

**COUNTY OF KENDALL, ILLINOIS**  
**Boards and Commissions Review Ad Hoc Committee**  
County Office Building, County Board Room 210  
111 W. Fox Street; Yorkville IL 60560



**Friday, August 18, 2017 - 3:15p.m.**  
**AGENDA**

- 1. Call to Order**
- 2. Roll Call and Establishment of a Quorum:** Tony Giles (Chair), Matthew Prochaska (Vice Chair), John Purcell, Judy Gilmour, Audra Hendrix
- 3. Approval of Agenda**
- 4. Approval of Minutes from August 11, 2017**
- 5. Items of Business**
  - *Kendall County Township*
  - *Labor and Grievance Committee: Legal and update*
  - *Report by Member Matthew Prochaska on Ethics Commission/Ethics Ordinance*
  - *Discussion on Staff Zoning Flow Chart*
  - *Transfer Duties of Special Use Officer to ZBA*
  - *Review of Stormwater members and update*
  - *Discussion on Fire Protection Districts*
  - *Discussion on Sanitary Districts*
- 6. Public Comment**
- 7. Questions from the Media**
- 8. Executive Session**
- 9. Action Items for County Board**
- 10. Items for the Committee of the Whole**
- 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**  
**Boards and Commissions Review Ad Hoc Committee**  
**MEETING MINUTES**  
**Thursday, August 11, 2017**

**Call to Order:** The Ad Hoc Committee was called to order by Committee Chair Tony Giles at 10:31 a.m.

**Roll Call and Establishment of a Quorum:** Tony Giles - here, Matthew Prochaska – here, Audra Hendrix – here, Judy Gilmour – here. **With three members present, a quorum was present to conduct business.**

Committee Members Absent:

*Member Purcell arrived at 10:32 a.m.*

Others Present: Scott Koeppel, Matt Asselmeier

**Approval of Agenda –** Motion made by Member Prochaska to approve the agenda as written, second by Member Hendrix. **With four members voting aye, the agenda was approved.**

**Items of Business**

- *Review of Ethics Commission/Ethics Ordinance –* Member Purcell asked if the purpose was to change the Ordinance or to keep/eliminate the Committee. Member Prochaska stated it could not be eliminated by statute. He stated that the state statute said it also is to be composed of three members, but is currently five. In addition, members cannot be members of any elected or appointed office. Currently only one member met the requirements. **There was consensus by the committee was for Member Prochaska to come back with clarification on the statute.**
- *Assigning Terms to the Farmland Review Committee, Zoning Ad Hoc Committee, KenCom Executive Board (ETSB), and Stormwater Planning Committee –* Members discussed clarification the ability to put terms on Farmland Review Committee as it was most ex-Officio. In addition, those appointed are by the County Board Chairman. **The Committee directed staff to research on the ability to put terms, and eligibility of members on all the items except for Zoning Ad-Hoc, and bring the findings to the August 29, 2017 meeting.**

**In addition, for KenCom Boards, the Committee recommended to the County Board to put the two years terms on members appointed by the County Chairman, to coincide with the County Board Chair's term.**

- *Review of Planning, Building and Zoning Committees –* Members discussed the need for the separate Committees. The concern was balancing expediting smaller projects like Special Use versus larger projects such as subdivision developments. In addition, the Committee looked at duplicative duties between the meetings.

**The committee decided to have staff create a flow chart for a slow track and fast track for certain types of zoning requests on the August 18 meeting. Staff would also present language of transferring the duties of the Special Use Hearing Officer to the Zoning Board of Appeals.**

**In addition, there was a motion from Member Hendrix to recommend to the County Board of the removal of the Zoning Ad-Hoc. With five members voting aye, the motion passed.**

*Discussion on Fire Protection Districts* – The Committee did not discuss the item, moving it to the August 18 agenda. Member Purcell stated as he would not be at the next meeting, he wanted to voice that he was in favor of the Districts remaining appointed rather than elected.

*Discussion on KenCom 911 Board* – The Committee discussed this with the above term discussion, and moved an item to the County Board.

*Discussion on Sanitary Districts* – The Committee did not discuss the item, moving it to the August 18 agenda.

**Public Comment - None**

**Questions from the Media - None**

**Executive Session – Not needed**

**Items for the Next Meeting**

- *Assigning Terms to the Farmland Review Committee, KenCom Executive Board (ETSB), and Stormwater Planning Committee*
- *Review of Planning, Building and Zoning Committees*
- *Discussion on Fire Protection Districts*
- *Discussion on Sanitary Districts*

**Items for Committee of the Whole - None**

**Action Items for County Board**

- Recommend to the County Board of the removal of the Zoning Ad-Hoc Committee.
- Recommend to put the two years terms on members appointed by the County Chairman, to coincide with the County Board Chair's term.

**Adjournment** – Member Prochaska made a motion to adjourn the meeting, second by Member Hendrix. There being no objection, the Boards and Commissions Review Ad Hoc Committee adjourned at 12:26 p.m.

Respectfully,

Andrez Beltran  
Economic and Special Projects Coordinator.

## Special Use Hearing Officer Amendments

Ref: Ordinance 2004-13 (Created Hearing Officer)

Ref: 55 ILCS 5/5-12009.5 (Gives ZBA Authority to Hear Special Uses)

Need to account for open applications

### 7.01 A-1 Agricultural District

D. The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13.007:

### 7.01 A-1 Agricultural District

#### D. SPECIAL USES PERMITTED

53. Wind Farms, Commercial, subject to the following:

d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the Zoning Board of Appeals hearing officer, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

### 8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

C. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.007:

### 8.03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

## Special Use Hearing Officer Amendments

- H.1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.007 if approved with the Planned Development or as an amendment to a Planned Development.
- H.2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.007 without inclusion in the Planned Development or a subsequent amendment.

### 10.01 M-1 LIMITED MANUFACTURING DISTRICT

#### C. SPECIAL USES.

##### 27. Wind Farms, Commercial, subject to the following:

- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the Zoning Board of Appeals hearing officer, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

Wind Farming, Commercial is also a special use in M-2.

### SECTION 10.03 M-3 AGGREGATE MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION

#### I. FEES

## Special Use Hearing Officer Amendments

All applications for an M-3 zoning designation shall be accompanied by a fee for map amendments in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the Zoning Board of Appeals hearing officer, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any all additional costs incurred by the County in the completion of their review and recommendation of the zoning map amendment. Costs in excess of the application fee deposit will need to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

### 13.01 ADMINISTRATIVE OFFICERS

#### A. THE ZONING ADMINISTRATOR

2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:
  - e. Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this ordinance require referral to the Regional Plan Commission, the Zoning Board of Appeals, ~~the Hearing Officer as appointed by the County Board in subsection D of this Section 13.01~~, the Zoning, Platting Advisory Committee (ZPAC), the Planning, Building and Zoning Committee (PBZ), or the full County Board.

#### B. ZONING BOARD OF APPEALS

8. Rules and Procedures. The Zoning Board of Appeals shall adopt such rules concerning the filing of appeals and applications for amendments, and variances, and special use permits, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its

## Special Use Hearing Officer Amendments

examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the Office of the Zoning Board of Appeals and shall be a public record.

10. **Powers and Duties.** The Zoning Board of Appeals shall:
  - e. **To hear all applications for special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.**
  - ef. **Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.**
  - fg. **No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the Zoning Ordinance for a period of twelve months from the date of said denial or recommendation to deny.**
11. **Jurisdiction.** The concurring vote of three members of a Board consisting of five members or the concurring vote of four members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions.
  - a. **Judicial Review.** All decisions and findings of the Zoning Board of Appeals, on appeals, application for variations, special use permits or amendments, shall, after a hearing, be subject to review by court as by law may be provided.

### D. HEARING OFFICER.

A Hearing Officer shall be appointed by the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the County Board shall provide, and the County Board may establish a schedule of fees to defray the costs of providing a hearing officer.

## Special Use Hearing Officer Amendments

1. Powers and Duties. Hearing Officer shall be responsible for:
  - ~~a) Conducting hearings and making recommendations to the PBZ and County Board on all Special Use applications. The procedures for conducting such hearings and recommendations shall be as specified in Section 13.07. hereIn. (Amended 8/17/04)~~
  - a) Conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County.

## 13.08 SPECIAL USES & PLANNED DEVELOPMENTS

- A. PURPOSE. The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts.
- C. PROCESSING.
  1. An application for a special use shall be filed with the Zoning Administrator.
  2. A copy of such application shall be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review, comment, and recommendation
  3. A copy of such application and the committee report from the Zoning and Platting Advisory Committee (ZPAC) shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.
  4. A copy of such application and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission shall thereafter be forwarded to the Zoning Board of Appeals Hearing Officer with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
  5. The recommendation and findings of the Zoning Board of Appeals Hearing Officer shall be forwarded to the Planning, Building and Zoning (PBZ) Committee of the County Board for review and recommendation prior to final action by the County Board.



## Special Use Hearing Officer Amendments

D. **CONDITIONS AND GUARANTEES.** Prior to or after the granting of a special use, the **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restriction imposed shall constitute a violation of this ordinance.

E. **DECISIONS.**

1. The Board of Appeals shall report to the County Board a finding of fact using the criteria listed in Section 13.08.J of this ordinance and a recommendation as to whether the County Board should deny, grant or grant subject to conditions the special use.

24. The County Board, upon report of the **Zoning Board of Appeals Hearing Officer** and without further public hearing, may grant or deny a proposed special use, or may refer back to the **Zoning Board of Appeals Hearing Officer** for further consideration.

32. The County Board shall act to grant, deny, or amend the recommendations for every Special Use pertaining to a regulated use within 30 days of the date of those recommendations.

F. **REVOCAATION.** In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. If a revocation is proposed, the **Zoning Board of Appeals Hearing Officer** shall hold a public hearing (following procedures outlined in Section 13.087.H below) and submit to the County Board a report of their ~~his/her~~ findings and recommendations. The current property owner shall be provided notice at least 15 days in advance of the hearing.

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

H. **HEARING ON APPLICATION.** Upon receipt in proper form of the application and statement referred to in paragraph 13.08.G 7-2 of this ordinance ~~Section~~,

## Special Use Hearing Officer Amendments

~~the Zoning Board of Appeals Hearing Officer shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, and place and date of such hearing shall be published in a newspaper published in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in Kendall County. The notice must also contain:~~

- ~~1. The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.~~
- ~~2. Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.~~
- ~~3. Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.~~
- ~~4. Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity.~~
- ~~5. Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.~~
- ~~6. A brief statement of the proposed special use. of general circulation in Kendall County.~~

~~In addition to any other notice required by this Section, the Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use and the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed as a special use. The petitioner or applicant must pay the costs of the publication of the notice required by this Section. (We currently do 500 feet excluding ROW for properties zoned A-1 and adjacent for non-A-1 zoned properties.)~~

~~An audio recording of the proceedings shall be made by the County and shall be retained for a period of one year from the date of hearing. The petitioner at his or her discretion may elect to provide a court reporter, at his or her own expense, for the purposes of making a formal transcript of the proceedings. In addition to the application fee, the petitioner shall be responsible for the cost of the Zoning~~

## Special Use Hearing Officer Amendments

**Board of Appeals Hearing Officer** in conducting the hearing in accordance with the schedule of fees as established by the County Board.

- I. **AUTHORIZATION.** For each application for a special use the **Zoning Board of Appeals Hearing Officer** shall report to the County Board of Kendall County its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The County Board may grant or deny any application for a special use.

No proposed special use once denied by the County Board shall be again, on a subsequent petition, considered for approval within a period of twelve 12 months from the date of said denial.

- J. **STANDARDS.** No special use shall be recommended by the **Zoning Board of Appeals Hearing Officer** unless said **Zoning Board of Appeals Hearing Officer** shall make a written finding. The **Zoning Board of Appeals Hearing Officer** shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
3. That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
4. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer.
5. That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

- K. **CONDITIONS.** The **Zoning Board of Appeals Hearing Officer** may

## SECTION 13.00 ADMINISTRATION

recommend and the County Board may provide such conditions or restrictions reasonably necessary to meet the standards listed in Section 13.08.J upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood.

O. **MAJOR AMENDMENTS:** A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals (ZBA).

### P. PLANNED DEVELOPMENTS.

#### 3. Procedure.

d. The formal petition for a Planned Development shall be filed with the Zoning Administrator. The Zoning Administrator or his/her deputies shall be responsible for distributing the complete application to the following at the appropriate time:

- i. Zoning, Platting and Advisory Committee (ZPAC)
- ii. Members of the Regional Planning Commission
- iii. Zoning Board of Appeals ~~The Hearing Officer~~
- iv. The County Board

The applicant shall be responsible for providing copies via certified mail return receipt request to the following as soon as possible after filling the application with the County.

- i. Township(s) affected by the application
- ii. All municipalities within 1½ miles of the subject property

e. ~~The Zoning Board of Appeals Hearing Officer shall set a hearing date and shall cause notice of the hearing to be published at least once following the procedures set forth in Section 13.08.H of this ordinance no more than thirty days nor less than fifteen days before said hearing date in one or more newspaper of general circulation in the County. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least 5 days prior to the hearing date by certified mail to the tax payer of record for all parcels within five hundred feet (500'), excluding road right-of-way, of the parcel to be rezoned. For all other zoning categories, only adjacent properties must be~~

## SECTION 13.00 ADMINISTRATION

~~notified directly.~~

- f. The petition shall be heard by the **Zoning Board of Appeals Hearing Officer** and reviewed by the Planning Commission and the report of each shall be submitted to the County Board. The Plan Commission shall submit its review to the **Zoning Board of Appeals Hearing Officer** prior to the public hearing. The report of the findings and recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
- g. The County Board may grant a special use for a Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.

### Q. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.

1. In order to protect areas devoted to residential, business and light manufacturing uses from annoying or dangerous classes of industrial nuisances and hazards, Kendall County has divided into two manufacturing performance districts - M-1 and M-2 graduated respectively in terms of industrial performance standards from high to low. For practical purposes, the performance standards in the manufacturing districts have been supplemented by lists and of the uses permitted in these districts.

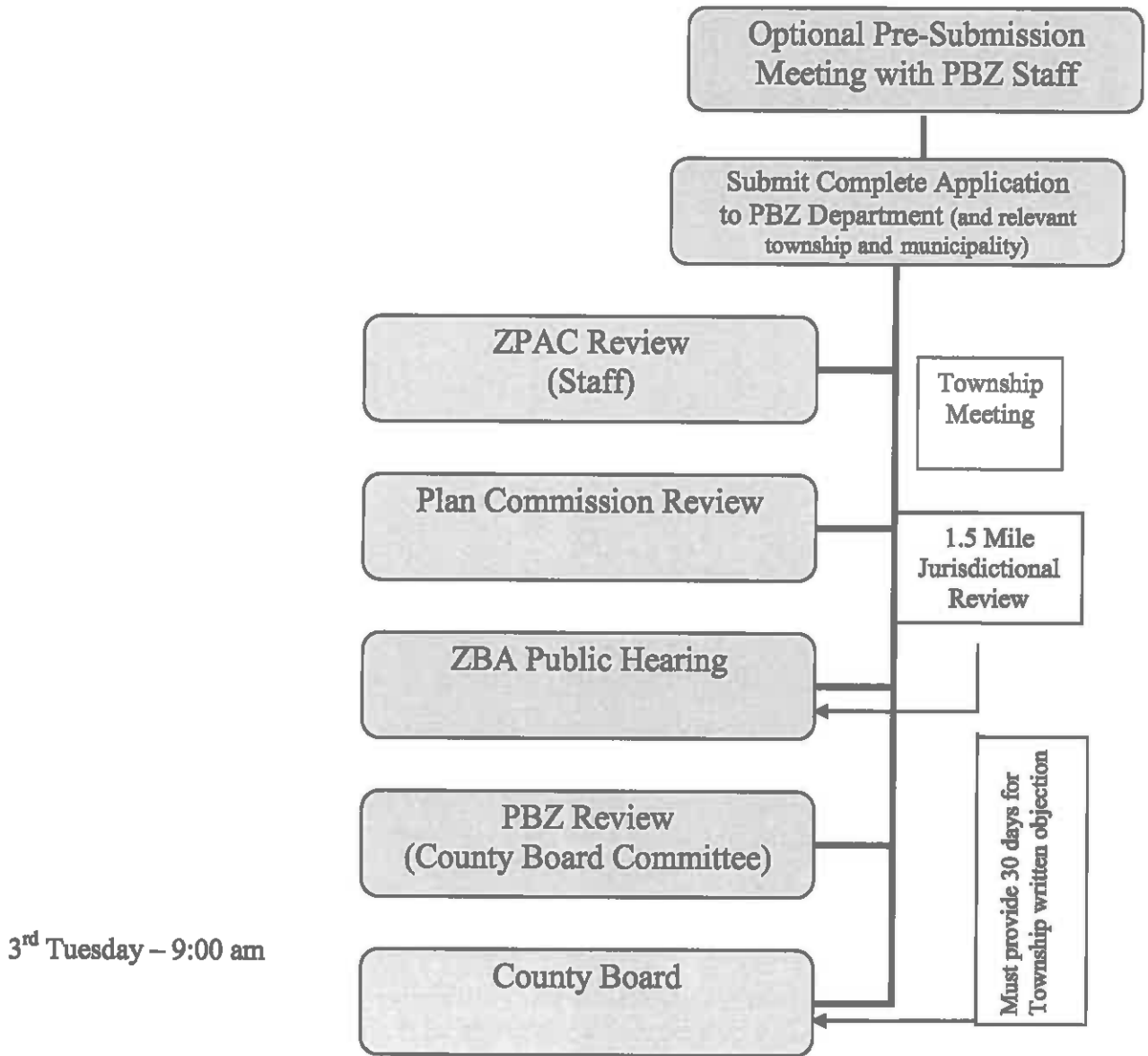
It is recognized, however, that among the uses first permitted in the M-2 Districts, there may be individual establishments having such high performance standards that they could safely be permitted in the M-1 District even though engaged in operations not listed as permitted in these M-1 Districts. It is consistent with the purposes of this amended ordinance and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Districts.

The **Zoning Board of Appeals Hearing Officer** is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the **Zoning Board of Appeals Hearing Officer** is satisfied beyond a reasonable doubt that all performance standards for the M-1 District, as well as all other regulations, will be complied with. In authorizing such Special Use, the **Zoning Board of Appeals Hearing Officer** may require the posting of a performance bond by the owners or operators of the proposed establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M -1 performance standards should the establishment in fact fail to so comply.

## SECTION 13.00 ADMINISTRATION

2. Preliminary to granting a Special Use permit as prescribed in Section 13.087.H, the **Zoning Board of Appeals Hearing Officer** shall require the applicant for a Special Manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State of Illinois, which certificate shall include the following: *[Amended 4/20/04]*
  - a. A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
  - b. A statement that the proposed operation will conform with the performance standards for the M-1 Districts, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
  - c. Such other pertinent information as the **Zoning Board of Appeals Hearing Officer** shall deem necessary to assist it in making its findings and report.

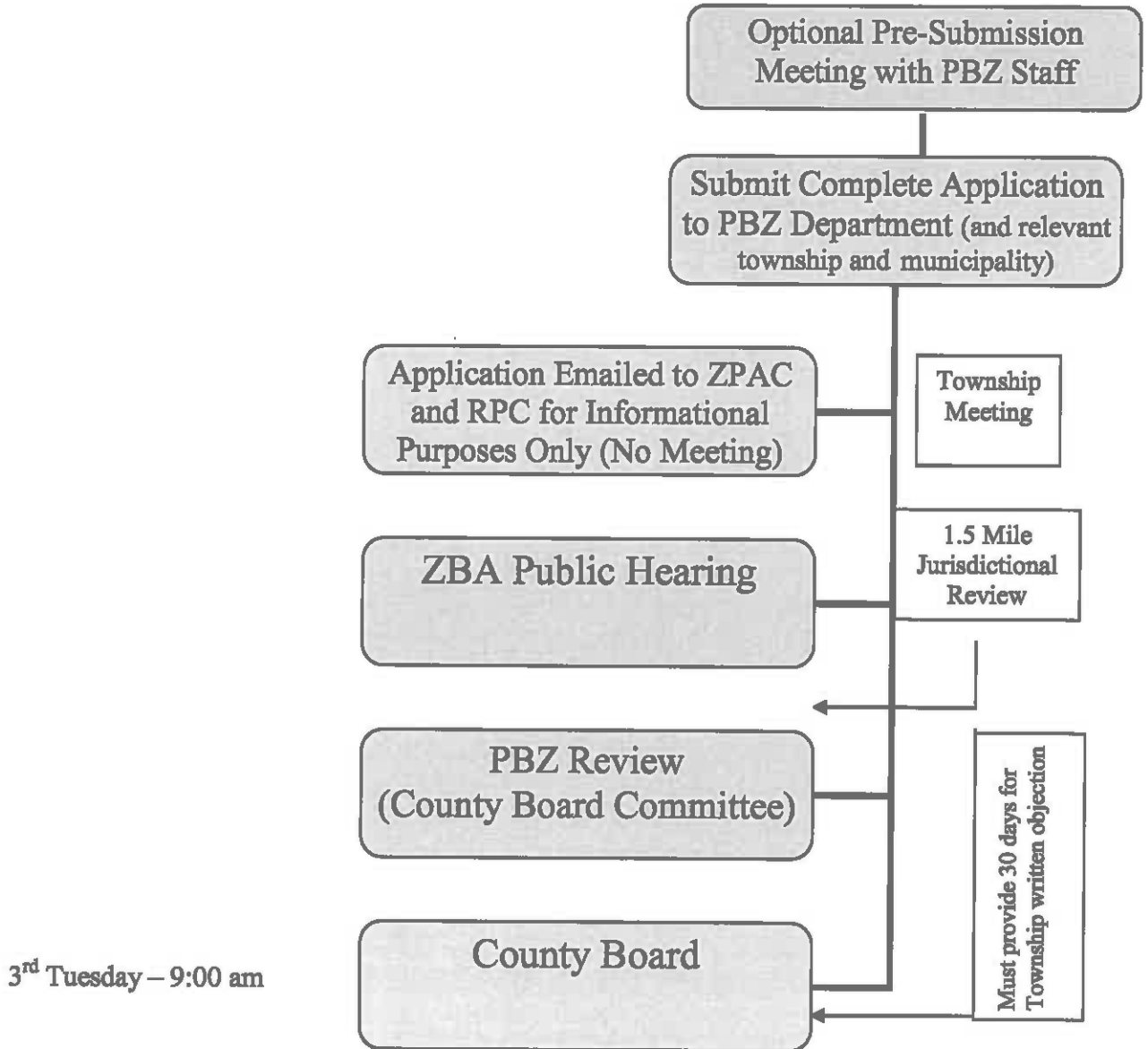
## Kendall County Rezoning Process (Map Amendment)



**Notes:**

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

## Amended Kendall County Rezoning Process (Map Amendment)

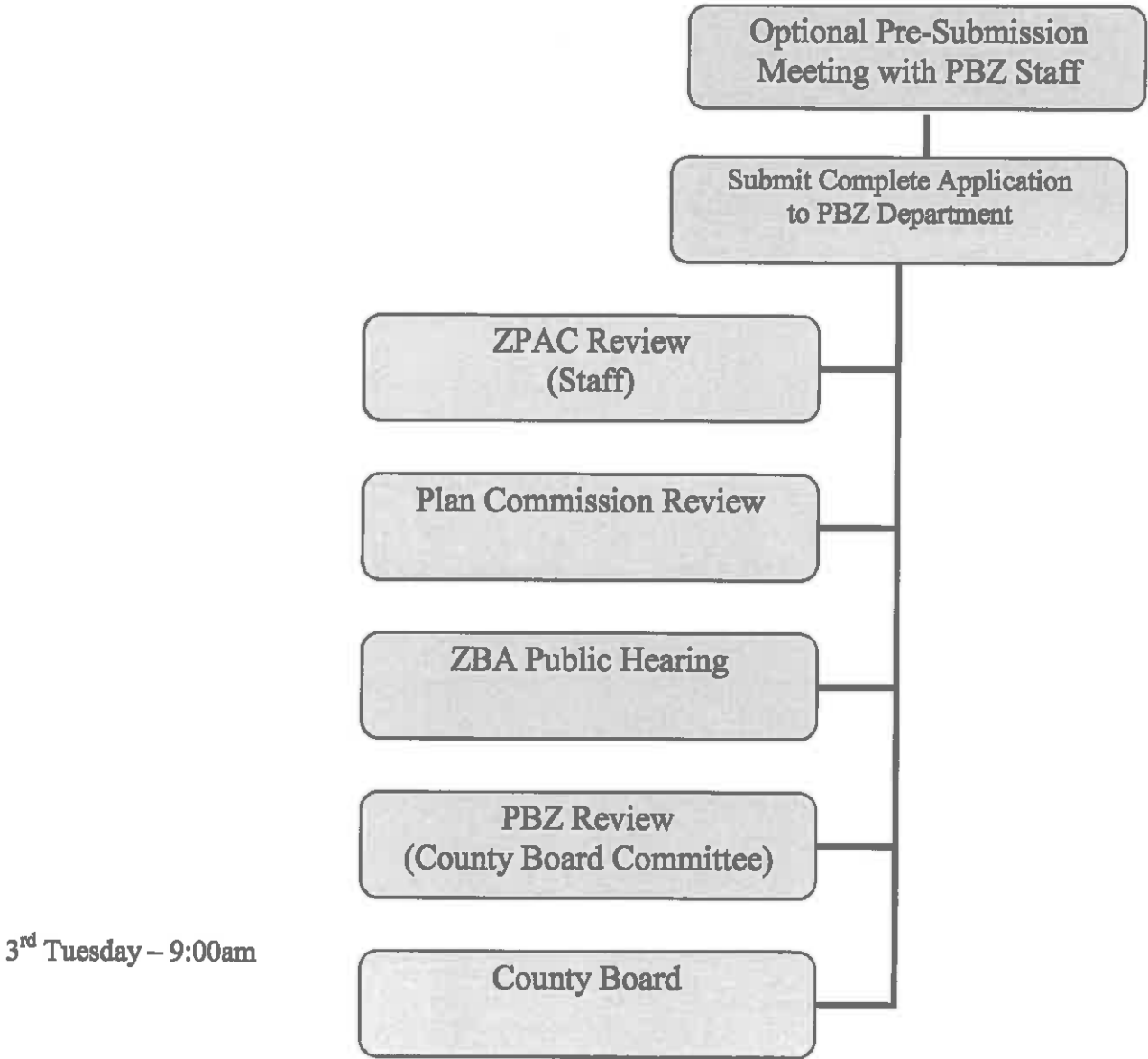


**Notes:**

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2. ~~The Plan Commission~~, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the ZBA ~~RPC~~ agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the ~~RPC or~~ ZBA Hearing.



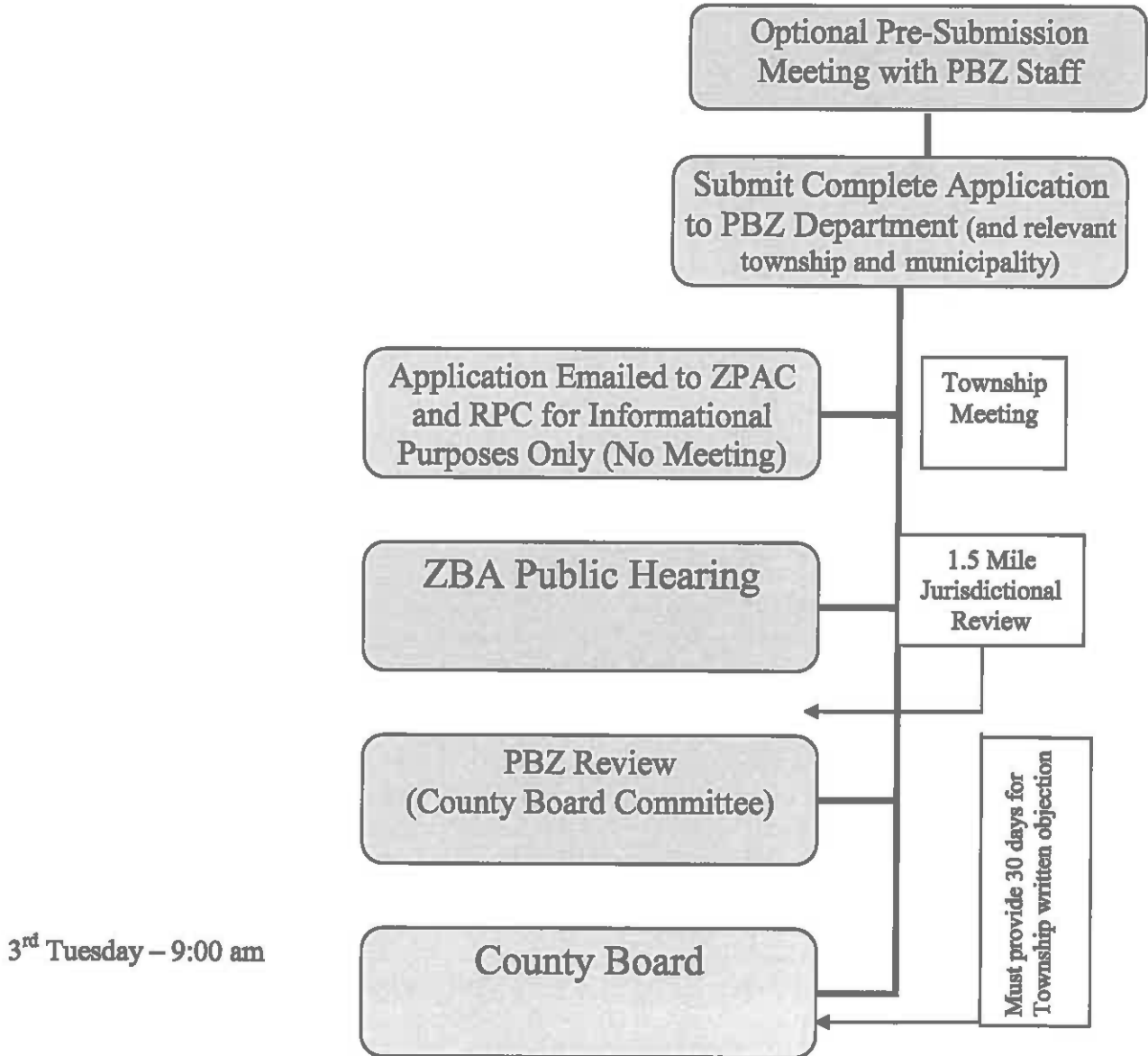
# Kendall County Text Amendment Process



**Notes:**

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- 2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

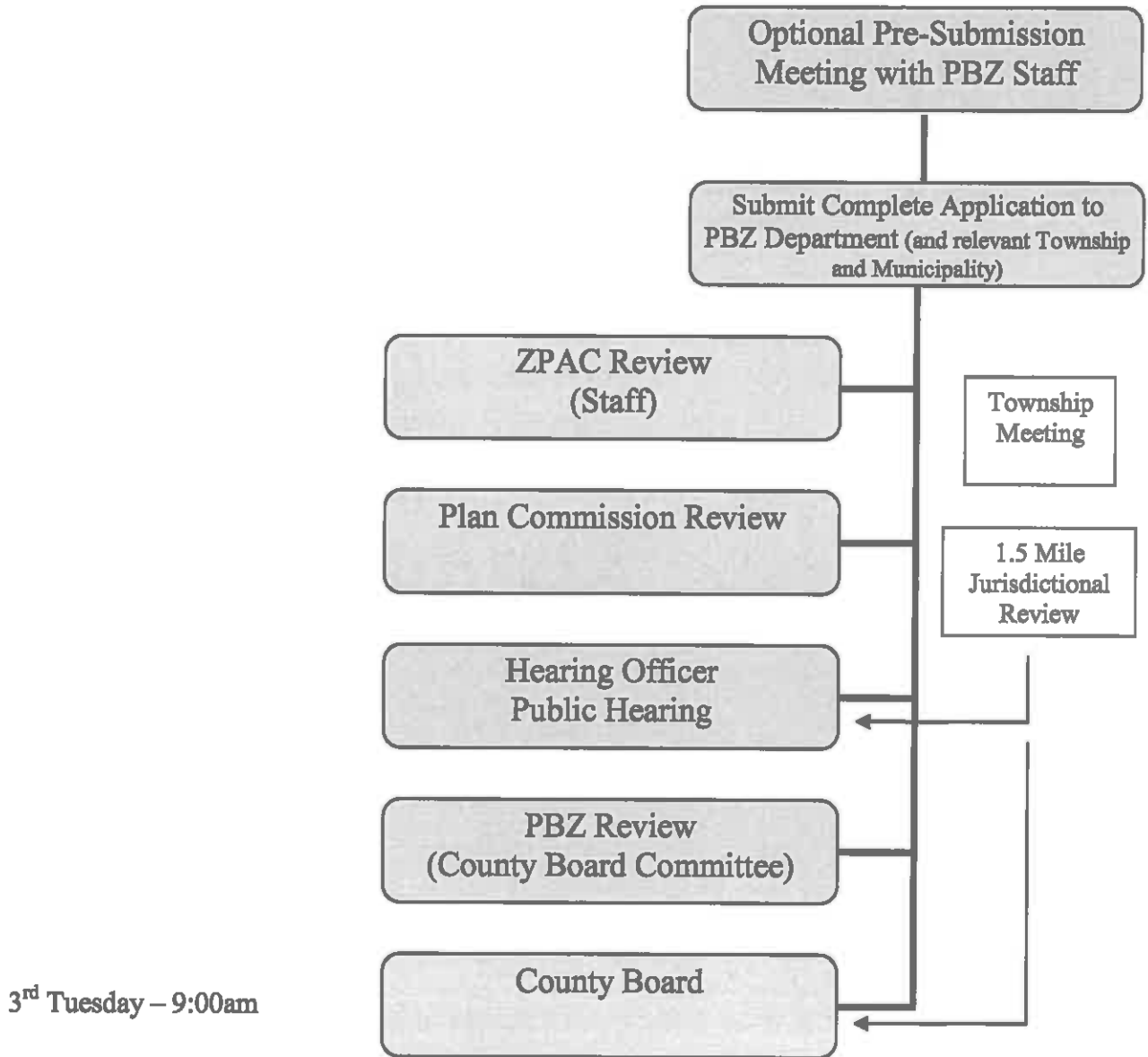
## Amended Kendall County Text Amendment Process



**Notes:**

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

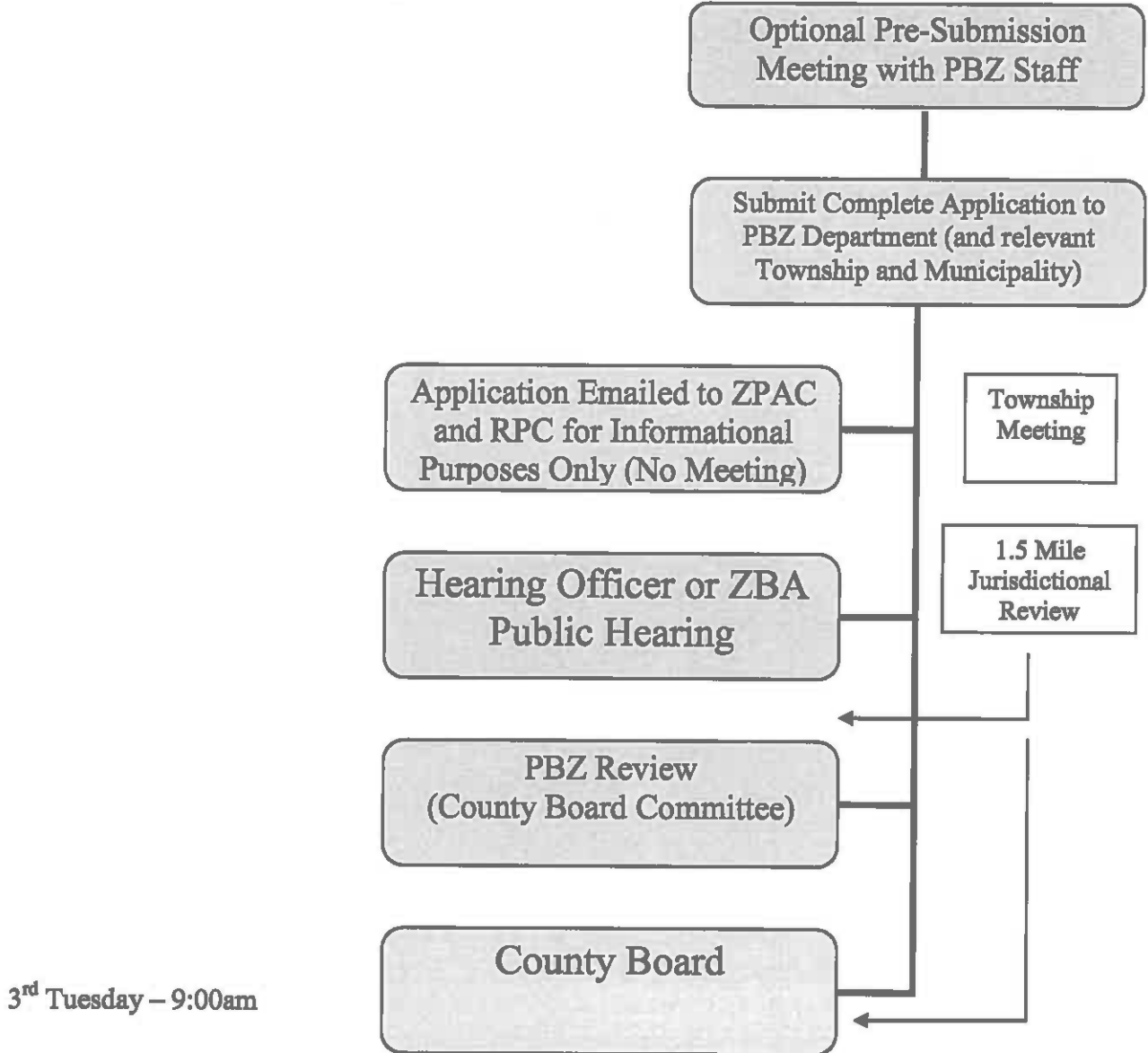
## Kendall County Special Use Process



**Notes:**

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

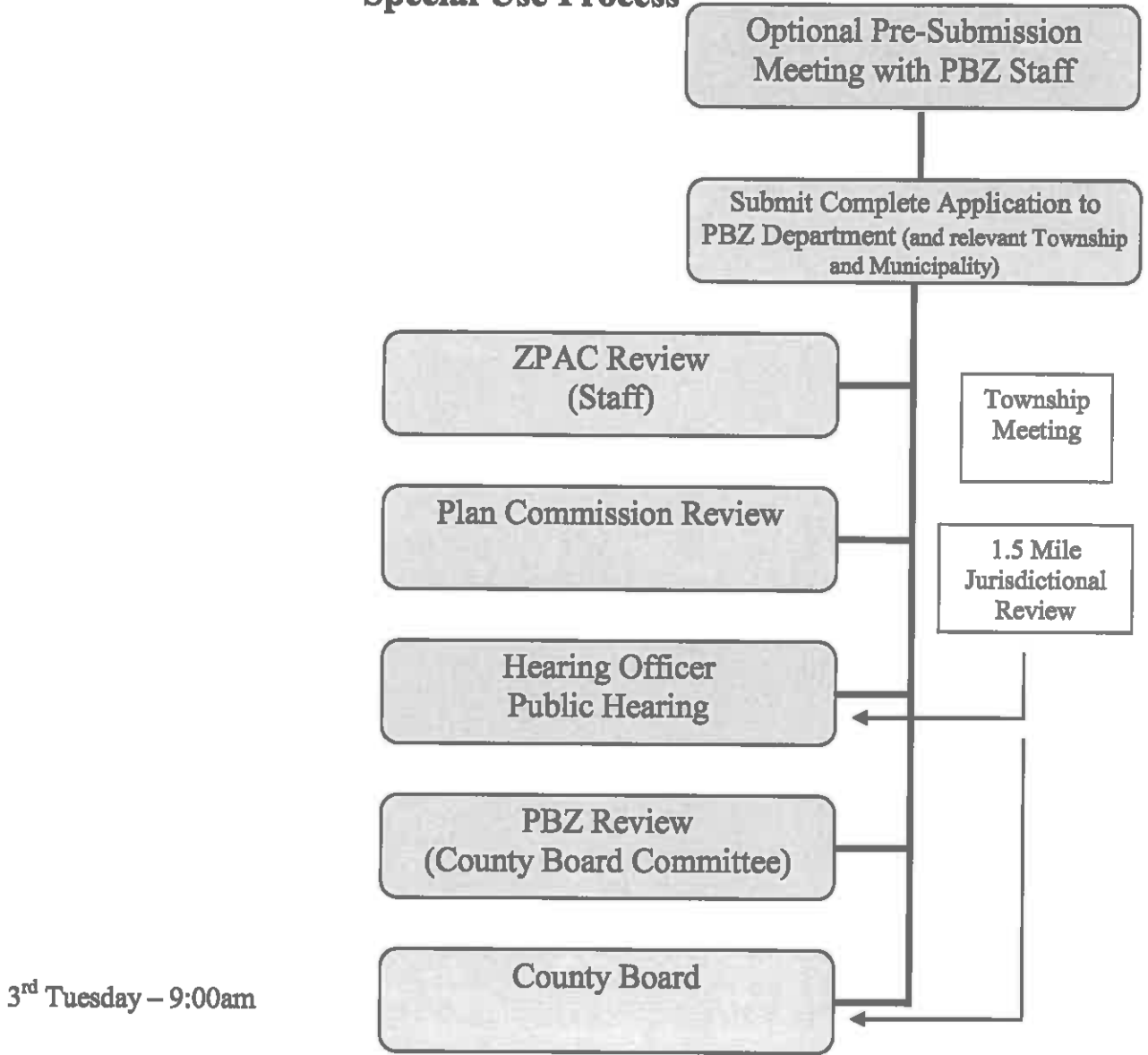
## Amended Kendall County Special Use Process



**Notes:**

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

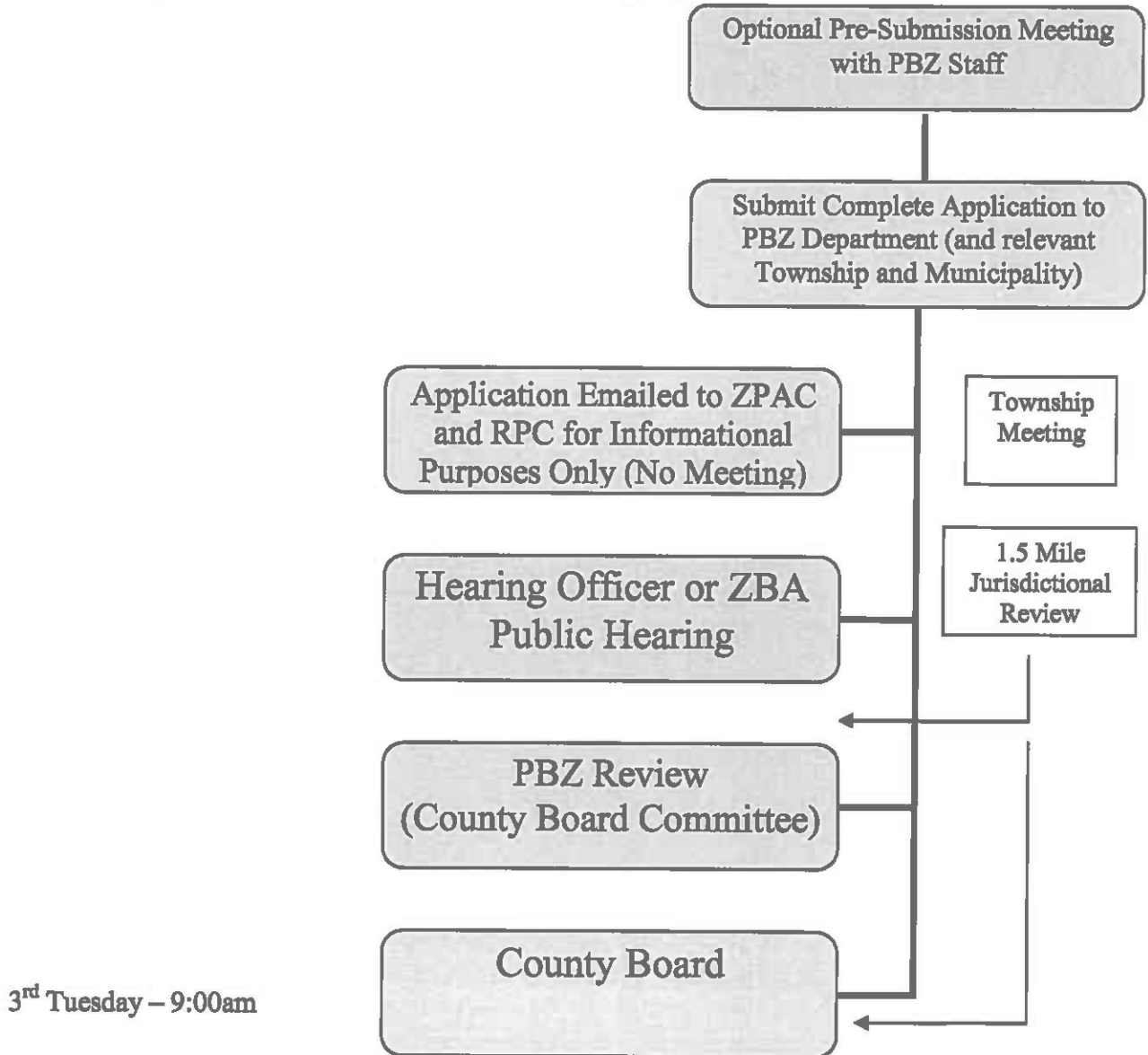
## Kendall County Major Amendment Special Use Process



**Notes:**

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

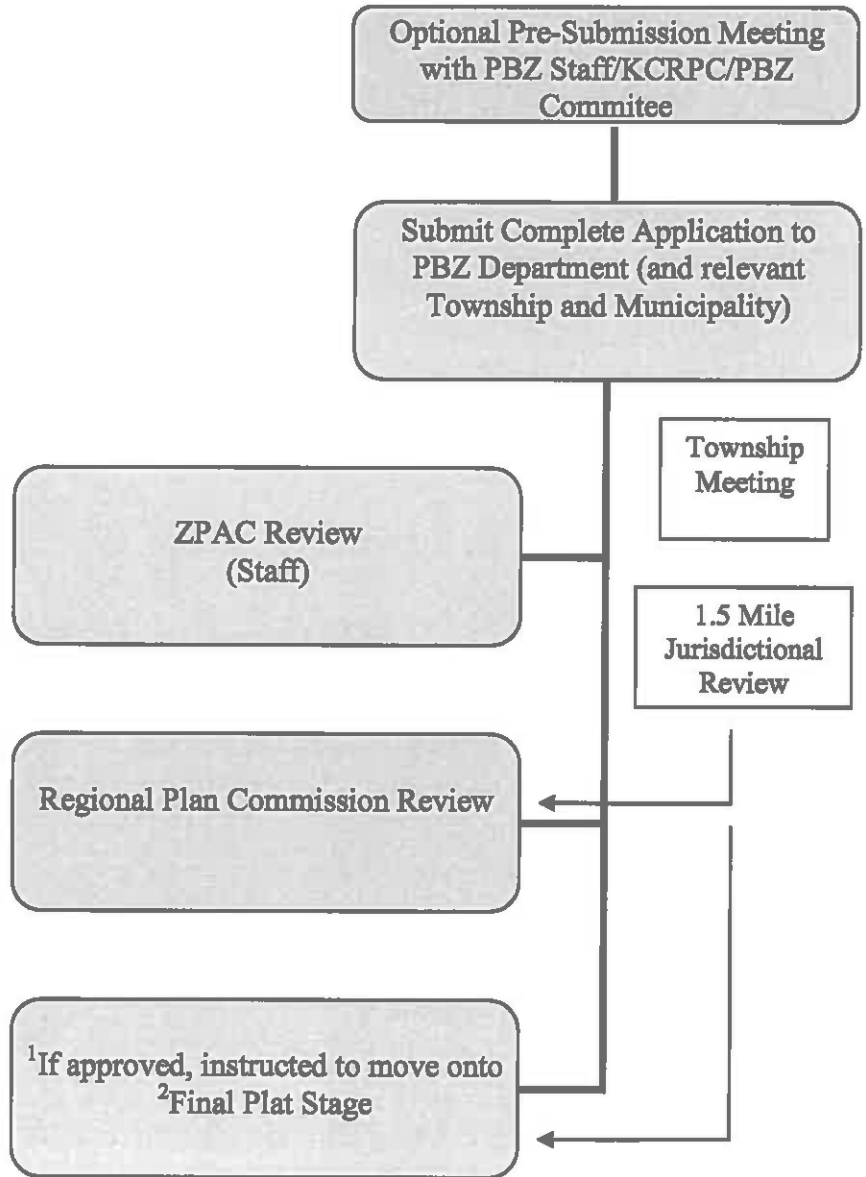
## Amended Kendall County Major Amendment to an Existing Special Use Process



**Notes:**

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

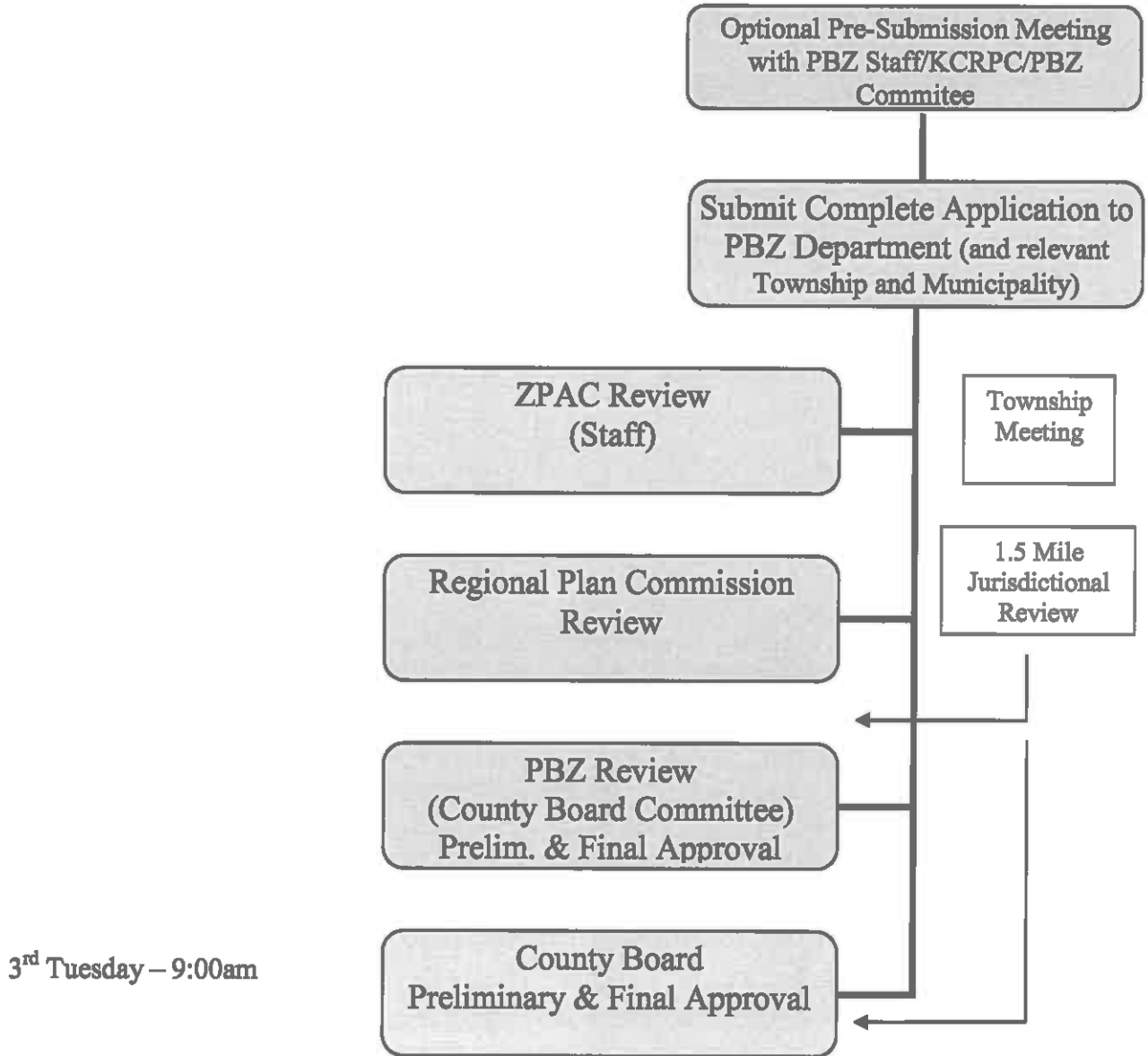
## Kendall County Preliminary Plat Process



**Notes:**

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

## Kendall County Final Plat Process



**Notes:**

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