



COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
County Office Building; Room 210
111 W. Fox Street; Yorkville

Thursday, November 14, 2019 at 4:00 PM
AGENDA

- 1. Call to Order and Pledge of Allegiance**
- 2. Roll Call:** Scott Gryder, Amy Cesich, Judy Gilmour, Matt Kellogg, Audra Hendrix, Matthew Prochaska, Robyn Vickers, Elizabeth Flowers, Scott Gengler, Tony Giles
- 3. Approval of Agenda**
- 4. Old Business**
 - From Admin HR Committee:**
 - *Discussion and Approval of GIS Department Legal Description Policy*
- 5. New Business**
 - From County Board Chair:**
 - *Review and Discussion of 2020 County Board Meeting Schedule*
 - From Finance Committee:**
 - *Approval of 2020 County Board Dues and Membership Listing*
 - From Planning, Building & Zoning Committee:**
 - *Discussion of Petition 19-21 Request from the Kendall County Planning, Building and Zoning Committee for Amendments to the Kendall County Land Cash Ordinance by Updating the School Enrollment Figures, Fair Market Value Calculation, Acreage Donation, and Related Tables*
 - *Discussion of Petition 19-31 Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Related Uses*
- 6. Public Comment**
- 7. Questions from the Media**
- 8. Chairman's Report**
- 9. Review Board Action Items**
- 10. Executive Session for the purpose of the review of discussion of minutes of meetings lawfully closed under the Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06, 5ILCS 120-2/21**
- 11. Adjournment**

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

**COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
Thursday, September 12, 2019**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE - The meeting was called to order at 4:04p.m. by County Board Chair Scott Gryder, who led the Pledge of Allegiance to the American Flag.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Amy Cesich	Present		
Elizabeth Flowers	ABSENT		
Scott Gengler	Here		
Tony Giles	Here		
Judy Gilmour	Here		
Scott Gryder	Here		
Audra Hendrix	Here		4:45p.m.
Matt Kellogg	Yes		
Matthew Prochaska		4:07p.m.	
Robyn Vickers	Here		

Others present: Matt Asselmeier, Assistant State's Attorney Leslie Johnson, Scott Koepfel

APPROVAL OF AGENDA –Member Gilmour made a motion to approve the agenda with the addition of adding a Public Comment item before the New Business item on the agenda, second by Member Giles. With eight member's present voting aye, the motion to approve the amended agenda carried by a vote of 8-0.

OLD BUSINESS - None

PUBLIC COMMENT

Nancy Thompson re: Ordinance Prohibiting Cannabis Business Establishments

NEW BUSINESS

From the Finance Committee:

Discussion of Updated Lakewood Springs –Dan Kramer, Attorney for the Petitioner, updated the committee on a new builder, MI Builders, interested in purchasing all 214 lots, and close in early November. Mr. Kramer stated that they are asking the County Board to approve the overall settlement of all real-estate taxes for all 214 lots at the same dollar amount that was negotiated before, and the SSA bonds on all 214 lots being cancelled with no further rewrite or other obligation. If approved, they would need the court-order by the first week of November. The total amount to the County would be approximately \$765,000. Member Kellogg stated that the Finance Committee was in favor of the approval.

There was consensus by the committee to forward the item to the October 1, 2019 County Board meeting for approval, and authorize the State's Attorney's Office to proceed with final agreement preparation subject to receiving final numbers from the Treasurer's Office.

From the Economic Development Committee:

Discussion of Kendall County Economic Development Organization – Member Hendrix updated the committee on the final determination by the DCEO about the use of revolving loan funds; the committee's plans to organize an Economic Development Corporation, and any County or individual liability to County Board members. Discussion of the total amount in the Revolving Loan fund, the continued and ongoing support of the Economic Development Corporation, the estimated cost for starting the corporation, and the cost for one full-time and one part-time employee.

Member Kellogg made a motion to forward the item back to the Economic Development Committee to clarify and define the plan, the Corporation Board, a five-year cash flow projection, anticipated business partner and County contributions, and start-up costs, second by Member Giles. **With nine members in attendance voting aye, the motion carried.**

From the Economic Development Committee:

Discussion and Approval of an Ordinance Prohibiting Cannabis Business Establishments – Discussion on the pros and cons of Cannabis Business Establishments in the County.

Member Giles made a motion to forward the item to the County Board for final approval, second by Member Gilmour.

ROLL CALL VOTE:

Member Gengler – Yes
Member Gryder – No
Member Gilmour – Yes
Member Hendrix – No
Member Vickers – No

Member Giles – Yes
Member Cesich – No
Member Kellogg – No
Member Prochaska – No
Member Flowers – ABSENT

With Members Gengler, Giles and Gilmour voting yes, and Members Gryder, Cesich, Kellogg, Hendrix, Prochaska and Vickers voting No, the motion FAILED by a vote of 3 yes – 6 no.

PUBLIC COMMENT

Janet Kenyon -

Sanford Stein – Approval of Cannabis Business Establishments in Kendall County

QUESTIONS FROM THE MEDIA – Jim Wyman, WSPY

REVIEW BOARD ACTION ITEMS – Chairman Gryder asked the committee to review the September 17, 2019 County Board agenda for accuracy, and any additional items needing to be added.

ITEMS FOR THE COMMITTEE OF THE WHOLE MEETING - None

CHAIRMAN’S REPORT – No report

EXECUTIVE SESSION – Not needed

ADJOURNMENT – Member Prochaska made a motion to adjourn the meeting, second by Member Gengler. **The meeting was adjourned at 5:35p.m.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Secretary

COUNTY OF KENDALL, ILLINOIS
Special Committee of the Whole Meeting
September 20, 2019
Meeting Minutes

Chairman Scott Gryder called the meeting to order at 9:09 a.m. at Friestad Dairy Farm (10065 Chicago Road, Newark).

Board Members Present: Scott Gryder, Amy Cesich, and Audra Hendrix,

Board Members Absent: Scott Gengler, Matt Kellogg, Matthew Prochaska, Robyn Vickers, Elizabeth Flowers, Tony Giles, and Judy Gilmour

County Personnel Present: Scott Koeppel, County Administrator, and Matt Asselmeier, Senior Planner

Due to the absence of a quorum no meeting occurred.

Matthew H. Asselmeier, AICP
Senior Planner

New GIS Policy Notice

After the recording of a document* that contains a legal description, an employee of the GIS Department may review the legal description.

If mapping errors are found that prompts a re-recording, an employee of the GIS Department may provide an image of the map and identify the following information.

- 1) The legal description does not create a closed boundary.**
- 2) The legal description includes property not owned by the document's Grantor.**
- 3) The legal description splits property.**
- 4) The legal description contains critical errors that prevent mapping.**

It is up to the attorney, title company employee, or other member of the public to consult with a licensed professional land surveyor on how to correct the errors.

For additional information, please see the full policy adopted by the County Board in November 2019.

*** Kendall County GIS cannot review legal descriptions prior to recording. Legal descriptions should be verified by the surveyor or attorney who drafted the document.**

Kendall County GIS Department Policy on Reviewing Legal Descriptions

(Effective November __, 2019)

Please be advised that this Policy is not intended to and does not create a contract of employment, express or implied, and this Policy does not alter the employment at-will relationship with Kendall County. This policy applies to all employees and interns of the Kendall County GIS Department, and it supersedes any and all other policies regarding or relating to review of legal descriptions previously adopted by the Employer.

According to the Illinois Professional Land Surveyor Act (225 ILCS 330/1, et seq.), only a licensed professional land surveyor may prepare a legal description. Given that statutory restriction, an employee of the Kendall County GIS Department may not:

- 1) prepare a full legal description;
- 2) review a legal description prior to recording of a document; or
- 3) provide advice on how to solve any error in a legal description.

If, after the recording of a document, a private attorney, title company employee, or other member of the public is notified by a County department or office of an error in the document's legal description, they may request the GIS Department to map the legal description. The GIS employee may provide the requester with an image of the map. The GIS employee may not provide any further information or opinion to the requester on the results of the mapping other than to identify the following:

- 1) The legal description does not create a closed boundary.
- 2) The legal description includes property not owned by the document's Grantor.
- 3) The legal description splits property.
- 4) The legal description contains critical errors that prevent mapping.

Kendall County does not map based on intent, and thus, the legal description on the recorded document must reflect the subject property at the time of recording.

Notwithstanding this policy, Kendall County GIS Department employees may provide assistance to other Kendall County departments and offices in accordance with applicable law.

Receipt of Kendall County GIS Department Policy on Reviewing Legal Descriptions

Your signature below affirms that you have received a copy of the Kendall County GIS Department Policy on Reviewing Legal Descriptions, which is effective November ____, 2019. By signing this acknowledgment form, you affirm that you have read and will abide by the Kendall County GIS Department Policy on Reviewing Legal Descriptions.

BY SIGNING BELOW, YOU ALSO UNDERSTAND THAT YOUR EMPLOYMENT WITH KENDALL COUNTY, ILLINOIS REMAINS EMPLOYMENT "AT-WILL", WHICH MEANS THAT YOUR EMPLOYMENT MAY BE TERMINATED AT ANY TIME, WITH OR WITHOUT CAUSE. YOU FURTHER UNDERSTAND THAT NOTHING IN THE KENDALL COUNTY GIS DEPARTMENT POLICY ON REVIEWING LEGAL DESCRIPTIONS IS INTENDED TO AND/OR DOES CREATE A CONTRACT OF EMPLOYMENT, EXPRESS OR IMPLIED.

Signature of Employee

Date

This form is to be signed and returned to the employee's immediate supervisor.

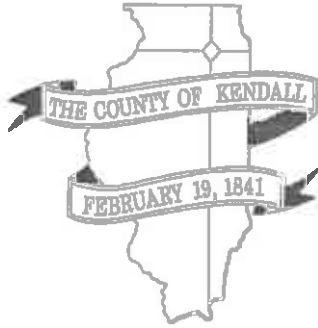
KENDALL COUNTY, ILLINOIS MEETING SCHEDULE 2020

**County Board Committee Meetings are in County Board Room 210, County Office Building,
111 W. Fox Street, Yorkville, unless noted otherwise below**

MONDAY		
Administration HR	1 st Monday of the month	5:30pm
Facilities Management	1 st Monday of the month	4:00pm
Zoning Board of Appeals	1 st Monday following Plan Commission Meeting	7:00pm
Law, Justice and Legislation <i>Location: Courthouse, 807 W. John Street</i>	2 nd Monday of the month	3:15pm
Health & Environment	3 rd Monday of the month	3:00pm
Historic Preservation	3 rd Monday of the month	6:30pm
Planning, Building & Zoning	Monday of the week before 2 nd Board Meeting	6:30pm
TUESDAY		
County Board (1 st Mtg)	1 st Tuesday of the month	6:00pm
ZPAC	1 st Tuesday of the month	9:00am
Highway Department <i>Location: HWY, 6780 Route 47</i>	2 nd Tuesday of the month	3:30pm
County Board (2 nd Mtg)	3 rd Tuesday of the month	9:00am
Tax Board of Review <i>Location: 111 W. Fox Street; Rm 303A</i>	Varies	1:00pm
WEDNESDAY		
Administration HR	3 rd Wednesday of the month	5:30pm
Animal Control	4 th Wednesday of the month	8:30am
Regional Planning Commission	4 th Wednesday of the month	7:00pm
Comprehensive Land Plan & Ordinance	4 th Wednesday of the month	5:00pm
THURSDAY		
Committee of the Whole	Thursday of the week before the 2 nd County Board Meeting	4:00pm
Finance (1 st Mtg)	Thursday of the week before the 2 nd County Board Meeting	5:00pm
Finance (2 nd Mtg)	Thursday of the week after the 2 nd County Board Meeting	5:00pm
Labor & Grievance	Thursday of the week of the 2 nd County Board Meeting	5:30pm
FRIDAY		
Economic Development	Last Friday of the month	9:00am

County Board Dues and Memberships

Association	Estimated Dues	Budget	Refund	Notes
IACBM	\$ 850.00	CB	No	
UCCI	\$ 760.00	CB	Yes	
NACO	\$ -	CB	Yes	Paid in 2019 by UCCI ~\$1,2000
ISACO	\$ 7,871.42	CB	No	Includes Large Counties Caucus
NW Water Planning	\$ 750.00	CB	No	
Metro West	\$ 125.00	CB	No	
CRGC	\$ 5,000.00	EDC	No	
Montgomery EDC	\$ 1,000.00	EDC	No	
Oswego Chamber	\$ 275.00	EDC	No	
Yorkville Chamber	\$ 175.00	EDC	No	
Sandwich Chamber	\$ 100.00	EDC	No	
Montgomery Chamber	\$ 150.00	EDC	No	
TOTAL	\$ 17,056.42			



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 Committee of the Whole
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: November 6, 2019
Re: Land Cash Ordinance

Following the August 2019 Committee of the Whole meeting, this proposal was referred back to the Planning, Building and Zoning Committee to discuss the possibility of having multiple fair market values.

At the September 9, 2019, Planning, Building and Zoning Committee meeting, the Committee requested Andy Nicoletti to calculate fair market values by school district using the same calculation that obtained the proposed fair market value of \$47,121 for the entire County (the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a 3-year period). The school district information, for sales both inside and outside municipalities, are as follows:

Newark-\$20,752, Oswego-\$58,328, Plano-\$43,844, Sandwich-\$52,141, Yorkville-\$49,328

No sales occurred in the Kendall County portion of the Plainfield, Lisbon, or Minooka school districts during the previous 3 years.

The current fair market value contained in the Land Cash Ordinance is \$72,680.

Based on the above information, at their meeting on October 7, 2019, the Planning, Building and Zoning Committee voted 5-0 to have one (1) fair market value and forward the proposal to the County Board.

In summary, the proposed changes to the Land Cash Ordinance are as follows:

1. The calculation for acreage donation for school sites contained in Section 1.B was updated to reflect updated design capacities in Table 3 caused by the addition of Murphy Junior High School.
2. The enrollment figures in Table 2 were updated from 2011-2012 enrollment data to 2019-2020 enrollment data.
3. The definition and references to "improved acre" contained in Section 1.C.4 were deleted.
4. The fair market value in Section 1.C.4 was set at \$47,121 using the calculation in number 5 below.
5. The calculation of the fair market value in Section 1.C.4 was set as the Kendall County Assessor's Office shall provide the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a 3-year period.
6. The chart of fair market value calculations was deleted.
7. The land cash donation calculation sheets were updated to reflect the new data.

A two-bedroom home would pay \$1,168.31 instead of \$1,814.10.
A three-bedroom home would pay \$2,231.83 instead of \$3,441.25.
A four-bedroom home would pay \$3,237.65 instead of \$4,969.27.
A five-bedroom home would pay \$2,900.44 instead of \$4,444.03.
The total acreage donation would increase from 3.054 acres to 3.074 acres.

A redlined version and clean copy of the proposal are attached.

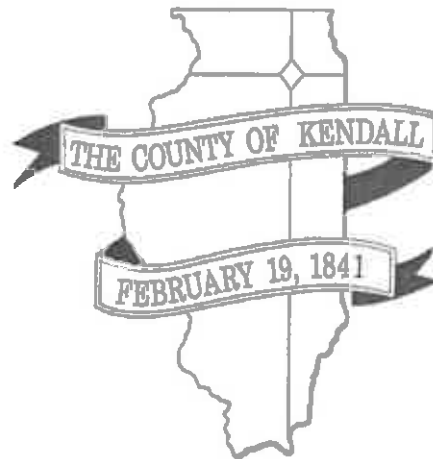
If you have any questions, please let me know.

Thanks,

MHA

Enc. Redlined Proposal
Clean Proposal

KENDALL COUNTY LAND CASH ORDINANCE



Last Revised ~~April 15, 2014~~ Month Day,
2019

(Ordinance ~~2014-09~~ 2019-XX)

Prior Updates:

(Amended April 15, 2014 – Ord. 2014-09)
(Amended July 15, 2013- Ord. 2013-16, complete overhaul)
(Amended May 19, 2009- Ord. 2009-16)
(Amended March 17, 2009 – Ord. 2009-08)
(Amended March 22, 2006 – Ord. 2006-17)
(Amended June 21, 2006- Ord. 2005-41)
(Amended January 16, 2001- Ordinance 2001-01)
(Amended March 18, 1999 - Ord. 1999-15)
(Amended November 13, 1995)
(Amended April 14, 1992)
(Amended August 8, 1989)
(Amended March 13, 1979)
(Adopted May 9, 1978)

(Resolution on March 13, 1973 recommending a Land Cash Ordinance be adopted)

KENDALL COUNTY LAND CASH ORDINANCE

Last Revised ~~April 15, 2014~~ Month Day, 2019 (Ordinance # ~~2014-09~~ 2019-XX)

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KENDALL COUNTY LAND CASH ORDINANCE

The County is dedicated to the concept that healthful, productive community life depends in part on the availability of recreational and park space and adequate school facilities. It has been found and determined that the location of park, forest preserve, recreation and school sites to serve the immediate and future needs of adults and children of each new subdivision or planned unit development is just as essential to proper land development as are street, water, sewers and sidewalks. To this end, Kendall County has determined that the dedication of land for parks, forest preserve, recreation and school sites or cash contributions in lieu of actual dedication or a combination of both, shall prevail upon all new final plats of residential subdivisions and planned unit developments. The impact upon schools and parks is likewise equally affected by construction of new dwellings that are not part of a platted subdivision and accordingly, cash contributions should be made with regard to such construction as well.

Therefore, in the public interest, convenience, health welfare and safety, the establishment of parks, recreation and school sites and facilities are required for each final plat of a residential subdivision.

SECTION 1 – DEDICATION OF PARK, FOREST PRESERVE AND SCHOOL SITES OR PAYMENTS IN LIEU THEREOF:

As a condition of approval of a final plat of subdivision or planned unit development, each individual subdivider or planned unit developer will be required to dedicate land or cash in lieu of actual land or a combination of both based on the recommendation of the affected district which will be the recipient of the contribution, but subject to final determination of the County Board in accordance with the following criteria; (all single family detached dwellings are considered four bedrooms for ordinance computations unless proven otherwise by individual or developer).

A. CRITERIA FOR REQUIRING PARK/FOREST PRESERVE DEDICATION

1. Location

Plans of the park district or forest preserve district or appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

2. Requirement and Population Ratio

The ultimate population density to be generated by a subdivision or planned unit development shall bear directly on the amount of land required to be dedicated for park and recreation sites. The acreage of land dedication requirement shall be determined by obtaining the total population of the development times 10 acres per 1,000 population. Total population is determined by applying the estimated ultimate population per dwelling unit table, as per the Ultimate Yield Table published by the Associated Municipal Consultants, to the number or respective units in the development. For purposes of the following example, it is presumed that each single family home will have 4 bedrooms. For other dwelling units such as townhouses and apartments, it is presumed that each unit will have 2 bedrooms.

3. Donation Requirement Calculation Examples:

Development "A" containing 200 single family homesites

$$\begin{matrix} \text{(units)} & \times & \text{(population factor)} & \times & \text{the required acreage} & = & \text{Total Acres} \\ & & \text{(from table 1)} & & \text{per 1000 population} & & \end{matrix}$$

$$200 \text{ units} \times 3.764 \times \frac{10 \text{ acres}}{1,000} = 7.53 \text{ acres}$$

4. Credit for Land Development

When land dedication is required by this ordinance, credit to developers for said dedication will be given according to the following criteria:

For dedications to a park district or forest preserve district, the first five (5) acres must be contiguous and in one location. Credit shall only be granted for parcels that consist of "buildable acreage". For the purposes of this ordinance "buildable

acreage” shall be considered those tracts or areas of land which are not encumbered with any of the following conditions:

- a. Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.),
- b. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps,
- c. Land within the right-of-way or easement of an existing roadway,
- d. Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).
- e. Soils subject to slumping.
- f. Land with severe slopes (in excess of 25%).

Land in excess of the above mentioned five acres, and land to be dedicated to the forest preserve district shall be credited as follows:

If the benefiting Park or Forest Preserve District determines it is in the best interest of the public at large to take ownership and maintenance of an existing or proposed wetland, it may choose to accept such a property however, no credit will be given. Furthermore the benefiting district may require the developer to provide three (3) years of maintenance after the initial planting of any new or supplemental plantings associated with such wetlands.

Partial credit may be granted at the discretion of such benefiting park or forest preserve district for “unbuildable land” as described above provided such land has been identified by a park or forest preserve district as potential or future linear parks, or such properties have been identified as potential greenway or trail linkages on an officially approved and adopted land use or open space plan.

The benefiting park district or forest preserve district may choose to recommend partial credit for manmade lakes or ponds that are judged to be of recreational or environmental benefit.

The total amount of credit granted for all land donated in any new subdivision shall be noted in any and all required development, PUD or donation agreements.

B) CRITERIA FOR REQUIRING SCHOOL SITE DEDICATION

1. Location

Plans of the affected school district or the appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

2. Requirement and Population Ratio

The ultimate number of students to be generated by a subdivision, planned unit development and/or special use permit shall bear directly upon the amount of land

required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of;

- a) estimated children to be served in each school classification (this number is determined by applying the estimated ultimate population per dwelling unit table (Table 1) to the number of respective units in the development) over the;
- b) actual average number of students to be served in each such school classification as stated herein, and then applying such ratio to the;
- c) said actual average number of acres for a school site of each such classification as stated herein.

The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification. For purposes of this computation it is presumed that each single family home will have 4 bedrooms. For other dwelling units, such as townhouses and apartments, it is presumed that each unit will have two (2) bedrooms.

Classification by Grades	Design Capacity per school classification	Minimum Acreage per school classification =	Acres Per Student Required
Elementary	850 students	15-20 acres	0.021
	671 students	13.85 acres	0.021
Middle	1125 students	30 acres	0.027
	921 students	19.44 acres	0.021
High School	3200 students	110 acres	0.034
	1643 students	62.05 acres	0.038
Number of Residential lots in Subdivision	Estimated school children x by school classification	Acres Per Student x Required	Acreage = Per School Classification

Example: Development "A" is composed of 100 single family "4 bedroom" units:

Elementary
~~100 x 0.644 x (17.5/850) = 1.326 acres~~
 100 x 0.644 x (13.85/671) = 1.327 acres

Middle
~~100 x 0.184 x (30/1125) = 0.490 acres~~
 100 x 0.184 x (19.44/921) = 0.3864 acres

High School
~~100 x 0.36 x (110/3200) = 1.238 acres~~
 100 x 0.36 x (62.05/1643) = 1.361 acres
 Total Acreage = 3.054 acres
 = 3.074 acres

C) CRITERIA FOR REQUIRING A CASH CONTRIBUTION IN LIEU OF LAND FOR PARK, PRESERVE, RECREATIONAL OR SCHOOL SITES.

1. Determination Of Cash-in-lieu of Land Donations:

When available land is inappropriate for park, forest preserve or school sites, as determined by local agency officials, the County shall require a cash contribution in lieu of land dedication by the subdivider or unit developer. The county shall furthermore require a cash contribution for all residential dwellings constructed that are not part of a platted subdivision.

2. Collection of Fees:

- a) The cash contribution in lieu of park and recreation land dedication shall be held in an interest bearing account by the Treasurer of the County, or other public body designated by the County, solely for the acquisition of park or recreational land as herein classified, which will be available to serve the immediate and future needs of the residents of that subdivision or development, or for the improvement of other existing local park and recreation lands which already serve such needs. Distribution of cash contributions shall be made on a quarterly basis to appropriate park/forest preserve/recreation land agents.
- b) The cash contribution in lieu of school sites shall be held in an interest bearing account by the Treasurer of the County or other public body designated by the County. Said funds shall be used solely for the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or for the construction of a new school or improvement to any existing school site or buildings which already serve or will serve such need. Distribution of cash contributions shall be made on a quarterly basis to appropriate districts.
- c) Unless otherwise approved by the affected school, park or forest preserve district, the total cash contribution required shall be determined prior to the approval of the final plat and shall be based upon the generation tables and fair market values in effect at the time of recording. If a subdivision contains more than three lots, the Owner/subdivider/developer may choose to pay the cash-in-lieu contribution at the time of issuance of a building permit for each individual lot or as a lump sum payment prior to the recoding of the final subdivision plat.

The cash contribution required for a residential unit not part of a platted subdivision shall be determined in the same manner as for other residential developments and shall be determined and collected prior to the issuance of a building permit by using the generation tables and Fair market Values in effect at time of issuance of the permit. This ordinance does not apply to reconstruction.

- d) Up-front payments made at the time of recording of a final plat shall be computed on the basis of all lots having four bedrooms homes. In those instances in which payment is to be collected at the time of issuance of an individual building permit, the fee to be collected will be based on the actual

number of bedrooms as determined by the County based upon the architectural plans submitted.

The payment procedures agreed upon as well as the generation tables and fair market values in effect at the time of recording shall be noted in any and all development agreements and shall be disclosed to all prospective lot purchasers prior to execution of a sales contract for any lot in the development. A note disclosing this obligation shall also appear on all plats submitted for recording.

3. Criteria for Requiring Land Dedication and a Fee

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary; these occasions will arise when:

a) Only a portion of the land to be developed is proposed as the location for a park, preserve, recreation or school site. That portion of the land within the subdivision falling within the school, park or forest preserve location shall be dedicated as a site as stated earlier, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.

b) A major part of the park, preserve, recreation or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication and a cash contribution in lieu thereof shall be required.

4. Fair Market Value

The cash contributions in lieu of land shall be based on the "Fair Market Value" of the acres of land in the area improved that otherwise would have been dedicated as park, preserve, recreation or school sites. ~~An "Improved Acre" is defined as a tract of land improved with streets, curbs, water, storm sewer, sanitary sewer, electrical, natural gas and telephone service.~~ Fair Market Value for land not part of a subdivision or a planned unit development shall also be calculated on the Fair Market Value ~~of an improved acre.~~ The Fair Market Value may be adjusted anytime by official action of the County Board. As of ~~April 15, 2014~~ Month Day, 2019, the Fair Market Value ~~of an improved acre~~ is determined to be ~~\$72,680~~ \$47,121. The Fair Market Value ~~of an improved acre~~ is calculated as follows:

- ~~(1) Determine "numerator" consisting of the summation of assessed values for the most recent three consecutive years of Improved lots (R/40), Improvements (R/40) and Farm Homesites (F1/11) as shown in the final abstracts of assessed property values on Form PTAX-260-A, provided by the County Chief Assessor,~~
- ~~(2) Determine "denominator" consisting of the summation of the number of improved acres of Improved lots (R/40), Improvements (R/40) and Farm Homesites (F1/11) within the County for the most recent three consecutive years,~~
- ~~(3) Divide "numerator" by "denominator" and multiply by three to convert to Fair Market Value of an improved acre.~~

~~*The total number of acres was provided by the GIS Department in April*~~

The Kendall County Assessor's Office shall provide the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a 3 year period.

In the event a subdivider or developer files a written objection to the Fair Market Value as specified herein, said subdivider or developer shall submit their own study of the Fair Market Value of land showing the comparable cost of land within the affected district. In that event, final determination of the Fair Market Value to be used in such calculations shall be made by the County Board, based upon such cost information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others.

Dual districts will be treated as they are affected by the impact of the subdivision or development within their territories: elementary and middle school contributions shall go to the elementary district and high school contributions shall go to the high school district.

5. Conveyance of Land

The subdivider or developer shall convey to the respective school district, park or forest preserve the land required under this agreement within 90 days after request by the district.

6. Density Formula

The attached table, marked as Table 1 being the same as Estimated Ultimate Population per Dwelling Unit, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in lieu thereof unless a written objection is filed thereto by the subdivider or developer.

In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population Per Dwelling Unit, attached hereto, said subdivider or developer shall submit their own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development and in that event final determination of the density formula to be used in such calculations shall be made by the County Board, based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula components for the dedication of land, or the payment of fees in lieu thereof, as stated herein is subject to periodic review and amendment upon verification of current data by the Kendall County Board or its designee.

7. Reservation of Additional Land

Where the park district, forest preserve district or school district's plan or standards of the County Plan call for a larger amount of park and recreational land or school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchases by the County or other public body designated by the County, provided that the designated public body/governing agency and developer approve a contract for the sale of land from the developer to the designated public body, in the form of a land purchase

agreement, right of first refusal or option to purchase before final plat approval. However, the designated public body/governing agency and developer may jointly request in writing that the County, upon approval by the County Board, allow an extension of a specified time to finalize the future sale of land from the developer to the designated public body, in the form of a land purchase agreement, right of first refusal or option to purchase.

8. Site Condition

The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading and seeding as well as the installation of drainage and other required improvements on sites to be dedicated for park, preserve or school uses will be performed by the developer according to the plans, specifications and design criteria provided by the benefiting park, preserve or school district.

9. Improved Sites

At the time of dedication and conveyance to the benefiting district, all sites shall be in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefore. Such sites and the required improvements shall conform to all standards, specifications, plans and design criteria as provided by the benefiting park, forest preserve or school district.

10. Agreements

The details regarding the type and amount of any land or cash donations or credits to be supplied in fulfillment of this ordinance, and any terms or conditions attendant thereto, shall be included and specified in the corresponding PUD or development agreement required to be supplied and executed in conjunction with any new residential subdivisions approved by the County and such other agreements as may be required by the benefiting school, park or forest preserve district.

**ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT
CHILDREN PER UNIT**

Type of Unit	Pre-School 0-4 Years	Elementary Grades K-6 5-11 Years	Junior High Grades 7-8 12-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years +	Total Per Dwelling Unit
Detached Single Family							
2 Bedroom	0.113	0.143	0.041	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.422	0.120	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.644	0.184	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.461	0.132	0.593	0.300	2.594	3.770
Attached Single Family							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.106	0.030	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.227	0.065	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.370	0.106	0.476	0.173	2.173	3.145
Apartments							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.100	0.028	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.278	0.079	0.357	0.118	2.526	3.053

Note:

There are only three significant categories provided in this chart. Because of the similarity of yields of all types of attached single family dwelling units, only one category is provided. The same is true with apartments; thus, only one category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

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Associated Municipal Consultants,
Naperville, Illinois

TABLE 1

DEMOGRAPHICS

Existing Kendall County Public School Sites

Schools Grouped by Type		Enrollment 19-20	Average # Students	Acres Per Site	Average Acreage/Site	Acres Per Student
Existing High School Sites						
Plainfield #202	Plainfield South H.S.	2,428		80.00		
Yorkville #115	Yorkville H.S.	1,417		67.00		
Yorkville #115	Yorkville High School Academy	489		21.10		
Plano #88	Plano H.S.	703		40.00		
Oswego #308	Oswego H.S.	2,807		116.70		
Oswego #308	Oswego East H.S.	2,749		100.75		
Newark H. S. #18	Newark H.S.	168		8.79		
		<u>10,761</u>	1,537.29	<u>434.34</u>	62.05	0.0404
Existing Jr. High Sites						
Oswego #308	Thompson Jr. H.S.	889		19.68		
Oswego #308	Traughber Jr. H.S.	1,111		21.84		
Oswego #308	Karl Plank Jr. H.S.	809		14.48		
Oswego #308	Murphy Jr. H.S.	820		30.50		
Plainfield	Aux Sable M.S.	972		26.50		
Plano #88	Plano M.S.	387		12.41		
Yorkville #115	Yorkville M.S.	987		21.60		
Newark #66	Millbrook Jr. H.S.	120		8.49		
		<u>6,095</u>	761.88	<u>155.50</u>	19.44	0.0255
Existing Elementary School Sites						
Oswego #308	East View G.S.	65		18.25		
Oswego #308	Hunt Club Elementary	710		14.35		
Oswego #308	Boulder Hill G.S.	625		12.00		
Oswego #308	Old Post G.S.	472		17.60		
Oswego #308	Long Beach Elementary	453		9.20		
Oswego #308	Lakewood Creek Elem. School	695		18.00		
Oswego #308	Prairie Point Elem.	461		15.80		
Oswego #308	Churchill Elementary	523		23.81		
Oswego #308	Brokaw Early Learning Center (ag	557				
Oswego #308	Grande Park Elementary	605		36.95		
Oswego #308	Southbury Elementary	592		21.25		
Oswego #308	Fox Chase G.S.	584		12.00		
Lisbon G.S. #90	Lisbon Grade School	121		5.31		
Newark #66	Newark Grade School	115		5.00		
Minooka #201	Jones Elementary School	640		15.00		
Plainfield	Thomas Jefferson Elem.	639		11.78		
Plainfield	Charles Reed Elementary	531		14.47		
Plano #88	PH Miller	430		10.51		
Plano #88	Centennial	344		6.33		
Plano #88	Emily G Johns School Elem.	467		15.05		
Yorkville #115	Yorkville Intermediate	637		10.00		
Yorkville #115	Yorkville G.S.	177		4.00		
Yorkville #115	Circle Center Grade School	537		16.40		
Yorkville #115	Bristol Grade School	259		4.36		
Yorkville #115	Autumn Creek Elementary	678		16.00		
Yorkville #115	Bristol Bay Elementary	560		14.75		
Yorkville #115	Grande Reserve Elementary	528		12.00		
		<u>13,005</u>	481.67	<u>360.17</u>	13.34	0.0277

TABLE 2

**Kendall County Public Schools
Existing School Site Acreage and Design Capacity Statistics**

Grouped By School Type		Design Capacity	Average Ave. Capacity	Acres Per Site	Average Acreage/Site	Acres Per Student
High School						
Plainfield #202	Plainfield South H.S.	2400.00		80.00		
Yorkville #115	Yorkville H.S.	1500.00		67.00		
Yorkville #115	Yorkville H.S. Academy	600.00		21.10		
Plano #88	Plano H.S.	1000.00		40.00		
Oswego #308	Oswego H.S.	2400.00		116.70		
Oswego #308	Oswego East H.S.	3200.00		100.75		
Newark H. S. #18	Newark H.S.	400.00		8.79		
		<u>11500.00</u>	1642.86	<u>434.34</u>	62.05	0.0378
Middle School						
Oswego #308	Karl Plank Jr. H.S.	1000.00		14.48		
Oswego #308	Thompson Jr. H.S.	1125.00		19.68		
Oswego #308	Traughber Jr. H.S.	1200.00		21.84		
Oswego #308	Murphy Jr. H.S.	1200.00		30.50		
Plainfield	Aux Sable M.S.	900.00		26.50		
Plano #88	Plano M.S.	500.00		12.41		
Yorkville #115	Yorkville M.S.	1200.00		21.60		
Newark #66	Millbrook Jr. H.S.	240.00		8.49		
		<u>7365.00</u>	920.63	<u>155.50</u>	19.44	0.0211
Elementary School						
Oswego #308	East View G.S.	750.00		18.25		
Oswego #308	Hunt Club Elementary	900.00		14.35		
Oswego #308	Boulder Hill G.S.	750.00		12.00		
Oswego #308	Old Post G.S.	600.00		17.60		
Oswego #308	Long Beach Elementary	750.00		9.20		
Oswego #308	Lakewood Creek School	900.00		18.00		
Oswego #308	Prairie Point Elem.	750.00		15.80		
Oswego #308	Fox Chase G.S.	900.00		12.00		
Oswego #308	Churchill Elementary	750.00		23.81		
Oswego #308	Brokaw Early Learning	500.00				
Oswego #308	Grande Park Elementary	725.00		36.95		
Oswego #308	Southbury Elementary	900.00		21.25		
Lisbon G.S. #90	Lisbon Grade School	245.00		5.31		
Minooka #201	Jones Elementary School	750.00		15.00		
Newark #66	Newark Grade School	275.00		5.00		
Plainfield	Thomas Jefferson Elem.	850.00		11.78		
Plainfield	Charles Reed Elementary	850.00		14.47		
Plano #88	PH Miller	650.00		10.51		
Plano #88	Centennial	600.00		6.33		
Plano #88	Emily G Johns School Elem.	600.00		15.05		
Yorkville #115	Yorkville Circle Center	600.00		16.40		
Yorkville #115	Yorkville Intermediate	750.00		10.00		
Yorkville #115	Autumn Creek Elementary	750.00		16.00		
Yorkville #115	Bristol Bay Elementary	650.00		14.75		
Yorkville #115	Yorkville G.S.	300.00		4.00		
Yorkville #115	Grand Reserve	650.00		12.00		
Yorkville #115	Bristol G.S.	425.00		4.36		
		<u>18120.00</u>	671.11	<u>360.17</u>	13.85	0.0206

TABLE 3

Land Cash Donation Calculation Sheet - (2014)(2019)

Unit Type: Two-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

		<u>10.0 acres</u>			
<u>(#Dwelling Units) x (Total Population per Unit) x</u>		<u>1,000 population</u>	<u>x (\$72,680) = Contribution per Unit</u>		
(1 unit) x	(2.017)	x	(0.010)	x	(\$72,680) = \$1,465.96
(1 unit) x	(2.017)	x	(0.010)	x	(\$47,121) = \$950.43

School Donation:

		<u># acres per school type</u>		<u>x Fair Market Value</u>	
<u>(#Dwelling Units) x (Students per Unit by Grade) x school capacity by school type x</u>		<u>(\$72,680) (\$47,121) = Contribution per Unit</u>			

Elementary

(1 unit) x	(0.143)	x	(0.021)	x	(\$72,680) = \$ 218.26
(1 unit) x	(0.143)	x	(0.021)	x	(\$47,121) = \$ 141.50

Middle School

(1 unit) x	(0.041)	x	(0.027)	x	(\$72,680) = \$ 80.46
(1 unit) x	(0.041)	x	(0.021)	x	(\$47,121) = \$ 40.57

Hlgh School

(1 unit) x	(0.020)	x	(0.034)	x	(\$72,680) = \$ 49.42
(1 unit) x	(0.020)	x	(0.038)	x	(\$47,121) = \$ 35.81

Total School Contribution

= \$ **348.14**
= \$ **217.88**

Forest Preserve Contribution

\$ **1,465.96 (\$950.43)**

+ Total School Contribution

+ \$ **348.14 (\$217.88)**

Total Contribution per 2- Bedroom Unit

\$ **1,814.10 (\$1,168.31)**

Land Cash Donation Calculation Sheet - (2014)(2019)

Unit Type: Three-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

		<u>10.0 acres</u>			
<u>(#Dwelling Units) x (Total Population per Unit) x</u>		<u>1,000 population</u>	<u>x (\$72,680) = Contribution per Unit</u>		
(1 unit)	x (2.899)	x (0.010)	x (\$72,680) = \$ 2,106.99		
(1 unit)	x (2.899)	x (0.010)	x (\$47,121) = \$1,366.04		

School Donation:

		<u># acres per school type</u>		<u>x Fair Market Value</u>	
<u>(#Dwelling Units) x (Students per Unit by Grade) x</u>		<u>school capacity by school type</u>		<u>x (\$72,680) (\$47,121) = Contribution per Unit</u>	

Elementary

(1 unit)	x	(0.422)	x	(0.021)	x (\$72,680) = \$ 644.09
(1 unit)	x	(0.422)	x	(0.021)	x (\$47,121) = \$ 417.58

Middle School

(1 unit)	x	(0.120)	x	(0.027)	x (\$72,680) = \$ 235.48
(1 unit)	x	(0.120)	x	(0.021)	x (\$47,121) = \$ 118.74

High School

(1 unit)	x	(0.184)	x	(0.034)	x (\$72,680) = \$ 454.69
(1 unit)	x	(0.184)	x	(0.038)	x (\$47,121) = \$ 329.47

Total School Contribution

= \$ 1,334.26

\$ 865.79

\$ 2,106.99 \$1,366.04

Forest Preserve Contribution

+ Total School Contribution

+ \$ 1,334.26 \$865.79

Total Contribution per 3 - Bedroom Unit

\$ 3,441.25 \$2,231.83

Land Cash Donation Calculation Sheet - (2014)(2019)(\$47,121)

Unit Type: Four-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

				<u>10.0 acres</u>		
<u>(#Dwelling Units) x (Total Population per Unit) x</u>		<u>1,000 population</u>		<u>x (\$72,680) = Contribution per Unit</u>		
(1 unit)	x	(3.764)	x	(0.010)	x (\$72,680) =	\$ 2,735.68
(1 unit)	x	(3.764)	x	(0.010)	x (\$47,121) =	\$ 1,773.63

School Donation:

				<u># acres per school type</u>	<u>x Fair Market Value</u>	
<u>(#Dwelling Units) x (Students per Unit by Grade) x</u>		<u>school capacity by school type</u>		<u>x (\$72,680) (\$47,121)=Contribution per Unit</u>		
Elementary						
(1 unit)	x	(0.644)	x	(0.021)	x (\$72,680) =	\$ 982.92
(1-unit)	x	(0.644)	x	(0.021)	x (\$47,121) =	\$ 637.26
Middle School						
(1 unit)	x	(0.184)	x	(0.027)	x (\$72,680) =	\$ 361.07
(1 unit)	x	(0.184)	x	(0.021)	x (\$47,121) =	\$ 182.08
High School						
(1 unit)	x	(0.360)	x	(0.034)	x (\$72,680) =	\$ 889.60
(1 unit)	x	(0.360)	x	(0.038)	x (\$47,121) =	\$ 644.62
Total School Contribution					= \$ 2,233.59	
					\$ 1,463.96	
Forest Preserve Contribution					\$ 2,735.68 \$1,773.63	
+ Total School Contribution					+ \$ 2,233.59 \$1,463.96	
Total Contribution per 4- Bedroom Unit					\$ 4,969.27 \$3,237.65	

TABLE 4 (Page 3 of 4)

Land Cash Donation Calculation Sheet- (2014)(2019)

Unit Type: Five-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

		<u>10.0 acres</u>			
<u>(#Dwelling Units) x (Total Population per Unit) x</u>		<u>1,000 population</u>			<u>x (\$72,680) = Contribution per Unit</u>
(1 unit) x	(3.770)	x	(0.010)	x	<u>(\$72,680) = \$ 2,740.04</u>
(1 unit) x	(3.770)	x	(0.010)	x	<u>(\$47,121) = \$ 1,776.46</u>

School Donation:

		<u># acres per school type</u>			
<u>(#Dwelling Units) x (Students per Unit by Grade) x</u>		<u>school capacity by school type</u>			<u>x (\$72,680) (\$47,121)=Contribution per Unit</u>

Elementary

(1 unit) x	(0.461)	x	(0.021)	x	<u>(\$72,680) = \$ 703.62</u>
(1 unit) x	(0.461)	x	(0.021)	x	<u>(\$47,121) = \$ 456.18</u>

Middle School

(1 unit) x	(0.132)	x	(0.027)	x	<u>(\$72,680) = \$ 259.03</u>
(1 unit) x	(0.132)	x	(0.021)	x	<u>(\$47,121) = \$ 130.62</u>

High School

(1 unit) x	(0.300)	x	(0.034)	x	<u>(\$72,680) = \$ 741.34</u>
(1 unit) x	(0.300)	x	(0.038)	x	<u>(\$47,121) = \$ 537.18</u>

Total School Contribution

= \$1,703.99

\$1,123.98

\$ 2,740.04 \$1,776.46

+ Forest Preserve Contribution

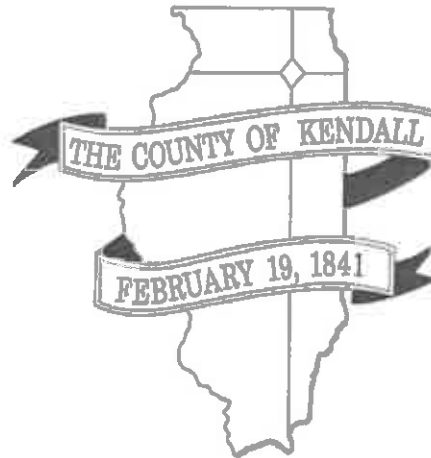
+ Total School Contribution

+ \$ 1,703.99 \$1,123.98

Total Contribution per 5- Bedroom Unit

\$ 4,444.03 \$2,900.44

KENDALL COUNTY LAND CASH ORDINANCE



Last Revised November 19, 2019
(Ordinance 2019-__)

Prior Updates:

(Amended April 15, 2014 – Ord. 2014-09)
(Amended July 15, 2013- Ord. 2013-16, complete overhaul)
(Amended May 19, 2009- Ord. 2009-16)
(Amended March 17, 2009 – Ord. 2009-06)
(Amended March 22, 2006 – Ord. 2006-17)
(Amended June 21, 2006- Ord. 2005-41)
(Amended January 16, 2001- Ordinance 2001-01)
(Amended March 18, 1999 - Ord. 1999-15)
(Amended November 13, 1995)
(Amended April 14, 1992)
(Amended August 8, 1989)
(Amended March 13, 1979)
(Adopted May 9, 1978)
(Resolution on March 13, 1973 recommending a Land Cash Ordinance be adopted)

KENDALL COUNTY LAND CASH ORDINANCE

Last Revised November 19, 2019 (Ordinance # 2019-__)

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KENDALL COUNTY LAND CASH ORDINANCE

The County is dedicated to the concept that healthful, productive community life depends in part on the availability of recreational and park space and adequate school facilities. It has been found and determined that the location of park, forest preserve, recreation and school sites to serve the immediate and future needs of adults and children of each new subdivision or planned unit development is just as essential to proper land development as are street, water, sewers and sidewalks. To this end, Kendall County has determined that the dedication of land for parks, forest preserve, recreation and school sites or cash contributions in lieu of actual dedication or a combination of both, shall prevail upon all new final plats of residential subdivisions and planned unit developments. The impact upon schools and parks is likewise equally affected by construction of new dwellings that are not part of a platted subdivision and accordingly, cash contributions should be made with regard to such construction as well.

Therefore, in the public interest, convenience, health welfare and safety, the establishment of parks, recreation and school sites and facilities are required for each final plat of a residential subdivision.

SECTION 1 – DEDICATION OF PARK, FOREST PRESERVE AND SCHOOL SITES OR PAYMENTS IN LIEU THEREOF:

As a condition of approval of a final plat of subdivision or planned unit development, each individual subdivider or planned unit developer will be required to dedicate land or cash in lieu of actual land or a combination of both based on the recommendation of the affected district which will be the recipient of the contribution, but subject to final determination of the County Board in accordance with the following criteria; (all single family detached dwellings are considered four bedrooms for ordinance computations unless proven otherwise by individual or developer).

A. CRITERIA FOR REQUIRING PARK/FOREST PRESERVE DEDICATION

1. Location

Plans of the park district or forest preserve district or appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

2. Requirement and Population Ratio

The ultimate population density to be generated by a subdivision or planned unit development shall bear directly on the amount of land required to be dedicated for park and recreation sites. The acreage of land dedication requirement shall be determined by obtaining the total population of the development times 10 acres per 1,000 population. Total population is determined by applying the estimated ultimate population per dwelling unit table, as per the Ultimate Yield Table published by the Associated Municipal Consultants, to the number or respective units in the development. For purposes of the following example, it is presumed that each single family home will have 4 bedrooms. For other dwelling units such as townhouses and apartments, it is presumed that each unit will have 2 bedrooms.

3. Donation Requirement Calculation Examples:

Development "A" containing 200 single family homesites

$$\text{(units)} \times \text{(population factor)} \times \frac{\text{the required acreage}}{\text{per 1000 population}} = \text{Total Acres}$$

(from table 1)

$$200 \text{ units} \times 3.764 \times \frac{10 \text{ acres}}{1,000} = 7.53 \text{ acres}$$

4. Credit for Land Development

When land dedication is required by this ordinance, credit to developers for said dedication will be given according to the following criteria:

For dedications to a park district or forest preserve district, the first five (5) acres must be contiguous and in one location. Credit shall only be granted for parcels that consist of "buildable acreage". For the purposes of this ordinance "buildable

acreage” shall be considered those tracts or areas of land which are not encumbered with any of the following conditions:

- a. Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.),
- b. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps,
- c. Land within the right-of-way or easement of an existing roadway,
- d. Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).
- e. Soils subject to slumping.
- f. Land with severe slopes (in excess of 25%).

Land in excess of the above mentioned five acres, and land to be dedicated to the forest preserve district shall be credited as follows:

If the benefiting Park or Forest Preserve District determines it is in the best interest of the public at large to take ownership and maintenance of an existing or proposed wetland, it may choose to accept such a property however, no credit will be given. Furthermore the benefiting district may require the developer to provide three (3) years of maintenance after the initial planting of any new or supplemental plantings associated with such wetlands.

Partial credit may be granted at the discretion of such benefiting park or forest preserve district for “unbuildable land” as described above provided such land has been identified by a park or forest preserve district as potential or future linear parks, or such properties have been identified as potential greenway or trail linkages on an officially approved and adopted land use or open space plan.

The benefiting park district or forest preserve district may choose to recommend partial credit for manmade lakes or ponds that are judged to be of recreational or environmental benefit.

The total amount of credit granted for all land donated in any new subdivision shall be noted in any and all required development, PUD or donation agreements.

B) CRITERIA FOR REQUIRING SCHOOL SITE DEDICATION

1. Location

Plans of the affected school district or the appropriate standards adopted by said agencies shall be used as a guideline in locating sites.

2. Requirement and Population Ratio

The ultimate number of students to be generated by a subdivision, planned unit development and/or special use permit shall bear directly upon the amount of land

required to be dedicated for school sites. The land dedication requirement shall be determined by obtaining the ratio of;

- a) estimated children to be served in each school classification (this number is determined by applying the estimated ultimate population per dwelling unit table (Table 1) to the number of respective units in the development) over the;
- b) actual average number of students to be served in each such school classification as stated herein, and then applying such ratio to the;
- c) said actual average number of acres for a school site of each such classification as stated herein.

The product thereof shall be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increased children in each such school classification. For purposes of this computation it is presumed that each single family home will have 4 bedrooms. For other dwelling units, such as townhouses and apartments, it is presumed that each unit will have two (2) bedrooms.

Classification by Grades	Design Capacity per school classification	Minimum Acreage per school classification =	Acres Per Student Required
Elementary	671 students	13.85 acres	0.021
Middle	921 students	19.44 acres	0.021
High School	1643 students	62.05 acres	0.038

Number of Residential lots in Subdivision	x	Estimated school children by school classification	x	Acres Per Student Required	=	Acreage Per School Classification
--	---	---	---	-------------------------------	---	---

Example: Development "A" is composed of 100 single family "4 bedroom" units:

Elementary
 $100 \times 0.644 \times (13.85/671) = 1.327$ acres

Middle
 $100 \times 0.184 \times (19.44/921) = 0.3864$ acres

High School
 $100 \times 0.36 \times (62.05/1643) = 1.361$ acres

Total Acreage = 3.074 acres

C) CRITERIA FOR REQUIRING A CASH CONTRIBUTION IN LIEU OF LAND FOR PARK, PRESERVE, RECREATIONAL OR SCHOOL SITES.

1. Determination Of Cash-in-lieu of Land Donations:

When available land is inappropriate for park, forest preserve or school sites, as determined by local agency officials, the County shall require a cash contribution in lieu of land dedication by the subdivider or unit developer. The county shall furthermore require a cash contribution for all residential dwellings constructed that are not part of a platted subdivision.

2. Collection of Fees:

- a) The cash contribution in lieu of park and recreation land dedication shall be held in an interest bearing account by the Treasurer of the County, or other public body designated by the County, solely for the acquisition of park or recreational land as herein classified, which will be available to serve the immediate and future needs of the residents of that subdivision or development, or for the improvement of other existing local park and recreation lands which already serve such needs. Distribution of cash contributions shall be made on a quarterly basis to appropriate park/forest preserve/recreation land agents.
- b) The cash contribution in lieu of school sites shall be held in an interest bearing account by the Treasurer of the County or other public body designated by the County. Said funds shall be used solely for the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or for the construction of a new school or improvement to any existing school site or buildings which already serve or will serve such need. Distribution of cash contributions shall be made on a quarterly basis to appropriate districts.
- c) Unless otherwise approved by the affected school, park or forest preserve district, the total cash contribution required shall be determined prior to the approval of the final plat and shall be based upon the generation tables and fair market values in effect at the time of recording. If a subdivision contains more than three lots, the owner/subdivider/developer may choose to pay the cash-in-lieu contribution at the time of issuance of a building permit for each individual lot or as a lump sum payment prior to the recoding of the final subdivision plat.

The cash contribution required for a residential unit not part of a platted subdivision shall be determined in the same manner as for other residential developments and shall be determined and collected prior to the issuance of a building permit by using the generation tables and Fair Market Values in effect at time of issuance of the permit. This Ordinance does not apply to reconstruction.

- d) Up-front payments made at the time of recording of a final plat shall be computed on the basis of all lots having four (4) bedroom homes. In those instance in which payment is to be collected at the time of issuance of an individual building permit, the fee to be collected will be based on the actual number of bedrooms as determined by the County based upon the architectural plans submitted.

The payment procedures agreed upon as well as the generation tables and fair market values in effect at the time of recording shall be noted in any and all development agreements and shall be disclosed to all prospective lot purchasers prior to execution of a sales contract for any lot in the development. A note disclosing this obligation shall also appear on all plats submitted for recording.

3. Criteria for Requiring Land Dedication and a Fee

There will be situations in subdivisions or planned unit developments when a combination of land dedication and a contribution in lieu of land are both necessary; these occasions will arise when:

- a) Only a portion of the land to be developed is proposed as the location for a park, preserve, recreation or school site. That portion of the land within the subdivision falling within the school, park or forest preserve location shall be dedicated as a site as stated earlier, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated.

- b) A major part of the park, preserve, recreation or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication and a cash contribution in lieu thereof shall be required.

4. Fair Market Value

The cash contributions in lieu of land shall be based on the "Fair Market Value" of the acres of land in the area improved that otherwise would have been dedicated as park, preserve, recreation or school sites. Fair Market Value for land not part of a subdivision or a planned unit development shall also be calculated on the Fair Market Value. The Fair Market Value may be adjusted anytime by official action of the County Board. As of November 19, 2019, the Fair Market Value is determined to be \$47,121. The Fair Market Value is calculated as follows:

The Kendall County Assessor's Office shall provide the weighted average of all lot sales on a dollar per acre basis throughout Kendall County for a 3-year period.

In the event a subdivider or developer files a written objection to the Fair Market Value as specified herein, said subdivider or developer shall submit their own study of the Fair Market Value of land showing the comparable cost of land within the affected district. In that event, final determination of the Fair Market Value to be used in such calculations shall be made by the County Board, based upon such cost information submitted by the subdivider or

developer and from other sources which may be submitted to the County Board by the School District or others.

Dual districts will be treated as they are affected by the impact of the subdivision or development within their territories: elementary and middle school contributions shall go to the elementary district and high school contributions shall go to the high school district.

5. Conveyance of Land

The subdivider or developer shall convey to the respective school district, park or forest preserve the land required under this agreement within 90 days after request by the district.

6. Density Formula

The attached table, marked as Table 1 being the same as Estimated Ultimate Population per Dwelling Unit, is generally indicative of current and short-range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in lieu thereof unless a written objection is filed thereto by the subdivider or developer.

In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population Per Dwelling Unit, attached hereto, said subdivider or developer shall submit their own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development and in that event final determination of the density formula to be used in such calculations shall be made by the County Board, based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the County Board by the School District or others. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula components for the dedication of land, or the payment of fees in lieu thereof, as stated herein is subject to periodic review and amendment upon verification of current data by the Kendall County Board or its designee.

7. Reservation of Additional Land

Where the park district, forest preserve district or school district's plan or standards of the County Plan call for a larger amount of park and recreational land or school sites in a particular subdivision or planned unit development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchases by the County or other public body designated by the County, provided that the designated public body/governing agency and developer approve a contract for the sale of land from the developer to the designated public body, in the form of a land purchase agreement, right of first refusal or option to purchase before final plat approval. However, the designated public body/governing agency and developer may jointly request in writing that the County, upon approval by the County Board, allow an extension of a specified time to finalize the future sale of land from the developer to the designated public body, in the form of a land purchase agreement, right of first refusal or option to purchase.

8. Site Condition

The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading and seeding as well as the installation of drainage and other required improvements on sites to be dedicated for park, preserve or school uses will be performed by the developer according to the plans, specifications and design criteria provided by the benefiting park, preserve or school district.

9. Improved Sites

At the time of dedication and conveyance to the benefiting district, all sites shall be in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefore. Such sites and the required improvements shall conform to all standards, specifications, plans and design criteria as provided by the benefiting park, forest preserve or school district.

10. Agreements

The details regarding the type and amount of any land or cash donations or credits to be supplied in fulfillment of this ordinance, and any terms or conditions attendant thereto, shall be included and specified in the corresponding PUD or development agreement required to be supplied and executed in conjunction with any new residential subdivisions approved by the County and such other agreements as may be required by the benefiting school, park or forest preserve district.

**ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT
CHILDREN PER UNIT**

Type of Unit	Pre-School 0-4 Years	Elementary Grades K-6 5-11 Years	Junior High Grades 7-8 12-13 Years	Total Grades K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years +	Total Per Dwelling Unit
Detached Single Family							
2 Bedroom	0.113	0.143	0.041	0.184	0.020	1.700	2.017
3 Bedroom	0.292	0.422	0.120	0.542	0.184	1.881	2.899
4 Bedroom	0.418	0.644	0.184	0.828	0.360	2.158	3.764
5 Bedroom	0.283	0.461	0.132	0.593	0.300	2.594	3.770
Attached Single Family							
1 Bedroom	0.000	0.000	0.000	0.000	0.000	1.193	1.193
2 Bedroom	0.064	0.106	0.030	0.136	0.038	1.752	1.990
3 Bedroom	0.212	0.227	0.065	0.292	0.059	1.829	2.392
4 Bedroom	0.323	0.370	0.106	0.476	0.173	2.173	3.145
Apartments							
Efficiency	0.000	0.000	0.000	0.000	0.000	1.294	1.294
1 Bedroom	0.000	0.002	0.001	0.003	0.001	1.754	1.758
2 Bedroom	0.047	0.100	0.028	0.128	0.046	1.693	1.914
3 Bedroom	0.052	0.278	0.079	0.357	0.118	2.526	3.053

Note:

There are only three significant categories provided in this chart. Because of the similarity of yields of all types of attached single family dwelling units, only one category is provided. The same is true with apartments; thus, only one category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

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TABLE 1

DEMOGRAPHICS

Existing Kendall County Public School Sites

Schools Grouped by Type		Enrollment 19-20	Average # Students	Acres Per Site	Average Acreage/Site	Acres Per Student
Existing High School Sites						
Plainfield #202	Plainfield South H.S.	2,428		80.00		
Yorkville #115	Yorkville H.S.	1,417		67.00		
Yorkville #115	Yorkville High School Academy	489		21.10		
Plano #88	Plano H.S.	703		40.00		
Oswego #308	Oswego H.S.	2,807		116.70		
Oswego #308	Oswego East H.S.	2,749		100.75		
Newark H. S. #18	Newark H.S.	168		8.79		
		<u>10,761</u>	1,537.29	<u>434.34</u>	62.05	0.0404
Existing Jr. High Sites						
Oswego #308	Thompson Jr. H.S.	889		19.68		
Oswego #308	Traughber Jr. H.S.	1,111		21.84		
Oswego #308	Karl Plank Jr. H.S.	809		14.48		
Oswego #308	Murphy Jr. H.S.	820		30.50		
Plainfield	Aux Sable M.S.	972		26.50		
Plano #88	Plano M.S.	387		12.41		
Yorkville #115	Yorkville M.S.	987		21.60		
Newark #66	Millbrook Jr. H.S.	120		8.49		
		<u>6,095</u>	761.88	<u>155.50</u>	19.44	0.0255
Existing Elementary School Sites						
Oswego #308	East View G.S.	65		18.25		
Oswego #308	Hunt Club Elementary	710		14.35		
Oswego #308	Boulder Hill G.S.	625		12.00		
Oswego #308	Old Post G.S.	472		17.60		
Oswego #308	Long Beach Elementary	453		9.20		
Oswego #308	Lakewood Creek Elem. School	695		18.00		
Oswego #308	Prairie Point Elem.	461		15.80		
Oswego #308	Churchill Elementary	523		23.81		
Oswego #308	Brokaw Early Learning Center (ag	557				
Oswego #308	Grande Park Elementary	605		36.95		
Oswego #308	Southbury Elementary	592		21.25		
Oswego #308	Fox Chase G.S.	584		12.00		
Lisbon G.S. #90	Lisbon Grade School	121		5.31		
Newark #66	Newark Grade School	115		5.00		
Minooka #201	Jones Elementary School	640		15.00		
Plainfield	Thomas Jefferson Elem.	639		11.78		
Plainfield	Charles Reed Elementary	531		14.47		
Plano #88	PH Miller	430		10.51		
Plano #88	Centennial	344		6.33		
Plano #88	Emily G Johns School Elem.	467		15.05		
Yorkville #115	Yorkville Intermediate	637		10.00		
Yorkville #115	Yorkville G.S.	177		4.00		
Yorkville #115	Circle Center Grade School	537		16.40		
Yorkville #115	Bristol Grade School	259		4.36		
Yorkville #115	Autumn Creek Elementary	678		16.00		
Yorkville #115	Bristol Bay Elementary	560		14.75		
Yorkville #115	Grande Reserve Elementary	528		12.00		
		<u>13,005</u>	481.67	<u>360.17</u>	13.34	0.0277

TABLE 2

**Kendall County Public Schools
Existing School Site Acreage and Design Capacity Statistics**

Grouped By School Type		Design Capacity	Average Ave. Capacity	Acres Per Site	Average Acreage/Site	Acres Per Student
High School						
Plainfield #202	Plainfield South H.S.	2400.00		80.00		
Yorkville #115	Yorkville H.S.	1500.00		67.00		
Yorkville #115	Yorkville H.S. Academy	600.00		21.10		
Plano #88	Plano H.S.	1000.00		40.00		
Oswego #308	Oswego H.S.	2400.00		116.70		
Oswego #308	Oswego East H.S.	3200.00		100.75		
Newark H. S. #18	Newark H.S.	400.00		8.79		
		<u>11500.00</u>	1642.86	<u>434.34</u>	62.05	0.0378
Middle School						
Oswego #308	Karl Plank Jr. H.S.	1000.00		14.48		
Oswego #308	Thompson Jr. H.S.	1125.00		19.68		
Oswego #308	Traughber Jr. H.S.	1200.00		21.84		
Oswego #308	Murphy Jr. H.S.	1200.00		30.50		
Plainfield	Aux Sable M.S.	900.00		26.50		
Plano #88	Plano M.S.	500.00		12.41		
Yorkville #115	Yorkville M.S.	1200.00		21.60		
Newark #66	Millbrook Jr. H.S.	240.00		8.49		
		<u>7365.00</u>	920.63	<u>155.50</u>	19.44	0.0211
Elementary School						
Oswego #308	East View G.S.	750.00		18.25		
Oswego #308	Hunt Club Elementary	900.00		14.35		
Oswego #308	Boulder Hill G.S.	750.00		12.00		
Oswego #308	Old Post G.S.	600.00		17.60		
Oswego #308	Long Beach Elementary	750.00		9.20		
Oswego #308	Lakewood Creek School	900.00		18.00		
Oswego #308	Prairie Point Elem.	750.00		15.80		
Oswego #308	Fox Chase G.S.	900.00		12.00		
Oswego #308	Churchill Elementary	750.00		23.81		
Oswego #308	Brokaw Early Learning	500.00				
Oswego #308	Grande Park Elementary	725.00		36.95		
Oswego #308	Southbury Elementary	900.00		21.25		
Lisbon G.S. #90	Lisbon Grade School	245.00		5.31		
Minooka #201	Jones Elementary School	750.00		15.00		
Newark #66	Newark Grade School	275.00		5.00		
Plainfield	Thomas Jefferson Elem.	850.00		11.78		
Plainfield	Charles Reed Elementary	850.00		14.47		
Plano #88	PH Miller	650.00		10.51		
Plano #88	Centennial	600.00		6.33		
Plano #88	Emily G Johns School Elem.	600.00		15.05		
Yorkville #115	Yorkville Circle Center	600.00		16.40		
Yorkville #115	Yorkville Intermediate	750.00		10.00		
Yorkville #115	Autumn Creek Elementary	750.00		16.00		
Yorkville #115	Bristol Bay Elementary	650.00		14.75		
Yorkville #115	Yorkville G.S.	300.00		4.00		
Yorkville #115	Grand Reserve	650.00		12.00		
Yorkville #115	Bristol G.S.	425.00		4.36		
		<u>18120.00</u>	671.11	<u>360.17</u>	13.85	0.0206

TABLE 3

Land Cash Donation Calculation Sheet

Unit Type: Two-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

$$\frac{(\# \text{ Dwelling Units}) \times (\text{Total Population per Unit}) \times \frac{10.0 \text{ acres}}{1,000 \text{ population}} \times (\$47,121)}{(1 \text{ unit}) \times (2.017) \times (0.010) \times (\$47,121)} = \text{Contribution per Unit} = \mathbf{\$950.43}$$

School Donation:

$$(\# \text{ Dwelling Units}) \times (\text{Students per Unit by Grade}) \times \frac{\# \text{ acres per school type}}{\text{school capacity by school type}} \times \text{Fair Market Value} \times (\$47,121) = \text{Contribution per Unit}$$

Elementary

$$(1 \text{ unit}) \times (0.143) \times (0.021) \times (\$47,121) = \mathbf{\$ 141.50}$$

Middle School

$$(1 \text{ unit}) \times (0.041) \times (0.021) \times (\$47,121) = \mathbf{\$ 40.57}$$

High School

$$(1 \text{ unit}) \times (0.020) \times (0.038) \times (\$47,121) = \mathbf{\$ 35.81}$$

Total School Contribution

$$= \mathbf{\$ 217.88}$$

Forest Preserve Contribution

$$\mathbf{\$950.43}$$

+ Total School Contribution

$$\mathbf{+ \$217.88}$$

Total Contribution per 2- Bedroom Unit

$$\mathbf{\$1,168.31}$$

Land Cash Donation Calculation Sheet

Unit Type: Three-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

$$\begin{array}{r}
 \text{(#Dwelling Units)} \times \text{(Total Population per Unit)} \times \frac{10.0 \text{ acres}}{1,000 \text{ population}} \times (\$47,121) = \text{Contribution per Unit} \\
 (1 \text{ unit}) \times (2.899) \times (0.010) \times (\$47,121) = \mathbf{\$1,366.04}
 \end{array}$$

School Donation:

$$\text{(#Dwelling Units)} \times \left(\text{Students per Unit by Grade} \times \frac{\text{\# acres per school type}}{\text{school capacity by school type}} \times \text{Fair Market Value} \right) \times (\$47,121) = \text{Contribution per Unit}$$

Elementary

$$(1 \text{ unit}) \times (0.422) \times (0.021) \times (\$47,121) = \mathbf{\$ 417.58}$$

Middle School

$$(1 \text{ unit}) \times (0.120) \times (0.021) \times (\$47,121) = \mathbf{\$ 118.74}$$

High School

$$(1 \text{ unit}) \times (0.184) \times (0.038) \times (\$47,121) = \mathbf{\$ 329.47}$$

$$\text{Total School Contribution} \quad \text{-----} \quad = \mathbf{\$ 865.79}$$

Forest Preserve Contribution	\$1,366.04
+ Total School Contribution	+ \$865.79
Total Contribution per 3 - Bedroom Unit	\$2,231.83

Land Cash Donation Calculation Sheet

Unit Type: Four-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

$$\begin{array}{r}
 \text{(#Dwelling Units) x (Total Population per Unit) x } \frac{10.0 \text{ acres}}{1,000 \text{ population}} \text{ x } (\$47,121) = \text{Contribution per Unit} \\
 (1 \text{ unit}) \text{ x } (3.764) \text{ x } (0.010) \text{ x } (\$47,121) = \$ 1,773.63
 \end{array}$$

School Donation:

$$\text{(#Dwelling Units) x (Students per Unit by Grade) x } \frac{\text{\# acres per school type}}{\text{school capacity by school type}} \text{ x Fair Market Value} = \text{Contribution per Unit}$$

Elementary

$$(1 \text{ unit}) \text{ x } (0.644) \text{ x } (0.021) \text{ x } (\$47,121) = \$ 637.26$$

Middle School

$$(1 \text{ unit}) \text{ x } (0.184) \text{ x } (0.021) \text{ x } (\$47,121) = \$ 182.08$$

High School

$$(1 \text{ unit}) \text{ x } (0.360) \text{ x } (0.038) \text{ x } (\$47,121) = \$ 644.62$$

$$\text{Total School Contribution} \quad \underline{\hspace{15em}} \quad \$ 1,463.96$$

$$\begin{array}{r}
 \text{Forest Preserve Contribution} \quad \quad \quad \$1,773.63 \\
 + \text{Total School Contribution} \quad \quad \quad + \$1,463.96 \\
 \hline
 \text{Total Contribution per 4- Bedroom Unit} \quad \quad \quad \$3,237.65
 \end{array}$$

Land Cash Donation Calculation Sheet

Unit Type: Five-Bedroom Single-family Detached Unit

Forest Preserve/Park Donation:

$$\frac{(\# \text{ Dwelling Units}) \times (\text{Total Population per Unit}) \times \frac{10.0 \text{ acres}}{1,000 \text{ population}} \times (\$47,121)}{(1 \text{ unit}) \times (3.770) \times (0.010) \times (\$47,121)} = \text{Contribution per Unit} = \$ 1,776.46$$

School Donation:

$$(\# \text{ Dwelling Units}) \times (\text{Students per Unit by Grade}) \times \frac{\# \text{ acres per school type}}{\text{school capacity by school type}} \times \text{Fair Market Value} \times (\$47,121) = \text{Contribution per Unit}$$

Elementary

$$(1 \text{ unit}) \times (0.461) \times (0.021) \times (\$47,121) = \$ 456.18$$

Middle School

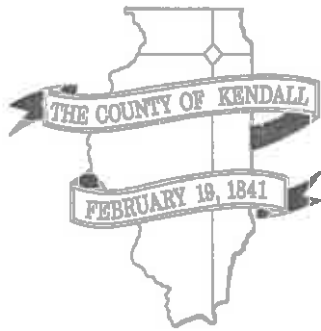
$$(1 \text{ unit}) \times (0.132) \times (0.021) \times (\$47,121) = \$ 130.62$$

High School

$$(1 \text{ unit}) \times (0.300) \times (0.038) \times (\$47,121) = \$ 537.18$$

Total School Contribution **= \$1,123.98**

Forest Preserve Contribution	\$1,776.46
+ Total School Contribution	+ \$1,123.98
Total Contribution per 5- Bedroom Unit	\$2,900.44



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: Kendall County Committee of the Whole
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: November 12, 2019
Re: Petition 19-31-Request by the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed the County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where a medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related uses to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally. The minutes of this meeting are attached.

On September 10, 2019, the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee held a combined meeting. The changes made to the proposal were as follows:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.
3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

The minutes of the September 10th meeting are attached.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 25, 2019. The consensus of the Commission was to have stricter regulations in place as a starting point. These regulations could be relaxed at some point in the future, if deemed appropriate (i.e. It is easier to grant a land use right than to take away a land use right). The Kendall County Regional Planning Commission unanimously recommended approval of the proposal with an amendment that all cannabis uses allowed on B-3 zoned property (adult-use and medical dispensing organizations, adult-use infuser organizations, and adult-use processing organizations) be located a maximum one thousand feet (1,000') from an interstate highway. The minutes of this meeting are attached.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on September 30, 2019. Planning, Building and Zoning Committee Chairman Matthew Prochaska, Commander Jason Langston of the Kendall County Sheriff's Department, and Kendall Township Supervisor Steve Gengler were the only members of the public in attendance. The Zoning Board of Appeals recommended approval of the proposal with the amendment that cannabis business be in stand-alone building and that certain cannabis uses be in the B-3 District. The minutes of the meeting are attached.

Townships were notified of this proposal and a combined meeting of the Regional Planning Commission and Planning, Building and Zoning Committee scheduled for September 10th on August 28, 2019. On October 1, 2019, the townships were notified of the recommendation of the Kendall County Zoning Board of Appeals and their right to file a formal objection to this proposal. No township filed a formal objection. However, Oswego Township requested that no cannabis sales related business be located in Boulder Hill. Kendall Township requested that adult-use cannabis businesses not be allowed in the B-3 District, but they had no objection to medical cannabis business being allowed in the B-3 District. The correspondence from Oswego Township and Kendall Township are attached.

In summary the proposal is as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, and M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, places of worship, public libraries, and game arcades to which admission is not restricted to persons twenty-one (21) years of age older. The distance shall be measured from the cannabis use. The use must be in stand-alone buildings.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are

proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously as measured from the cannabis use. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act. There will be a minority report regarding these uses in the A-1 Zoning District.

5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. All distances are measured from the cannabis use. Hours of operation will be from 6:00 a.m. until 10:00 p.m. There will be minority reports prepared regarding allowing these types of cannabis uses within one thousand feet (1,000') of an interstate highway interchange and not allowing these types of cannabis uses in the B-3 Zoning Districts. Onsite consumption of cannabis by members of the public would not be allowed.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. All distances are measured from the cannabis use. All distances are measured from the cannabis use. There will be minority reports prepared regarding allowing this type of cannabis use within one thousand feet (1,000') of an interstate highway interchange and not allowing this type of cannabis use in the B-3 Zoning Districts.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. All distances are measured from the cannabis use. All distances are measured from the cannabis use. There will be minority reports prepared regarding allowing this type of cannabis use within one thousand feet (1,000') of an interstate highway interchange and not allowing this type of cannabis use in the B-3 Zoning Districts.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. All distances are measured from the cannabis use. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

The Committee did not provide a formal recommendation for cannabis uses in stand-alone buildings except in the case of the craft growers.

The Committee unanimously issued a neutral recommendation.

Attached please find the proposed changes incorporating the amendments from the November 12, 2019, Kendall County Planning, Building and Zoning Committee meeting.

Maps showing the potential location of cannabis uses are attached.

If you have any questions, please let me know.

MHA

ENCs.: Proposal

Maps

9-3-19 ZPAC Minutes

9-10-19 Combined Meeting of the Kendall County Regional Planning Commission and Planning Building and Zoning Committee

9-25-19 Kendall County Regional Planning Commission Minutes

9-30-19 Kendall County Zoning Board of Appeals Minutes

10-17-19 Oswego Township Letter

10-19-19 Kendall Township Letter

Cannabis Related Proposal

1. Ordinances 2014-28 (Medical Cannabis Cultivation Centers), 2014-31 (Medical Cannabis Dispensing Organizations) and 2017-28 (Expiration Timeline for Medical Cannabis Related Uses Extended to July 1, 2020) are repealed in their entirety.
2. Section 3.02 of the Kendall County Zoning Ordinance is Amended by Adding the Following Terms in the Appropriate Places Alphabetically:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to

transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.”

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

3. Section 7.01.D (Special Uses in the A-1 District) and Section 10.01.C (Special Uses in the M-1 and M-2 Districts) are amended by adding the following:

Adult-Use Cannabis Craft Grower Subject to the Following Conditions:

1. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing property zoned or used for residential purposes, unless the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. On properties zoned M-1 or M-2, Adult-Use Cannabis Craft Growers may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Infuser Organizations or both.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code

- c. **compliance.**
 - d. **Anticipated number of employees and customers.**
 - e. **Anticipated parking demand and available parking supply.**
 - f. **Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.**
 - g. **Site design, including access points and internal site circulation.**
 - h. **Proposed signage plan.**
 - i. **Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application**
7. **The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.**
 8. **This use shall be in a stand-alone building.**
 9. **The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.**
 10. **In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.**
4. **Section 10.01.C (Special Uses in the M-1 and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Cultivation Centers Subject to the Following Conditions:**
 1. **Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.**
 2. **Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.**
 3. **Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.**
 4. **Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.**
 5. **At the time of application, the Petitioner shall submit the following information:**
 - a. **A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.**
 - b. **Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.**
 - c. **Anticipated number of employees and customers.**
 - d. **Anticipated parking demand and available parking supply.**
 - e. **Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.**
 - f. **Site design, including access points and internal site circulation.**
 - g. **Proposed signage plan.**
 - h. **Other criteria as may be necessary to determine Findings of Fact of the Special Use**

Permit application.

6. No outdoor storage is allowed.
7. Electronic message boards and temporary signs are not allowed.
8. Fences must be a minimum of eight feet (8') feet tall.
9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Cultivation Centers Subject to the Following Conditions:

1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
6. No outdoor storage is allowed.
7. Electronic message boards and temporary signs are not allowed.
8. Fences must be a minimum of eight feet (8') feet tall.
9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.

10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 11. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
5. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following: **Adult-Use Cannabis Dispensing Organization Subject to the Following Conditions:**
1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
 5. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.
 6. On properties zoned M-1 or M-2, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
 7. On properties zoned B-3, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
 8. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 9. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

- g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
10. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 11. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 12. Hours of operation are 6:00 a.m. until 10:00 p.m.
 13. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 14. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 15. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Dispensing Organization Subject to the Following Conditions:

1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Onsite consumption of cannabis by the public shall not be allowed at Medical Cannabis Dispensing Organizations.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.

- h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 8. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 9. Hours of operation are 6:00 a.m. until 10:00 p.m.
 10. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 11. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 12. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
6. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Infuser Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.
 5. On properties zoned M-1 or M-2, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
 6. On properties zoned B-3, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
 7. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 8. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address

- operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 - 9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 - 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 - 11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
7. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Processing Organization Subject to the Following Conditions:
- 1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
 - 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 - 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 - 4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
 - 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 - 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.

- f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
8. Section 10.01.C (Special Uses in the M-1 and M-2 Districts) is amended by adding the following:
Adult-Use Cannabis Transporting Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
 4. The transporting organization shall be the sole use of the tenant space in which it is located and shall not transport any other products beside cannabis, unless specifically allowed by the Special Use Permit.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use

Permit application.

7. **The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.**
 8. **The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.**
 9. **In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.**
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9. **Appendix 9-The Table of Uses is hereby amended to reflect the addition of these uses in the proper zoning districts.**
 10. **Any reference citation errors created by the addition of these definitions and uses to the Zoning Ordinance shall be corrected.**
 11. **If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.**

**Zoning Map
A1, A1-BP, A1-SU,
A1-SU-PUD**

KENDALL COUNTY

- 2019 -

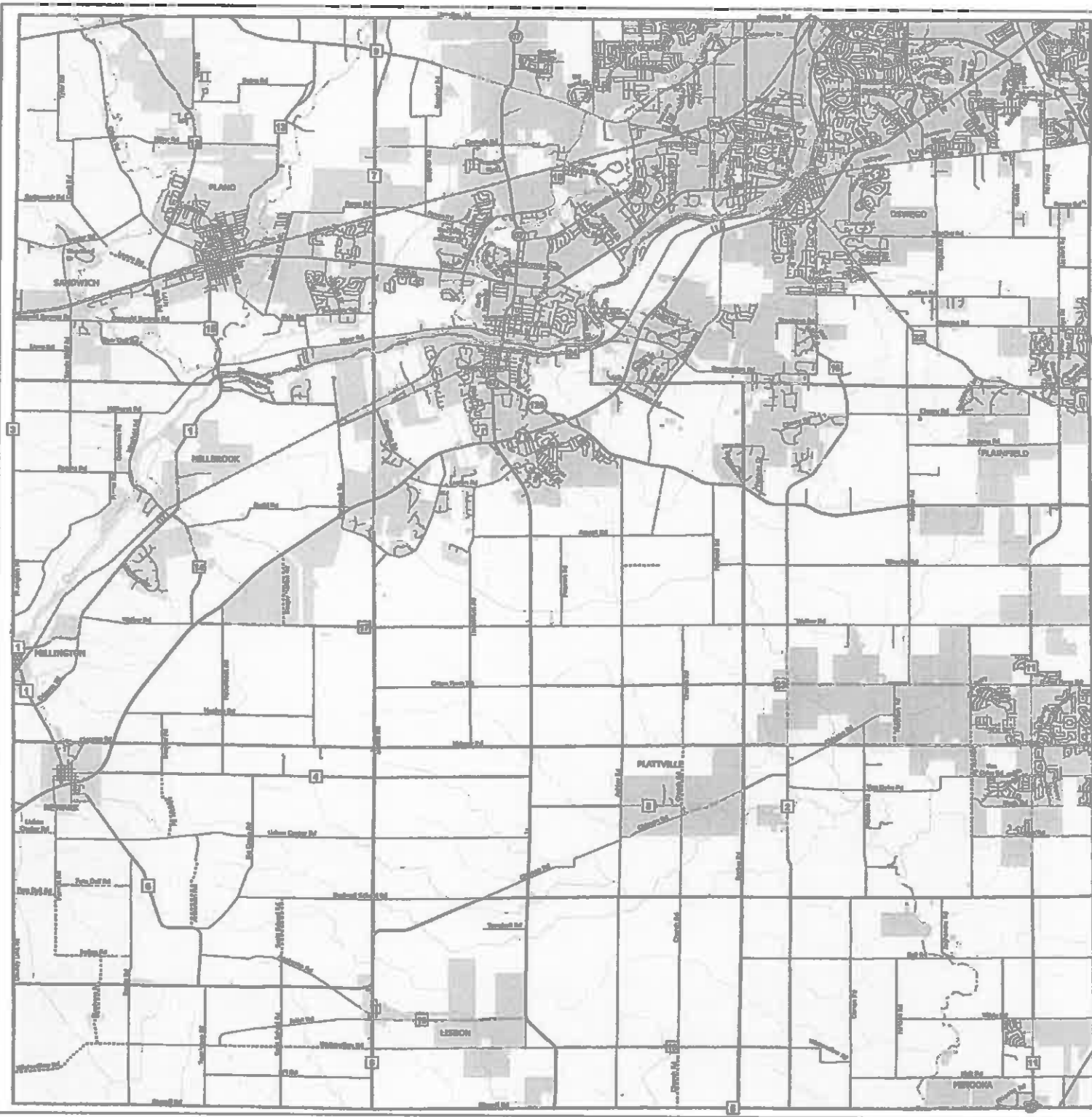
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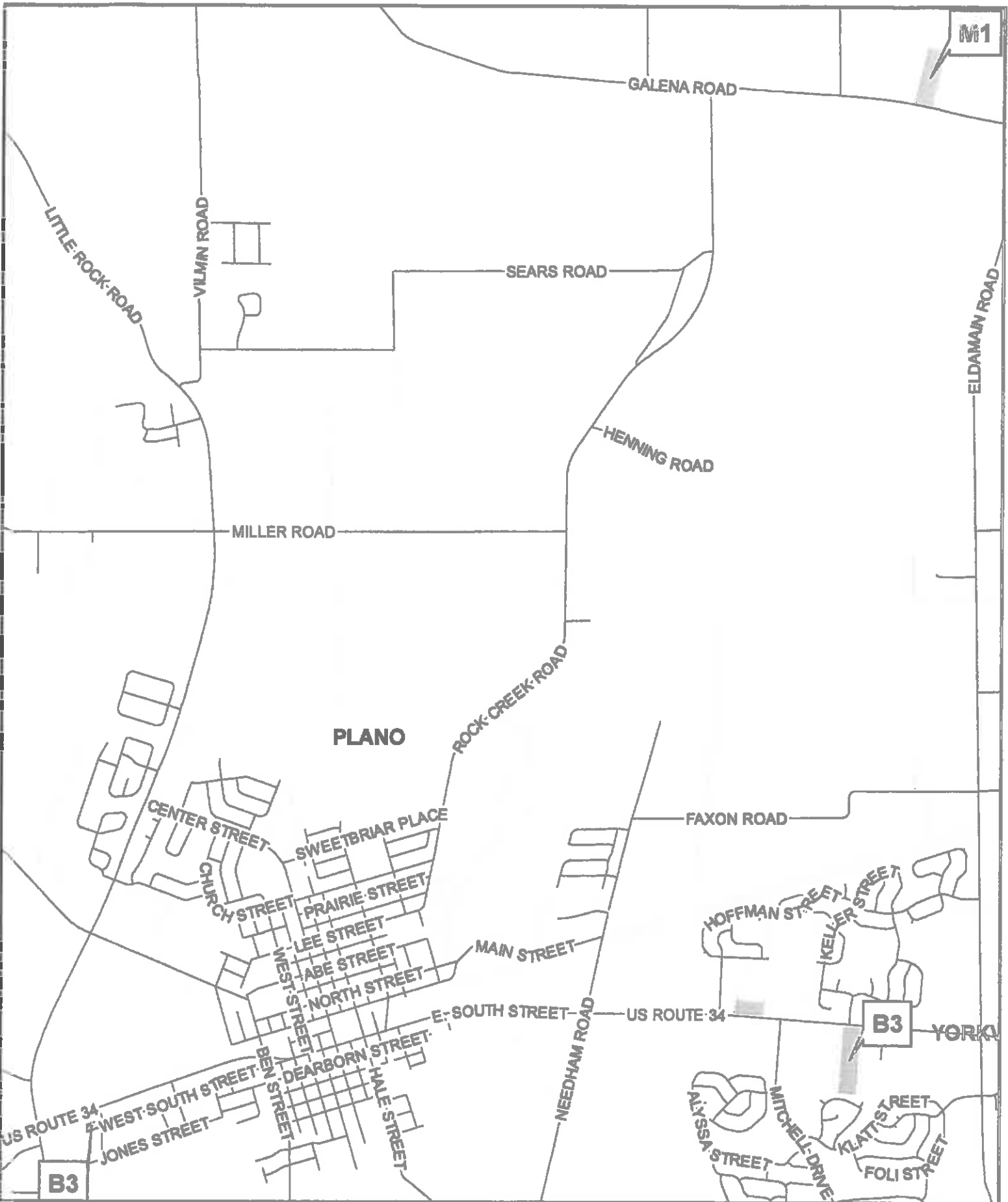
Legend

- ADJACENT COUNTY
- COUNTY
- INTERSTATE
- STATE
- FEDERAL
- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- A1, A1-BP, A1-SU, A1-SU-PUD
- All Other Zoning Districts



Kendall County GIS
111 West Fox Street - Room 204
Yorkville, Illinois 62458-1404
618.534.4112





PLANO

B3

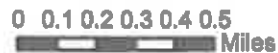
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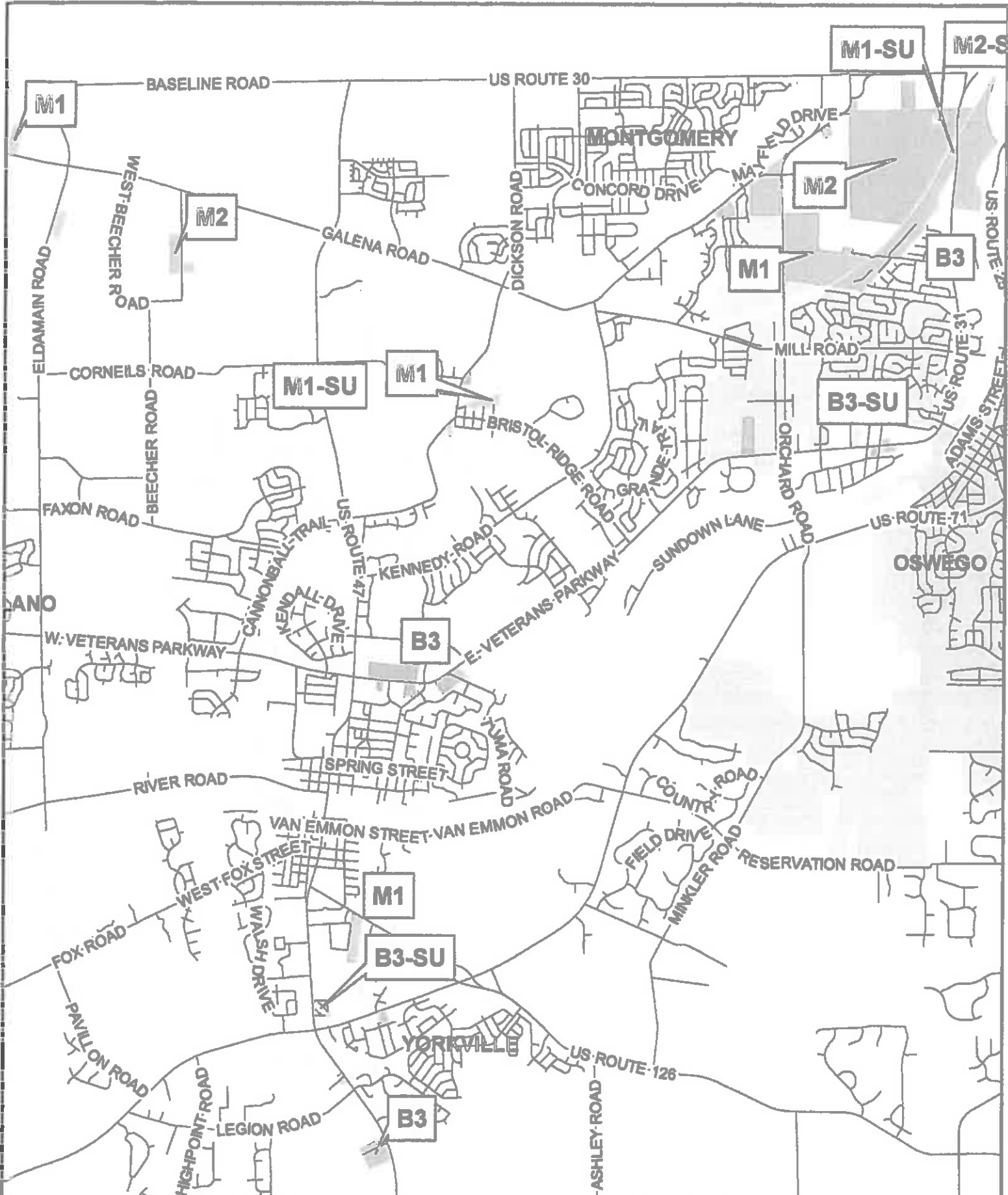
YORK



Kendall County GIS
 111 West Fox Street - Room 308
 Yorkville, Illinois 60560
 630.553.4212

Little Rock Township



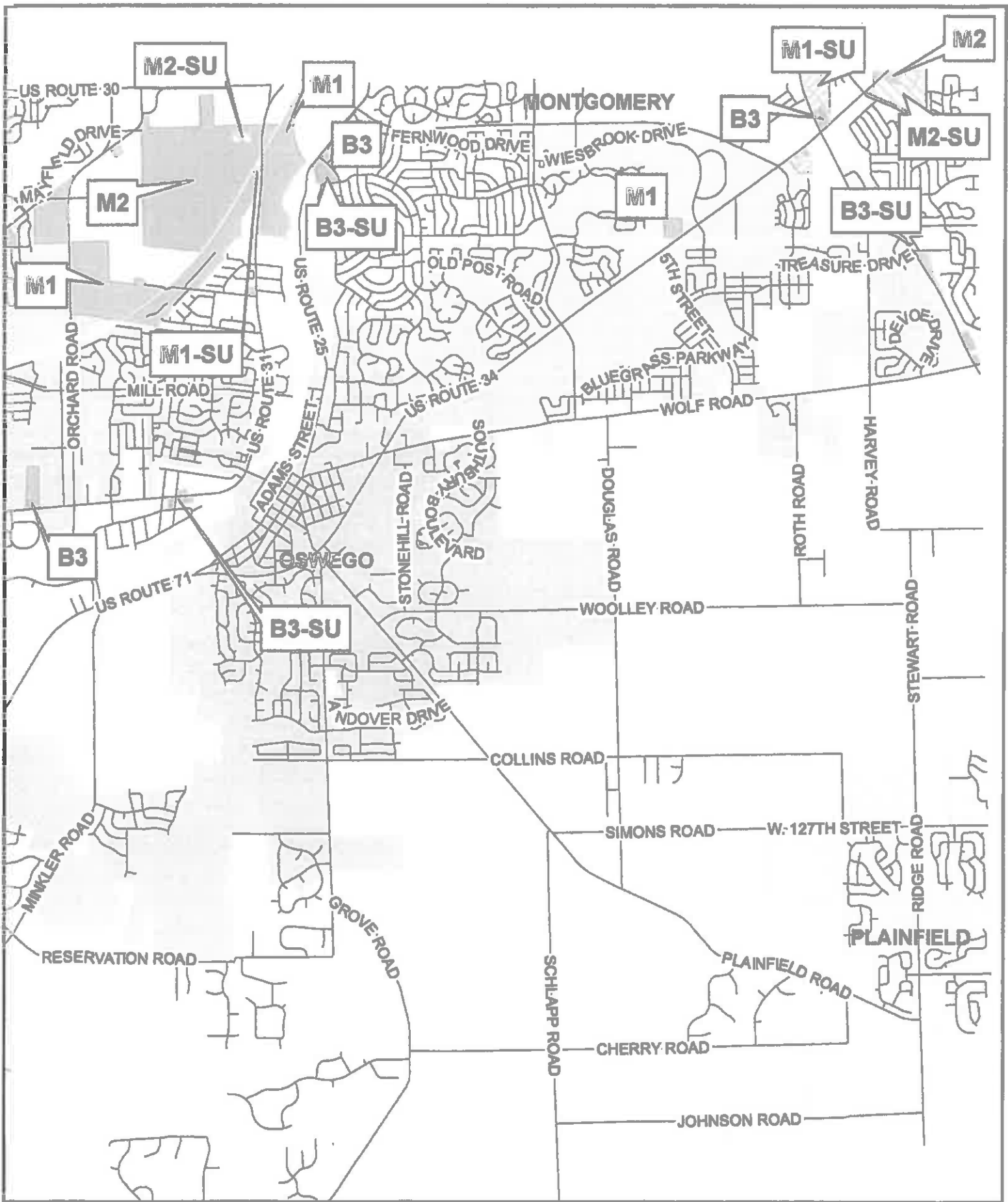


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 Yorkville, Illinois 60560
 630.553.4212

Bristol Township



Created: 7/24/2019

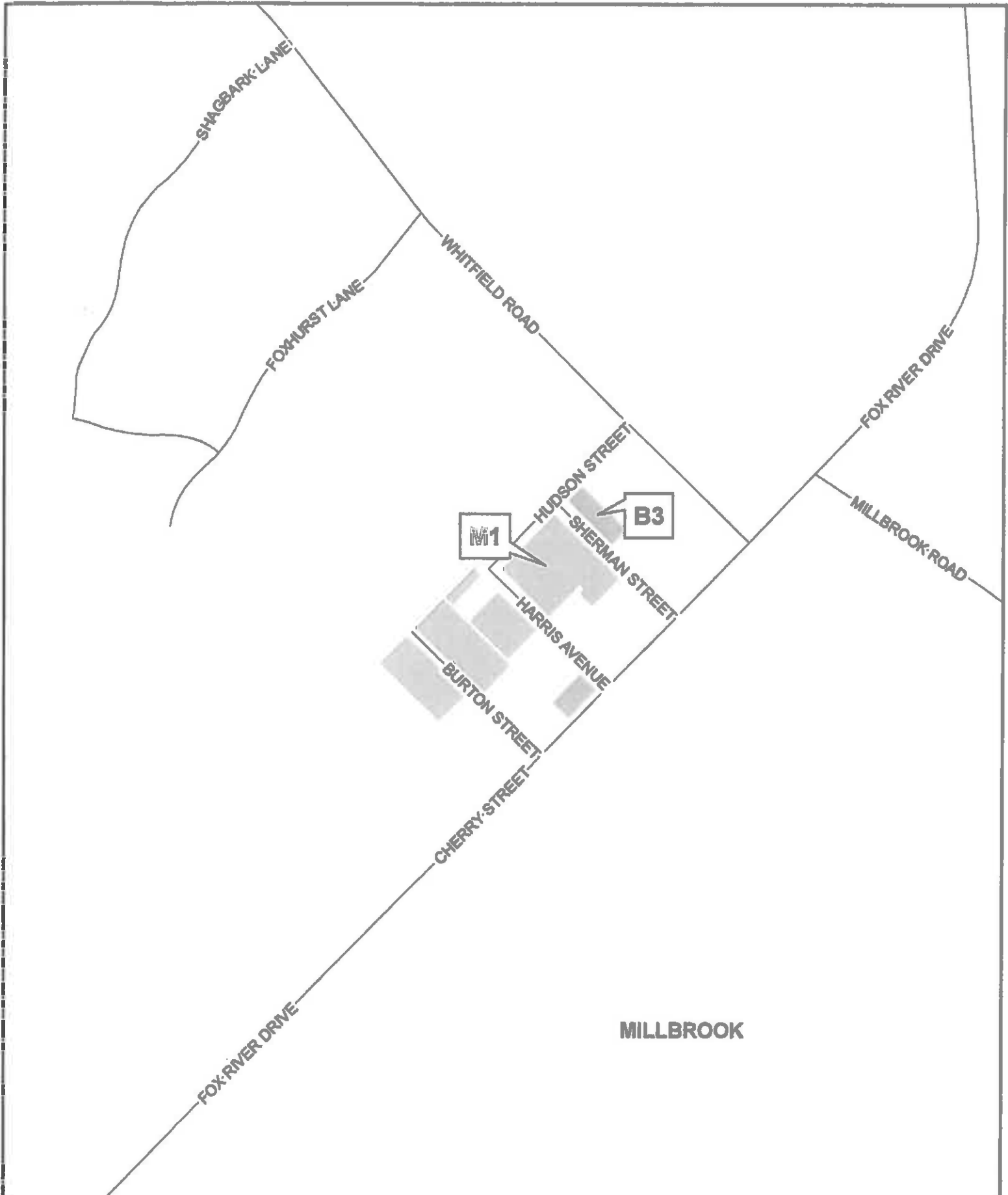


Kendall County GIS
 111 West Fox Street - Room 308
 Yorkville, Illinois 60560
 630.553.4212

Oswego Township



Created: 7/24/2019

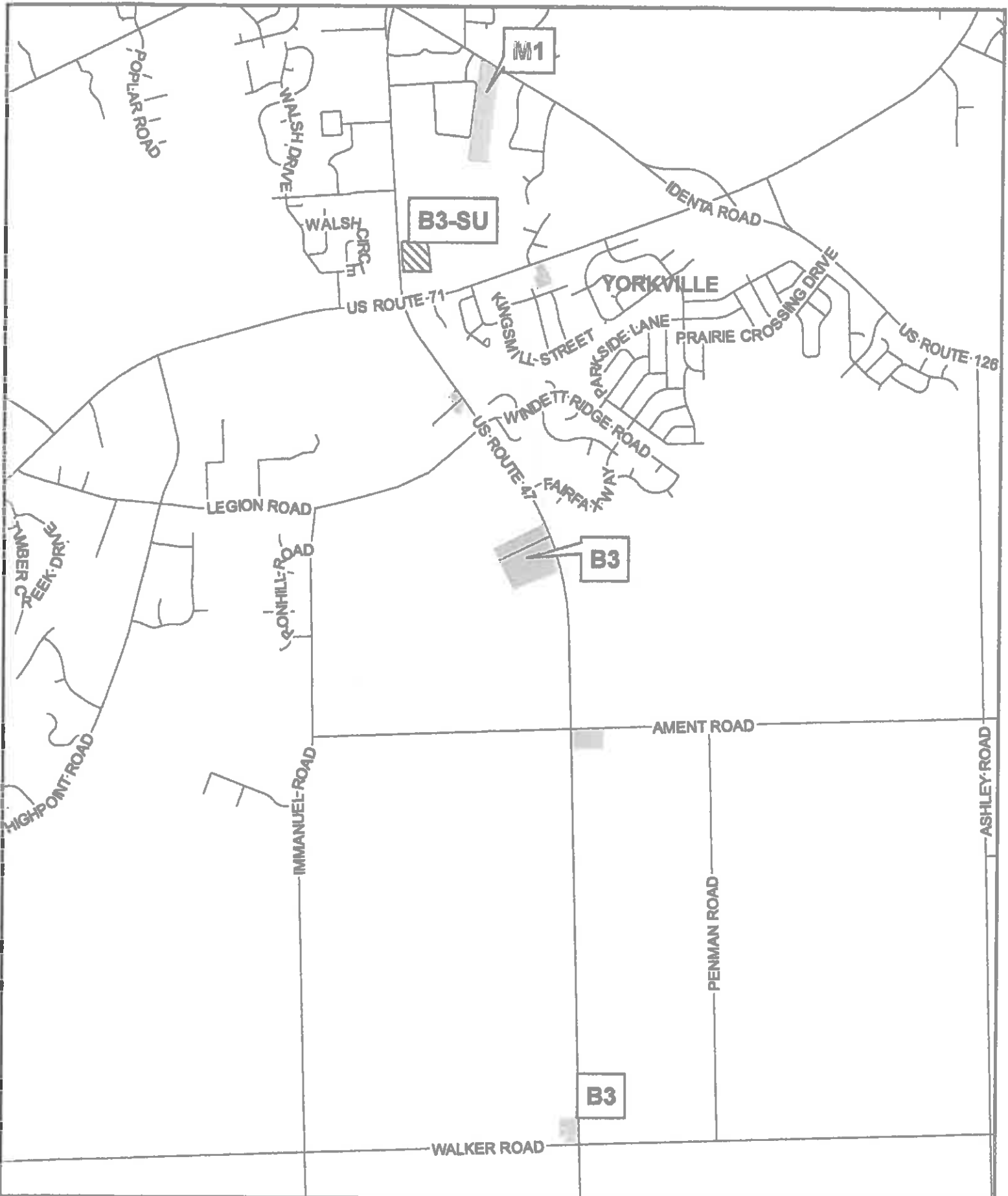


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Yorkville, Illinois 60560
630.553.4212

Fox Township

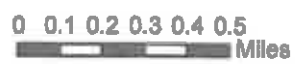


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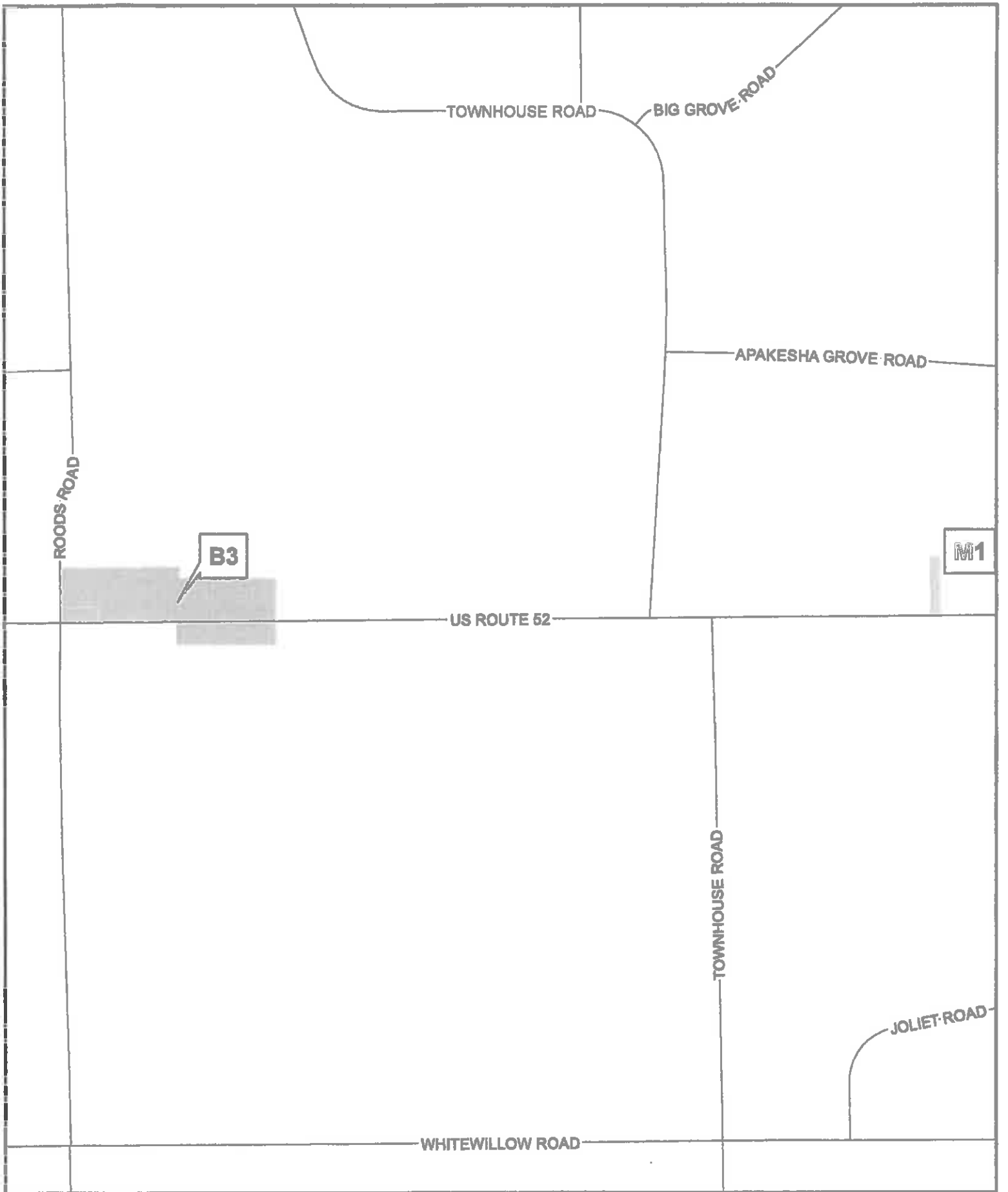


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Kendall Township



Created: 7/24/2019



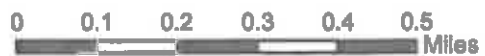
B3

M1

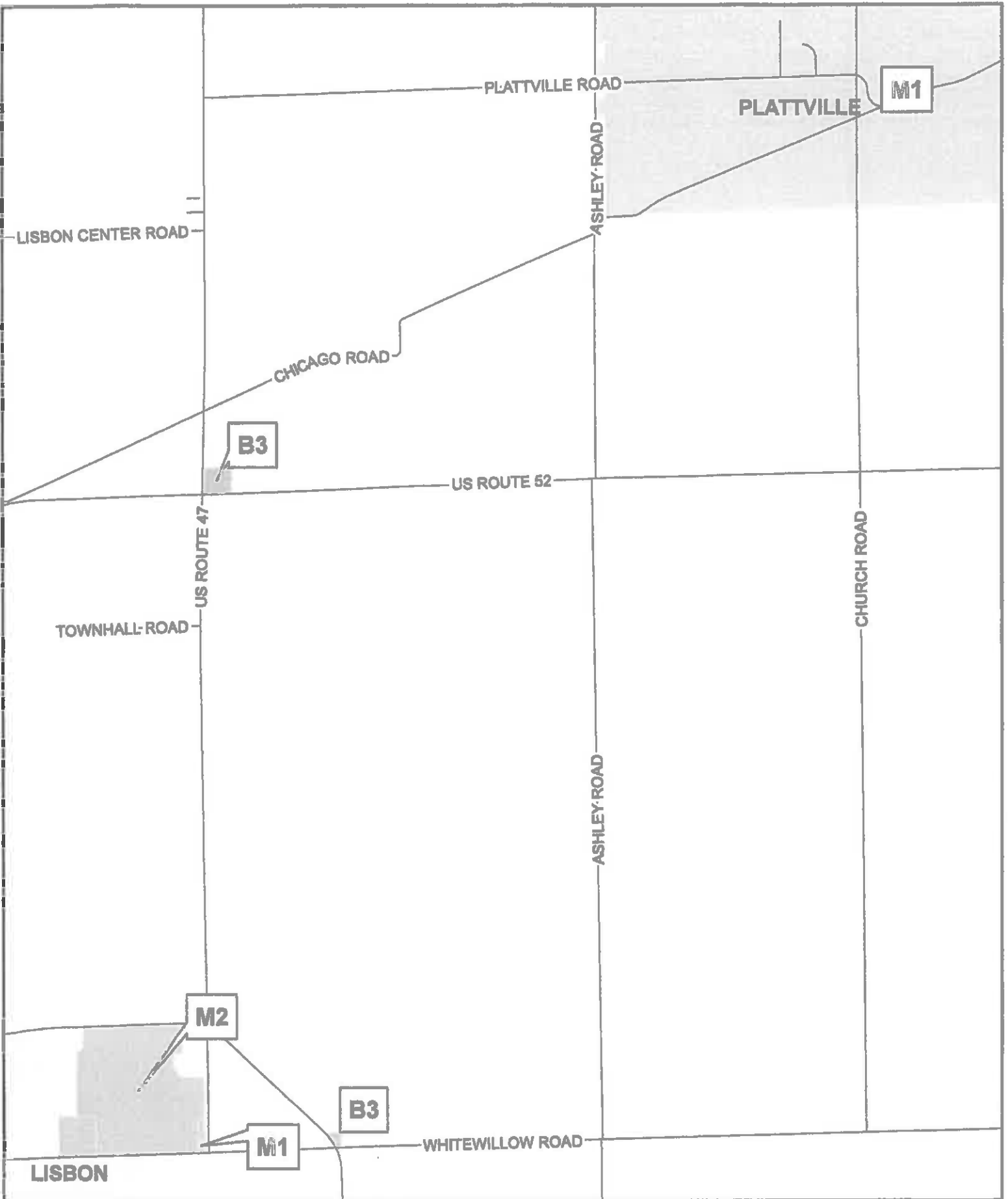


Kendall County GIS
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Yorkville, Illinois 60560
630.553.4212

Big Grove Township



Created: 7/24/2019



Kendall County GIS
 111 West Fox Street - Room 308
 Yorkville, Illinois 60560
 630.553.4212

Lisbon Township

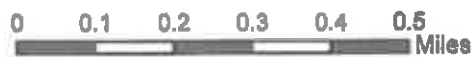


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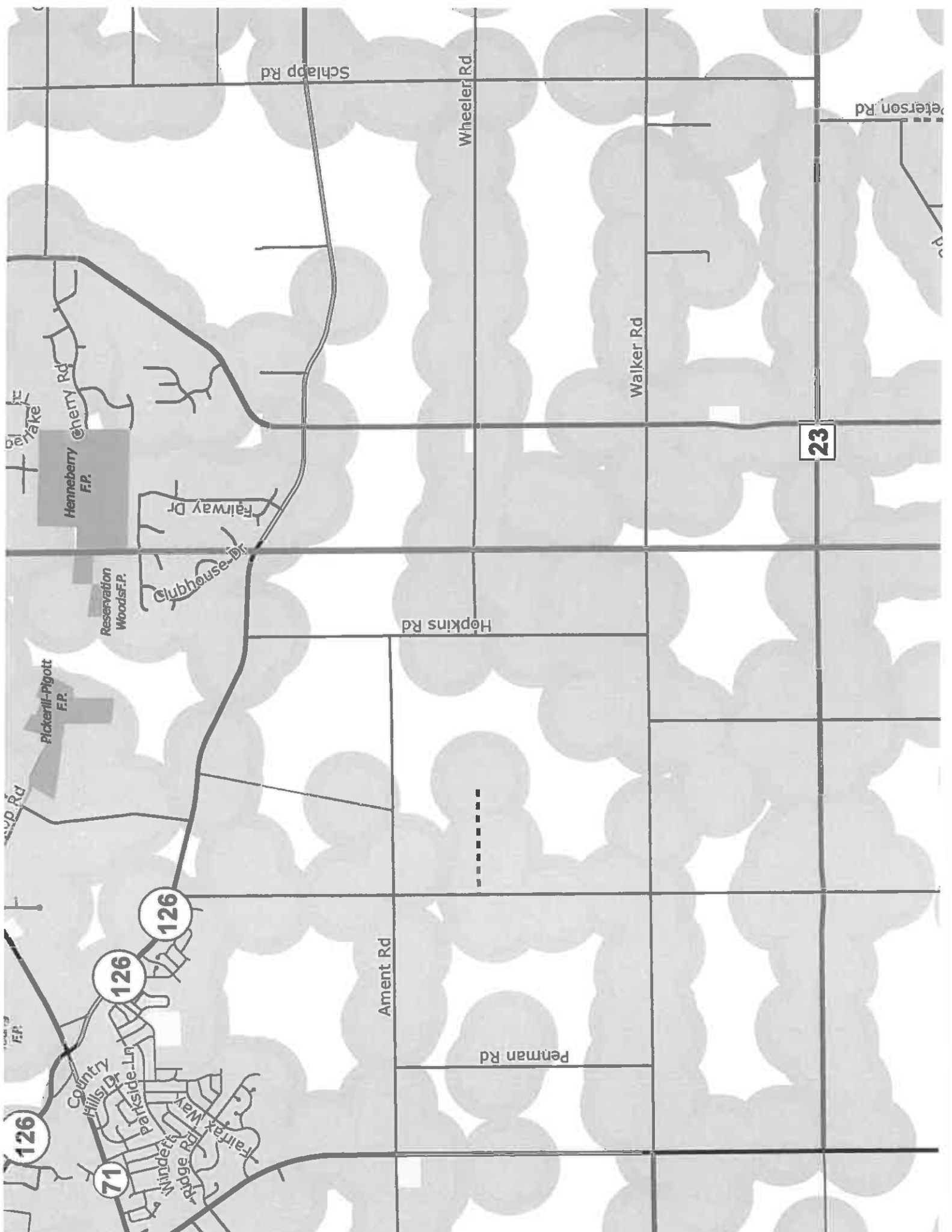


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560
630.553.4212

Seward Township



Created: 7/24/2019



Schiapp Rd

Wheeler Rd

Walker Rd

23

Peterson Rd

Henneberry F.P.

Reservation Woods F.P.

Pickerill-Pigott F.P.

Clubhouse Dr
Fairway Dr

Hopkins Rd

Ament Rd

Penman Rd

126

126

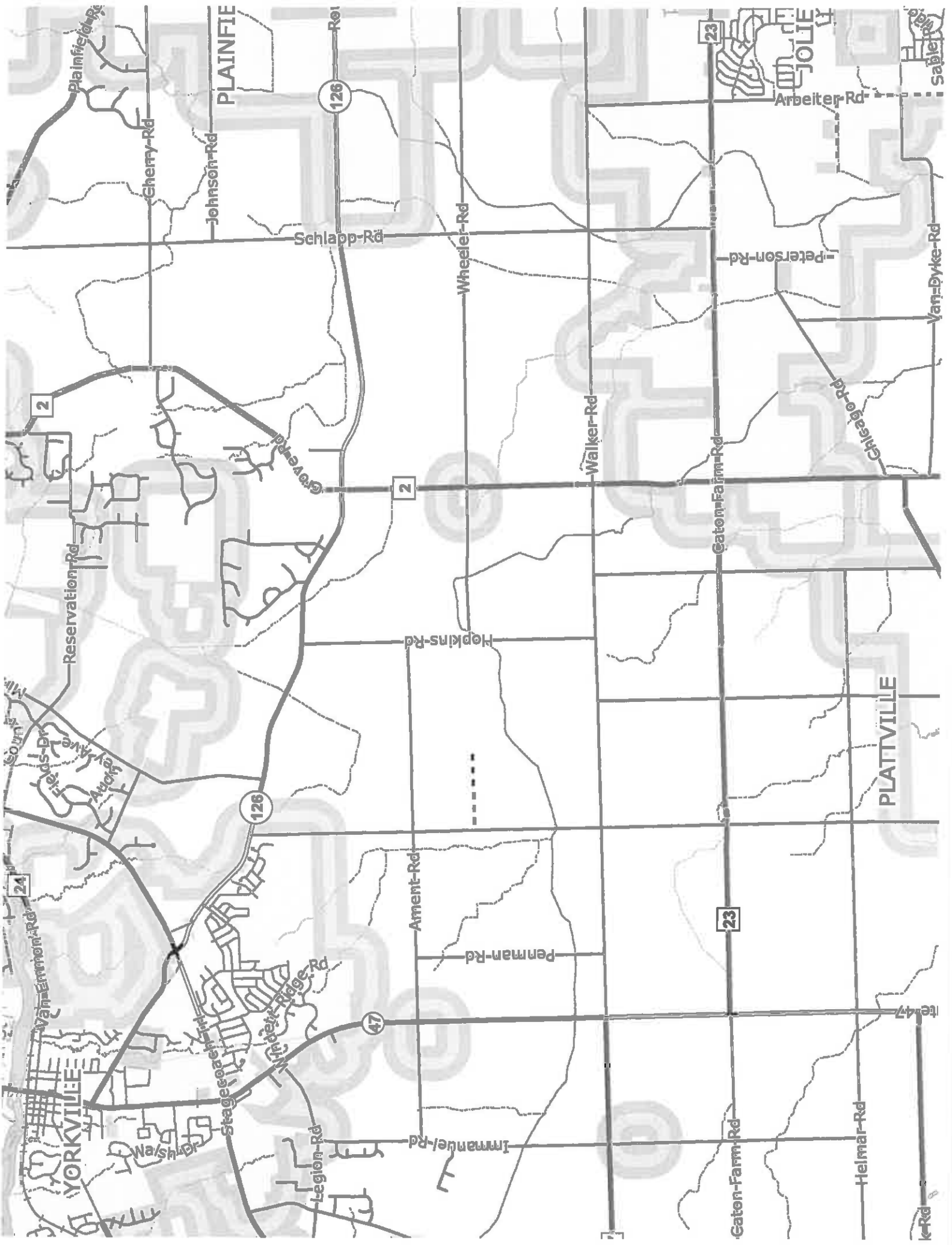
126

71

Country Hills Dr
Pariside Ln

Winder Rd
Ridge Rd

Fairfax Way



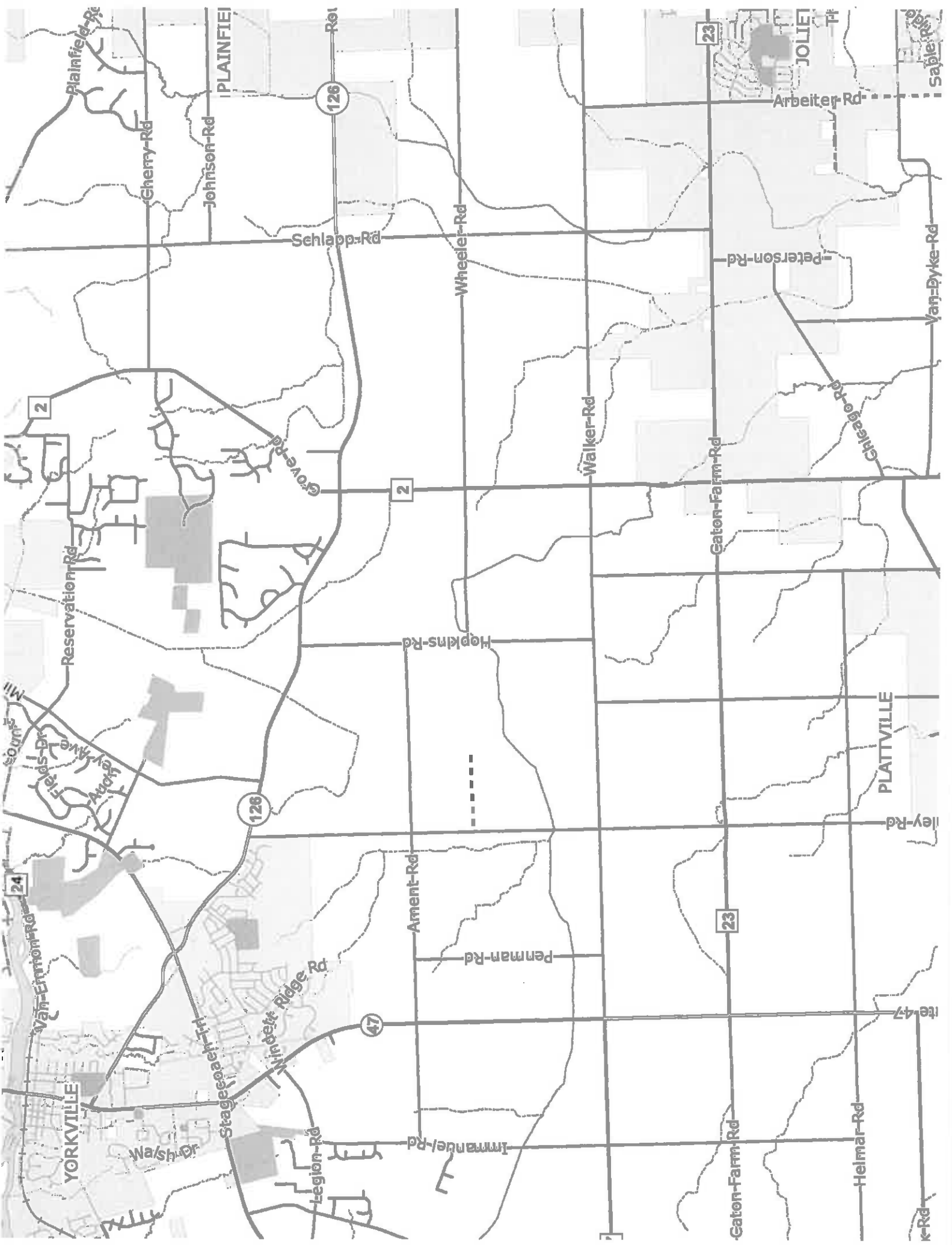
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Cherry Rd
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Arbeiter Rd
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Yorkville
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Stages Rd
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Penman Rd
Helmar Rd

Washington Dr
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Helmar Rd

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
September 3, 2019 – Unapproved Meeting Minutes**

Senior Planner Chairman Matt Asselmeier called the meeting to order at 9:05 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Matt Asselmeier – PBZ Department
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Matthew Prochaska – PBZ Committee Chair

Audience:

None

AGENDA

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

MINUTES

Mr. Guritz made a motion, seconded by Ms. Andrews, to approve the July 2, 2019, meeting minutes. With a voice vote of all ayes, the motion carried unanimously.

PETITIONS

Petition 19-31 Kendall County Planning Building and Zoning Committee

Mr. Asselmeier summarized the request.

Mr. Asselmeier noted that the intent of the Planning, Building and Zoning Committee was to have recreational and medical cannabis uses to have similar zoning requirements. In addition, this proposal only regulated the areas unique to County regulations; the proposal did not include restrictions already contained in State law.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related use to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes were as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning

Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.

3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

Maps showing the potential location of cannabis uses were provided.

The zoning related proposal is separate from the County's consideration of opting out of allowing recreational cannabis uses.

Commander Langston asked why some of the uses would be special uses in the B-3. Mr. Asselmeier responded that some Committee members felt some of the cannabis related uses should be in more trafficked areas.

Mr. Klaas expressed concerns about the negative impacts of the legalization of marijuana. He noted that marijuana is still illegal at the federal level. He noted that the federal government recognizes the potential exists for drug abuse with marijuana. He worried about the desensitizing impacts of drug use on kids. He expressed concerns regarding the ability of law enforcement entities to recognize people that are high or drunk. He did not want to be a party to any type of regulation or legalization of cannabis.

Commander Langston expressed his concerns regarding allowing cannabis uses in the B-3 District because it bolsters desensitization. He felt that the black market will thrive. He wanted to see clear description of security systems and security plans (the plans, how the plans are monitored, system backups, and structural requirements).

Discussion occurred regarding the County Board opting-out and the impacts of opting-out on the Zoning Ordinance.

Mr. Rybski noted that Dr. Tokars will be attending a future meeting on this topic.

Mr. Guritz noted that legalization could mean people consuming marijuana in the forest preserves and additional interesting behavior. Marijuana was still a noxious weed per State law.

Mr. Guritz made a motion, seconded by Commander Langston, to issue a neutral recommendation with a request that the proposal be amended to remove cannabls uses from the B-3 District and to add surveillance, security, and security related structural requirements to the proposed text amendment.

Ayes (5): Andrews, Asselmeier, Guritz, Langston, and Rybski
Nays (1): Klaas
Present (0): None
Absent (4): Briganti, Chlsmark, Holdiman, and Prochaska

The motion passed. There will be a special Planning, Building and Zoning Committee meeting on this topic on September 10, 2019 at 6:30 p.m. The proposal will go to the Kendall County Regional Planning Commission on September 25, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 18-04, pertaining to changes to the Future Land Use Map in Lisbon Township was rejected by the County Board.

Mr. Asselmeier reported that Petition 18-24, pertaining to the Flisk Special Use Permit Amendment at 17 Ashe Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-12, pertaining to a special use permit for a banquet center at 10978 Crimmin Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-25, pertaining to renewing a special use permit for a billboard at 34 and Hafenrichter was approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Ms. Andrews to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:40 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Special Meeting Minutes of September 10, 2019 - 6:30 p.m.

Chairman Ashton called the meeting to order at 6:33 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (arrived at 6:40 p.m.), Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Claire Wilson (arrived at 6:39 p.m.)

Members Absent: Bill Davis

Staff Present: Matthew H. Asselmeier, Senior Planner, Scott Koeppel, County Administrator

Others Present: Elizabeth Flowers, Scott Gengler, Judy Gilmour, Matt Kellogg, Matthew Prochaska, Commander Jason Langston, Amy Cesich, Randy Cesich, Robyn Vickers, Dr. Amaal Tokars, Jackie Kowalski, Steve Gengler, Brad Blocker, and Katie Finlon

APPROVAL OF AGENDA

Commissioner Nelson made a motion, seconded by Commissioner McCarthy-Lange, to approve the agenda. With a voice vote of six (6) ayes, the motion passed unanimously.

PUBLIC COMMENT

None

NEW/OLD BUSINESS

Discussion and Possible Amendment to Petition 19-31-Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

Mr. Asselmeier summarized the request.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related use to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
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3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.

Maps showing the potential location of cannabis uses were provided.

Townships were notified of this proposal and the September 10th meeting on August 28, 2019.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally.

Planning, Building and Zoning Committee Chairman Prochaska emphasized the importance of having some type of zoning in place by January 1, 2020, and the implications of not having zoning regulations in place by that date.

Member Kellogg explained the purpose of this meeting and that the proposal was intended to be a working document. Changes to the proposal are anticipated.

Commissioner Wilson arrived at this time (6:39 p.m.).

Commissioner Nelson suggested having a more restrictive regulation at the beginning because the difficulties of taking a use away at a later date. He expressed concerns regarding the ability of a cannabis related use going anywhere in the County, if no zoning regulations are in place. The regulations could be modified in the future

Commissioner Casey arrived at this time (6:40 p.m.).

Member Flowers expressed agreement with Commissioner Nelson's suggestions. She expressed opposition to co-location of cannabis uses.

Member Gilmour favor a minimum of distance of one thousand five hundred feet (1,500') from cannabis uses to other protected uses. Planning, Building and Zoning Committee Chairman Prochaska and Member Kellogg favored a one thousand foot (1,000') distance.

It was noted that Planning, Building and Zoning Committee members did not agree on a stand-a-lone building requirement for cannabis uses. Discussion occurred regarding potential odors and odors from other types of businesses.

Regional Planning Commission Chairman Ashton if there was any update from the State regarding regulations. Mr. Asselmeier responded that the Department of Agriculture has not released any information regarding its rule-making progress.

County Administrator Koeppel stated that infuser and transporter applications will not be available until January 1, 2020. Growing applications will be available October 1, 2019.

Discussion occurred regarding enforcement. Commission Hamman asked who was going to be oversee these regulations. Mr. Asselmeier responded that the Zoning Inspector will be responsible for enforcing Kendall County's specific zoning regulations and that the Sheriff's Department and other law enforcement agencies will

be responsible for those enforcement areas assigned to them. The two (2) main areas of zoning regulations were zoning districts where the uses might be allowed and distances from protected uses as determined by the local government.

Mr. Asselmeier summarized that ZPAC did not want cannabis uses in the B-3 district, they wanted greater security information, and they wanted the Sheriff's Department to have access to the security system of cannabis related uses. Commander Langston explained the Illinois regulations as they relate to security system access. The law uses the phrase "upon request" as it relates to access to security systems. Security systems would not be live feed. Facial recognition use was discussed, but was not specifically required in State law. Commander Langston explained that video records must be retained for ninety (90) days and as long as necessary in cases of loss or theft. The Sheriff's Department is not responsible for dictating where security cameras must be placed.

Discussion occurred about placing cannabis uses in the B-3 District and the impact of odors on neighboring retail businesses. Discussion occurred about placing a cannabis related business in the former Caterpillar property; this property is zoned M-2. Commander Langston explained the Sheriff's Department's concerns about placement of cannabis uses in the B-3 District.

Commissioner Wilson asked why the setback distances were different for each use. Mr. Asselmeier explained that the distances related to craft growers were based on the distance used for outdoor shooting ranges. For cultivation centers, the distance came from State law. For dispensing organizations, the distance from schools was from State law and the distance from residential uses was from the Illinois Municipal League's template ordinance. For the remaining cannabis uses, the distances came from the Illinois Municipal League's template ordinance.

Brad Blocker, Na-Au-Say Township Supervisor, pointed out that the special use reference section for A-1 was incorrect; it should be Section D and not Section C. He noted that craft growers cannot co-locate with dispensing organizations and infuser organizations in the A-1 because only craft growers were allowed in the A-1 and the two (2) uses were not allowed in the A-1. He questioned the logic of using the distance measurement for gun ranges; he favored using the distance requirement for craft breweries. Member Kellogg said one thousand feet (1,000') was used by counties in Colorado; gun ranges were not the reason the distance was proposed at one thousand feet (1,000').

Member Kellogg suggested adding setbacks from halfway houses and correctional facilities to the proposal.

Commissioner Wilson expressed concerns regarding a medical dispensing organization locating within two hundred fifty feet (250') from residential uses and residential zoned property.

Commissioner Wilson asked about the definition of adult and the possibility of having a business license revoked similar to a liquor license. According to State law, the legal age to buy cannabis products is twenty-one (21). Discussion has occurred at the County level of an ordinance similar to the Liquor Control Ordinance that restricts the number of cannabis related businesses in the County and establishes a license similar to a liquor license. Discussion occurred about the difficulty and amount of time necessary to revoke a special use permit compared to revoking a liquor license. There was uncertainty about whether or not the Sheriff's Department would do compliance checks with cannabis businesses similar to the checks they do for liquor establishments. The consensus of both the Planning, Building and Zoning Committee and the Regional Planning Commission was to ask the State's Attorney's Office for an opinion whether or not a County can

designate a person with similar powers as the liquor commissioner but for cannabis related business and if the County can restrict the number of cannabis businesses similar to the way the County restricts the number of liquor establishments.

The State will put licenses out for the first seventy-five (75) dispensaries on October 1, 2019. If someone is awarded a license on January 1, 2020, they will pursue securing necessary zoning permits at their property after the preliminary award. If they secure applicable zoning permits, then the State will grant final licensure in May 2020. The licenses will be awarded on a points system. A medical dispensary can be awarded a recreational license on January 1, 2020. There will be a total of three hundred (300) dispensary licenses by the end of 2021.

Dispensaries can sell paraphernalia. The special use permit can restrict the other products sold at the establishment.

Randy Cesich explained the procedure for entering a cannabis dispensary in Colorado, the layout of the store, and the visible security presence inside the facility.

Discussion occurred regarding the interconnection of dispensaries regarding cannabis purchases.

Discussion occurred regarding using credit cards to purchase cannabis. Cash was not the way to purchase cannabis.

Discussion occurred regarding increased crime in Colorado since the legalization of cannabis.

Member Flowers asked Dr. Tokars if the new regulations will assist with addressing the opioid crisis. Dr. Tokars responded that the new law does not add anything to existing medical cannabis availability.

Planning, Building and Zoning Committee Chairman Prochaska asked Dr. Tokars about second hand smoke from cannabis uses. Dr. Tokars responded that little research exists about the impact of second hand THC.

Commissioner Wilson asked about tests that law enforcement can use to identify people under the influence of cannabis similar to an alcohol breathalyzer test. Commander Langston responded that no tests were currently available in Illinois.

Discussion occurred regarding fencing requirements; barbed wire is not required in State law.

Steve Gengler, Kendall Township Supervisor, agreed with the Sheriff's Department regarding the B-3 District. They did not foresee cannabis uses in the B-3 District; they favored cannabis uses in the M-1 and M-2 Districts.

Commissioner Wilson asked about the impact of legalization of cannabis businesses on the black market. Commander Langston responded that the black market did not pay taxes for sales of cannabis and still existed.

Discussion occurred regarding the intergovernmental agreements for zoning and the potential of those municipalities to opt-out. Mr. Asselmeier responded that a municipality could still opt-out in the same way that the County's zoning might allow alcohol in a specific zoning district, but the township where a given property is located is dry. Townships cannot opt-out.

Discussion occurred regarding the procedures to opt-out and potentially opt-in at some point in the future.

Discussion occurred regarding the potential tax revenue. The County can levy a sales tax at a maximum three point seven five percent (3.75%) in the unincorporated areas and a maximum three percent (3%) in municipalities. Municipalities can impose a three percent (3%) sales tax. A dispensary would have to pay six percent (6%) sales tax if they located inside a municipality and both the municipality and the County levied the maximum sales tax. Commissioner Nelson asked if the County could still collect taxes on cannabis sales inside a municipality if the County opted-out. County Administrator Koeppel thought the County could collect sales tax, but he did not have a legal opinion on the subject. The consensus of both the Planning, Building and Zoning Committee and the Regional Planning Commission was to ask the State's Attorney's Office if the County can still levy a tax on cannabis related business inside a municipality if the County opted-out.

Mr. Asselmeier presented the timeline for adoption. The proposal goes to the Regional Planning Commission on September 25th, the Zoning Board of Appeals hearing on September 30th, the townships would have the month of October to review and file objections, the matter would go to the Planning, Building and Zoning Committee and County Board in November. There is a one (1) month space for leeway.

The opt-out question will be at the Committee of the Whole on September 12, 2019.

COMMENTS FROM PRESS

None

ADJOURNMENT

Commissioner McCarthy-Lange made a motion, seconded by Commissioner Rodriguez, to adjourn. With a voice vote of eight (8) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:55 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Meeting Minutes of September 25, 2019 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent:

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Matthew Prochaska

APPROVAL OF AGENDA

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the agenda. Chairman Ashton announced that the Petitioners for Petition 19-26 requested a layover to the next meeting. With a voice vote of nine (9) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member Bledsoe, to approve the minutes of the July 24, 2019, meeting. With a voice vote of nine (9) ayes, the motion carried unanimously.

Member Bledsoe made a motion, seconded by Member Rodriguez, to approve the minutes of the September 10, 2019, special meeting. With a voice vote of nine (9) ayes, the motion carried unanimously.

PETITIONS

19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)

Members reviewed a letter from the Petitioners' attorney dated September 20, 2019, requesting a layover to the October meeting.

Chairman Ashton asked what happens if the Petitioner does not submit information for the next meeting. Mr. Asselmeier responded that the Commission was not bound to approve an extension. The Commission could decide to issue a recommendation based upon the available information. No cleanup has occurred at the property.

The matter was laid over until the October 23, 2019, meeting.

19-31 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the changes from the September 10th meeting. The changes were:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.

3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

Discussion occurred regarding the odors from cannabis related uses. Odors arise at cultivating and processing facilities. Money from cannabis related businesses also tends to have cannabis on them and the money also smelled of cannabis.

Member Wilson asked about the difference between craft growers and cultivators. Specifically, she was concerned that cultivators were in M-1 and M-2 and craft growers were allowed in A-1 in addition to M-1 and M-2. Mr. Asselmeier responded that the proposed regulation for cultivators came from the existing zoning regulations for medical cannabis cultivators. Discussion occurred about the lack of regulations from the Illinois Department of Agriculture and the idea of being more restrictive with the regulations at the beginning and potentially loosening restrictions in the future. Member Nelson argued that it was easier to extend a land use right than it was to remove a land use right in the future.

Member Wilson asked about the fencing requirements for cultivators. Mr. Asselmeier responded that the fencing requirement came from the County's existing requirements for medical cultivators.

Discussion occurred about cannabis related uses in the B-3 District and the impact of restricting cannabis businesses to the M Districts. Discussion also occurred regarding having cannabis related businesses in an area like Boulder Hill. The suggestion was made to allow cannabis related businesses on B-3 zoned property near an interstate; the County regulates other special uses by proximity to roadways meeting certain classifications. County Board Member Matthew Prochaska stated that the County Board could be open to the idea of allowing cannabis businesses near an interstate.

Member Davis made a motion, seconded by Member Nelson, to recommend approval of Petition 19-31 with an amendment that any cannabis business located on B-3 zoned property be a maximum of one thousand feet (1,000') from an interstate highway.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Davis, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wilson
Nays (0): None
Absent (0): None

The motion carried. The proposal goes to the Zoning Board of Appeals on September 30th.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Approval of Fiscal Year 2019/2020 Meeting Calendar

Member Nelson made a motion, seconded by Member Rodriguez, to approve the meeting calendar. With a voice vote of nine (9) ayes, the motion carried unanimously.

OLD BUSINESS

Update on Zoning Ordinance Project

Mr. Asselmeier reported that Comprehensive Land Plan and Ordinance Committee has reviewed Sections 1-9 and Section 12.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 18-04, pertaining to changes to the Future Land Use Map in Lisbon Township was rejected by the County Board.

Mr. Asselmeier reported that Petition 18-24, pertaining to the Flisk Special Use Permit Amendment at 17 Ashe Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-12, pertaining to a special use permit for a banquet center at 10978 Crimmin Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-25, pertaining to renewing a special use permit for a billboard at 34 and Hafenrichter was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that there was a request for a special use permit for outdoor storage at 7821 Route 71 and a request for a special use permit for a kennel and a variance to allow a kennel at the property at 3601 Plainfield Road.

ADJOURNMENT

Member Wilson made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of nine (9) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:52 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

**MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
September 30, 2019 – 7:00 p.m.**

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL:

Members Present: Randy Mohr (Chair), Scott Cherry, Karen Clementl, Cliff Fox, Tom LeCuyer, and Dick Thompson

Members Absent: Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Others Present: Matthew Prochaska, Commander Jason Langston, and Steve Gengler

PETITIONS

Chairman Mohr swore in all members of the public that wished to speak on the Petition.

The Zoning Board of Appeals started their review of Petition 19-31 at 7:04 p.m.

Petition 19-31 – Request:	Kendall County Planning, Building and Zoning Committee Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses
Purpose:	Proposal Repeals Previously Adopted Medical Cannabis Related Zoning Ordinances; Adds Definitions for Recreational Cannabis Related Uses; Adds Definitions for Medical Cannabis Related Uses; Designates the Zoning Districts Where Recreational and Medical Cannabis Uses May Occur by Special Use Permit with Restrictions; Updates Appendix 9 to Reflect the Addition of Recreational and Medical Cannabis Related Uses; Corrects Citation Errors to the Zoning Ordinance Caused by the Addition of Recreational and Medical Cannabis Related Uses

Mr. Asselmeier summarized the request.

Mr. Asselmeier explained that this proposal was a zoning regulation focusing on establishing regulations that the County could enforce. The proposal was not a licensing regulation and did not duplicate the requirements of State law.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed the County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where a medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related uses to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-

2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.

7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.

Townships were notified of this proposal and a combined meeting of the Regional Planning Commission and Planning, Building and Zoning Committee scheduled for September 10th on August 28, 2019.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally. The minutes of this meeting were provided.

On September 10, 2019, the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee held a combined meeting. The changes made to the proposal were as follows:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.
3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that Infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

The minutes of the September 10th meeting were provided. Mr. Asselmeier noted that Na-Au-Say Township identified the incorrect zoning citation and requested the clarifications listed previously. Kendall Township expressed concerns about having cannabis uses in the B-3; the B-3 uses in Kendall Township focused more on auto related uses and were not intended for cannabis uses.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on September 25, 2019. The consensus of the Commission was to have stricter regulations in place as a starting point. These regulations could be relaxed at some point in the future, if deemed appropriate (i.e. it is easier to grant a land use right than to take away a land use right). The Kendall County Regional Planning Commission unanimously recommended approval of the proposal with an amendment that all cannabis uses allowed on B-3 zoned property (adult-use and medical dispensing organizations, adult-use infuser organizations, and adult-use processing organizations) be located a maximum one thousand feet (1,000') from an interstate highway. The minutes of this meeting were provided.

The proposed changes to the Kendall County Zoning Ordinance with changes proposed by ZPAC, changes made at the September 10th meeting, and the change proposed by the Kendall County Regional Planning Commission were provided.

Maps showing the potential location of cannabis were provided. Members reviewed the maps.

Information from Colorado regarding zoning regulations were provided.

Chairman Mohr asked if hemp was governed by this proposal. Mr. Asselmeier responded that hemp is governed separately than cannabis. Hemp is an agricultural purpose.

Chairman Mohr asked if a cannabis business could locate with a shooting range. Mr. Asselmeier responded that the current regulations for shooting ranges in the Kendall County Zoning Ordinance prevents cannabis businesses from locating with gun ranges. State law does not prevent a shooting range from co-locating with a cannabis business.

Chairman Mohr expressed concerns regarding having a cannabis business on B-3 zoned properties near churches and schools if the property was located near an interstate. Mr. Asselmeier responded that the church and school in Grundy County near the interstate did not have direct access to a property in Kendall County.

Mr. Asselmeier noted the odor concern and the difficulty in measuring odor.

Chairman Mohr opened the public hearing at 7:22 p.m.

Matthew Prochaska, Chairman of the Kendall County Planning, Building and Zoning Committee, stated that the Committee drafted this proposal from the template provided by the Illinois Municipal League and the Planning, Building and Zoning Committee wanted comments and input from the advisory boards. He emphasized the odor and security issues that arise from cannabis related businesses. He favored cannabis uses be in stand-a-lone buildings. He also suggested that cannabis businesses be

allowed on B-3 zoned properties if the property was within one thousand feet (1,000') of an interstate highway junction because of concerns regarding the classification of the Prairie Parkway.

Member Fox asked if credit unions will take deposit of money from cannabis businesses. Mr. Prochaska responded that credit unions and banks chartered by the state that are not federally insured would accept deposits. Mr. Prochaska expressed concerns regarding security at cannabis related businesses and in the vicinity of cannabis related businesses.

Chairman Mohr asked if counties could levy taxes on cannabis businesses if the county opt-out. Mr. Prochaska responded that he has received conflicting opinions regarding this topic. The proposal in Kendall County would set the tax at the maximum rate permitted.

Member Fox asked if dispensaries will allow onsite consumption. Mr. Asselmeier responded that onsite consumption by members of the public was not allowed in the current proposal.

Discussion occurred regarding the sale of infused products compared with the sale of cannabis for smoking.

Chairman Mohr expressed concerns about having cannabis available for sale near an interstate highway where people can pull off of the interstate and quickly leave. Commander Langston noted that people purchase alcohol and presumably do not drink while driving.

Steve Gengler, Kendall Township Supervisor, asked about enforcement. Mr. Asselmeier responded that the regulations contained in the Kendall County Zoning Ordinance would be enforced by the Kendall County Planning, Building and Zoning Department. State law is enforced by those agencies empowered by the State to enforce the law. Mr. Prochaska noted that the Planning, Building and Zoning Committee is examining citation enforcement.

Chairman Mohr adjourned the public hearing at 7:35 p.m.

Member Clementi expressed concerns about picking and choosing specific B-3 locations. Discussion occurred regarding the market for cannabis business at B-3 zoned locations and picking and choosing B-3 zoned locations.

Chairman Mohr favored requiring cannabis businesses be in stand-a-lone buildings as a way to control odors.

Member Clementi made a motion, seconded by Member LeCuyer, to recommend approval with the amendment that cannabis related businesses be located in stand-a-lone buildings only and the recommendation that the distance requirement to interstate highways for cannabis businesses located on B-3 zoned properties be dropped.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson

Nays (0): None

Absent (1): Whitfield

The motion passed. This proposal will go to the Kendall County Planning, Building and Zoning Committee on November 12, 2019, after the thirty (30) day review by townships with planning commissions.

The Zoning Board of Appeals completed their review of Petition 19-31 at 7:41 p.m.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member LeCuyer made a motion, seconded by Member Cherry, to adjourn. With a voice vote of six (6) ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:45 p.m.

The next hearing/meeting will be on October 28, 2019.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits

1. Memo on Petition 19-31 Dated September 26, 2019
2. Certificate of Publication for Petition 19-31 (Not Included with Report but on file in Planning, Building and Zoning Office).



84 Templeton Dr. #104
Oswego, IL 60543

October 17, 2019

Mr. Matt Asselmeier
Senior Planner Kendall County
111 West Fox Street Rm #204
Yorkville, IL 60560

Dear Mr. Asselmeier:

The Oswego Township Board held its monthly meeting last week and discussed Kendall County's Zoning Ordinance 19-31 which provides text amendments pertaining to recreational and medical cannabis uses.

The Oswego Township Board unanimously agreed to submit a written objection to the sale of cannabis within the Boulder Hill area.

For further information regarding this issue, please feel free to contact Brian LeClercq, the Township Supervisor, at 630-364-7954.

Sincerely,

A handwritten signature in cursive script that reads "Donna Stanley".

Donna Stanley
Deputy Clerk
Oswego Township

Supervisor 630 554-3211
Assessor 630 554-3214
Fax 630 554-2950

www.OswegoTownship.com

Road Commissioner 630 264-4587
Fax 630 264-6695

[Type here]

KENDALL TOWNSHIP

STEVE GENGLER, SUPERVISOR
9925 ROUTE 47 YORKVILLE, ILLINOIS

630-553-7133

October 19, 2019

To: Matt Asselmeier, Senior Planner

This letter is to inform you that the Kendall Township Board, with the recommendation of their planning commission, would like to accept the cannabis proposal with the following objections:

Section 9.04.C to remove B3 district from Adult-use Cannabis Dispensing Organizations.

Section 9.04.C to add B-3, M-1 and M-2 to the Medical Cannabis Dispensing Organizations.

In summary, if there is a dispensing organization in B-3 we want it to only be Medical Cannabis Dispensing.

Sincerely,

The Kendall Township Board

Steve Gengler, Supervisor

Petition 19-31

Request by the Kendall County Planning, Building, and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

Minority Report #1

In regards to *Petition 19-31, Request by the Kendall County Planning, Building, and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses*, and Pursuant to Roberts Rules of Order, Rule 51; the undersigned, a minority of the Planning, Building, and Zoning Committee appointed by the Chairman of the County Board and approved by the County Board, or through Article 14.D. of the Rules of Order of the County Board; not agreeing with the majority, desire to express their views in the case of Adult-Use Cannabis Cultivation Centers:

Section 10.01.C (Special Uses in the A-1, M-1 and M-2 Districts) is amended by adding the following:

Adult-Use Cannabis Cultivation Centers Subject to the Following Conditions:

1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
6. No outdoor storage is allowed.
7. Electronic message boards and temporary signs are not allowed.

8. Fences must be a minimum of eight feet (8') feet tall.
9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Cultivation Centers Subject to the Following Conditions:

1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
6. No outdoor storage is allowed.
7. Electronic message boards and temporary signs are not allowed.
8. Fences must be a minimum of eight feet (8') feet tall.
9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
11. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.

I respectfully request that the Committee of Whole accept this report into the record and the section of the Committee Report in question be amended with the adoption of this report,

Robyn Vickers

Date

Request by the Kendall County Planning, Building, and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

Minority Report #2

In regards to *Petition 19-31, Request by the Kendall County Planning, Building, and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses*, and Pursuant to Roberts Rules of Order, Rule 51; the undersigned, a minority of the Planning, Building, and Zoning Committee appointed by the Chairman of the County Board and approved by the County Board, or through Article 14.D. of the Rules of Order of the County Board; not agreeing with the majority, desire to express their views in the case of B-3 Zoning in regards to :

Section 9.04.C (Special Uses in the ~~B-3~~, M-1; and M-2 Districts) is amended by adding the following:

Adult-Use Cannabis Dispensing Organization Subject to the Following Conditions:

1. Facility may not be located within one thousand feet (1,000') of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000') of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
5. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.
6. On properties zoned M-1 or M-2, Adult-Use Cannabis Dispensing Organizations may collocate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- ~~7. On properties zoned B-3, Adult Use Cannabis Dispensing Organizations may collocate with Adult Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.~~
8. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
9. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to

- address operations when security and surveillance system malfunction) and building code compliance.
- c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
10. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 11. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 12. Hours of operation are 6:00 a.m. until 10:00 p.m.
 13. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 14. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 15. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Dispensing Organization Subject to the Following Conditions:

1. Facility may not be located within one thousand feet (1,000') of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand feet (1,000') of the property line of a preexisting forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
5. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.
6. On properties zoned M-1 or M-2, Adult-Use Cannabis Dispensing Organizations may collocate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.

- ~~7. On properties zoned B-3, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.~~
8. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
9. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
10. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
11. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
12. Hours of operation are 6:00 a.m. until 10:00 p.m.
13. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
14. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
15. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

6. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following:

Adult-Use Cannabis Infuser Organization Subject to the Following Conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public

library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.

4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.
5. On properties zoned M-1 or M-2, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- ~~6. On properties zoned B-3, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.~~
7. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
8. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

7. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following:

Adult-Use Cannabis Processing Organization Subject to the Following Conditions:

1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.

2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, place of worship, public library, or game arcade to which admission is not restricted to person twenty-one (21) years of age or older. The measurement shall be from the cannabis use.
4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply. f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

I respectfully request that the Committee of Whole accept this report into the record and the section of the Committee Report in question be amended with the adoption of this report,

 Scott Gengler

 Date

 Matthew G. Prochaska
 (In Part)

 Date

Petition 19-31

Request by the Kendall County Planning, Building, and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

Minority Report #3

In regards to *Petition 19-31, Request by the Kendall County Planning, Building, and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses*, and Pursuant to Roberts Rules of Order, Rule 51; the undersigned, a minority of the Planning, Building, and Zoning Committee appointed by the Chairman of the County Board and approved by the County Board, or through Article 14.D. of the Rules of Order of the County Board; not agreeing with the majority, desire to express their views in the case of B-3 Zoning in regards to :

Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following:

Adult-Use Cannabis Dispensing Organization Subject to the Following Conditions:

2. Facility may not be located within one thousand feet (1,000') of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. The measurement shall be from the cannabis use.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes. The measurement shall be from the cannabis use.
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4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.
5. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.
6. On properties zoned M-1 or M-2, Adult-Use Cannabis Dispensing Organizations may collocate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
7. On properties zoned B-3, Adult-Use Cannabis Dispensing Organizations may collocate with Adult-Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space. In addition, all properties zoned B-3 must be one thousand feet (1,000') from an Interchange of an Interstate and a County or State Highway.
8. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
9. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

- b. Information on the proposed structure the facility will be located, including cotenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
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 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
10. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 11. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 12. Hours of operation are 6:00 a.m. until 10:00 p.m.
 13. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 14. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 15. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.

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910. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

I respectfully request that the Committee of Whole accept this report into the record and the section of the Committee Report in question be amended with the adoption of this report,

Matthew Prochaska

Date