

**KENDALL COUNTY
AD HOC ZONING ORDINANCE COMMITTEE
MEETING AGENDA
September 27, 2017
5:00pm –6:45pm
Kendall County Office Building (Rooms 209 & 210)
111 W. Fox Street, Yorkville, Illinois**

- 1. Approval of Agenda**
- 2. Approval of Minutes from the August 23, 2017 meeting (Pages 2-3)**
- 3. Hearing Officer/Code Hearing Unit (Page 4-14)**
- 4. Noise Ordinance Changes Related to Current Projects and Future Projects (Page 15)**
- 5. Amendments to Land Resource Management Plan Changing the Future Land Uses Along Route 47 in Lisbon and/or Kendall Townships (Pages 16-35)**
- 6. Zoning Ad-Hoc Committee Related Items (Pages 36-55)**
 - a. Consideration of Elimination of Zoning Ad-Hoc Committee**
 - b. Determination of Membership of Zoning Ad-Hoc Committee**
 - c. Determination of Chairman of Zoning Ad-Hoc Committee**
 - d. Determination of Duties of Zoning Ad-Hoc Committee**
- 7. Consideration of Text Amendments to Section 13 of the Kendall County Zoning Ordinance Pertaining to the Powers and Duties of the Kendall County Regional Planning Commission (Commission Would No Longer Meet to Review Special Use Applications, Map Amendments or Text Amendments Not Involving the Powers and Duties of the Commission) (Pages 36-55)**
- 8. Consideration of Text Amendments to Sections 3 and 13 of the Kendall County Zoning Ordinance Pertaining to the Powers and Duties of the Zoning and Platting Advisory Committee (ZPAC) (Committee Would No Longer Meet to Review Special Use Applications, Map Amendments or Text Amendments Not Involving the Powers and Duties of the Committee) (Pages 36-55)**
- 9. Consideration of Text Amendments to Section 13 of the Kendall County Zoning Ordinance Transferring the Review of Special Use Applications from the Special Use Hearing Officer to the Zoning Board of Appeals (Pages 36-55)**
- 10. Adjournment**

Next meeting will be on October 25, 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 AD HOC ZONING
ORDINANCE COMMITTEE**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of August 23, 2017*

Present: Larry Nelson (Chairman), Bill Ashton, John Shaw, Jeff Wehrli, Robert Davidson (arrived at 5:13 p.m.) and Scott Gryder (arrived at 5:38 p.m.)

Others Present: Matt Asselmeier, Senior Planner

Chairman Larry Nelson called the meeting to order at 5:10 p.m.

1. **APPROVAL OF AGENDA**

Mr. Wehrli made a motion to approve the agenda. Mr. Ashton seconded the motion. With a voice vote of four ayes, the motion carried.

2. **APPROVAL OF MINUTES**

Mr. Shaw made a motion to approve the minutes from the May 24, 2017, meeting. Mr. Wehrli seconded the motion. With a voice vote of four ayes, the motion carried.

3. **HEARING OFFICER/CODE HEARING UNIT**

Staff provided a copy of the ordinance establishing a hearing code unit and proposed amendments to the hearing code officer ordinance. The Committee requested that the definition of property be changed to exclude agricultural land and use from the definition. The word "business" would also be deleted from the definition of "property". The reference to property maintenance would be removed from the definition of "violation". The suggestion was made to change the word "shall" to "may" regarding the Chairman of the County Board appointing a hearing office in Section 3. In Section 5, the Committee requested that the Environmental Health Department be notified regarding proposed changes to the hearing officer ordinance. The reference to property maintenance would be deleted from Section 6. In Section 7, service by mail would be by certified, return receipt instead of first class mail. The Committee wanted a timeframe put in the ordinance allowing people to contact the Planning, Building and Zoning Department prior to turning the case over to the hearing officer. The Committee also wanted the responsibility of contacting the Planning, Building and Zoning Department to be on the responsible person and not the Planning, Building and Zoning Department. The deadline should be ten (10) business days. Under the Hearing Procedures Section, the Committee wanted the audio recording of the meeting to be a

requirement and not discretionary. In the Evidence at Hearing Section, the Committee wanted the language regarding hearsay evidence removed. The Committee wanted to give the County Board the ability to review cases. The applicable sections of the proposal would be amended to include language allowing the County Board to review cases. Discussion occurred regarding the fine structure; the suggestion was made that the fine for Stormwater Ordinance violations be increased from the maximum Seven Hundred Fifty Dollars (\$750). The consensus of the Committee was that Staff would make the applicable changes and bring a revised version of the proposal back to the Ad-Hoc Committee for review.

4. **NOISE ORDINANCE CHANGE RELATED TO CURRENT PROJECTS AND FUTURE PROJECTS**

Staff provided copies of the existing Noise Ordinance and February 8, 2017 memo on the topic. Discussion occurred regarding residential lots and the construction of new uses next to existing uses that produce noise. The suggestion was made to put a copy of the aerial within two (2) miles of the development or noise producing use and residential occupied uses established after the new zoning in the file. Re-builds would be protected. For banquet facilities, the noise measurement should occur at the occupied residential structure. Staff will examine potential ordinance amendments.

There were no additional comments from the public or press.

Adjournment:

The next meeting will be September 27, 2017. Mr. Wehrli made a motion to adjourn the meeting. Mr. Ashton seconded the motion. With a voice vote of six ayes, the motion passed unanimously and the meeting adjourned at 6:50 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

AMENDED 8-24-17 (Final Three Sections Re-Numbered 8-24-17)

ORDINANCE# 2017-XX

AN ORDINANCE OF THE KENDALL COUNTY CODE AMENDING A CODE HEARING UNIT

WHEREAS, Kendall County has adopted rules and regulations intended to protect and enhance the public health, safety, and welfare, and these rules and regulations are set forth in the Kendall County Code; and

WHEREAS, enforcement of the rules and regulations of the Kendall County Code sometimes requires County staff to notify a property owner or other person of a violation of the duly adopted rules and regulations; and

WHEREAS, failure by a property owner or other person to correct an identified violation of the Kendall County Code currently requires staff to take further action through the circuit court; and

WHEREAS, it is desirable to have an alternative procedure for the abatement of Kendall County Code violations which is less complex and less time consuming; and

WHEREAS, Chapter 55, Section 5/5-41 of the Illinois State Statutes allows counties to create Code Hearing Units for the administrative adjudication of code violations; and

WHEREAS, Kendall County staff and the Kendall County State's Attorney have reviewed the enabling legislation and have drafted rules, regulations and procedures for a Code Hearing Unit for Kendall County, attached hereto as Exhibit "A"; and

WHEREAS, the Planning, Building and Zoning Committee of the Kendall County Board has reviewed the drafted rules, regulations and procedures for the Code Hearing Unit and has determined that such a Unit will expedite the adjudication of Code violations and improve the administration of the Kendall County Code, and has forwarded a recommendation **to the County Board the Code Hearing Unit regulations for Kendall County be amended**; and

WHEREAS, **the Kendall County Board previously established a Code Hearing Unit through Ordinance 2004-28 adopted August 17, 2004; and**

WHEREAS, the County Board of Kendall County has determined that it is in the best interest of its citizens of the County to amend the Kendall County Code to **establish amend** the Code Hearing Unit in order to better protect the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

SECTION ONE: The conclusions set forth above and the recommendation of the Planning, Building and Zoning Committee of the Kendall County Board are hereby adopted as the conclusions of the Kendall County Board.

SECTION TWO: The Kendall County Code is hereby amended to **create amend** a Code Hearing Unit, as set forth in Exhibit "A" attached hereto.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Kendall County, Illinois.

IN WITNESS OF, this Ordinance was approved by the Kendall County Board on **Month Day, 20XX**

Add Signatures

EXHIBIT "A"

**CODE HEARING
UNIT**

Section 1. Definitions (Re-lettered)

a) "Citation" means the official notification of a violation of a provision of the Kendall County Ordinances. Said citations shall require a correction of the violation and/or imposition of a fine.

b) "Code" means any County ordinance that pertains to or regulates any of the following: animal control; the definition, identification, and abatement of public nuisances; the accumulation, disposal, and transportation of garbage, refuse, and other forms of solid waste; the construction and maintenance of buildings and structures including improvements; sanitation practices; or subdivision zoning.

c) "Code Enforcement Officer" means a County employee or independent contractor or investigator authorized to issue citations for County Code violations.

d) "Hearing Officer" means a person other than a Code Enforcement Officer or law enforcement officer having the following powers and duties:

- 1) To preside at an administrative hearing called to determine whether a Code violation exists;
- 2) To hear testimony and accept evidence from the Code Enforcement Officer, the respondent, and all interested parties relevant to the existence of a Code violation;
- 3) To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- 4) To issue and sign written findings and a decision and order stating whether a Code violation exists;
- 5) To impose penalties consistent with applicable Code provisions and to assess costs reasonably related to instituting the proceedings upon finding the respondent liable for the charged violation. In no event, however, shall the Hearing Officer have the authority to impose a penalty of incarceration.

e) "Person" means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, managing or otherwise using real property in unincorporated Kendall County.

f) "Property" means any parcel of land whether residential, commercial, non-agricultural or industrial including land and that which is affixed, incidental, or appurtenant to land including, without limitation, any business or residence, parking area, loading area,

landscaping, common areas, building or structure or any separate unit, or portion thereof, or any ~~business~~ equipment, whether permanent or not permanent. For real property consisting of more than one (1) unit, property may be limited to the unit or portion of the property on which the code violation exists. Property used for agricultural purposes shall be excluded from the regulations of this ordinance. (Amended 8-24-17)

g) "Property owner" means the legal or beneficial owner of an improved or unimproved parcel of real estate.

h) "Respondent" means a property owner, waste hauler, or other person charged with liability for an alleged Code violation and the person to whom the notice of violation is directed.

i) **"Responsible Person" means any person recognized by law as having control over, right to use, management rights and/or right of possession of property including, without limitation, legal title holders, lessees, property managers and other adult occupants of the property.**

j) "Solid waste" means demolition materials, food and industrial processing wastes, garden trash, land cleaning waste, mixed refuse, non-combustible refuse, and trash as defined in the Illinois Solid Waste Disposal District Act.

k) **"Violation" means any Kendall County building, ~~property maintenance~~, zoning, subdivision, stormwater, junk and debris or other ordinances enforced by the Kendall County Planning, Building and Zoning Department not being in compliance by a person. (Amended 8-24-17)**

l) "Waste hauler" means any person owning or controlling any vehicle used to carry or transport garbage, refuse, or other forms of solid waste.

Section 2. Code Hearing Unit - Establishment and Jurisdiction.

There is hereby established a Code Hearing Unit as a division of the County Planning and Zoning Department which is authorized to conduct administrative adjudication proceedings for the County, its departments and officers. The function of the Code Hearing Unit shall be to expedite the prosecution and correction of code violations. The Code Hearing Unit is authorized to establish a system of administrative adjudications for the enforcement of all provisions of Kendall County Code, except those pre-empted by State law or County ordinance.

Section 3. Hearing Officer - Appointment.

The Chairman of the County Board, with the advice and consent of the County Board, ~~shall~~ **may** appoint one or more Hearing Officers for the purposes of this Section. A Hearing Officer may not be a Code Enforcement Officer or other law enforcement officer. (Amended 8-24-17)

Section 4. Hearing Officer - Powers and Duties.

The Hearing Officer shall have the following powers and duties:

- a) All powers and duties set forth in Sections **1 and 2**, above.
- b) The authority to call and preside at conferences for the settlement or simplification of issues.
- c) The power to administer oaths and affirmations.
- d) The authority to rule on motions, objections and the admissibility of evidence.
- e) Subject to the provisions of this Section, the authority to subpoena relevant witnesses and the production of relevant documents, records or other information.
- f) The authority to exercise all powers and duties necessary and proper to the administration of fair hearings.
- g) Any other powers authorized by State statute.**

Section 5. Code Enforcement Officers - Appointment.

The County Planning, Building, and Zoning Director and County Environmental Health Director (or their designees) are hereby authorized to serve as County Code Enforcement Officers. In the event that the County Planning, Building, and Zoning Director or the County Environmental Health Director positions are vacant, the County Administrator shall appoint an interim Code Enforcement Officer.

Section 6. Issuance of Citation.

- a) Any responsible person allowing, causing, committing, continuing to permit or maintain a violation pertaining to any ~~property maintenance~~, zoning, building, plumbing, electrical, or other similar matter regulated by the Kendall County, Planning, Building and Zoning Department may be issued a citation. (Amended 8-24-17)**
- b) Each citation shall contain the following information:**
 - 1. The date of the violation;**
 - 2. The address or description of the location where the violation occurred including parcel identification number;**
 - 3. The specific section of the code or ordinance violated and a description of the nature of the violation;**
 - 4. The amount of fine for said violation;**
 - 5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;**
 - 6. A statement that the violation must be corrected and the time within which it must be corrected and that failure to correct will result in further legal proceedings;**
 - 7. A description of the administrative hearing process, including the time within which the administrative citation may be contested and the place to which to submit a written request for a hearing;**

8. The name and signature of the citing code enforcement officer; and
9. Other such information as may be deemed necessary from time to time.

Section 7. Service of Citation.

Citations issued pursuant to this ordinance may be served by any one or more of the following methods:

- a) **Service by Mail.** A citation may be served by **first-class certified, return receipt mail** executed by the person mailing the citation. The citation will be addressed to the responsible person at the address shown on the last tax assessment rolls or to any address known for the responsible person. For purposes of this ordinance, if the citation is served via **first-class certified, return receipt mail**, service shall be deemed effective on the date the citation is mailed and shall not affect the validity of the citation or of any subsequent proceedings. (Amended 8-24-17)
- b) **Service by Posting.** A citation may be served by posting or affixing a copy of the citation on the front door of the property or in some other conspicuous place on the real property where the violation is located. Such posting shall be done at least ten (10) calendar days before a hearing date along with a declaration of service by posting executed by the person posting the citation. For the purposes of this ordinance, if the citation is served by posting, service shall be deemed effective on the date the citation is posted on the property and shall not affect the validity of the citation or of any subsequent proceedings.
- c) **Personal Service.** If needed, enforcement may attempt to locate and personally serve the responsible person and obtain the signature of such person on the citation. If the responsible person refuses to sign the citation, the failure or refusal to sign shall not affect the validity of the citation or any subsequent proceedings.

Section 8. Compliance with a Citation

Upon receipt of a citation, the responsible person must immediately do the following (re-lettered 8-24-17):

- a) **Contact the Code Enforcement Officer within ten (10) business days from the date of service with a plan to remedy or correct the violation referenced in the citation. The Code Enforcement Officer may approve the plan, approve the plan with changes or deny the plan. (Added 8-24-17)**
- b) **Remedy the violation(s) on or before the correction date noted in the citation.**
- c) **Schedule an appointment with the code enforcement officer to verify violation(s) have been corrected not to exceed ten (10) business days from the date of service. (Added 8-24-17)**
- d) **Pay the fine to Kendall County within the allotted time. All fines assessed shall be payable to the "Kendall County Treasurer". Payment of the fine will not excuse or**

discharge the cited violation(s) nor shall it bar further enforcement by the County. The fine can be forgiven if the responsible person corrects the violation(s) before the hearing.

Section 6-9. Instituting Administrative Adjudication Proceedings.

- a) Any Code Enforcement Officer or designee of the County may institute an administrative adjudication proceeding with the Code Hearing Unit by forwarding a copy of the complaint and all relevant supporting materials to the Code Hearing Unit.
- b) When a Code Enforcement Officer observes a Code violation, the Officer may file a formal complaint by noting the violations on a violation notice and report on a form approved by the Code Hearing Unit.
- c) The written complaint shall contain, at a minimum, facts sufficient to inform the respondent of the violations alleged, including the order allegedly violated.
- d) The violation notice and report form shall contain a file number and a hearing date noted by the Code Enforcement Officer in the blank spaces provided for that purpose on the form. The violation notice and report shall state that failure to appear at the hearing on the date indicated may result in determination of liability for the cited violation and the imposition of fines and assessment of costs as provided by the applicable County ordinance. The violation notice and report shall also state that upon a determination of liability and the exhaustion of or failure to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to the County.
- e) A copy of the violation notice and report form shall be served on the respondent either personally or by certified mail with return receipt, postage prepaid, sent to the address of the respondent. If the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than twenty (20) days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found.
- f) **In lieu of a personal appearance at the hearing, the Kendall County Board may provide for the voluntary payment of a determinate fine in accordance with a schedule of fines approved by ordinance as permitted by State statute.**

Section 7 10. Subpoenas. (Re-lettered b and after)

- a) At any time prior to the hearing date at the request of the Code Enforcement Officer, the attorney for the County, the respondent, or the attorney for the respondent, the Hearing Officer may issue subpoenas directing witnesses to appear and give testimony at the hearing.
- b) **A subpoena issued under this ordinance shall identify:**
 - 1. **The person to whom it is directed.**

2. **The documents or other items sought by the subpoena, if any.**
 3. **The date for appearance of the witness and the production of the documents or other items described in the subpoena.**
 4. **The time for the appearance of the witnesses and the production of the documents or other items described in the subpoena.**
 5. **The place for the appearance of the witnesses and the production of the documents or items described in the subpoena.**
- c) **In no event shall the date identified for the appearance of the witness or the production of the documents or other items be less than seven (7) days after the service of the subpoena.**
- d) If the respondent or the respondent's attorney fails to appear on the date set for the hearing, the Hearing Officer may find the respondent in default and shall proceed with the hearing and accept evidence relating to the existence of a Code violation.

Section 8 11. Representation At Hearings.

The case for the County may be presented by a Code Enforcement Officer or by the State's Attorney or his/her designee. In no event, however, may the case for the County be presented by an employee of the Code Hearing Unit. The case for the respondent may be presented by the respondent or the respondent's attorney. If the respondent is a corporation, it may appear through any officer, manager, or supervisor of the corporation. **An attorney who appears on behalf of any person shall file with the Hearing Officer a written appearance on a form provided by the County for that purpose.**

Section 9 12. Hearing Procedure.

- a) The Hearing Officer will begin the Officer's call by introducing himself or herself to the respondents and other attendees. Opening remarks should include informing the citizens as to the nature and manner of the proceedings. Opening remarks may include information about the order that cases will be called, the need to maintain proper decorum, continuances, acceptable and unacceptable defenses, and the fees and range of potential fines.
- b) The Hearing Officer may grant continuances only upon a finding of good cause. Continuances shall not be granted as a matter of course.
- c) All testimony shall be given under oath or affirmation.
- d) Upon the timely request of any party to a hearing, any person who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.
- e) The record of all hearings before the Hearing Officer shall include: all documents admitted into evidence at the hearing; a copy of the notice of violation and hearing; and a copy of the findings and decision of the Hearing Officer.

- f) The record of a hearing before the Hearing Officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription or other appropriate means. The Code Hearing Unit shall not be responsible for providing recording services or equipment. Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber, or recorders at that party's own expense ~~regardless of the decision of the Hearing Officer.~~ **Kendall County shall record the audio of the hearing. (Added 8-24-17)** The Hearing Officer may reasonably limit where the court reporter, transcriber, or recorder may be placed in the hearing room. **If the party or the court reporter, transcriber or recorder is unwilling to follow reasonable limitations, then the Hearing Officer may remove the court reporter, transcriber or recorder.**

Section ~~10~~ 13. Evidence At Hearings.

The Hearing Officer shall preside at the hearing, shall hear testimony, and shall accept any evidence relevant to the existence or non-existence of a Code violation on the property indicated. The Code Enforcement Officer's signed violation notice and report form shall be prima facie evidence of the existence of the Code violation described in the form. The strict rules of evidence applicable to judicial proceedings do not apply to hearings authorized under this ~~Section Ordinance.~~ **Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. (Removed 8-24-17)** The Hearing Officer can take notice of all orders and regulations enacted by Kendall County.

Section ~~11~~ 14. Findings, Decision, and Order.

At the conclusion of the hearing or ~~any reasonable time thereafter within five (5) working days after the conclusion of the hearing,~~ the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether a Code violation exists. The determination shall be in writing and shall be designated as the Hearing Officer's findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a determination of whether a Code violation exists based on the findings of fact, and an order imposing a fine or other penalty, directing the respondent to correct the violation, or dismissing the case if the violation is not proved. If the Hearing Officer determines that the respondent is liable for the cited violation, the Hearing Officer shall enter an order imposing sanctions that are provided in the Code for the violations proved, including the imposition of fines and the recovery of the costs of the proceedings. Costs may be recovered in the same manner as fines and penalties. A copy of the findings, decision and order shall be served by personal service or by any method provided for service of the violation notice and report form under Section ~~6-9 of this ordinance.~~ The payment of any penalty or fine or costs of the proceedings and the disposition of that money shall be in the manner provided by this ~~Section Ordinance.~~ **In the issuance of a final determination of liability, a Hearing Officer shall inform the respondent of the respondent's right to seek judicial review or review by the Kendall County Board of the final determination. (Amended 8-24-17)**

Section ~~12~~ 15. Payment of Penalties, Fines and Costs.

All fines and other monies paid to Kendall County in accordance with this Article shall be remitted to the Kendall County Treasurer. In order to ensure that Code violations are remedied or fines are paid in a timely manner, the Hearing Officer, upon issuing a final

determination of liability, may further require a respondent found to be in violation to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against property (per 55 ILCS 5/5-41050). Bonds and liens shall be approved by the State's Attorney as to form. Whenever it is necessary for the County to make repairs or otherwise expend funds to mitigate a Code violation for which a bond was posted, or whenever fines or costs remain unpaid after a respondent has exhausted or failed to exhaust judicial review procedures, the Hearing Officer may, after giving the respondent notice and an opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose the lien. The Hearing Officer shall order the bond or the property or proceeds from the property, less the costs incurred by the County, returned to the respondent upon proof of compliance with the applicable Code provisions and the payment of the assessed fines or costs.

Section 13-16. Violation of Findings, Decision and Order.

Any respondent, having received notice and an opportunity for a hearing as provided in this Article, who fails to subsequently comply with the findings, decision and order of the Hearing Officer, including failure to respond to the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine of not less than Two Hundred Dollars (\$200) and not more than Five Hundred Dollars (\$500) for each offense, with each day that the violation continues being considered a separate and distinct offense. **The fine shall increase Twenty-Five Dollars (\$25) per violation until the maximum amount is reached.** In a prosecution under this **Article Ordinance**, it shall not be a defense that a person came into compliance with an order, sought judicial review of the order, or made efforts to comply with an order subsequent to its effective date.

Section 14-17. Election of Remedies.

In no case may the Code Hearing Unit conduct an administrative adjudication proceeding for alleged violations of the Code where the requested remedy is a punishment of imprisonment. However, the provisions of this **Article Ordinance** shall not preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of the Hearing Officer.

Section 15-18. Administrative Hearing Not Exclusive.

Notwithstanding any other provisions of this Article, neither the authority of the Code Hearing Unit to conduct administrative adjudication procedures nor the institution of such procedures under this **Article Ordinance** shall preclude the County from seeking remedies for Code violations through the use of any other administrative procedure or court proceeding.

Section 19. Review by the County Board

All decisions of the Hearing Officer may be appealed to the Kendall County Board by the responsible person within five (5) business days of the decision of the Hearing Officer. In filing the appeal, the responsible person shall state the reason(s) of defects in the Hearing Officer's decision and outline an alternative remedy to violations from the ruling of the Hearing Officer. The responsible party shall be responsible for paying any costs, including, but not limited to, publication of notice costs. Within ten

(10) business days of receiving a request for review, the Kendall County Board shall review the request. Within ten (10) business days from the conclusion of the review, the Kendall County Board shall issue an order on the alleged violation. In issuing an order, the Kendall County Board may agree, in whole or in part, with the decision of the Hearing Officer, or overturn the ruling of the Hearing Officer. In issuing the order, the Kendall County Board shall not impose a fine greater than the fine imposed by the Hearing Officer or reduce the time to remedy a violation set by the Hearing Officer. (Added 8-24-17)

Section ~~16~~ ~~19~~ 20. Administrative Review.

The findings, decision and order of the Hearing Officer **and/or the Kendall County Board** shall be subject to review in the Circuit Court of the County. The Administrative Review Law and the rules adopted pursuant thereto shall apply to and govern every action for the judicial review of the final findings, decision and order of the Hearing Officer. Where the Circuit Court upholds the findings, decision and order of the Hearing Officer following administrative review, the County may request and the Circuit Court may require that the respondent pay all costs incurred by the County in the administrative review process. **(Amended 8-24-17)**

Section ~~17~~ ~~20~~ 21. Sanctions, Transfer or Conveyance of Property.

The order to correct a code violation and the sanctions imposed by a County against a respondent property owner as the result of a findings or a Code violation under this **Section Ordinance** shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision and order of the Hearing Officer under this Section if a notice consisting of a copy of the order to correct a Code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the office of the Recorder by the County prior to the transfer or conveyance to the subsequent transferee or owner.

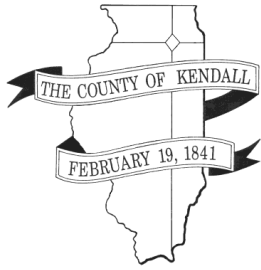
Section ~~18~~ ~~21~~ 22. Collection of Unpaid Fines or Other Sanctions.

- a) Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the State Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been filed pursuant to Section ~~11~~ 14, above.
- b) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the Circuit Court of the County for purposes of obtaining a judgment on the Hearing Officer's findings, decision and order. Nothing in this Section prevents the County from consolidating multiple findings, decisions and orders against a person or property in such a proceeding.

- c) Upon commencement of the action, the County shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with State Statutes (55 ILCS 5/5-41005 to 41060) and this **Article Ordinance**. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision and order does not exceed Five Thousand Dollars (\$5,000).

- d) If the court is satisfied that the findings, decision and order were entered within the requirements of the applicable State Statute and this Article and that the respondent had an opportunity for a hearing under this **Article Ordinance** and for judicial review as provided in this Article:
 - 1) The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.

 - 2) The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the Hearing Officer or to correct a Code violation.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

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MEMORANDUM

To: Ad-Hoc Zoning Ordinance Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: September 20, 2017
Re: Noise Ordinance

At the August 23rd Ad-Hoc Zoning Ordinance Committee, Staff was asked to research potential noise regulations in rural areas. The Committee suggested that Staff place a picture of the area in the file for rezoning and for special use permits. Those properties that have houses in existence at the time of the rezoning or special use permit or were reconstructed would be allowed to file noise complaints while new houses would not have the same benefit.

Upon researching the matter, Staff found that the Illinois Environmental Protection Agency, which regulates noise pollution, has on its website the following language:

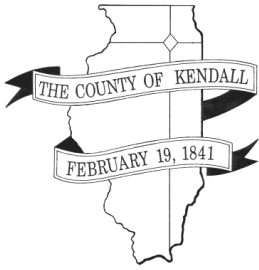
“While Illinois EPA does not have an active noise control program, regulations can be viewed on the Internet at the Pollution Control Board’s Environmental Regulations page. **Any law enforcement office** (emphasis added) can enforce these regulations (<http://www.epa.illinois.gov/pollution-complaint/noise/index> retrieved 8.28.17).

Staff has concerns about the picture suggestion for two (2) reasons: the person could plead ignorance of the situation and the enforcement of noise pollution regulations is a law enforcement matter per State law.

Staff suggests slightly amending the Right to Farm Clause and placing this language on building permit applications and agricultural exemption applications. By so doing, the owner of the property would know when they construct a structure that undesirable noise may exist in the area. The proposed language is:

“Kendall County has a long, rich tradition in agriculture and respects the role that farming **and rural lifestyle** continues to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator -- A-1 or Ag Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that **ARE NOT TYPICAL IN OTHER ZONING AREAS. In addition, certain business including, but not limited to, mining, communication facilities, gun clubs and outdoor gun ranges, banquet facilities, airstrips and helipads, and grain storage and milling operations are located in the unincorporated areas of Kendall County. These uses may also generate occasional smells, dust, sights and noise that ARE NOT TYPICALLY FOUND IN RESIDENTIALLY ZONED AREAS OF INCORPORATED CITIES OR TOWNS.**

MHA



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: August 14, 2017
Re: Future Land Use Along Illinois Route 47 South of Yorkville to County Line

At the July Kendall County Regional Planning Commission meeting, discussion occurred regarding evaluating future land uses along Illinois Route 47 from Yorkville to the county line.

According to the Future Land Use Map in the Land Resource Management Plan, the land adjacent to Illinois Route 47 from the intersection of Helmar Road north to the Yorkville corporate limits is planned to be a mix of commercial and transportation corridor with residential uses closer to the Yorkville city limits. The existing church and school located at the corner of Ament Road and Illinois Route 47 is shown on the map as public/institutional. South of Helmar Road, with the exception of Lisbon Center and the mining land near the County line, all of the land adjoining Illinois Route 47 is agricultural. The Future Land Use Map from the Land Resource Management Plan is attached.

According to the Land Resource Management Plan, “the Transportation Corridor land use category includes concentrations of land use that require accessibility to large metropolitan markets. Transportation corridors are located along major federal and state highways that carry high volumes of traffic” (Page 7-37). These areas are to have limited access of the main highway and utilize frontage roads. The B-5 (Business Planned Development District) and B-6 (Office and Research Park (District) with limited B-3 (Highway Business District) are the intended zoning districts for the Transportation Corridor Land Use. The list of uses in the B-3, B-5, and B-6 zoning districts are attached.

With the exception of land directly adjacent to their border, the United City of Yorkville, in their 2016 Comprehensive Plan, called for the land along Illinois Route 47 to be agricultural within its planning boundary. The Village of Lisbon, in their 2009 Comprehensive Plan, called for the land adjacent to Illinois Route 47 south of Lisbon Center Road to almost the County line to be either commercial or mixed use business. Copies of each municipalities’ Future Land Use Maps are attached.

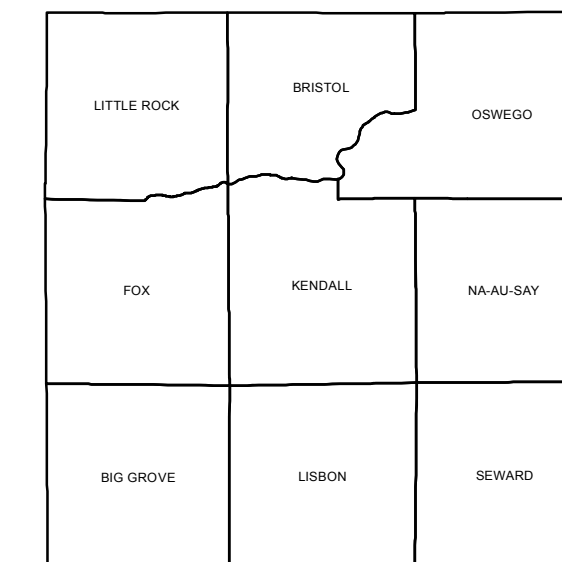
If it is the desire of the Kendall County Regional Planning Commission to change the future land uses south of Helmar Road, Staff recommends evaluating the timeframe for the completion of the Prairie Parkway, obtain existing and projected traffic counts along Illinois Route 47 and examine plans by the various utility companies to expand service in this area to see if an update is justified.

MHA

ENC: Future Land Resource Map, Land Resource Management Plan
Future Land Use Map, United City of Yorkville
Future Land Use Map, Village of Lisbon
B-3, B-5 and B-6 Permitted and Special Uses

Future Land Use Plan

Kendall County, Illinois



LEGEND

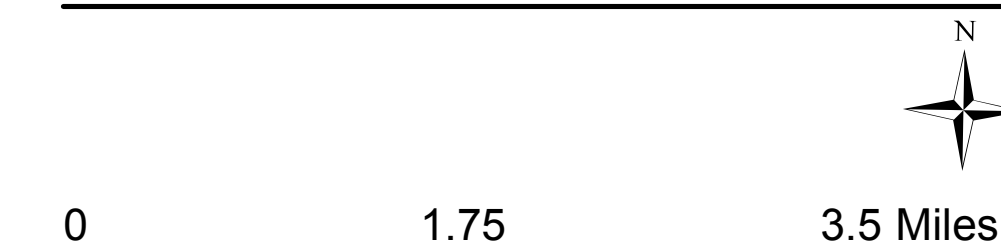
- Urbanized Areas (Incorporated)
- Suburban Residential (Max Density = 1.00 DU/Acre)
- Rural Residential (Max Density = 0.65 DU/Acre)*
- Rural Estate Residential (Max Density = 0.45 DU/Acre)
- Countryside Residential (Max Density = 0.33 DU/Acre)
- Commercial
- Mixed Use Business
- Transportation Corridors
- Mining
- Potential Mining District
- Public/Institutional
- Hamlets
- Agricultural
- Open Space
- Forest Preserves/State Park
- Natural Resource Areas
- Utility

*Note: Additional Density Bonuses up to 0.85 DU/Acre may be applicable; refer to individual township summaries for explanation of density bonuses

REVISIONS

RESOLUTION	DATE	CHANGE
2005-06	4/17/2005	MODIFIED CATEGORIES TO COORDINATE WITH PLANNED DEVELOPMENT ZONING. ADDED COMMERCIAL ROLES AND UPGRADE OF SEWARD AND NA-AUL-SAY TOWNSHIPS
2007-21	06/20/07	ADDED RURAL RESIDENTIAL AND COMMERCIAL AREAS AROUND NEWARK AND LISBON TO REFLECT THE ADOPTED FUTURE LAND USE RECOMMENDATIONS FOR BIG GROVE TOWNSHIPS
2009-14	4/17/2009	MODIFIED CATEGORIES TO COORDINATE WITH THE FUTURE LAND USE PLAN FOR THE NORTHERN THREE TOWNSHIPS
2009-04	3/16/2009	ADDED FUTURE LAND USE AREAS IN LITTLE ROCK, BRISTOL, AND OSWEGO TOWNSHIPS TO REFLECT THE ADOPTED LAND USE RECOMMENDATIONS FOR THE NORTHERN THREE TOWNSHIPS AND REFLECT RECENT MUNICIPAL ANNEXATIONS BY SEWARD AND OSWEGO
2009-04	3/16/2009	ADDED FUTURE LAND USE AREAS IN NA-AUL-SAY TOWNSHIP TO REFLECT THE ADOPTED LAND USE RECOMMENDATIONS FOR THE NA-AUL-SAY TOWNSHIP (LAST ROUTE 130 CORRIDOR PLAN)
2005-08	3/15/2005	ADDED FUTURE LAND USE AREAS IN FOX AND KENDALL TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS
2005-25	12/20/2005	ADDED & UPGRADED FUTURE LAND USE AREAS IN LISBON, SEWARD, AND SOUTHERN NA-AUL-SAY TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS
2009-25	8/22/2009	UPGRADED PRAIRIE PARKWAY ALIGNMENT (PREFERRED ALTERNATIVE B3 ALIGNMENT ANNOUNCED BY IDOT ON 06/15/07)
2009-24	06/30/09	UPGRADED FUTURE LAND USE AREAS IN FOX, KENDALL, AND BIG GROVE TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS FROM TOWNSHIP ANNUAL REPORTS AND THE FOX RIVER CORRIDOR PLAN
2009-03	1/20/2009	UPGRADED COUNTY AND TOWNSHIP LUMP MAPS BASED ON THE LAND USE MAP FOR THE ROUTE 130/MENLZER ROAD AREA
04/2011	04/20/11	UPGRADED SECTIONS 1 - 5

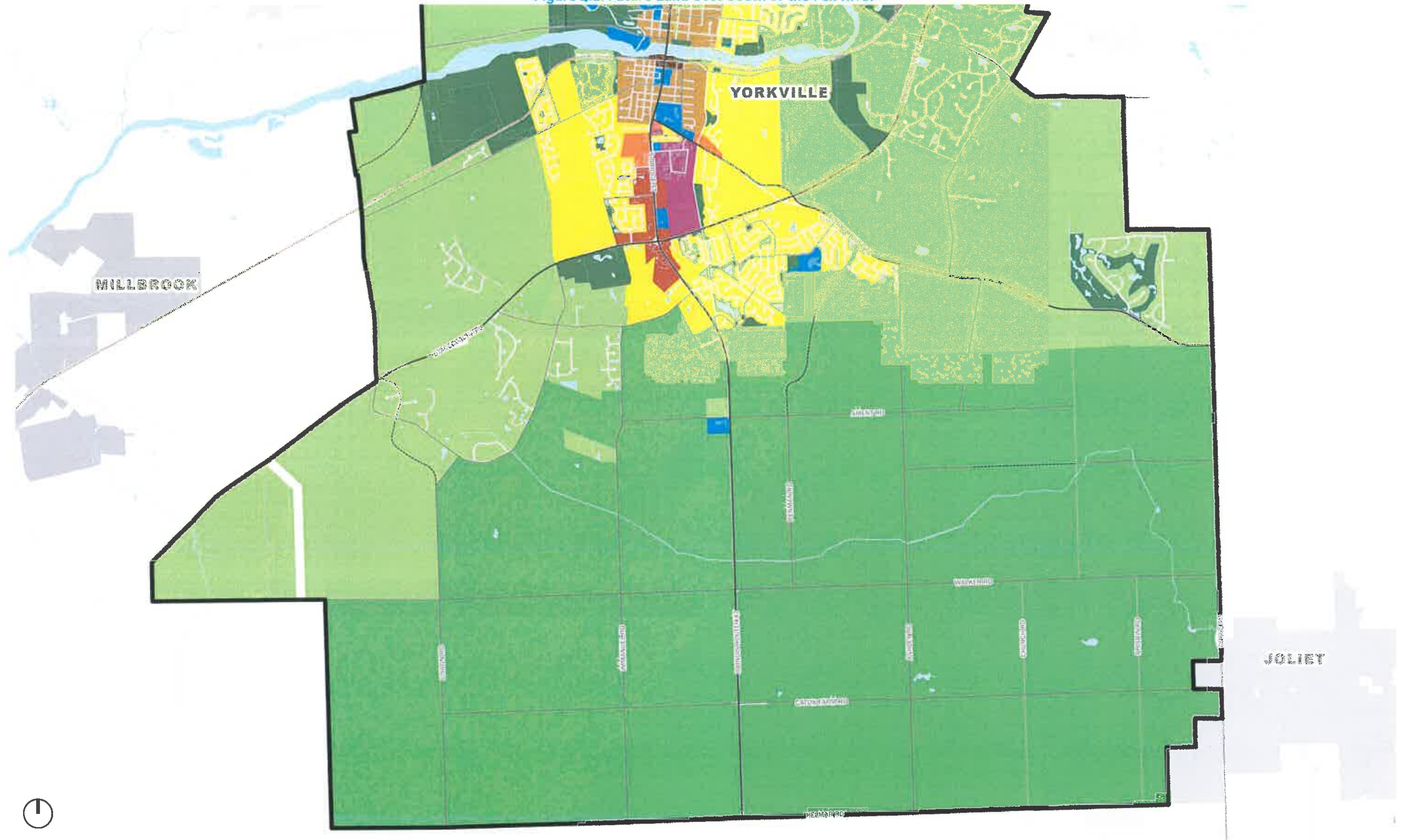
ORIGINAL ADOPTION - MARCH 1994 LAST REVISED - OCTOBER 2015



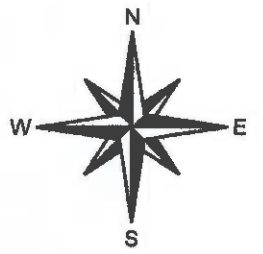
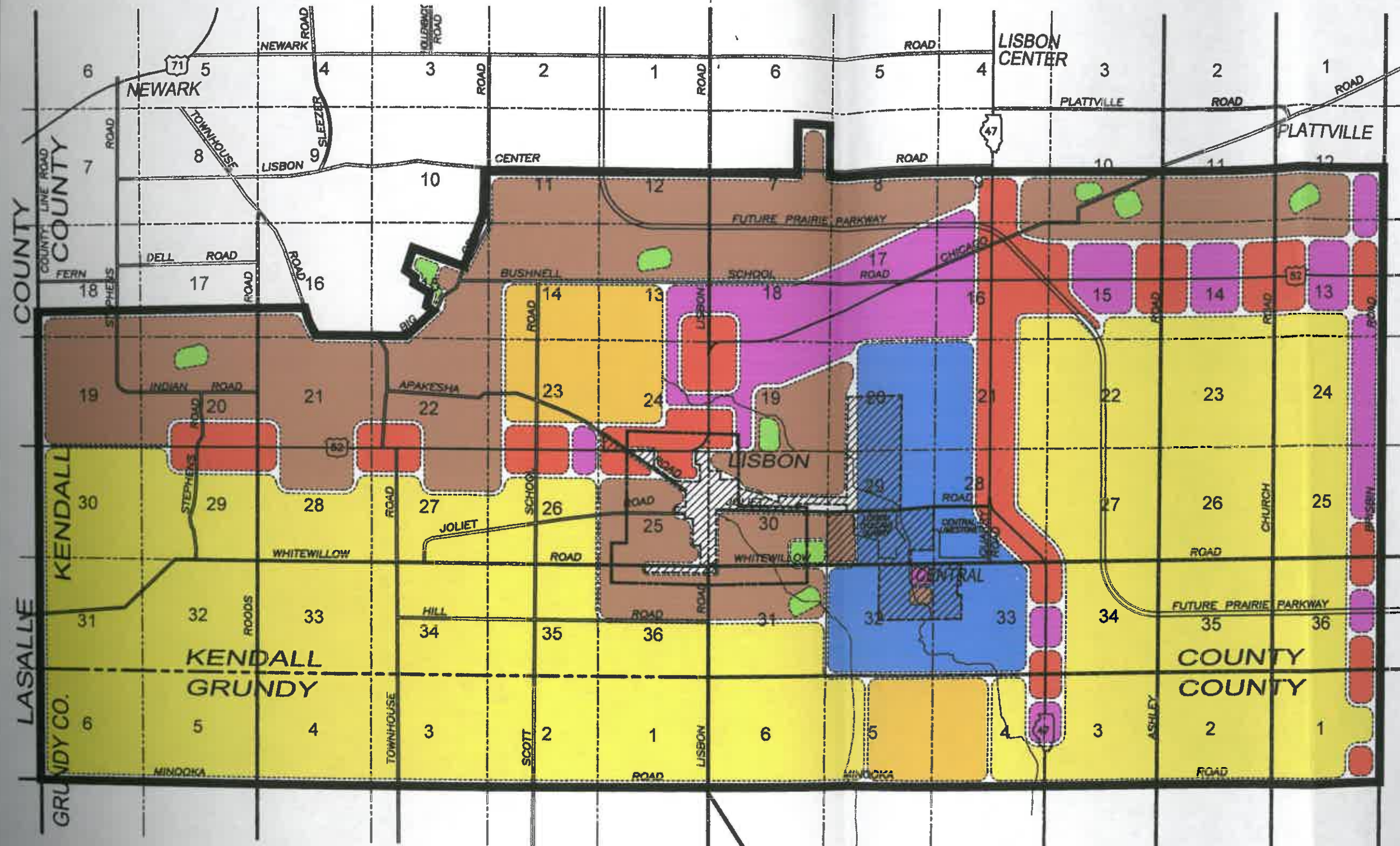
Kendall County GIS
111 West Pine Street, Room 200
Yorkville, Illinois 62550

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


Figure 4.2: Future Land Uses South of the Fox River



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	DATE: 8/14/07
CHECKED BY: GRC	

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	SHEET
FILE NO.:	OF

9.00 COMMERCIAL ZONING DISTRICTS

9.02 B-1 LOCAL SHOPPING DISTRICT

A. Purpose. The B-1 Local Shopping District is composed of those areas of the County whose principal use is neighborhood-oriented, limited retail, service and repair business activities which serve the surrounding area. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads. To these ends, certain uses which would interfere with the operation of these business activities and the purpose of this district have been excluded.

B. Permitted Uses. The following uses are permitted:

1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
2. Adult Day Care or Respite Care
3. Art Galleries and Studios
4. Bait Shop
5. Barber Shops, Beauty Parlors, Massage or Similar Personal and business Service Shops
6. Bicycle Sales and Repair
7. Convenience Store
8. Custom Dressmaking, Millinery, Tailoring or Shoe Repair Shops
9. Drug Store
10. Fire Stations
11. Gardening Supplies and Seed Stores (retail sales only)
12. Governmental buildings and facilities
13. Grocery and food sales under 10,000 square feet
14. Indoor business sales and service under 10,000 square feet

15. Indoor retail sales of goods under 10,000 square feet, including repair of goods sold on the premises
16. Nano Breweries, subject to the following conditions: *(Amended 11/15/11; Ord. 11-29)*
 - a. 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 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.
 - c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.
 - d. Any tasting or sale of beer shall be subject to the Kendall County Liquor Control regulations.
17. Offices, business and professional, including medical clinics
18. Personal and business service shops under 10,000 square feet but not including uses regulated in Section 4.16
19. Photography Studios
20. Police Stations.
21. Postal substations
22. Restaurants, cafes, cafeterias or other similar establishments including but not limited to retail food stores.
23. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
24. Tobacco Shops

9.03 B-2 GENERAL BUSINESS DISTRICT

A. Permitted Uses. The following uses are permitted:

1. All permitted uses in the B-1 Local Shopping District
2. Private Ambulance service

3. Antique Shops
4. Art and school supply stores
5. Auction Facility when conducted wholly within an enclosed building and with no outside storage.
6. Banks and financial institutions
7. Book and Stationery Stores
8. Building material sales (retail)
9. Camera and Photographic Supply Stores
10. Catering Establishments
11. Copying/Reproduction Stores & banner or sign supplies
12. Electrical Appliance Stores and Repair
13. Furrier
14. Glass cutting and glazing establishments
15. Grocery and food sales
16. Indoor business sales and service in excess of 10,000 square feet
17. Indoor retail sales of goods in excess of 10,000 sq. feet, including repair of goods sold on the premises
18. Monument sales, but not including the cutting or grinding of stones
19. Motor Vehicle accessory store
20. Musical Instrument Sales and Repair (including lessons)
21. Packaged Liquor Store or any sale of alcoholic beverages
1. Personal and business service shops in excess of 10,000 Sq. ft.
2. Pet shop when conducted wholly within an enclosed building

3. Plumbing, heating, and roofing supply shops
 4. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
 5. Veterinary establishments, but not including the boarding of animals except for overnight stays for medical treatment and observation.
- D. Conditional Uses. The following Conditional Uses may be permitted only if specifically authorized by the Zoning Administrator:
1. Contractor or construction Services such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating.
 2. Contractors' offices and shops, where no fabrication is done on the premises and where all storage of material and equipment is within a building.
 3. 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.
 4. Enclosed self-service storage facility, provided that:
 - a. Each self-service storage facility shall be governed by the provisions of the Illinois Self-Service Storage Facility Act, 770 ILCS 95/1 et seq.
 - b. A fence and landscaping shall be provided which completely encloses the facility and screens it from view of residential structures and residentially zoned property
 5. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place
 6. 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.
 8. Outdoor Display may be permitted subject to the following:
 - a. **TEMPORARY SEASONAL DISPLAYS**
 - (i) Seasonal displays not exceeding 60 days per calendar year

may be conducted on the same zoning lot as the principal business.

- (ii) A site plan must be submitted by the applicant and approved by the Zoning Administrator showing the location of the seasonal display, the items to be displayed and the duration of the display.
- (iii) Seasonal display areas shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.

All signage for seasonal display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.

- b. PERMANENT OUTDOOR DISPLAYS
 - (i) Shall only be permitted on the same zoning lot as the principal business, and shall only display merchandise which is sold at the subject premises. Items which are not sold on the premises or which are general outdoor storage are not permitted.
 - (ii) Shall not exceed 10% of the subject area or 1,000 square feet in area, whichever is smaller.
 - (iii) Shall be subject to site plan review and approval by the Zoning Administrator.
 - (iv) Shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
 - (v) Displays shall not be higher than 15 feet in height.
 - (vi) All signage for outdoor display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.
 - (vii) A zoning certificate and fee are required for approval of an outdoor display area.
 - (viii) Any outdoor display area shall be subject to review by the Planning, Building and Zoning Committee and may be rescinded if deemed necessary.
 - (ix) Any outdoor display area which does not meet these

requirements may be permitted as a special use.

9. Processing or assembly, provided that space occupied in a building does not exceed six thousand square feet of total floor space and basement space, not including stairwells or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other conditions which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand square feet, they shall then be located in the M-1 Manufacturing District.
10. Small Wind Energy Systems subject to the conditions of Section 4.18

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.

9.07 B-6 OFFICE AND RESEARCH PARK DISTRICT

- A. Purpose. The B-6 Office and Research District is intended to provide for innovative, well-designed and maintained office and nuisance-free research uses in an environment which is characterized by controlled ingress and egress to major streets and extensive setbacks and yard areas with imaginative landscaping. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public roads.

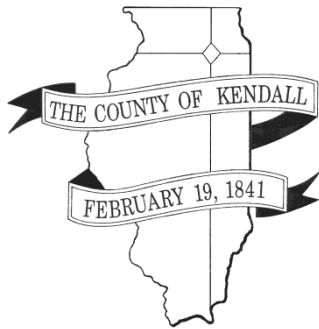
- B. Permitted Uses. The following uses are permitted:

1. Accessory uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.
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
- C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00:
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 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.
- 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 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
- 12. Private clubs such as soccer, ect. provided all other sections of the Zoning Ordinance and Health Department regulations are met.
- 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
- D. Conditional Uses. The following conditional uses may be permitted only if specifically authorized by the Zoning Administrator:
1. Small Wind Energy Systems subject to the conditions of Section 4.18



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: Boards and Commissions Review Ad-Hoc Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 29, 2017
Re: Committees and Commissions Associated with the Planning, Building and Zoning Department

Recommendations

Many of the committees and commissions that interact with the Planning, Building and Zoning Department are required by State law. If Kendall County abolished the Zoning and Subdivision Control Ordinances, the Zoning Board of Appeals could be abolished. If Kendall County abolished the Stormwater Management Ordinance, the Stormwater Oversight Committee could be abolished. If Kendall County abolished the Historic Preservation Ordinance, the Historic Preservation Commission could be abolished.

The Kendall County Board could abolish the Kendall County Regional Planning Commission, Special Use Hearing Officer and Zoning and Platting Advisory Committee by amending the Zoning Ordinance and Subdivision Control Ordinance. Amending these ordinances would require review by the Zoning and Platting Advisory Committee and the Kendall County Regional Planning Commission in addition to the public hearing before the Zoning Board of Appeals and approval of the County Board after recommendation from the Planning, Building and Zoning Committee.

The Ad-Hoc Zoning Ordinance Committee should either have a clearer definition of responsibility or should be abolished. There is nothing preventing the remaining zoning, building and subdivision committees and the County Board from meeting jointly provided the requirements of the Open Meetings Act are followed.

The Kendall County Regional Planning Commission basically serves as a sub-committee of the Kendall Zoning Board of Appeals, even though no members of the Kendall County Zoning Board of Appeals are members of the Kendall County Regional Planning Commission or vice versa. The Kendall County Regional Planning Commission gives the public the opportunity to review proposals prior to a public hearing. If issues arise, the petitioner may be able to resolve those issues prior to a public hearing. The Kendall County Regional Planning Commission would be needed if the County decided to update the Land Resource Management Plan or if the County Board desired additional planning related studies. Staff's main concern with the Kendall County Regional Planning Commission is the date of its meetings compared to the Kendall County Zoning Board of Appeals meetings; only five days (Thursday, Friday, Saturday, Sunday, and Monday) exist between the two meetings. During these five days, Staff must complete the minutes of the Kendall County Regional Planning Commission, update necessary documents, and send the packets to the Zoning Board of Appeals. The Zoning Board of Appeals has limited time to review materials. If the Kendall County Regional Planning Commission met on a Monday or Tuesday, like the Kendall County Zoning Board of Appeals and the Planning, Building and Zoning Committee, more time would be available to prepare the packets and review the information.

The Zoning and Platting Advisory Committee allows County Staff and allied organizations an opportunity to review proposals. These proposals would be reviewed in some form by these agencies even if this Committee did not exist; this review could occur more on a department-by-department interaction and would not be public meetings. Having a set meeting date ensures that

the necessary departments meet to collectively discuss the proposal.

The Special Use Hearing Officer position could be abolished by transferring his/her duties back to the Zoning Board of Appeals. It should be noted that Special Use Hearing Officer and the Hearing Officer sometimes discussed in administrative adjudication discussions do not have to be the same individual; abolishing the Special Use Hearing Office does not necessarily repeal the Hearing Code Unit regulations currently in the Zoning Ordinance.

Kendall County is not required to have a Stormwater Planning Committee. However, because many of the municipalities in Kendall County use the Kendall County Stormwater Management Ordinance in some form, Staff recommends retaining the Committee in the event that a countywide stormwater issue arises or if the County Board desires to amend the Stormwater Management Ordinance at some point in the future.

Introduction

Not including the County Board and Planning, Building and Zoning Committee, the Kendall County Planning, Building and Zoning Department currently interacts heavily with the following Committees and Commissions:

1. Zoning Board of Appeals
2. Special Use Hearing Officer
3. Kendall County Regional Planning Commission
4. Zoning and Platting Advisory Committee
5. Ad-Hoc Zoning Ordinance Committee
6. Stormwater Planning Committee
7. Stormwater Oversight Committee (Committee of the Whole)
8. Historic Preservation Commission

For the purposes of this memo, the first five committees listed previously are associated with zoning, building and subdivision generally. Two committees are associated with stormwater. The Historic Preservation Commission could be classified as "other." However, if the number of County recognized historic properties and districts increased (there is currently one locally designated historic structure in Kendall County), the Historic Preservation Commission would review building permit applications for alterations, additions and demolition to these structures.

Zoning, Building and Subdivision Related Committees and Commissions

Zoning Board of Appeals-Of the five zoning, building and subdivision related committees, the Zoning Board is the only one required under State law as long a Kendall County has a Zoning Ordinance. As required by State law, the Zoning Board of Appeals holds public hearings on the following items:

1. Map Amendments (Rezoning of Property) (55 ILCS 5/5-12014)
2. Text Amendments to the Zoning Ordinance (55 ILCS 5/5-12014)
3. Variances to the Zoning Ordinance 10% or Greater of the Requirements of the Zoning Ordinance (55 ILCS 5/5-12009)
4. Appeals of the Decision of the Zoning Administrator (55 ILCS 5/5-12011)

The composition of the Zoning Board of Appeals, their procedures and the requirement that they be paid are also included in State law (55 ILCS 5/5-12010, -12011, -12012 and -12013). While not currently practiced, the Zoning Board of Appeals could hear applications for special use permits (55 ILCS 5/5-12009.5).

The Zoning Board of Appeals makes the final non-judicial decisions on variances of at least 10% of the requirements and administrative appeals of the Zoning Administrator's interpretation of the Zoning Ordinance. The Zoning Board of Appeals holds public hearings and creates recommendations to the County Board for map amendment petitions and text amendments petitions.

Members of the Zoning Board of Appeals are paid \$50 per meeting plus mileage from their home to the meeting location. The County Board sets the pay of Zoning Board of Appeals members (55 ILCS 5/5-12010).

The Zoning Board of Appeals meets the Monday following the 4th Wednesday of the Month, unless it is a holiday; they meet the following week in that case.

Special Use Hearing Officer-Kendall County established a Special Use Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Special Use Hearing Officer is found in State law (55 ILCS 5/5-12015).

The Special Use Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Special Use Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Special Use Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

Kendall County Regional Planning Commission-The Kendall County Regional Planning Commission was created under the provisions of 55 ILCS 5/5-14001. The primary responsibilities of a regional planning commission under State law are to create and assist in the implementation of a regional plan. The specific duties of the Kendall County Regional Planning Commission are found in Section 13.01.C of the Zoning Ordinance and include the following:

1. To receive from the Zoning Administrator copies of all applications for amendments and special use permits along with the committee report from the Zoning and Platting Advisory Committee (ZPAC) and report thereon with its recommendations.
2. To hold conferences in regard to proposed plan developments under this Ordinance and submit a written report with its recommendations.
3. To initiate, direct and review a study of the provisions of this Ordinance and the zoning map attached hereto and to make reports on its recommendation to the County Board not less frequently than annually.

In addition to the above duties, the Kendall County Regional Planning Commission is responsible for reviewing subdivision plats and holding hearings for amendments to the Land Resource Management Plan.

The members of Kendall County Regional Planning Commission are the only zoning, building and subdivision related committee members that are not paid.

The Kendall County Regional Planning Commission meets the 4th Wednesday of the Month. The Kendall County Regional Planning Commission does not meet in December and they usually have an annual meeting in February.

All of the neighboring counties have an equivalent committee for subdivision review. Only Grundy County requires Planning Commission review of map amendments, text amendments, and special use permits. Will County has a joint Planning and Zoning Commission. DeKalb County uses their Regional Planning Commission for research projects and projects impacting large portions of the County.

Zoning and Platting Advisory Committee-The Zoning and Platting Advisory Committee is a Committee of County Staff, stormwater engineering, soil and water conservation and forest preserve personnel. They review all applications except variances.

An internal review by Staff of applications, particularly subdivision applications and site plan reviews, is a common practice nationwide. The formality of the practice (whether a dedicated committee exists, whether they met in public, have a chairperson, etc.) varies from place-to-place and the complexity of the project.

The Zoning and Platting Advisory Committee meets the 1st Tuesday of the Month.

Ad-Hoc Zoning Ordinance Committee-This Committee is supposed to be the research Committee for all of the development Committees. This Committee possesses no by-laws and is not defined in the Zoning Ordinance.

The Ad-Hoc Zoning Ordinance Committee meets before the Kendall County Regional Planning Commission on the 4th Wednesday of the Month.

Procedural Issue Related to Zoning, Building and Subdivision Related Committees

Lately, the most frequent petitions that the zoning, building and subdivision committees encounter are map amendments (rezonings), special use permit requests and variances. Few large subdivisions have been proposed in Kendall County in recent years.

Map Amendments-Below is a list of meetings an applicant for a map amendment would have to attend if their property was within the planning jurisdiction of a municipality under the current Kendall County Zoning Ordinance:

1. Zoning and Platting Advisory Committee
2. Kendall County Regional Planning Commission Meeting
- 3. Township Planning Commission Meeting**
- 4. Township Board Meeting**
- 5. Municipal Planning Commission Meeting**
- 6. Municipal Council Meeting**
- 7. Kendall County Zoning Board of Appeals Hearing/Meeting**
8. Planning, Building and Zoning Committee
- 9. County Board**

The meetings in bold are required pursuant to State law.

Special Use Permits, Major Amendments to Special Use Permits and Non-Owner Initiated Revocation of Special Use Permits-For special use permits, major amendments to special use permits (change 10% or greater of use area) and non-owner initiated revocation of special use

permits, the procedure is the same except that the Special Use Hearing Officer holds the hearing and issue a recommendation instead of the Kendall County Zoning Board of Appeals. Also, unlike map amendments, objections filed by a municipality or township do not force supermajority votes at the County Board. Revocations of special use permits do not require review by the township or a municipality.

In instances where a special use permit and variance or map amendment is required, the Special Use Hearing Officer sits in on the Kendall County Zoning Board of Appeals meeting.

Minor Amendments of Special Use Permits and Conditional Use Permits-For minor amendments to an existing special use permit (less than 10% of use area) and for conditional use permits, a meeting before the Planning, Building and Zoning Committee is required per the Kendall County Zoning Ordinance.

Variances 10% or Greater of the Zoning Requirements-For variance applications exceeding 10% of the zoning requirements, the required meetings are as follows:

1. **Kendall County Zoning Board of Appeals Hearing/Meeting**
2. **Township Planning Commission Meeting**
3. **Township Board Meeting**
4. **County Board (if the Township files a formal objection within 15 days of the hearing before the Kendall County Zoning Board of Appeals)**

All of the above meetings for variances are required by State law (55 ILCS 5/5-12009).

Variances Less Than 10% of the Zoning Requirements- Variances requiring less than 10% relief from the Zoning Ordinance may be approved by Staff administratively. The adjoining property owners are notified and given an opportunity to file and objection. If an objection is filed, then the variance shall follow the same procedures as a larger variance request. The procedures for administrative variances are defined in 55 ILCS 5/5-12009.

Text Amendments-Below is the list of meetings for text amendments under the current Kendall County Zoning Ordinance:

1. Zoning and Platting Advisory Committee
2. Kendall County Regional Planning Commission Meeting
3. **Township Planning Commission Meeting in Each Township with a Planning Commission**
4. **Township Board Meeting in Each Township with a Planning Commission**
5. **Kendall County Zoning Board of Appeals Hearing/Meeting**
6. Planning, Building and Zoning Committee
7. **County Board**

The meetings in bold are required pursuant to State law.

Concept, Preliminary and Final Plats-Below is the list of meetings for concept, preliminary and final plats of subdivisions if they are within the planning jurisdiction of a municipality:

1. Zoning and Platting Advisory Committee
2. Kendall County Regional Planning Commission Meeting
3. Township Planning Commission Meeting in Each Township with a Planning Commission
4. Township Board Meeting in Each Township with a Planning Commission
5. Municipal Planning Commission Meeting
6. Municipal Council Meeting

7. Planning, Building and Zoning Committee
8. County Board (For Approval of Final Plat)

While it is not noted on the above the list, the creation of a subdivision normally requires a map amendment (i.e. rezoning agricultural land to RPD). The rezoning requires a public hearing before the Kendall County Zoning Board of Appeals. The Kendall County Zoning Board of Appeals could hold a public hearing on a proposed subdivision instead of the Kendall County Regional Planning Commission.

Site Plan Review-Site review plans require a meeting by the Zoning and Platting Advisory Committee only.

Amendments to the Land Resource Management Plan-Amendments to the Land Resource Management Plan require review by:

1. Zoning and Platting Advisory Committee
2. Kendall County Regional Planning Commission Meeting
3. **Kendall County Zoning Board of Appeals**
4. Planning, Building and Zoning Committee
5. **County Board**

The meetings in bold are required pursuant to State law.

General-Each municipality and township are free to create their own review process. For example, with the recent petition by Semper Fi, Inc. to operate a landscape waste composting facility at 1996 Cannonball Trail, the United City of Yorkville required that the petition be reviewed by their Economic Development Committee in addition to review by the Planning Commission and City Council.

Any board or committee reviewing an application is free to request additional time to review an application.

Stormwater Committees

Because Kendall County has a Stormwater Control Ordinance, two Committees exist to handle matters related to this Ordinance.

The Stormwater Planning Committee consists of representatives of the County Board and representatives of local municipalities (usually Mayors). This Committee exists because many of the municipalities adopted the same or similar Stormwater Management Ordinances as the County. Accordingly, if the County amended its Stormwater Management Ordinances, these municipalities would also be impacted. This Committee last met in April 2013 and only meets if a stormwater concern requiring a potential amendment to the Stormwater Management Ordinance exists or if a Countywide stormwater issue arises.

The Stormwater Oversight Committee is responsible for holding public hearings for variance to the Stormwater Management Ordinance. Pursuant to the Ordinance, the Committee of the Whole is the Stormwater Oversight Committee (Section 1004 of the Stormwater Control Ordinance).

In cases where variances to the Stormwater Management Ordinances are requested, the Committee of the Whole holds a public hearing and issues a recommendation to the County Board. The County Board then rules on the application.

If a stormwater variance request is located inside one of the certified communities, then that certified community also holds a public hearing and their municipal council issues a ruling as well.

Both of the stormwater related committees meet on an as-needed basis.

Historical Commission

Because Kendall County has an Historic Preservation Ordinance, Kendall County is required to have an Historic Preservation Commission as defined by 55 ILCS 5/5-30001.

The duties of the Historic Preservation Commission are:

1. To conduct an ongoing survey of the County to identify buildings, structures, areas, sites and landscapes that are of historic, archaeological, architectural, or scenic significance, and, therefore, potential landmarks or historic districts.
- 2. To hold public hearings and recommend to the County Board the designation of landmarks or historic districts.**
3. To compile information concerning and prepare descriptions of the landmarks and historic districts identified and recommended for designation and the characteristics that meet the standards for designation.
4. To prepare, keep current, and publish a map or maps showing the locations and exact boundaries of proposed and designated landmarks and historic districts and, if the Commission so chooses, the locations and boundaries of designated state or federal landmarks or districts.
5. To keep a register of all designated landmarks and historic districts.
6. To establish an appropriate system of markers or plaques for all designated landmarks, historic districts, and for streets, roads, trails, and highways leading from one landmark or historic district to another and to confer recognition upon the owners of landmarks or property within historic districts by means of certificates, plaques, or markers.
7. To nominate, landmarks and historic districts to any state or federal registers of historic places.
8. To advise and assist owners of landmarks and property within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on any state or federal register of historic places.
9. To inform and educate the citizens of the County concerning the historic, archaeological, architectural, or scenic heritage of the County by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.
- 10. To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting landmarks or property within historic districts and issue or deny Certificates of Appropriateness for such actions.**
- 11. To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has previously been denied.**
12. To develop specific criteria and guidelines for the proper alteration, construction, demolition, or removal of landmarks, or of property within historic districts.
- 13. To review proposed amendments to zoning regulations and map amendments, applications for special uses or applications for zoning variations that affect any and all landmarks or historic districts. Proposed zoning amendments, applications for special use, or zoning variations that affect any landmark or historic district as defined in this ordinance or any application for demolition of any structure which is more than 50 years old shall be reviewed by support staff and forwarded to the Preservation Commission for review within seven (7) working days.**
14. To administer on behalf of the County Board any property, or full or partial interest in real property, including a conservation right, by approval of the County Board.
15. To accept and administer on behalf of the County Board gifts, grants, money or other personal property as may be appropriate for the purpose of this Ordinance. Such money may

be expended for publishing maps and brochures, for hiring staff or consultants or performing otherwise appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of this Ordinance.

16. To administer any system established by the County Board for the transfer or development rights.
17. To call upon available County agencies and staff as well as other experts for technical advice; costs to be determined prior to activities and paid by petitioner except where included in the existing approved budget.
18. To retain specialists or consultants, or to appoint citizen, neighborhood or area advisory committees, as may be required, costs to be determined prior to activities and paid by petitioner except where included in the existing approved budget.
19. To testify before all boards, commissions, committees and municipalities on any matter affecting potential or designated landmarks or historic districts.
- 20. To periodically review any County Land Resource Management Plan and to develop a preservation component in any comprehensive plan of the County and to recommend it to the Regional Plan Commission, the Planning, Building & Zoning Committee and the County Board.**
- 21. To periodically consult the County zoning administrator, review any County zoning ordinance and building code, and to recommend to the County Board any amendments appropriate for the protection and continued use of landmarks or property within historic districts.**
22. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purposes of this Ordinance.
- 23. To recommend to the County Board the adoption of intergovernmental agreements between the County Board and Kendall County municipalities that allow for the nomination and designation by the County Board of individual landmarks and historic districts within incorporated areas and that afford the protection of landmarks and historic districts through the provisions of this Article.**
24. To periodically monitor designated landmarks and preservation districts for demolition by neglect and to refer negligent cases to the appropriate county agency for enforcement.

Bolded items above could impact zoning, building and subdivision matters and/or require County Board approval. Historic preservation commissions in municipalities spend the bulk of their time on items 10 and 11. Whenever someone owning an historical property wants to alter an historic house or house within a historic district, the historic preservation commission reviews the application. Because Kendall County only has one locally designated historic house, the only time that the Historic Preservation Commission meets on a development matter is under item 13. The Historic Preservation Commission meetings would be different if more locally designated structures and districts existed.

The Historic Preservation Commission meets on the 3rd Wednesday of the Month. Members of the Historic Preservation Commission are not paid.

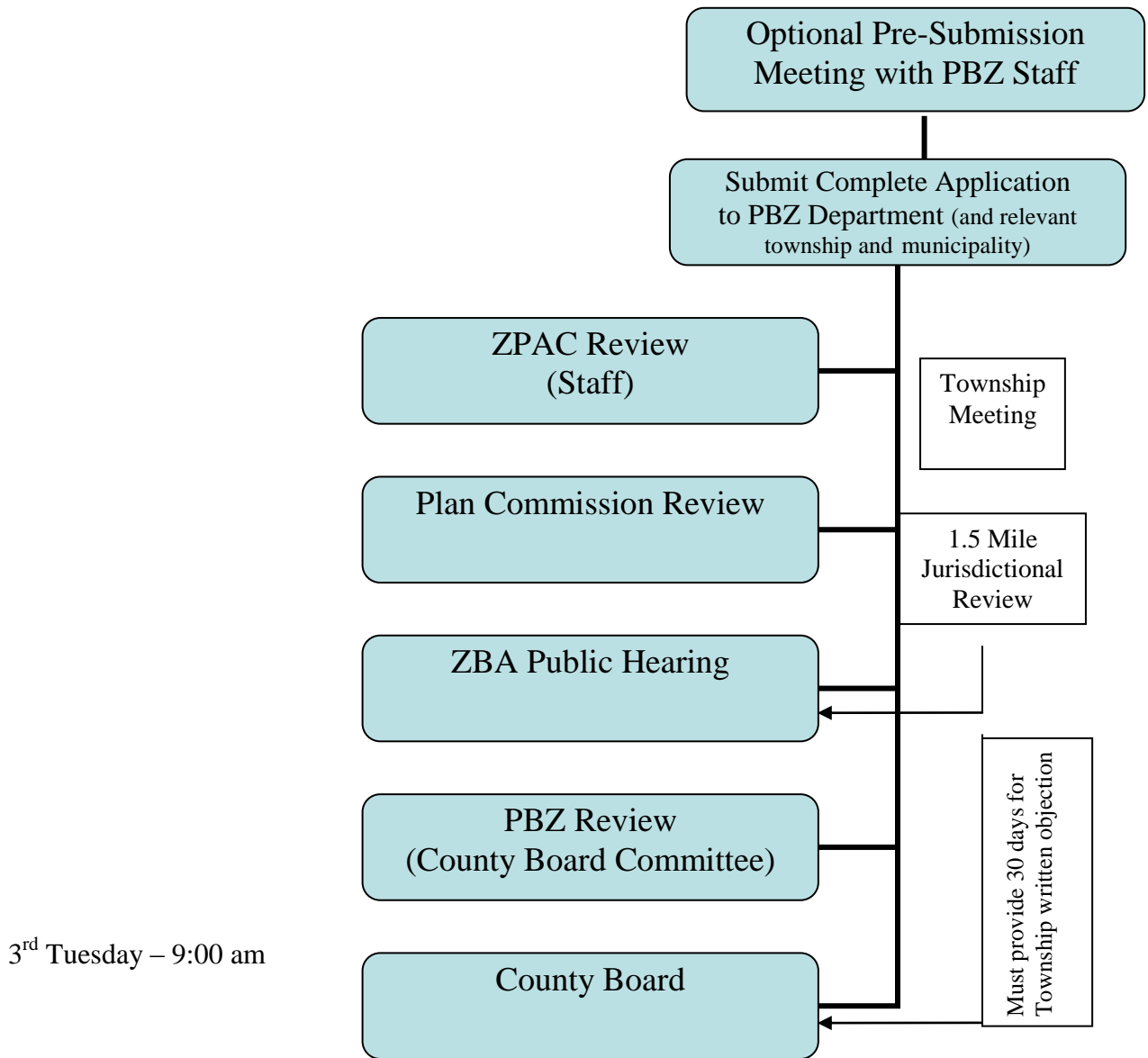
Conclusion

The Zoning Board of Appeals, Stormwater Oversight Committee and the Historic Preservation Commission are required per State law. The remaining committees could be abolished.

If you have any questions, please let me know.

MHA

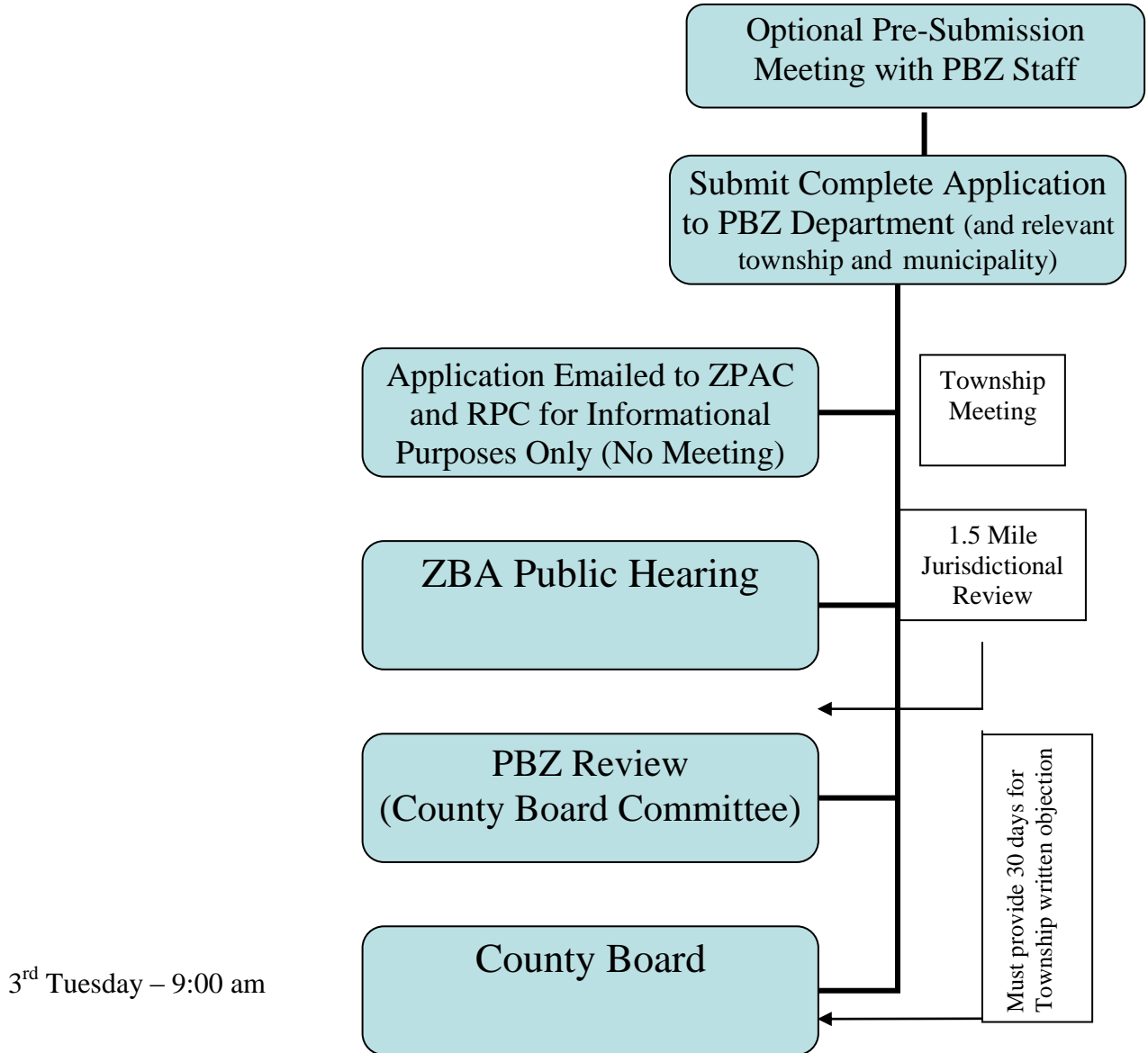
Existing Kendall County Rezoning Process (Map Amendment)



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the RPC agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the RPC or ZBA Hearing.

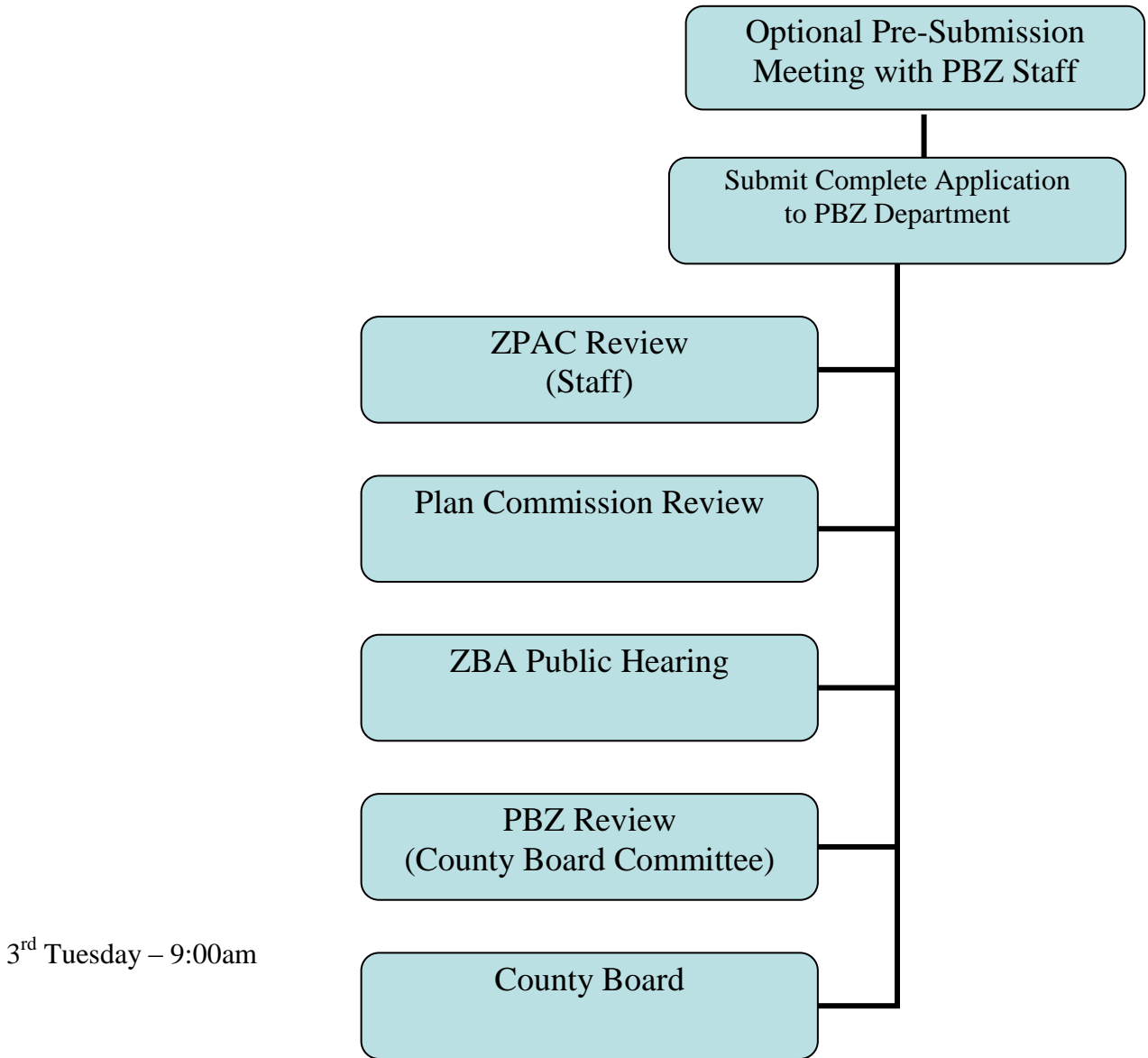
Proposed Amended Kendall County Rezoning Process (Map Amendment)



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC-or** ZBA Hearing.

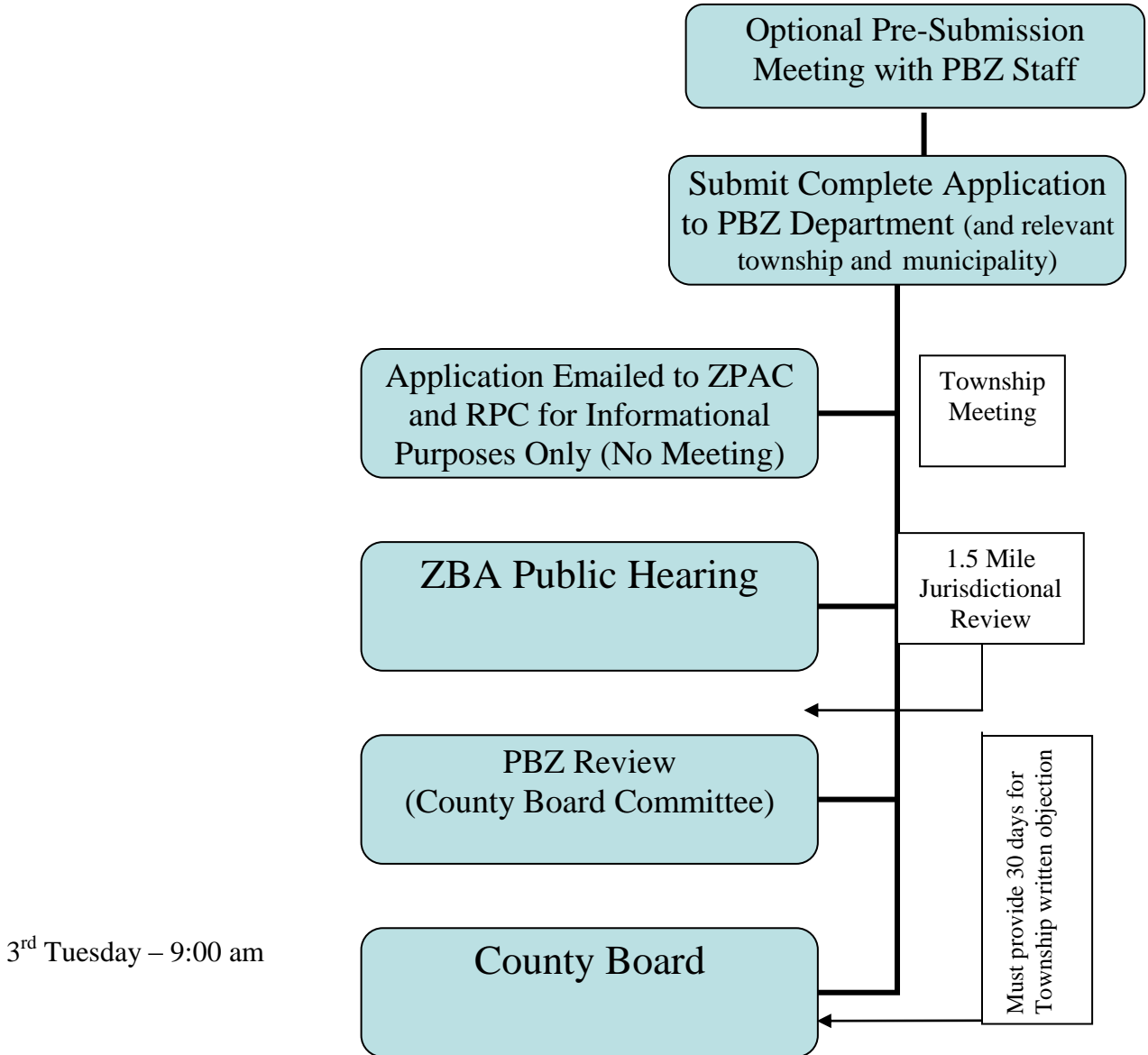
Existing Kendall County Text Amendment Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

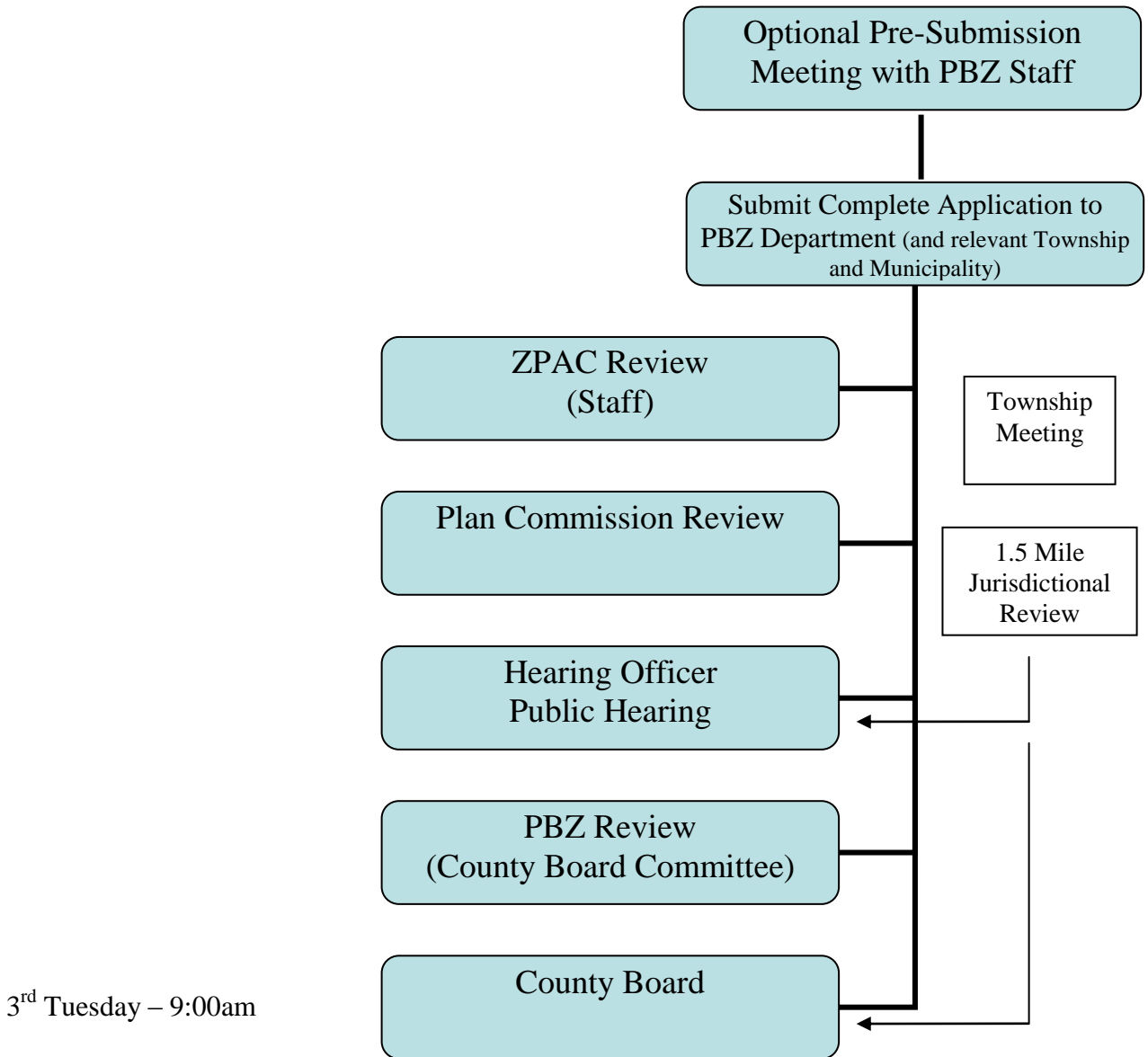
Proposed Amended Kendall County Text Amendment Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** or ZBA Hearing.
4. **The Plan Commission and ZPAC shall review all text amendments involving their powers and duties.**

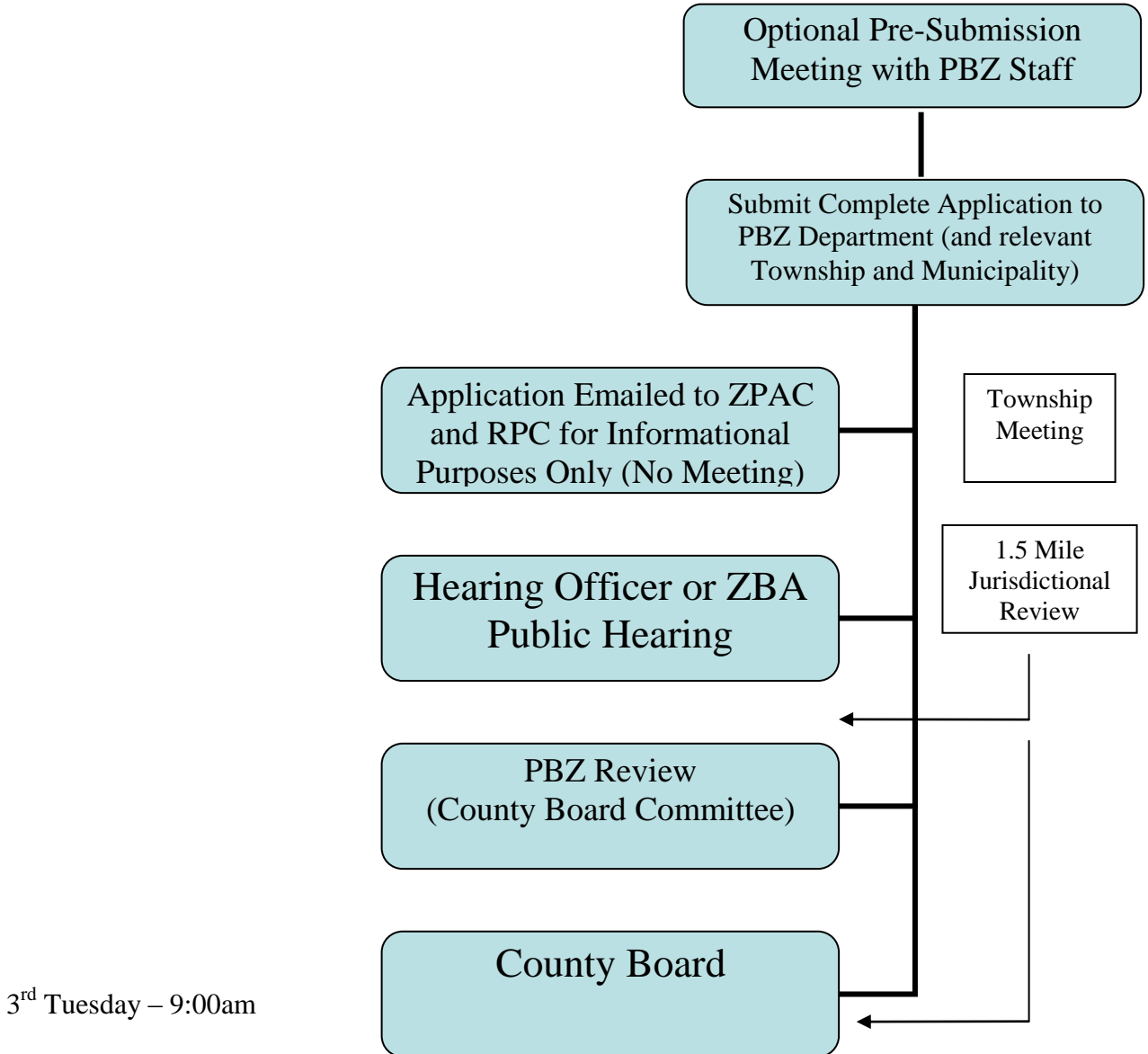
Existing Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Hearing Officer, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

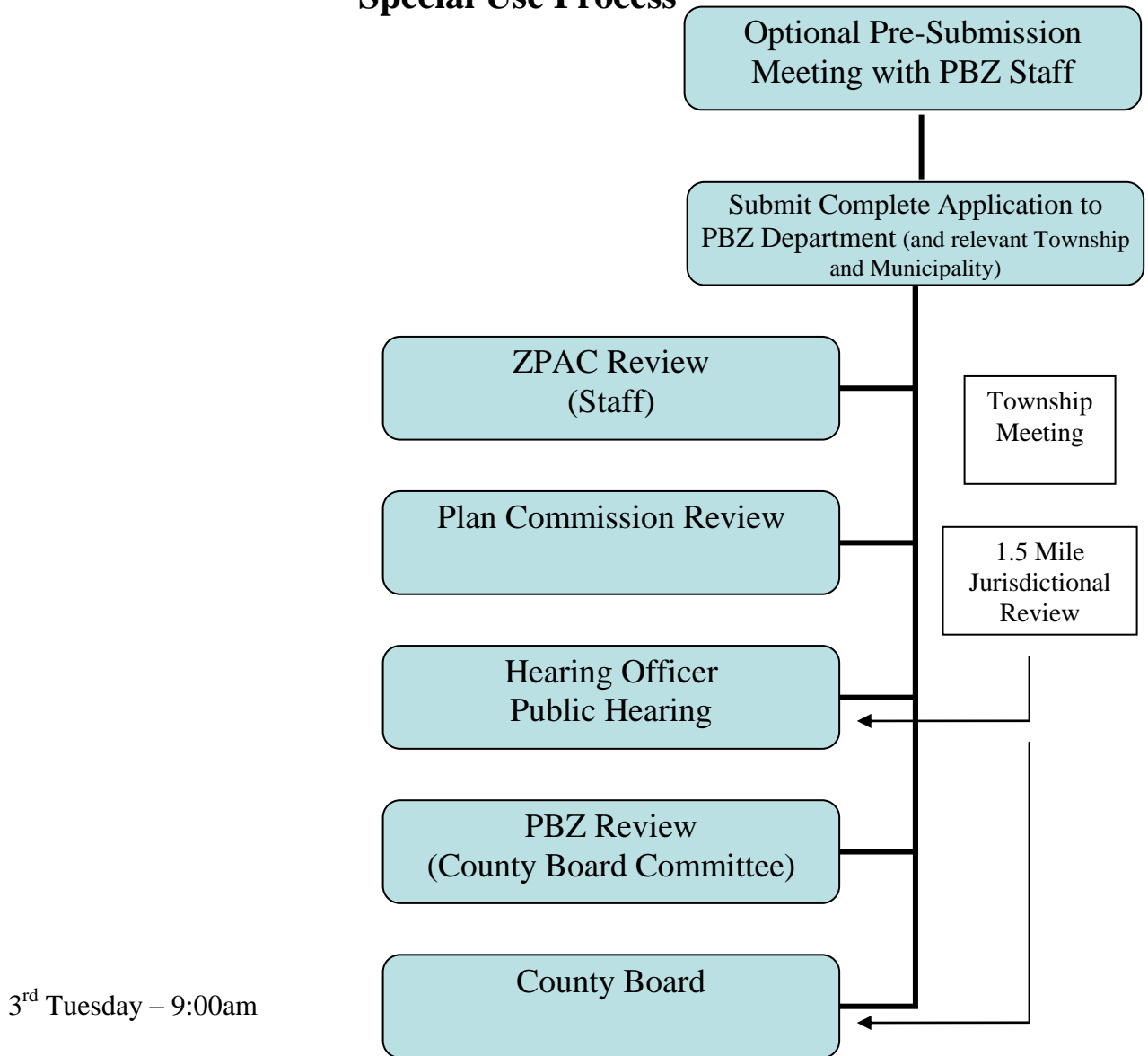
Proposed Amended Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Hearing Officer (**or Zoning Board of Appeals**), and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

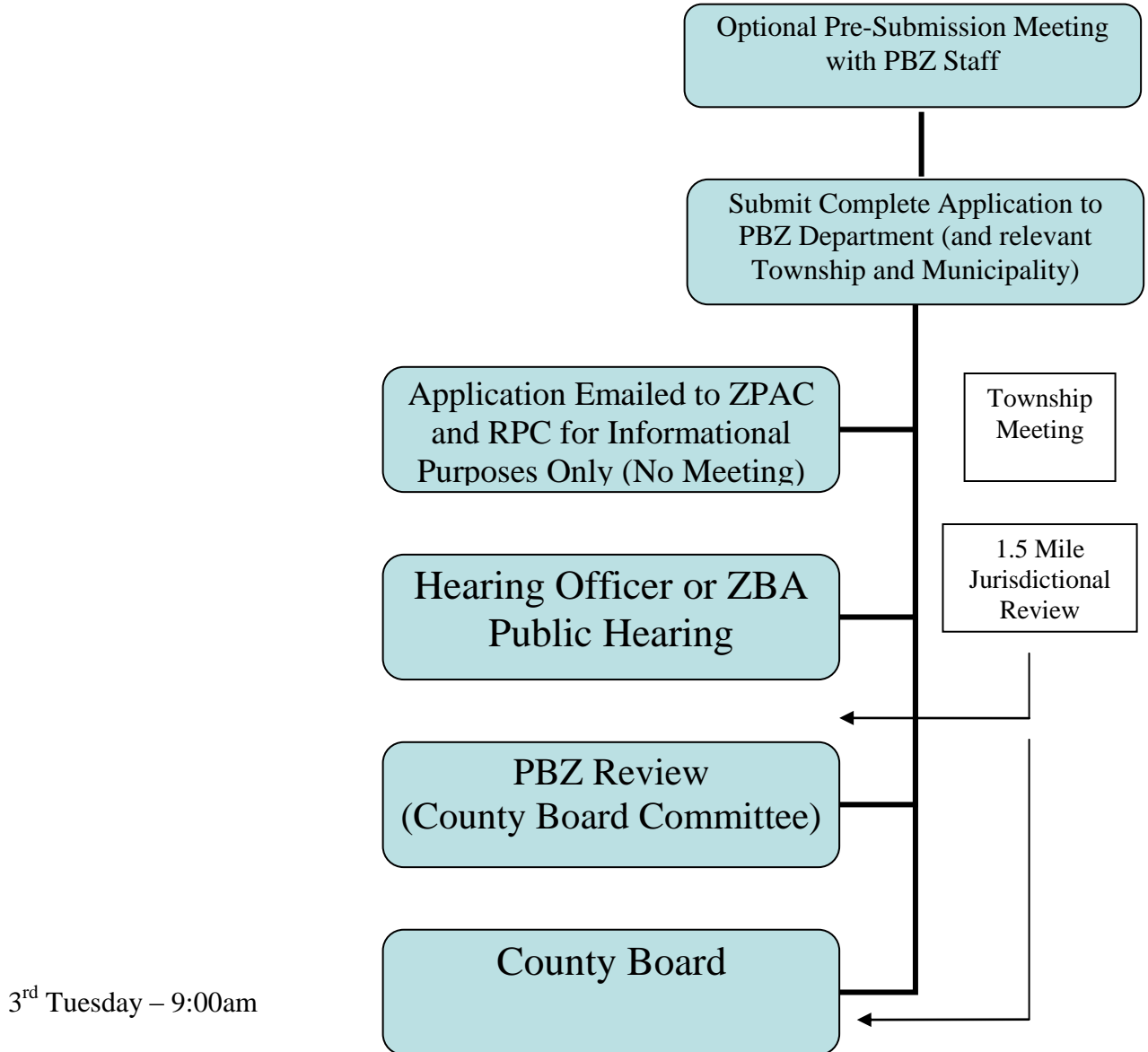
Existing Kendall County Major Amendment Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Hearing Officer, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

Proposed Amended Kendall County Major Amendment to an Existing Special Use Process

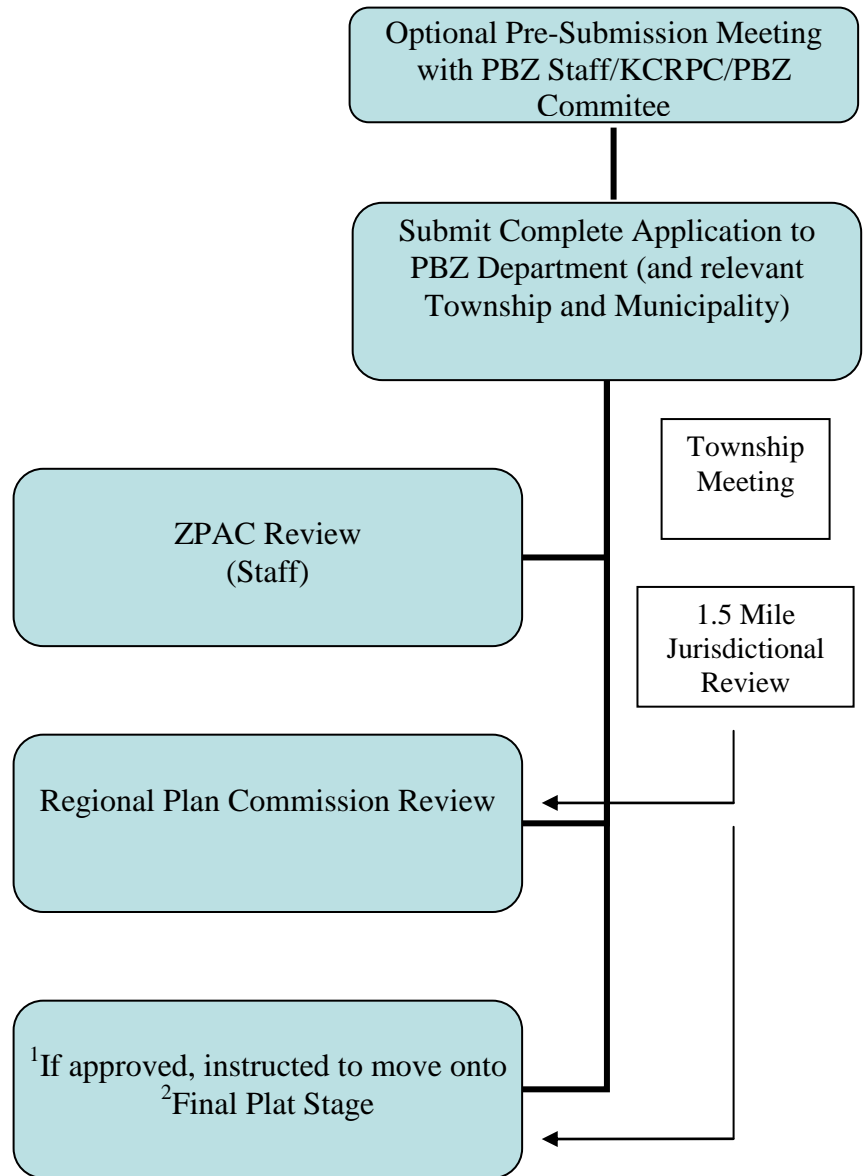


Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Hearing Officer (**or Zoning Board of Appeals**), and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

Existing-No Changes Proposed

Kendall County Preliminary Plat Process

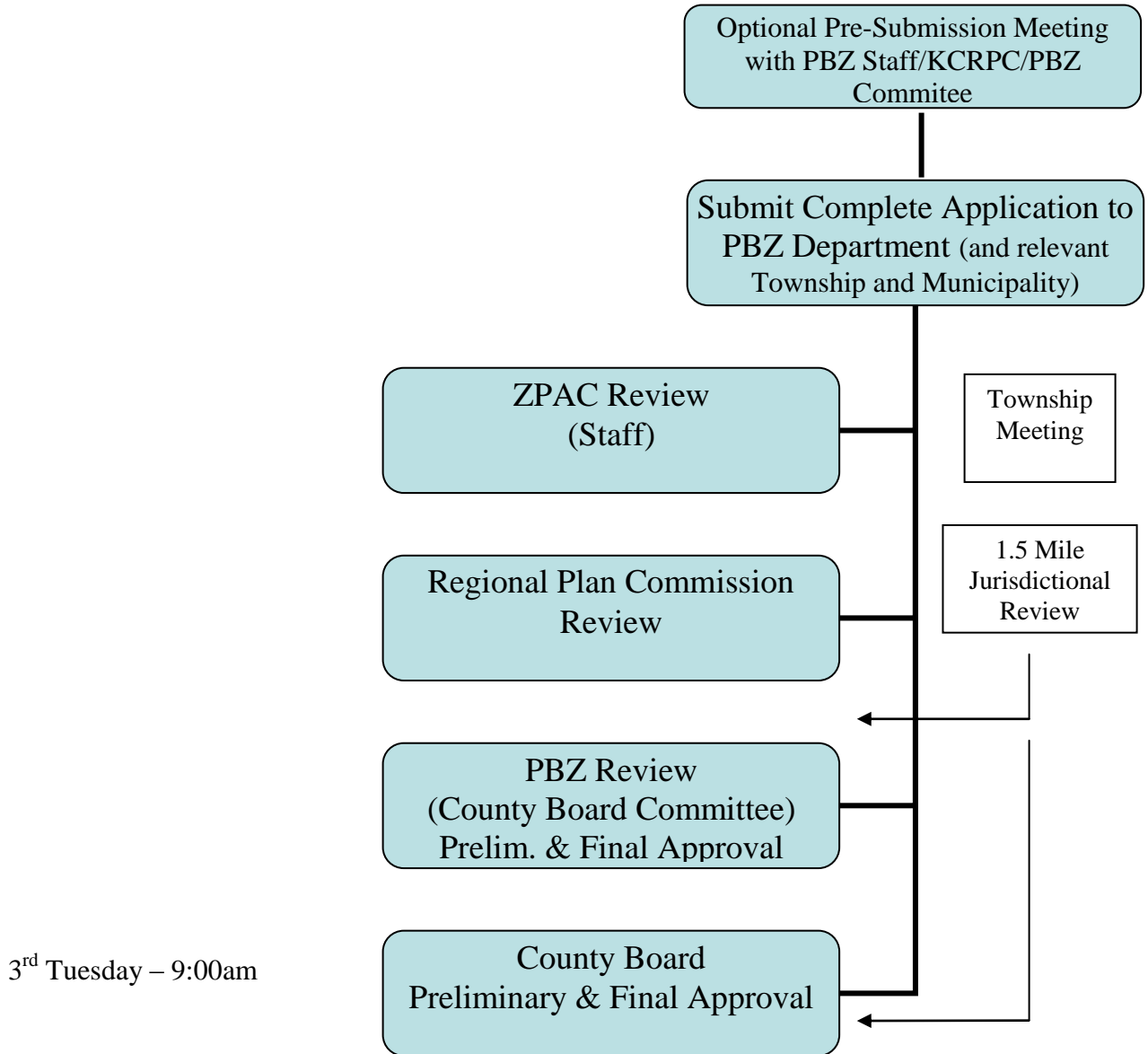


Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

Existing-No Changes Proposed

Kendall County Final Plat Process



Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

Plan CMS (Lisbon)	September-19	3 yr	Ashton, William Chair	16479 Ashley Rd	Minooka	60447
Plan CMS (Na-Au-Say Twp)	January-18	3 yr	Bledsoe, Roger	2176 Pembridge Lane	Joliet	60431
Plan CMS (Seward)	January-19	3 yr	Casey, Tom	13161 Grove Rd	Minooka	60447
Plan CMS (Kendall Twp)	January-19	3 yr	Shaw, John A.	8270 E. Highpoint Rd	Yorkville	60560
Plan CMS (Little Rock Twp)	January-19	3 yr	Nelson, Larry	3707 Laurie Ln	Plano	60545
Plan CMS (Bristol Twp)	January-19	3 yr	Rodriguez, Ruben	1318 Spring Str	Yorkville	60560
Plan CMS (Seward Twp)	January-20	3 yr	Wilson, Claire M	12624 McKanna Rd	Minooka	60447
Plan CMS (Millbrook/Fox Twp)	January-19	3 yr	Wormley, Budd Vice	P.O. Box 765	Oswego	60543
Plan CMS (Oswego Twp)	December-18	3 yr	Zubko, Angela	235 Dorset Ave	Oswego	60543
Plan CMS (Big Grove Twp)		3 yr				

**KENDALL COUNTY
ZONING BOARD OF APPEALS
MEMBERSHIP ROSTER- 5 Years**

Tom LeCuyer 303 East Main Street Plano, IL 60545 Appointed on 11.20.12	7/2022 Little Rock Township
Scott Cherry 6069 Schlapp Road Oswego, IL 60543 On since 9.26.06	7/2021 Na-Au-Say Township
Karen Clementi 5 Westleigh Court Montgomery, IL 60538 On since 1.3.11	9/2018 Oswego Township
Dick Thompson 14573 Big Grove Road Newark, IL 60541 Appointed on 4.16.13	7/2019 Big Grove
Randy Mohr (Chair) 408 Johnson Street Yorkville, IL 60560 Appointed PLAN COMMISSION ON 2.13.91 (Gave plaque from Plan Commission) Appointed to ZBA on 12.18.12	7/2019 Bristol TWP
Donna McKay P.O. Box 214 Yorkville, IL 60560 On since 3.31.98	7/2019 Kendall Township
Dick Whitfield 9911B Fox River Drive Newark, IL 60541 On since 9.28.10	7/2020 Fox Township

Updated 9.20.17