

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

Wednesday, June 28, 2017 – 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 May 24, 2017 Meeting (Pages 2-5)

PETITIONS

1. **17-14- Kendall County Zoning Board of Appeals**
Request: Text Amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance
Purpose: Amendment Would Set Guidelines for the Calling of Meetings on Items that Require a Public Hearing and for the Calling of Meetings on Items that do not Require a Public Hearing as Defined by State Law. (Pages 6-10)

2. **17-15- Kendall County Zoning Board of Appeals**
Request: Text Amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance
Purpose: Amendment Would Reduce the Number of Votes Required for the Zoning Board of Appeals to Reverse any Order, Requirements, Decision or Determination of the Zoning Administrator, or to Decide in Favor of the Applicant any Matter upon which It Is Authorized by the Ordinance to Render Decisions from Four to Three on Boards Consisting of Five Members and from Five to Four on Boards Consisting of Seven Members. (Pages 11-14)

3. **17-16- Kendall County Zoning Board of Appeals**
Request: Text Amendment to Section 13.06.D of the Kendall County Zoning Ordinance
Purpose: Amendment Would Reduce the Number of Votes Required for the Zoning Board of Appeals to Reverse or Affirm, Wholly or Partly, or May Modify the Order, Requirement, Decision, or Determination of the Zoning Administrator from Four to Three on Boards Consisting of Five Members and from Five to Four on Boards Consisting of Seven Members. (Pages 11-14)

OLD BUSINESS

None

NEW BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

None

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, July 26, 2017

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 Meeting Minutes of May 24, 2017

Chairman Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

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

Staff Present: Matthew H. Asselmeier, Senior Planner

Members Absent: Roger Bledsoe, Budd Wormley and Angela Zubko

In the Audience: Robert Velazquez, Jim Menard and Donna Stere

APPROVAL OF AGENDA

Mr. Shaw made a motion, seconded by Ms. Wilson, to approve the agenda. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Shaw, to approve the March 22, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITION

17-09 Semper FI Land, Inc. (Robert Velazquez)

Mr. Asselmeier summarized the request. The petitioner would like a special use permit to operate landscape waste composting facility at 1996 Cannonball Trail. This special use permit would be in addition to the existing special use permit at the property for a landscaping business. Mr. Asselmeier outlined the twenty-nine (29) restrictions proposed for the special use and noted that no restriction could entirely mitigate an odor issue if the business was not operated correctly. It was noted that the petitioner would be required to live on the property; if a foul odor existed, the petitioner would experience the same odor issues as his neighbors.

Ms. Wilson requested clarification regarding the property's relationship with the United City of Yorkville. Mr. Asselmeier stated that the property was entirely surrounded by Yorkville, but was in the unincorporated County. The adjoining properties are residentially zoned by Yorkville.

Staff from the United City of Yorkville requested that the driveway for the business be paved. Mr. Velazquez agreed to this condition.

Ms. Wilson asked how the regulations of the host agreement and weight receipts. Mr. Asselmeier responded that the information is gathered by the Kendall County Health Department; the host fee is then deposited into the General Fund.

Mr. Rodriguez asked about when the trucks were weighted. The weights will be measured in cubic yards. Mr. Velazquez stated weights will be classified by size of the truck and if the truck is full or half full. The information will be logged by Semper Fi and sent to the County monthly.

According to their present special use permit, Green Organics is permitted 175,000 cubic yards annually.

Semper Fi would manufacture mulch at the site and use the mulch at their landscaping business.

Ms. Wilson asked about plans to address odors. Mr. Velazquez responded there was not much he could do to mitigate odors. Since Mr. Rodriguez lives on the property, he plans to keep the site clean. Covering the windrows would be counterproductive.

Mr. Ashton asked where the petitioner will get his products. Mr. Velazquez responded that he would get his materials from local landscaping companies, but the majority would come from his business.

Mr. Velazquez stated the landscape waste would be placed in windrows; the mulch would be separate.

Mr. Casey asked about the asphalt area and turning the windrows. Mr. Velazquez explained the process of turning the windrows. The location of asphalt is on the site plan and would be required to be in place prior to the commencement of operations, per Illinois Environmental Protection Agency regulations. If approved the asphalt would be laid this fall and operations would start in spring 2018.

Mr. Nelson asked about garbage control in materials. Mr. Velazquez said that he would control which companies bring materials.

Mr. Rodriguez asked about storage of equipment. Mr. Velazquez said that he would use the existing pole barns.

Jim Menard, Oswego, works with the landowner that of the property that surrounds Mr. Velazquez's property; it is one hundred ninety (190) acres in size. The surrounding property is zoned residential by Yorkville and was preliminarily platted for four hundred twenty (420) residential units. The preliminary plat has expired; the subdivision was a PUD. They have owned the property for ten (10) years. Mr. Menard expressed concerns regarding odor and the impact of the proposal on property values. The annexation agreement with Yorkville is for twenty (20) years. Mr. Menard provided a site plan dated June 14, 2006. No specific timeline for developing this subdivision exist. The surrounding property and Mr. Velazquez's property were not owned by the same entity when the company Mr. Menard works with purchased the property for the subdivision in 2006.

Mr. Nelson asked when the first special use permit was granted. Mr. Asselmeier responded 2012; the special use permit is to operate a landscaping business and to allow the petitioner to live on the property.

Mr. Nelson noted that existence of the railroad would have an impact on a residential neighborhood. Mr. Nelson said the proposed development would possess buffering. The area is classified by Yorkville as estate residential.

Mr. Velazquez said that the operations will be on the east side of the property. The windrows will be located as shown on the site plan. The evergreens will be planted on the ground at the property line.

Donna Stere, Yorkville, asked where the operations would be on the property. Windrows would be on the southeast corner of the property. Access would be south of the existing house and pole barns. Ms. Stere also expressed concerns about odor.

Mr. Nelson made a motion to approve the petition granting a special use permit to operate a landscape waste composting facility with restrictions at 1996 Cannonball Trail, seconded by Mr. Shaw.

Yes – Ashton, Casey, Nelson, Rodriguez and Shaw (5)

No – Wilson (1)

Absent – Bledsoe, Wormley and Zubko (3)

The motion passed. This proposal will go to the Zoning Board of Appeals on June 5, 2017.

KCRPC Meeting Minutes 5.24.17

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OLD BUSINESS

Mr. Asselmeier stated that the Kendall County Forest Preserve District received the letter and they are evaluating their response. The Kendall County Forest Preserve District did not provide a timeline for a response. Commissioners requested that Mr. Asselmeier email the letter to all Kendall County Regional Planning Commissioners and the State's Attorney.

NEW BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petition 16-22, the map amendment at 790 Eldamain Road was approved by the County Board at their May 2nd meeting.

Petition 16-26, the map amendment at 2380 Burkhardt Drive was approved by the County Board at their May 16th meeting.

OTHER BUSINESS/ANNOUNCMENTS

The City of Plano approved their Comprehensive Plan update at their May 8th City Council meeting.

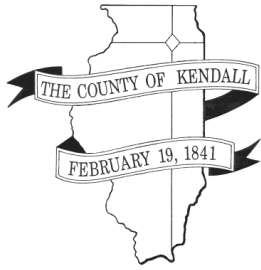
CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Mr. Nelson made a motion, seconded by Ms. Wilson to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 7:59 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

MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 12, 2017
Re: 17-14 Proposed Amendment to Section 13.01.B.9 Pertaining to Call of Meetings

At their May 1, 2017, the Kendall County Zoning Board of Appeals authorized Staff to submit an application for a text amendment to the following section of the Kendall County Zoning Ordinance.

Section 13.01.B.9 of the Zoning Ordinance currently states:

“All meetings (emphasis added) of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting. All meetings of the Board shall be open to the public.”

55 ILCS 5/5-12 states that when a hearing is required before the Zoning Board of Appeals, notice must given at least fifteen days to thirty days by publication in a newspaper of general circulation.

An occasion may arise when the Zoning Board of Appeals may wish to meet on a matter when a public hearing is not necessary. For example, the Zoning Board of Appeals may want to hold a joint meeting with the Regional Planning Commission to discuss an issue. This joint meeting would not necessitate a public hearing.

A text amendment to the Zoning Ordinance could more clearly separate the meeting notification requirements of public hearings from other meetings. Matters requiring a public hearing would have to meet the fifteen to thirty day notice requirements while matters not requiring a public hearing would have to meet the requirement of the Open Meetings Act (posting notice and agenda forty-eight hours in advance).

ZPAC reviewed this proposal at their June 6, 2017 meeting and unanimously recommended approval of the proposed amendment.

A copy of a draft text amendment is enclosed.

MHA

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ORDINANCE # 2017-_____

**AMENDMENT TO SECTION 13.01.B.9 OF THE KENDALL COUNTY ZONING ORDINANCE
PERTAINING TO THE CALL OF MEETINGS OF THE KENDALL COUNTY ZONING BOARD OF
APPEALS**

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance related to the calling of meetings; and

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

WHEREAS, 55 ILCS 5/5-12009 defines the notification requirements for hearings of Zoning Boards of Appeal on variance applications; and

WHEREAS, 55 ILCS 5/5-12009.5 defines the notification requirements for hearings of Zoning Boards of Appeal on special use applications; and

WHEREAS, 55 ILCS 5/5-12011 defines the notification requirements for hearings of Zoning Boards of Appeal on any order, requirement, decision or determination made by an administrative official charged with the enforcement of a zoning ordinance; and

WHEREAS, 55 ILCS 5/5-12014 defines the notification requirements for hearings of Zoning Boards of Appeal on text amendment and map amendment applications; and

WHEREAS, 5 ILCS 120 defines the notification requirements for meetings of public bodies within the State of Illinois; and

WHEREAS, all administrative procedures required prior to passing 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 XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.01.B.9 of the Kendall County Zoning Ordinance by deleting the existing language and replacing it with the following:

“13.01.B.9 a. All meetings of the Board of Appeals on matters requiring a public hearing as defined by State law shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting.

13.01.B.9.b All meetings of the Board of Appeals on matters not requiring a public hearing as defined by State law shall be held at the call of the Chairman and at such other times as the Board may determine provided that the requirements of the Illinois Open Meetings Act are fulfilled prior to the start of the meeting.

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13.01.B.9.c All meetings of the Board of Appeals, regardless of the topic of the meeting, shall be open to the public.”

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
June 6, 2017 – Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:01 a.m.

Present:

Fran Klaas – Highway Department
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve (Arrived at 9:06)
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:

Megan Andrews – Soil & Water Conservation District
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience: Scott Koeppel – Acting Interim Director of PBZ

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Rybski requested that word “regulations” be changed to “fee schedule” on page 2, second paragraph, second line. Mr. Rybski made a motion, seconded by Mr. Langston, to approve the May 2, 2017 meeting minutes as amended. With a voice vote of all ayes the motion carried.

PETITIONS

17-14 Kendall County Zoning Board of Appeals – Text Amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance

Mr. Asselmeier provided a summary of this proposed text amendment. This proposal would separate the requirements for public notice for hearings and for items that do not require hearings.

Mr. Rybski asked the reason for this text amendment. Mr. Asselmeier stated this proposal would allow the Zoning Board of Appeals to have meetings with other boards without having to give fifteen (15) days notice. The Zoning Board of Appeals would still have to fulfill the posting requirements of the Open Meetings Act.

Mr. Klaas asked if the State's Attorney has reviewed this proposal. Mr. Asselmeier stated that the State's Attorney's Office is aware of the other petitions on the agenda and will be asked to review this proposal in the future.

Mr. Klaas made a motion, seconded by Mr. Guritz, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

17-15 Kendall County Zoning Board of Appeals – Text Amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance

Mr. Asselmeier provided a summary of this proposed text amendment. This proposal would reduce the number of votes required for the Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by the ordinance to render decisions from four to three on boards consisting of five members and from five to four on boards consisting of seven members and bring our ordinance in-line with State law.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

17-16 Kendall County Zoning Board of Appeals – Text Amendment to Section 13.06.D of the Kendall County Zoning Ordinance

Mr. Asselmeier provided a summary of this proposed text amendment. This proposal would reduce the number of votes required for the Zoning Board of Appeals to reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator from four to three on boards consisting of five members and from five to four on boards consisting of seven members.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that the rezoning of 790 Eldamain Road (Jet’s Towing) from A-1 to M-1 was approved by the County Board. Mr. Klaas asked if any restrictions or conditions were placed on the rezoning. Mr. Asselmeier responded that State law prevents the County from placing conditions on rezoning. The owners of 790 Eldamain Road would have to follow all of the requirements of the M-1 District.

Mr. Asselmeier reported that the rezoning of 2380 Burkhardt Drive (Pagel property) was approved by the County Board.

Mr. Rybski asked about the special use permit request for Semper Fi at 1996 Cannonball Trail. Mr. Asselmeier reported that the public hearing before the Special Use Hearing Officer occurred last night. The proposal now goes to the PBZ Committee. There are thirty-one (31) proposed restrictions for the special use permit. The host agreement would be negotiated if the special use permit is approved.

UPDATES OF PETITIONS

Mr. Asselmeier reported that the Delaney Gun Range Case will go before the PBZ Committee on June 12th. The petitioner has not submitted a lead management plan.

Mr. Asselmeier reported that there is one (1) special use permit application being finalized, one (1) special use permit renewal application being finalized, one (1) map amendment application being finalized, and one (1) variance application being finalized.

OLD BUSINESS

None

NEW BUSINESS

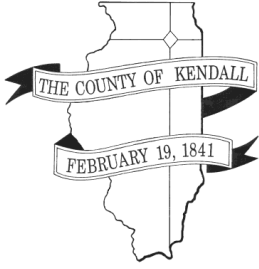
None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:16 a.m., adjourned.



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 12, 2017

Re: 17-15 and 17-16 Proposed Amendment to Section 13.01.B.11 and Section 13.06.D Pertaining to Voting of the Zoning Board of Appeals

At their May 1, 2017, the Kendall County Zoning Board of Appeals authorized Staff to submit an application for text amendments to the following section of the Kendall County Zoning Ordinance pertaining to votes by the Zoning Board of Appeals:

Section 13.01.B.11 of the Zoning Ordinance currently states:

“The concurring vote of four members of a Board consisting of five members or **the concurring vote of five members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions** (emphasis added).”

Section 13.06.D of the Zoning Ordinance restates the vote related to reversing orders:

“In exercising its powers, the Zoning Board of Appeals may, upon the concurring vote of four members of a five member Board or **five members of a seven member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator** (emphasis added).”

Public Act 92-128, adopted in 2001, amended 55 ILCS 5/5-12011 and lowered the vote requirements necessary for the Zoning Board of Appeals to take certain actions. The current law states:

“The concurring vote of 3 members of a board consisting of 5 members or **the concurring vote of 4 members of a board consisting of 7 members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution, or to recommend any variation or modification in such ordinance or resolution to the county board** (emphasis added).”

Section 13.01.B.4 of the Zoning Ordinance defines a quorum as “a majority of the members of the Zoning Board of Appeals.”

A situation could arise where a quorum of the Board is present, but final action could not occur because a fifth member is unavailable. A proposed amendment may be desirable to remove the difference between the Kendall County Zoning Ordinance and State law and to allow a quorum of

KCRPC Memo

June 12, 2017

members to decide certain matters before the Board. Accordingly, the Kendall County Zoning Board of Appeals requested text amendments to these sections of the Zoning Ordinance.

At their June 6, 2017 meeting, ZPAC unanimously recommended approval of both proposed amendments.

Copies of draft text amendments are enclosed.

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ORDINANCE # 2017-_____

**AMENDMENT TO SECTION 13.01.B.11 OF THE KENDALL COUNTY ZONING ORDINANCE
REDUCING THE NUMBER OF VOTES NECESSARY FOR THE ZONING BOARD OF APPEALS
TO REVERSE ANY ORDER, REQUIREMENTS OR DETERMINATION OF THE ZONING
ADMINISTRATOR, OR TO DECIDE IN FAVOR OF THE APPLICANT ANY MATTER UPON
WHICH THE ZONING BOARD OF APPEALS IS AUTHORIZED TO RENDER DECISIONS FROM
FOUR TO THREE ON BOARDS CONSISTING OF FIVE MEMBERS AND FROM FIVE TO FOUR
ON BOARDS CONSISTING OF SEVEN MEMBERS**

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance related to voting requirements of the Zoning Board of Appeals in order to have the Kendall County Zoning Ordinance correspond to State law; and

WHEREAS, Public Act 92-128 amended 55 ILCS 5/5-12011 by reducing the number of votes required by a Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized to render decisions; and

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

WHEREAS, all administrative procedures required prior to passing 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 XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.01.B.11 of the Kendall County Zoning Ordinance by deleting the existing language in the first paragraph of this section and replacing it with the following:

“13.01.B.11 Jurisdiction The concurring vote of three (3) members of a board consisting of five (5) members or the concurring vote of four (4) members of a board consisting of seven (7) members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter any matter upon which it is authorized by the Kendall County Zoning Ordinance to render decisions.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

ORDINANCE # 2017-_____

**AMENDMENT TO SECTION 13.06.D OF THE KENDALL COUNTY ZONING ORDINANCE
REDUCING THE NUMBER OF VOTES NECESSARY FOR THE ZONING BOARD OF APPEALS
TO REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR MODIFY THE ORDER, REQUIREMENT,
DECISION OR DETERMINATION OF THE ZONING ADMINISTRATOR, FROM FOUR TO
THREE ON BOARDS CONSISTING OF FIVE MEMBERS AND FROM FIVE TO FOUR ON
BOARDS CONSISTING OF SEVEN MEMBERS**

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.06.D of the Kendall County Zoning Ordinance related to voting requirements of the Zoning Board of Appeals in order to have the Kendall County Zoning Ordinance correspond to State law; and

WHEREAS, Public Act 92-128 amended 55 ILCS 5/5-12011 by reducing the number of votes required by a Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator; and

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

WHEREAS, all administrative procedures required prior to passing 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 XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.06.D of the Kendall County Zoning Ordinance by deleting the existing language and replacing it with the following:

“13.06.D. DECISION ON APPEAL. In exercising its powers, the Zoning Board of Appeals may, upon the concurring vote of three (3) members of a five (5) member Board or four (4) members of a seven (7) member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator.”

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder