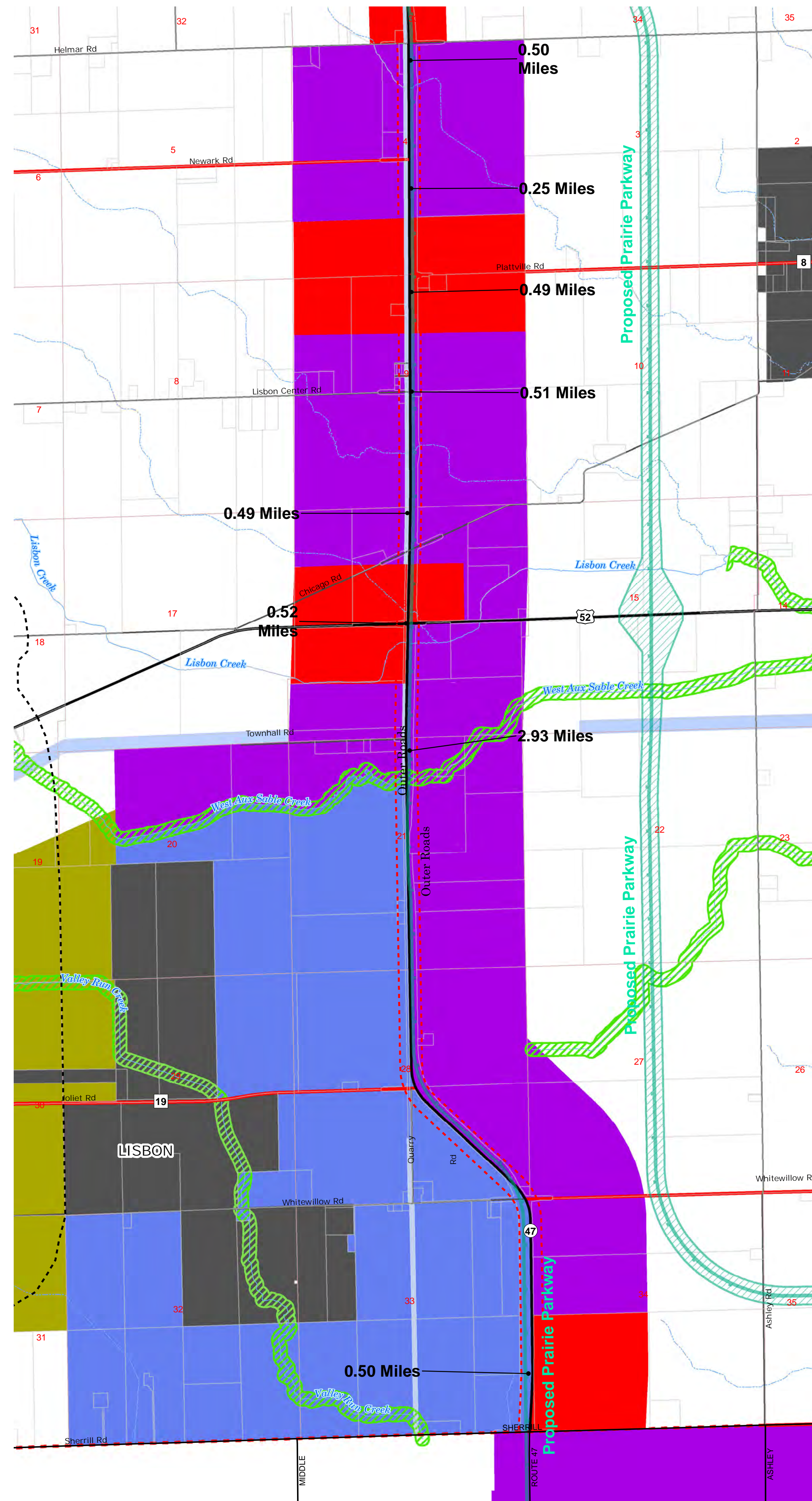
Legend

- - - Outer Roads
- - - Proposed Roadways

Future LRMP

Abbreviation

- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



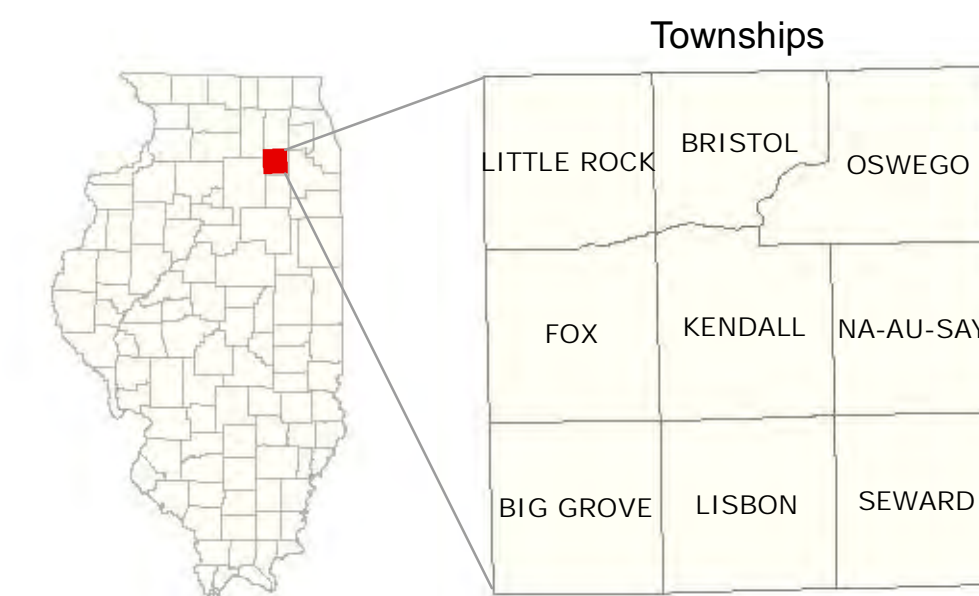
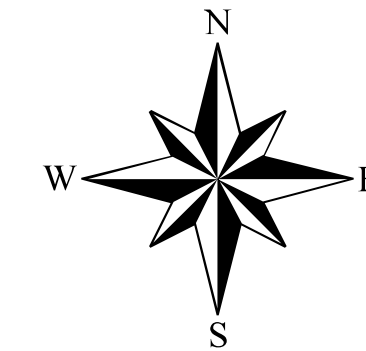
Kendall County GIS

111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

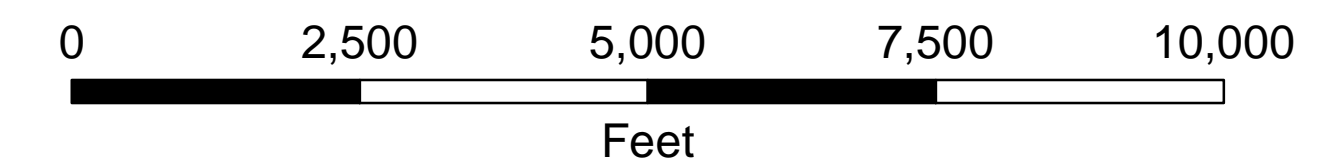
DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

<http://www.co.kendall.il.us>



Scale: 1 in = 1,667 feet



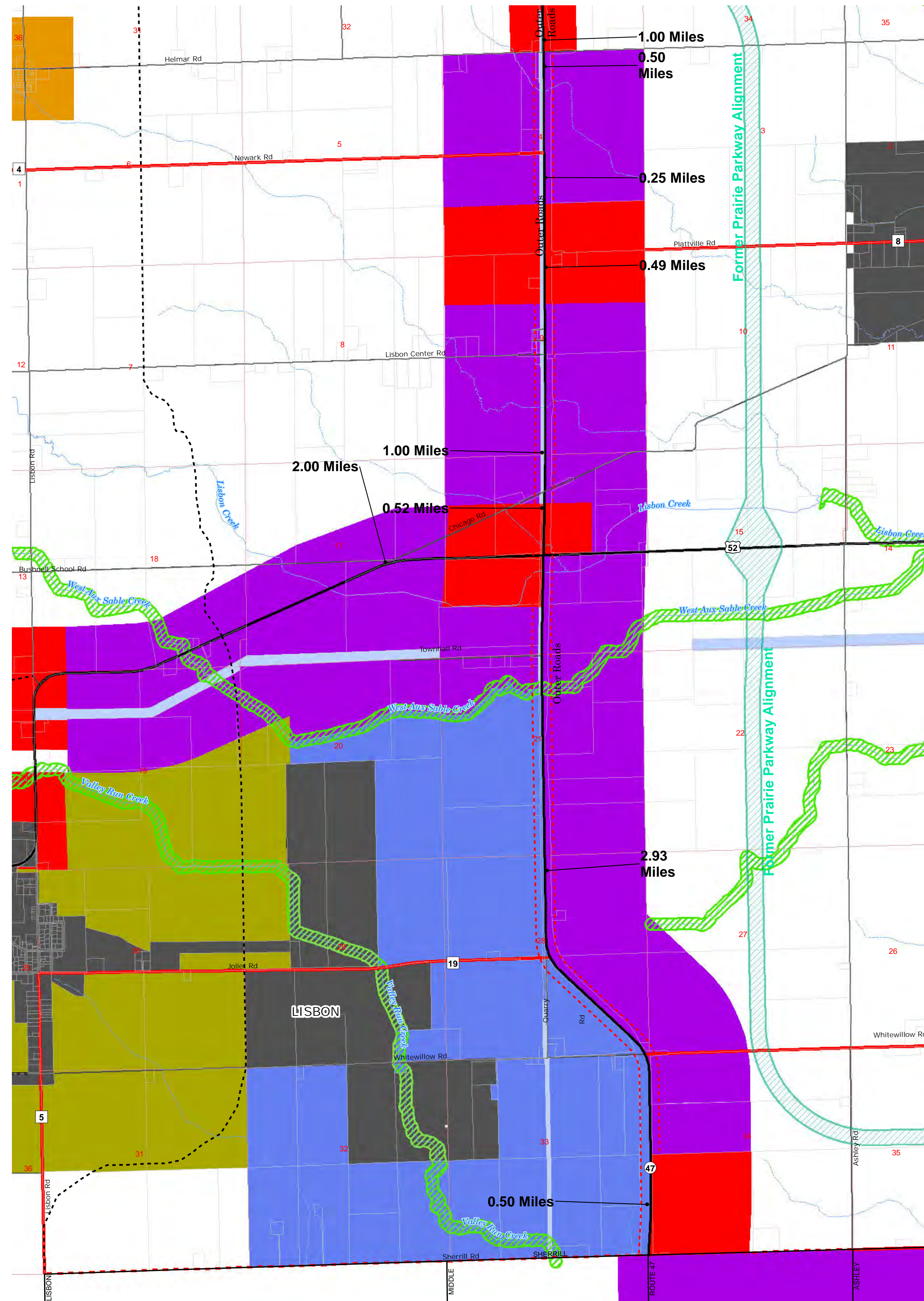
Legend

- - - Outer Roads
- - - Proposed Roadways

Future LRMP

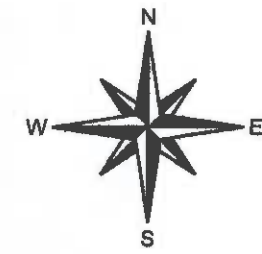
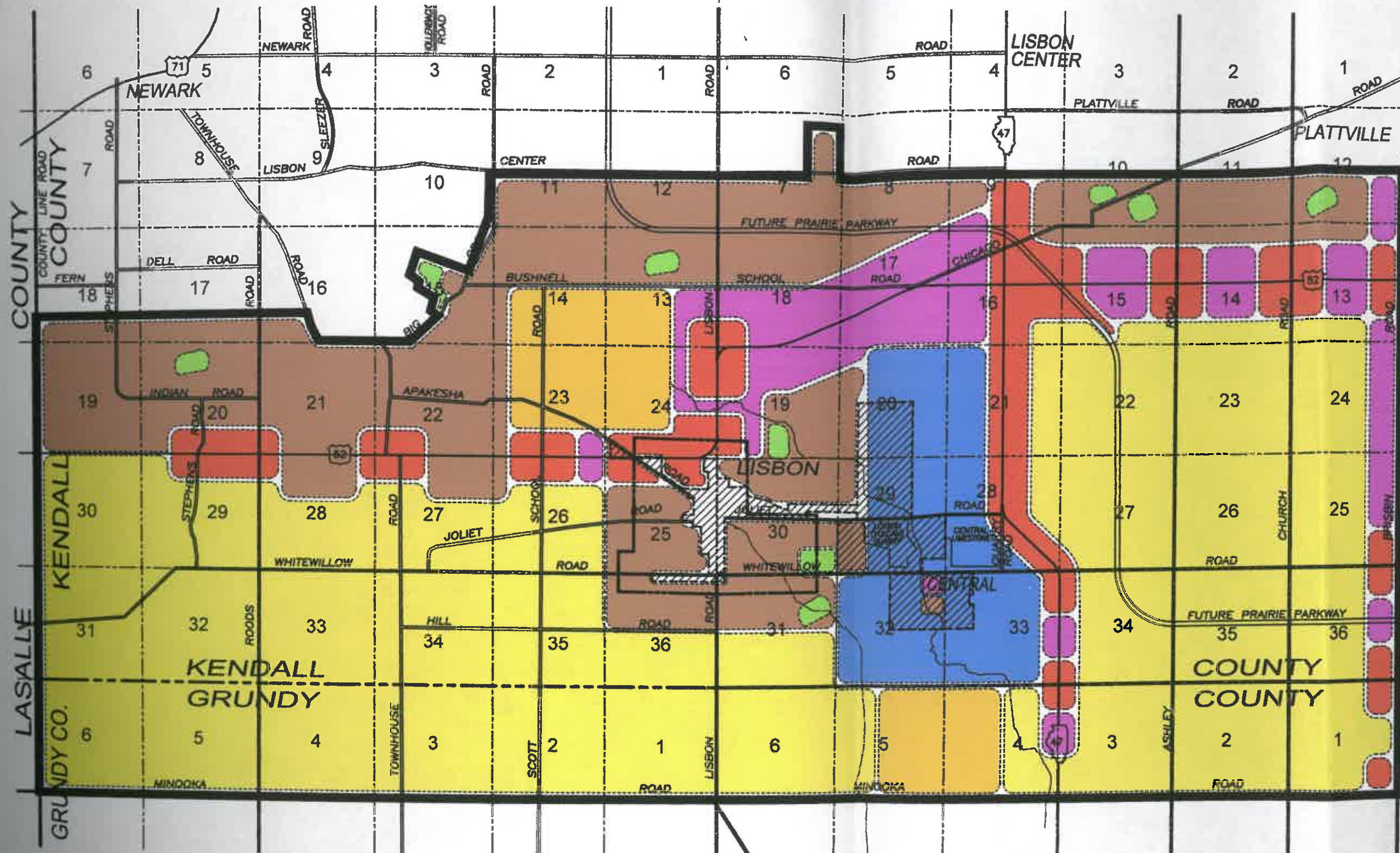
Abbreviation

- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential













Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

RANGE 6 EAST RANGE 7 EAST



LEGEND

-  LISBON COMPREHENSIVE BOUNDARY
-  EXISTING LISBON VILLAGE LIMITS
-  ORIGINAL LISBON VILLAGE LIMITS
-  COMMERCIAL
-  MIXED USE BUSINESS
-  MINING
-  OPEN SPACE
-  1 ACRE CITY LOTS
-  INDUSTRIAL
-  AGRICULTURAL

TOWNSHIP 34 NORTH
TOWNSHIP 33 NORTH

RANGE 6 EAST RANGE 7 EAST

DRAWN BY: MAR
CHECKED BY: GRC
DATE: 8/14/07

REVISIONS	
DATE	BY
10/25/06	MM
11/13/06	MM
11/20/06	MM

CHAMLIN ASSOCIATES
PERU MORRIS ILLINOIS

COMPREHENSIVE PLANNING MAP
VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

PLANNING AREAS

SCALE: 1 = 1700
FILE NO.:
SHEET OF

Findings of Fact for Proposed LRMP Map Changes Along Route 47 (Approximately 5.5 Miles)
in Lisbon Township

1. The Illinois Department of Transportation approved Alternative B5 in 2007 which called for the widening of Route 47 from Caton Farm Road to the Grundy County Line through Lisbon Township as part of the Prairie Parkway Project.
2. The purpose of the Prairie Parkway was to:
 - a. “Improve regional mobility by providing more north-south, higher speed multi-lane roads or additional lanes to serve traffic growth and reduce regional travel times for long distance travel.
 - b. Address local system deficiencies by developing a transportation system that serves forecast growth in local traffic and reduces travel times.
 - c. Improve access from the study area to regional jobs by serving the forecast growth in work trips and by reducing travel times from the study area current and future jobs.
 - d. Improve safety by reducing existing and projected growth in motor vehicle crashes”
Source: Prairie Parkway Design Report (2011) Page 1.
3. The Illinois Department of Transportation did not conduct any economic analysis of the impact of the proposed Prairie Parkway on lands located near Route 47 south of Caton Farm Road. Source: Illinois Department of Transportation
4. The Illinois Department of Transportation withdrew centerline protection of the Prairie Parkway in February 2018.
5. There are commercial and industrial lands in Grundy County and Minooka closer to Interstate 80 interchange
 - a. Kraft facility has 1 million square feet available.
 - b. 150 acres is available across from the Morris Airport
 - c. Morris plans warehouses out to Brisbin Road.
 - d. Morris plans retail on Route 47 north of town.
 - e. Morris plans industrial uses by the airport.
Source: Grundy County EDC
6. The City of Morris has extended water lines to Minooka Road and sanitary sewer lines to Nelson Road; no plans to extend infrastructure into Lisbon Township. The City of Morris obtains water for the area north of Interstate 80 from wells south of Interstate 80 Source: Guy Christensen, City of Morris

7. The Chicago Metropolitan Agency for Planning, in the Kendall County Industrial Market Analysis of April 2016, concluded that industrial uses would favor locations near Minooka and inside Grundy County because of their proximity to Interstate 80 (Page 34)
8. Any buildings constructed presently along the corridor will utilize wells and septic systems. Larger buildings (over 5,000 square feet) will need adequate water for fire suppression and/or will need to be constructed with appropriate firewalls.
9. No fiber optics lines currently exist in the area.
10. Traffic counts along Route 47 in Lisbon Township have generally declined since 2003 with the exception for the north end of the Township:
 - a. 5400 (2003) to 4950 (2017) south end of County
 - b. 6300 (2003) to 4950 (2017) south end Route 47 and 52 interchange
 - c. 6600 (2003) to 6250 (2017) north of Chicago Road
 - d. 6400 (2003) to 6700 (2017) at Newark Road
 Source: Illinois Department of Transportation
11. Traffic Counts on Route 52 have remained steady since 2003:
 - a. 1800 (2003) to 1600 (2017) south of Bushnell School Road
 - b. 2900 (2003) to 3350 (2017) east of 47
 Source: Illinois Department of Transportation
12. Current traffic accidents are most likely to occur near road intersections; many of these accidents are “failure to yield” type accidents. The types of accidents could change and could include more overcorrection type accidents after the widening project is completed. Source: Kendall County Sherriff’s Department
13. The existing Kendall County Land Resource Management Plan calls for agricultural uses along most of the corridor. Source: Kendall County Land Resource Management Plan (2011)
14. The Village of Lisbon’s existing Comprehensive Plan calls for commercial, mixed uses and mining along and near the corridor. Source: Village of Lisbon Comprehensive Plan (2009)
15. The intersection of Routes 47 and 52 is the most likely area on the northeast side of an enlarged Village of Lisbon where sales tax producing businesses could locate. The northeast corner of the intersection is already zoned B-3 Highway Business.

16. Existing mining operations are located in Sections 21, 28 and 33. The mining operations could expand into Sections 32, 29 and 20.
17. West Aux Sable Creek is located in the area.
18. The intersection of Plattville Road and Route 47 is the most likely area on the west side of an enlarged Village of Plattville where sales tax producing businesses could locate.
19. Grainco FS and CHS Elburn currently operate grain storage facilities between Helmar and Newark Roads on the west side of Route 47. These uses are special uses in the A-1 Zoning District and are Permitted Uses in the M-2 Zoning District.
20. Commonwealth Edison has a ROW along Route 47 running north to south and near Townhall Road running east to west.
21. The Kendall County Land Resource Management Plan includes classifications for Commercial Uses (office and retail establishments at nodes), Transportation Corridor Uses (uses in B-3, B-5 and B-6 Zoning Districts), Mixed Use Business (uses in B-6 and the 3 Manufacturing Districts) and Mining.
22. Most of the land along the corridor is currently used for agricultural purposes.
23. The Kendall County Economic Development Committee would like outer roads to ensure to prevent interruption of traffic flows in the area. The Committee was also concerned about adequate water and the aesthetics of the corridor. The Committee also wanted a portion of the corridor reserved for industrial uses.
24. Few houses are located along the corridor. Locations with less traffic tend to be better suited for residential uses and these locations exist elsewhere in the County. No loss of affordable housing units is anticipated. The County will remain in compliance with the Illinois Affordable Housing Planning and Appeal Act (310 ILCS 67).

9.04 B-3 HIGHWAY BUSINESS DISTRICT

- A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. Permitted Uses. The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
 2. Agricultural implement sales and service on an open lot or within a building.
 3. Animal hospital
 4. 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.
 - 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.

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. Clean up and restoration services with the following conditions:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
 - c. All operations are to take place inside an enclosed structure.
 - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
 - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
 - f. No materials that are brought in can be burned on this site.
 - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
9. Construction equipment sales and service.
10. Crematories/ Funeral Homes
11. Currency exchange.

12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
13. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
27. Taverns

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice with the following conditions:
 - a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
 - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
 - c. Hours of operation from 7am to 10pm
 - d. No alcohol allowed.
 - e. Must meet all requirements of the Kendall County Health Department.
 - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
10. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
11. 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-residential. The animals must be indoors by sunset.
12. 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.
 - c. No landscape waste generated off the property can be burned on this site.
- 13. Meetings Halls
- 14. Micro-Brewery and/or Winery
- 15. Micro Distillery subject to the following conditions:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. Locally grown inputs shall be used to the greatest extent possible
 - c. The number of hours permitted to operate shall be on the approving ordinance.
 - d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
 - e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
 - f. Shall contact & meet all requirements of the Kendall County Health Department.
 - g. A waste management plan should be submitted to the Kendall County Health Department
- 16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
- 17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
- 18. Pawn Shop
- 19. Performing arts center subject to the following conditions:

- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
 - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
 - d. The amount of students and type of events are listed in the approving ordinance.
 - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
 - f. Must meet applicable Fire Protection District codes.
20. 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
21. 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.
22. Public or Private Utilities and Service uses:
- a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses

23. 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. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop

D. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.

9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.

B-6
Permitted Uses

1. Accessory uses.
2. Banks and financial institutions
3. Business or trade school.
4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
5. Consumer credit, payday loan offices, financing or financial offices.
6. Fire Stations
7. Governmental buildings and facilities
8. Hospital.
9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
10. Offices, business and professional, including medical clinics.
11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
12. Planned Developments- Business
13. Police Stations.
14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
17. Wholesale sales, displays and offices, but not including storage or warehousing

B-6
Special Uses

1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Child Day Care Facility
3. Convenience store
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Health clubs (public or private) and related accessory uses.
6. Hotel and/or motel
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. Places of Worship
12. Private clubs such as soccer, etc.
13. Public or Private Utilities and Service uses:
 - a. Telecommunications hub

- b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
14. Restaurants and/or taverns
 15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
 16. Self Service Storage Facilities (enclosed)
 17. Telecommunications stations
 18. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District

M-1
Permitted Uses

1. Ambulance Service (Private)
2. Animal feed; preparation, grinding, mixing and storage.
3. Auction Facility
4. Banquet Halls
5. Beverages, non-alcoholic, bottling and distributing.
6. Business or trade school
7. Clean up and restoration services
8. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
9. Construction equipment sales and service.
10. Contractors' offices and shops.
11. Glass cutting and glazing establishments
12. Light manufacturing and assembly.
13. Micro Distillery
14. Miscellaneous uses - as follows:
 - Accessory uses.
 - Signs.
 - Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
15. Motor vehicle Sales/ Motorcycle Sales including truck sales.
16. Nano Breweries.
17. Offices, business and professional, including medical clinics.
18. Parking Garages for storage of private passenger automobiles and commercial vehicles.
19. Public and community service uses - as follows:
 - Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.
 - Electric sub-stations.
 - Fire stations.
 - Governmental buildings and facilities
 - Municipal or privately owned recreation buildings
 - Police stations.
 - Sewage treatment plants.

Telephone exchanges.
Water filtration plants.
Water pumping stations.
Water reservoirs.

20. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:

Apparel and other products manufactured from textiles.
Art needle work and hand weaving.
Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.
Awnings, venetian blinds.
Bakeries.
Beverages - non-alcoholic.
Blacksmith shop.
Books - hand binding and tooling.
Bottling works.
Brushes and brooms.
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.
Cameras and other photographic equipment and supplies.
Canning and preserving.
Canvas and canvas products.
Carpet and rug cleaning.
Carting, express hauling or storage yards.
Cement block manufacture.
Ceramic products - such as pottery and small glazed tile.
Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.
Clothing.
Cosmetics and toiletries.
Creameries and dairies.
Dentures.
Drugs.
Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.
Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
Fur goods, not including tanning and dyeing.
Glass products, from previous manufactured glass.
Hair, felt and feather products (except washing, curing and dyeing).
Hat bodies of fur and wool felt.
Hosiery.

House trailer, manufacture.
Ice, dry and natural.
Ink mixing and packaging and inked ribbons.
Jewelry.
Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.
Laundries.
Leather products, including shoes and machine belting, but not including tanning and dyeing.
Luggage.
Machine shops for tool, die and pattern making.
Meat products.
Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.
Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
Musical instruments.
Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.
Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.
Perfumes and cosmetics.
Pharmaceutical products.
Plastic products, but not including the processing of the raw materials.
Poultry and rabbits - slaughtering.
Precision instruments - such as optical, medical and drafting.
Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.
Printing and newspaper publishing, including engraving and photoengraving.
Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.
Copying/Reproduction Stores & banner or sign supplies
Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.
Silverware, plate and sterling.
Soap and detergents, packaging only.
Soldering and welding.
Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.
Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.
Storage of household goods.
Storage and sale of trailers, farm implements and other similar equipment on an open lot.

Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under sub-section 10.01-C.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 4.12 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

21. Retail and services as follows:

Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.

Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting)

Banks and financial institutions

Carpet and Rug Stores

Catering Establishments as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.

Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice
10. Kendall County Sheriff's Office shooting range
11. Kennels
12. Landscaping business,
13. Meetings Halls
14. Micro-Brewery and/or Winery
15. Micro Distillery
16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
18. Pawn Shop
19. Performing arts center
20. Places of Worship subject to the following conditions:
21. 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.
22. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
23. 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. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop
 1. Amphitheater, drive-in theater, auditorium, stadium and sports arena,
 2. Athletic Fields with Lights,
 3. Amusement park, including go-cart tracks, water parks and other rides, .
 4. Bait Shop

5. Convenience Store
 6. Hotel and/or Motel
 7. Indoor entertainment and recreation
 8. Indoor Target Practice
 9. Kendall County Sheriff's Office shooting range
 10. Kennels
 11. Places of Worship
 12. Planned Developments- Business
 13. 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.
 14. Racetrack
 16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses
 17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
 18. Telecommunications Stations
 19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
2. Adult Regulated uses
 3. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
 4. Airport, private airstrip, heliports and aircraft landing fields
 5. Art Galleries and studios
 6. Grain Storage.
 7. Indoor Target Practice
 8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
 9. Kennels
 10. Medical Cannabis Cultivation Centers- Temporary
 11. Medical Cannabis Cultivation Centers- Temporary
 12. Motor freight terminals.
 13. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
 14. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
 15. Paintball Facilities
 16. Parks and recreational areas
 17. Planned developments, industrial
 18. Private Clubs or lodges
 19. Private clubs such as soccer, etc.
 20. Racetrack provided that the following minimum standards are met:
 21. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)

22. Stadiums, auditoriums and arenas.
23. Theaters, outdoor drive-in.
24. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
25. Truck Wash Facility or Motor Vehicle Wash Facility
26. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4.12. can be met in their entirety.
27. Wind Farms, Commercial,

M-2
Permitted Uses

1. Any use permitted in the M-1 Districts except banks and financial institutions.
2. Production, processing, cleaning, servicing, testing, and repair, including the following products:
 - Charcoal, lampblack and fuel briquettes.
 - Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.
 - Coal, coke and tar products, including gas manufacturing.
 - Electric central station, power and steam-generating plants.
 - Fertilizers.
 - Film, photographic.
 - Flour, feed and grain - milling and processing.
 - Incineration or reduction of garbage, offal and dead animals.
 - Linoleum and oil cloth.
 - Magnesium foundries.
 - Matches.
 - Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.
 - Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
 - Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
 - Rubber (natural or synthetic).
 - Soaps, including fat and oil rendering.
 - Starch.
 - Wood, coal, and bones, distillations.
 - Wood pulp and fiber, reduction and processing, including paper mill operations.
 - Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.
3. Storage, including the following uses and materials or products: Goods used in or produced by manufacturing activities permitted in this district.
 - Grain.
 - Manure, peat and topsoil.
 - Petroleum and petroleum products.

M-2
Special Uses

1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve feet high.
6. Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
7. Miscellaneous uses as follows:
 - a. Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.
8. Slaughter House

M-3
Permitted Uses

1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
2. Explosive, including storage, when not prohibited by other ordinance.

M-3
Special Uses

1. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
2. Commercial off-premise advertising structures
3. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
4. Outdoor Target Practice or Shooting (not including private shooting in your own yard)

TO: Kendall County Planning Commission

RE: Proposed changes to Lisbon Township LRMP

Once again, I unable to attend your meeting tonight, June 27, and am forwarding this written comment for your consideration.

Thank you for removing the Prairie Parkway from the Planning map. I was most concerned about its continued inclusion on the map.

I remain concerned about the following:

Changing the Agricultural area west of Route 47 slightly north of Townhouse Rd south to the Kendall/Grundy County line to Mining: I feel allowing all the various Mining and B-6 classifications - six pages of uses, single spaced - for such a long stretch along Rt 47 allows far too many uses that are counterproductive to agriculture and residents. I recommend classifying the area west of Rt 47 north and south of Joliet Road to M-3, and moving north along Rt 47 to just north of Townhouse Rd., classify in order of declining intensity properties as M-2, M-1, and B-6

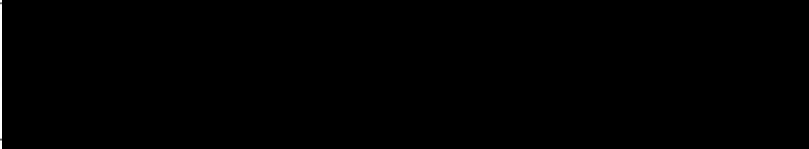
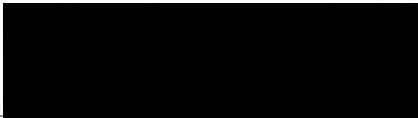
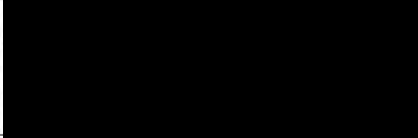
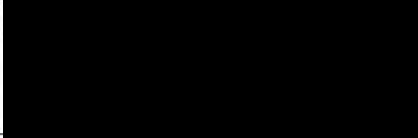

Extending the undefined M classification west on Rt 52 to Lisbon from the Rtes. 47/52 intersection: I realize this is done to accommodate Village of Lisbon growth and tax collection capabilities and is what is done statewide to accommodate incorporated villages and town. However, it is not good planning. The interests of the Village and its present and future residents are better served by the Village extending its own planning and zoning plan into its Extra Territorial Zoning district and, as parts of the ETZ are annexed to the Village, continuing to plan and zone its ETZ as the Village boundaries extend.

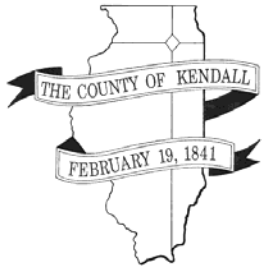
If the Commission prefers to keep M classification along Rt 52 from 47/52 intersection to Village of Lisbon, I ask that the M designation be made more specific -- showing B-6, M-1 and M-2 categories for various parts of that stretch of Rt 52. Doing so would lessen negative impact the very wide range of uses allowed in M designation would have on existing agriculture and residents.

Ruth Bell, 

Bell Ltd. Partners. 10381 Lisbon Center Rd, Newark, Il. 60541

**KENDALL COUNTY REGIONAL
PLANNING COMMISSION MEETING
JUNE 27, 2018**

NAME	ADDRESS	EMAIL ADDRESS
Mark Dault	8176 Old Ridge Rd	MarkD32@AuroraTech.net
JUNE ALICE		
Tom Muth	oswego 682 St Rt 31	tmuth@foxmetro.org
RAE CACERES	230 WOODLAWN AURORA, IL	dcaceres@duechler.com
Robert Blake		
Aniseilla Gruber		
Scott Walker		
David Lombardo	1113 S. TAVERN RD STOREWOOD	DLOMBARDO@SAFERUSA.COM
Todd Milliron		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: July 11, 2018

Re: 17-28 Proposed Text Amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

At their meeting on July 9, 2018, the Kendall County Planning, Building and Zoning Committee reviewed the concerns expressed by the Kendall County Regional Planning Commission at their June meeting. The Planning, Building and Zoning Committee's responses are listed in bold after each concern.

1. The exemption for the Forest Preserve District and lands owned by the State of Illinois and used for parks should be removed. The public health, safety, and welfare issues that the proposal seeks to address are the same for publicly owned lands and privately owned lands. **The activities of the Forest Preserve District are exempt from zoning if the activity is a permissible use as defined by the Downstate Forest Preserve Act.**
2. The Commission would like the proposal divided into three (3) parts: shotgun, rifle, and pistol. The Commission believes that this division would resolve issues related to minimum lot size and distance to neighboring structures. In talking with PBZ Chairman Davidson, Staff believes that the resulting division would simply cause petitioners to request three (3) special use permits. **The Planning, Building and Zoning Committee concurred with PBZ Chairman Davidson that prospective gun ranges would seek multiple special use permits. The County can evaluate proposals on a case-by-case basis and place appropriate restrictions on special use permits.**
3. Commissioners were concerned regarding the removal of the five (5) acre minimum lot size requirement; ranges would simply have to meet the setbacks of the zoning district. PBZ Chairman Davidson would like the setbacks to be determined on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that a property would need to be of sufficient size to comply with the setback, berming, and noise requirements contained in the proposal.**
4. Commissioners were concerned regarding the removal of the one thousand foot (1,000') buffer between ranges and churches, schools, and neighboring houses. PBZ Chairman Davidson would like the distances to be determined on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.**
5. Commissioners were concerned about the noise requirement. Unlike other noise regulations, the sixty-five (65) dBa requirement would be constant instead of lowering to fifty-five (55) dBa at 10:00 p.m. PBZ Chairman Davidson would like the noise regulations to be evaluated on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into**

RPC Memo
July 11, 2018

consideration when evaluating the individual application.

Accordingly, the Planning, Building and Zoning Committee made no changes to the proposal. An unamended proposal is attached to this memo.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Proposed Text Amendment

Outdoor Target Practice or Shooting (not including private shooting ~~in your own yard on your own property or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State Parks~~) with the following conditions:

- a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book. **(See requirements b, c, and d of the proposal)**
- b. ~~Requires minimum parcel size of 5 acres, depending on the venue. Must meet setbacks of the zoning district. (See requirement k of the proposal)~~
- c. Must have a sign that lists allowed firearm types **based on the special use permit**, rules of operation; hearing and vision protection required. **(See requirement f of the proposal)**
- d. ~~State recognized, nationally recognized or NRA Certified range supervisor~~ **At least one (1) designated qualified person** must be present **at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules. (See requirement g of the proposal)**
- e. **At least one (1) R**range flag flown, a sign, **cone**, or red light lit at all times that firing is taking place. **(See requirement h of the proposal)**
- f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board. **(Unchanged-see requirement i of the proposal)**
- g. Access must be controlled by a **gated entrance lockable gate**. **The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing. (See requirement j of the proposal)**
- h. Hazardous waste plan addressing lead management required. **(See requirement a of the proposal)**
- i. No discharge of lead shot into wetland. **(See requirement o of the proposal).**
- j. ~~Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.—Must meet setbacks of the zoning district. (See requirement k of the proposal)~~
- k. No alcohol allowed. **(Unchanged-see requirement l of the proposal)**
- l. No projectiles shall leave the boundaries of the site. **(Unchanged-see requirement m of the proposal)**
- m. All applicable Federal, State and **County local** rules and regulations shall be adhered to. **(See requirement o of the proposal)**
- n. Must meet all requirements of the Kendall County Health Department. **(See requirement o of the proposal)**

o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office. **(See requirement a of the proposal)**

p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance. **(See requirement o of the proposal)**

q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. **(See requirement o of the proposal)**

r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance **(Unchanged-see requirement p of the proposal)**

New regulations:

1. Safety area and range must be under the control of the operator of the range. **(Requirement e)**
2. Insurance requirement added. **(Requirement n)**
3. Noise requirement added; no distinction between day and night. **(Requirement q)**
4. New ordinance does not apply to existing ranges. **(Requirements r and s)**
5. New ranges open to the public are governed by this ordinance **(Requirements r and s)**
6. Easement provision contained in previous proposals was removed.

ORDINANCE # 2018-_____

TEXT AMENDMENT TO SECTIONS 7.01.D.32, 7.01.D.33 AND 10.03.B.4 OF THE KENDALL COUNTY ZONING ORDINANCE PERTAINING REGULATIONS OF OUTDOOR COMMERCIAL SPORTING ACTIVITIES AND OUTDOOR TARGET PRACTICE OR SHOOTING RANGES (NOT INCLUDING PRIVATE SHOOTING IN YOUR OWN YARD)

WHEREAS, the Kendall County Planning Building and Zoning Committee requested a text amendment to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance related to regulations of outdoor commercial sporting activities and outdoor target practice or shooting ranges (not including private shooting in your own yard) in the A-1 Agricultural District and M-3 Earth Materials Extraction, Processing and Site Reclamation District; and

WHEREAS, 55 ILCS 5/5-12001 grants Kendall County the authority to regulate and restrict the location and use of structures and uses for the purpose of promoting the public health, safety, morals, comfort and general welfare throughout the unincorporated areas of the County; and

WHEREAS, gun clubs were a permitted use in the A-1 Agricultural District under the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, gun clubs were reclassified as a special use in the A-1 Agricultural District under the Kendall County Zoning Ordinances adopted in 1959 and July 9, 1974; and

WHEREAS, outdoor shooting ranges were classified as a similar use to gun clubs per the hearing of the Kendall County Zoning Board of Appeals on September 30, 1982 and were included as a special use in the A-1 Agricultural District by Ordinance 82-11 adopted November 9, 1982; and

WHEREAS, the restrictions governing target practice or shooting (not including private shooting in your own yard) in the A-1 Agricultural District and M-3 Earth Materials Extraction, Processing and Site Reclamation District were established through Ordinance 2013-14 adopted July 16, 2013; and

WHEREAS, the Kendall County Board amends this ordinance from time to time in the public interest; and

WHEREAS, all administrative procedures required prior to passing text amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on **Month Day, 2018**; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The existing language of Section 7.01.D.32 is hereby deleted and replaced with the following:

“7.01.D.32 Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice (such exclusion extends to shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks), athletic fields with lights, paintball facilities and riding stables, including but not limited to polo clubs, and similar uses.”

- III. Amended Text: The existing language of Section 7.01.D.33 is hereby deleted and replaced with the following:

“7.01.D.33 Outdoor Target Practice or Shooting (but not including private shooting on your own property or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks) with the following conditions:

- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association’s Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.
 - 1. The above referenced plans shall contain information as suggested by the National Rifle Association.
 - 2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
 - 3. The safety plan shall describe the duties and qualifications of range supervisor(s).

4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association's standards, the National Shooting Sports Foundation's standards, or the United States Environmental Protection Agency's best management practices standards.
 5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
 6. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.
- b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100'). A licensed engineer or land surveyor shall prepare the documents.
 - c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
 1. The safety area shall conform to National Rifle Association's standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
 2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.
 - d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty feet (30') of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:
 1. Shotgun ranges – No berming required.
 2. Ranges for handguns and rifles
 - a. Target placement not to exceed twenty feet (20') from the backstop.

- b. Lateral not closer than thirty feet (30') from the firing line.
- 3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
- 4. In addition to berms, appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required.
- g. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules.
- h. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.
- i. Hours and days of operation shall be specified in the special use permit and determined by the County Board.
- j. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing.
- k. Must meet existing setbacks of the zoning district.
- l. No alcohol allowed.
- m. No projectiles shall leave the boundaries of the site.
- n. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level

standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.

- o. All applicable Federal, State and local rules and regulations shall be adhered to.
- p. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- q. No person shall cause or allow the emission of sound 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 residential property line of the complainant.
- r. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (**insert date**) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.
- s. Outdoor target practice and shooting ranges open to the public established after the date of the adoption of this ordinance (**insert date**) must comply with the above regulations or secure applicable variance(s)."

IV. Amended Text: The existing language of Section 10.03.B.4 is hereby deleted and replaced with the following:

"10.03.B.4 Outdoor Target Practice or Shooting (not including private shooting on your own property and shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks) with the following conditions:

- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association's Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.
 - 1. The above referenced plans shall contain information as suggested by the National Rifle Association.

2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
 3. The safety plan shall describe the duties and qualifications of range supervisor(s).
 4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association's standards, the National Shooting Sports Foundation's standards, or the United States Environmental Protection Agency's best management practices standards.
 5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
 6. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.
- b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100'). A licensed engineer or land surveyor shall prepare the documents.
- c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
1. The safety area shall conform to National Rifle Association's standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
 2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.
- d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is

unlikely to cause ricochets, and containing no large rocks. For every thirty feet (30') of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:

1. Shotgun ranges – No berming required.
 2. Ranges for handguns and rifles
 - a. Target placement not to exceed twenty feet (20') from the backstop.
 - b. Lateral not closer than thirty feet (30') from the firing line.
 3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
 4. In addition to berms, appropriate baffling may be installed over the firing line creating a “no blue sky” to prevent projectiles from overshooting the berm.
- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required.
- g. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules.
- h. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.
- i. Hours and days of operation shall be specified in the special use permit and determined by the County Board.
- j. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing.
- k. Must meet existing setbacks of the zoning district.
- l. No alcohol allowed.

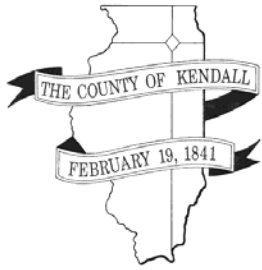
- m. No projectiles shall leave the boundaries of the site.
 - n. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.
 - o. All applicable Federal, State and local rules and regulations shall be adhered to.
 - p. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
 - q. No person shall cause or allow the emission of sound 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 residential property line of the complainant.
 - r. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance **(insert date)** shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.
 - s. Outdoor target practice and shooting ranges open to the public established after the date of the adoption of this ordinance **(insert date)** must comply with the above regulations or secure applicable variance(s).”
- V. Any completed application submitted prior to the date of the adoption of this ordinance shall follow the application procedures, requirements and restrictions in effect on the date that the completed application was submitted.

IN WITNESS OF, this amendment to the Kendall County Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this **XXth day of Month, 2018.**

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 18, 2018
Re: 18-07 Proposed Text Amendment to Section 13.08 by Adding Sub-Section R Pertaining to Special Use Permit
Renewal Procedures

Based on the comments received at the May and June Planning, Building and Zoning Committee meeting, Staff revised the proposal for renewing, amending, and revoking special use permits. A copy of the proposal is attached. At the June meeting of the Planning, Building and Zoning Committee, the Committee voted to send the proposal back to the Kendall County Regional Planning Commission.

In the proposal, Staff removed the distinction between special use permit holders in violation of the conditions of their special use permit and special use permit holders not in violation of the conditions of their special use permit. Any special use permit requiring renewal would be required to follow the same procedure of renewal, amendment, or revocation. In the proposal, the County Board could initiate amendments to or revocations of special use permits requiring renewal by majority vote of the County Board and for any reason.

For clarification purposes, Staff also proposed changes to Section 13.08.F to address revocation of special use permits that do not have renewal or review procedures stated in their adoption ordinance. Staff proposed removing the establishment and use time requirements currently in the ordinance and allow the County Board to revoke a special use permit by a majority vote of the County Board for any reason.

Also for clarification purposes, Staff proposed changes to Section 13.08.M to address amendments to special use permits that do not have renewal or review procedures stated in their adoption ordinance. Under the proposal, the County Board could initiate amendments by a majority vote for any reason. The amendment procedure followed the same procedure as amendments to special use permits that possess renewal or review provisions.

Staff informed the Planning, Building and Zoning Committee, at both the May and June meetings, of the concerns of the Kendall County Regional Planning Commission. In particular, Staff noted that the Kendall County Regional Planning Commission believed that amendments and revocations should only occur after a special use permit holder had been found guilty in court and such revocations and amendments should occur by super-majority votes of the County Board. The Kendall County Regional Planning Commission also expressed concerns about the investments that special use permit holders made in their property and business that could be lost if a special use permit was revoked. The Planning, Building and Zoning Committee was also informed of the Kendall County Regional Planning Commission's concerns about holding property and special use permit holders accountable for violations of previous property and/or special use permit holders. The Planning, Building and Zoning Committee did not share the concerns of the Kendall Regional Planning Commission on these matters and they (the Planning, Building and Zoning Committee) believe the County Board should have the ability to amend and/or revoke special use permits as outlined in the proposal.

If you have any questions regarding this proposal, please let me know.

Thanks,

MHA

ENC: Proposed Revised Procedures

Renewal of Special Use Permits Procedures (5/14/18)

Everything in 13.08 R is added to the Ordinance

13.08.R. Special Use Renewal Procedures

1. **All special use permits requiring renewal shall automatically be renewed for the same duration as listed in the special use permit currently in effect unless the Kendall County Board requests one or more amendments to or revocation of the special use permit using the procedure outlined in Section 13.08.R.2.**
2. **If the Kendall County Board requests one or more amendments to or the revocation of a special use permit requiring renewal, the following process shall occur:**
 - a. **Prior to initiating the amendment or revocation, the Kendall County Board shall direct the Planning, Building and Zoning Department to notify the property owner and owner of the special use permit by registered letter that changes to or revocation of their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The letter shall be sent not earlier than six (6) months or less than two (2) months prior to the renewal period stated in the special use permit or within six (6) months after all judicial appeals of the guilty verdict have been exhausted. The guilty verdict shall run with property and not the owner of the special use permit.**
 - b. **After sending the required letter, the Kendall County Board may approve initiating amendment(s) to or revocation of a special use permit by a favorable vote of a majority of the members of the Kendall County Board.**
 - c. **The proposed amendments shall follow the procedure outlined in Section 13.08.C (Processing of Special Use Permit Applications) regardless of the size or nature of the proposed amendment(s) to or revocation of the special use permit.**
 - d. **The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings.**
 - e. **After the completion of the procedure outlined in Section 13.08.R.2.c, the Kendall County Board may approve amendments to or revocation of special use permits by favorable vote of a majority of the Kendall County Board.**
 - f. **Within five (5) calendar days of approval of amendments to or revocation of a special use permit, the Kendall County Planning, Building and Zoning**

Department shall notify the property owner and owner of the special use permit by registered mail of the changes or revocation to the special use permit.

- g. Amendments approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place.
 - h. Revocations approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the revocation and the revocation becoming effective, the conditions of the special use permit previously in effect shall remain in place.
 - i. If a proposed amendment or revocation fails to receive the required votes, the existing special use permit shall be automatically renewed for the same duration as listed in the special use permit currently in effect.
 - j. If a special use permit is revoked under the provisions of this Sub-Section, the Zoning Administrator shall cause the Official Zoning Map of Kendall County to be amended to reflect the revocation.
 - k. At least one (1) year shall lapse between the effective date of the revocation and the application for a new special use permit for the same or similar use at the same property.
 - l. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.
3. Section 13.08.R shall apply to any special use permit issued after the date of the adoption of this amendment. INSERT DATE requiring renewal. Any special use permit issued prior to this date that requires renewal may follow the provisions of this Sub-Section if the owner(s) of the special use permit sign a notarized affidavit agreeing to the provisions of this Sub-Section.

Amendment or Revocation of Special Use Permits Without Renewal Periods

Amendment to Section 13.08.F

Red is Proposed

REVOCAION. ~~In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use.~~ **The Kendall County Board may initiate revocation of a special use permit following a simple majority vote of the County Board. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings.** If a revocation is proposed, the Zoning Board of Appeals shall hold a public hearing (following procedures outlined in Section 13.08 H below) and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice **by registered letter** at least 15 days in advance of the hearing. *(Amended 3.21.18)*

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

Amendment to Section 13.08.M

AMENDMENTS TO APPROVED SPECIAL USES. Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable). Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a Special Use.

Amendment of Special Uses under this paragraph shall apply to all existing, valid Special Uses issued prior to the date of the amendment of this ordinance as well as any future Special Uses granted under this ordinance. *(Amended 9.15.2009)*

The Kendall County Board may initiate amendments by a simple majority vote of the members of the Kendall County Board to approved special use permits after notifying the property owner and owner of the special use permit by registered letter that change(s) to their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The proposed amendment(s) shall be treated as

major amendments regardless of the size or nature of the proposed amendments and shall follow review the procedure outlined in Section 13.08.O. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings. After the completion of the procedure outlined in Section 13.08.O, the Kendall County Board may approve amendments to or special use permits by favorable vote of a majority of the Kendall County Board. Within five (5) calendar days of approval of amendments to a special use permit initiated by the Kendall County Board, the Kendall County Planning, Building and Zoning Department shall notify the property owner and owner of the special use permit by registered mail of the change(s) to the special use permit. The amendments shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.

13.08.O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals (ZBA). *(Amended 9.15.2009)*