

AN ORDINANCE AMENDING KENDALL
COUNTY ZONING ORDINANCE AS AMENDED

WHEREAS, on motion duly made, seconded and passed at the meeting of the Board of Supervisors, held on the 13th day of October, 1970, an amendment to the Kendall County Zoning Ordinance was proposed; and

WHEREAS, the Zoning Board of Appeals has held a public hearing thereon in accordance with the Kendall County Zoning Ordinance; and

WHEREAS, the Kendall County Zoning Board of Appeals has recommended the adoption of an amendment to the Kendall County Zoning Ordinance pertaining to Section 13 of the Kendall County Zoning Ordinance.

THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Kendall, State of Illinois that the Zoning Ordinance of Kendall County, Illinois, adopted January 16th, 1940, as amended, be, and the same is hereby amended in respect to paragraphs, 13.7-2, 13.7-3, 13.7-4, 13.7-5 and 13.7-6 of Section 13, as follows:

13.7-2 Application for Special Use. An application for special use or expansion of a special use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Zoning Administrator and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth herein.

13.7-3 Hearing on Application. Upon receipt in proper form of the application and statement referred to in paragraph 13.7-2 of this section the Zoning Board of Appeals shall hold at least one public hearing in the township in which the property is located. At least (15) fifteen days in advance of each hearing notice of the time and place of such hearing shall be published in a newspaper of general circulation in Kendall County, shall be posted on the road or street frontage of the property for which a special use application has been filed, and shall be mailed to each municipality within one and one-half miles thereof. In addition, notice

of all hearings shall be sent to each civic or property owners' organization requesting notices of hearings on special uses or amendments.

13.7-4. Authorization. For each application for a special use the Zoning Board of Appeals shall report to the Board of Supervisors of Kendall County its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Board of Supervisors may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of twenty percent (20%) of the frontage across an alley or directly opposite therefrom, or-in cases where the land affected lies within one and one-half miles of the limits of a zoned municipality-by the City council or president and board of trustees of the zoned municipality with limits nearest adjacent, and filed with the County Clerk, such special use shall not be granted except by the favorable vote of three-fourths of all the members of the County Board of Supervisors.

13.7-5 Standards. No special use shall be recommended by the Zoning Board of Appeals unless said Board shall find:

- (a) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (b) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- (c) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Board of Supervisors pursuant to the recommendation of the Zoning Board of Appeals.

13.7-6 Conditions. The Zoning Board of Appeals may recommend and the Board of Supervisors may provide such conditions or restrictions upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood.

ADOPTED this 13th day of October, A.D. 1970.

ATTEST:

Jean P. Brady
Clerk

Russell Nolen
Chairman, Board of Supervisors
Kendall County, Illinois