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( ORDINANCE 90-30 )

INTERIM DEVELOPMENT ORDINANCE OF KENDALL COUNTY

COMMENTARY

Recent events affecting the growth and development of Kendall County make it clear that the existing comprehensive plan, the existing zoning, and the existing pattern and practice of rezonings are allowing growth and development in agricultural areas that is inconsistent with the County's goal of protecting agricultural lands from conversion to suburban land uses. The pace of such growth and development is likely to continue or accelerate in the near future. Recent development on scattered one-acre lots, which was originally contemplated as a limited exception to agricultural zoning, and the subdivision of agricultural fields into residential tracts have reached such a level that road congestion is evident and conflicts between agricultural uses and residential uses are becoming more and more common.

In addition, the County's initiative to update its Comprehensive Plan is an important step toward more effective and efficient resource planning and management. However, it is important that decisions made in the interim, while the update is underway, do not undermine or compromise the County's long-term objectives.

This Ordinance provides that no development approval shall be granted unless the Kendall County Board specifically finds that approval will not establish an adverse land use precedent or trend and that the approval will not foreclose or compromise any policy

issue or question that will be addressed as part of the Comprehensive Plan update.

ORDINANCE NO. 90-30

WHEREAS, in 1974 Kendall County adopted a Comprehensive Plan to guide the County's future growth and development;

WHEREAS, in 1984 Kendall County adopted, as a supplement to the Comprehensive Plan, a Rural Land Policy Plan directed to the protection, enhancement, and maintenance of agriculture in Kendall County;

WHEREAS, the Comprehensive Plan and the Rural Land Policy Plan provide that the character, location, and magnitude of growth and development in the unincorporated parts of the County should be limited to that which could be adequately served by a rural road network, individual wells, individual septic systems, and limited police and fire protection and other public services;

WHEREAS, the Comprehensive Plan and the Rural Land Policy Plan provide that the character, location, and magnitude of growth and development in the unincorporated areas of the County should be limited to that which is compatible with the existing and planned agricultural uses in the County;

WHEREAS, the Comprehensive Plan and the Rural Land Policy Plan provide that the character, location, and magnitude of growth and development in the County should be limited to that which will not have an adverse impact on or exceed the capabilities of the County's natural resources;

WHEREAS, the Comprehensive Plan and the Rural Land Policy Plan recognize and provide that the agricultural economy existing in the

County is a vital and important part of the County's economy and that a diverse economy is important to the well-being of the citizens of the County.

WHEREAS, suburban growth pressures have materialized in Kendall County;

WHEREAS, suburban growth pressures pose a threat to the continued use of important agricultural lands in Kendall County;

WHEREAS, recent growth and development and continued suburban growth pressure exceed the service capacity of public facilities in Kendall County, and result in a reduction in the level of service of County facilities;

WHEREAS, Kendall County has embarked on a one-year program to update its Comprehensive Plan involving professional staff and direct public participation;

WHEREAS, it is important that discretionary land use decisions made by Kendall County do not set or perpetuate unwise or undesirable land use precedents or trends in the County prior to completion of the Comprehensive Plan update and the deliberate and reasoned consideration of reasonable alternatives for the future growth and development of Kendall County;

WHEREAS, it is important to establish policies and procedures in regard to discretionary land use decisions prior to the completion of the Comprehensive Plan update, to ensure that the expectations and plans of property owners are properly guided and that the individual decisions are made on the basis of established and uniform policies;

WHEREAS, continued growth and development in the rural

purposes of this Ordinance, "discretionary development approval" or "discretionary land use approval" shall mean: (1) a rezoning involving an individual parcel of land as opposed to a general rezoning of general application and effect; (2) approval of a planned development; or (3) any other approval where the County retains discretion under its Zoning Ordinance or other law to deny the application for development approval in order to protect the public health, safety and general welfare.

**Section Five. Standards and Criteria for Discretionary Land Use Decisions.**

No application for discretionary development approval or discretionary land use approval shall be granted by the Kendall County Board unless the Board finds that:

- (1) The proposed discretionary development or land use approval is consistent with and in furtherance of each and every provision of the County's Comprehensive Plan, Rural Land Policy Plan, and Zoning Ordinance;
- (2) The proposed discretionary development or land use approval does not involve the conversion to non-agricultural uses of land used for agricultural purposes during the last three years, providing that agricultural use does not include passive land use such as grazing.
- (3) The proposed discretionary development or land use approval does not constitute the continuation or extension of a land use pattern that is or will be the subject of evaluation or consideration as part of the update of the Comprehensive Plan of Kendall County; and

services area that adversely affects land and water resources, that is inconsistent with agricultural use, that depends upon individual water wells and septic systems, and that cannot be served by a rural services system poses a serious and immediate threat to the public health, safety, and general welfare;

**NOW THEREFORE, THE KENDALL COUNTY BOARD HEREBY FINDS AND ORDAINS:**

**Section One. Title.**

This Ordinance shall be entitled and may be referred to as the "Interim Development Ordinance of Kendall County."

**Section Two. Findings.**

The statements set out in the whereas clauses of this Ordinance are true and correct, are adopted by the County Board as findings of fact, and are incorporated herein.

**Section Three. Purposes and Intent.**

The purposes of this Ordinance are: (1) to prevent the establishment of land uses and land use patterns that are inconsistent with the goals and objectives of Kendall County to preserve, protect, and maintain the agriculture and rural character of Kendall County until the on-going update of the County's Comprehensive Plan is complete; and (2) to establish policies, standards, and criteria for determining what, if any, discretionary development approvals should be granted by the County prior to the completion of the Comprehensive Plan update.

**Section Four. Applicability.**

The provisions of this Ordinance shall apply to all lands within unincorporated Kendall County and to all applications for discretionary development approval for such lands. For the

(4) The proposed discretionary development or land use approval does not involve the establishment of a land use pattern that is or will be the subject of evaluation or consideration as part of the update of the Comprehensive Plan of Kendall County.

**Section Six. Effective Date.**


This Ordinance shall be effective upon adoption.

**Section Seven. Severability.**

In the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of the Ordinance, which shall remain in full force and effect.

PASSED BY THE KENDALL COUNTY BOARD this 11<sup>th</sup> day of December, 1990

APPROVED;

  
Chairman

ATTEST:

  
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