

ORDINANCE # 98-10

PETITION TIME LIMIT ORDINANCE

WHEREAS, the Kendall County regulates development under authority of its Zoning Ordinance, Storm Water Runoff Ordinance, Soil and Erosion Control Ordinance, Subdivision Control Ordinance, Special Flood Hazard Areas Ordinance, and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time; and

WHEREAS, inactive petitions for development approval may become obsolete or non-compliant with the amended ordinances; and

WHEREAS, several current petitions for development approval to the Planning, Building and Zoning Department have been inactive; and

WHEREAS, the potential for future petitioners to continue to delay the petition process indefinitely does exist; and

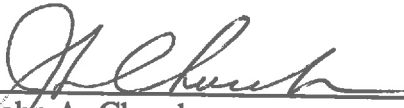
WHEREAS, all administrative procedures for ordinances have been followed including a Public Hearing was held before the Kendall County Zoning Board of Appeals;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby adopts the following Petition Time Limit Ordinance:


- A. All petitioners with petitions on file, or will be filed after the date on which this ordinance was enacted, that have been inactive for the past six (6) months shall be notified in writing that:
1. The petition has been inactive for at least six (6) months
 2. If the petitioner chooses to continue with their petition, they have sixty (60) days from the date on the letter to activate the petition.
 3. If the Zoning Administrator has not received a written response within sixty (60) days of the date on the letter, the petition shall be dismissed by the Zoning Administrator.
 4. If the petitioner can provide documentation that the petition has not been inactive or will be re-activated, the Zoning Administrator can decide not to dismiss.

- B. The Zoning Administrator shall dismiss any petition that has been inactive for at least six (6) months after a sixty (60) day notification period, which begins at the date on the notification letter.
- C. The petitioner may appeal the Zoning Administrator's decision regarding dismissal to the Planning, Building, and Zoning Committee of the Kendall County Board at the next available, regularly scheduled meeting after the decision.
- D. Petition Time Limit Definitions:
1. "Inactive" means any instance when a petition has not been:
 - a. On an agenda of a committee or board authorized to review the petition by ordinance or statute; or
 - b. Within an impact study or other reasonable analytical investigation commissioned or required by Kendall County or other governmental entity.
 2. "Petition" means any zoning or site development petition, application, request, or letter of intent accepted by the Kendall County Planning, Building, and Zoning Department. The following are excluded since the time limit is regulated under a separate ordinance:
 - a. Building Permit Applications are regulated under the Kendall County Building Code Ordinance 94-06.
 - b. Preliminary Plats and Final Plats are regulated under the Kendall County Subdivision Control Ordinance enacted on August 10, 1971.
 3. "Petitioner" means any owner of property filing said petition.

IN WITNESS OF, this Ordinance was approved by the Kendall County Board on June 16, 1998.



John A. Church
Kendall County Board Chairman



Paul Anderson
Kendall County Clerk