

ORDINANCE NUMBER 2022- 01

**TEXT AMENDMENTS PERTAINING TO THE ILLINOIS AGRICULTURAL EXPERIENCES
ACT, SEASONAL FESTIVALS, AND RELATED CITATION CORRECTIONS**

WHEREAS, on January 1, 2022, Illinois Public Act 102-0492, also known as the Agricultural Experiences Act, became effective; and

WHEREAS, the Agricultural Experiences Act defines an agricultural experience and forbids counties from requiring agricultural experiences from obtaining special use permits, conditional use permits, and variances; and

WHEREAS, the definition of agricultural experiences as defined in the Agricultural Experiences Act is similar to the definition of seasonal festivals already contained in the Kendall County Zoning Ordinance; and

WHEREAS, seasonal festivals are presently conditional uses in the A-1 Agricultural District and permitted uses in the B-4 Commercial Recreation District with conditions and restrictions in both zoning districts; and

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, On September 13, 2021, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as "Petitioner", submitted text amendments to the Kendall County Zoning Ordinance amending Sections 7:01.C and 7:01.E by transferring seasonal festivals from the list of conditional uses to the list of permitted uses in the A-1 Agricultural District and removing conditions and restrictions on seasonal festivals in the A-1 Agricultural District, amending Section 9:04.B.18 by removing conditions and restrictions on seasonal festivals in the B-4 Commercial Recreation District, updating Appendix 9 to reflect the text amendment, correcting citation error caused by this text amendment; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on October 7, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on November 1, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and zero members of the public testified in favor or in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended approval of the text amendments on November 1, 2021; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing, and has forwarded to the Kendall County Board a neutral recommendation of the requested text amendments; and

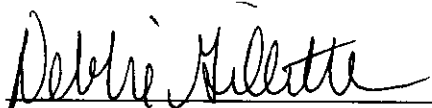
WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

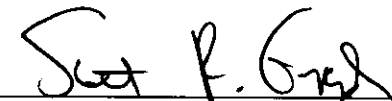
NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, that the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The present language in Section 7:01.C is amended by adding "Seasonal Festivals" in the appropriate place alphabetically to the list permitted uses in the A-1 Agricultural District.
- III. Amended Text: The present language in Section 7:01.E is amended by deleting "Seasonal Festivals" from the list of conditional uses in the A-1 Agricultural District and renumbering the list of conditional uses in the A-1 Agricultural District to reflect this deletion.
- IV. Amended Text: The present language in Section 9:04.B.18 is deleted in its entirety and replaced with the following: "18. Seasonal Festivals"
- V. Appendix 9-Table of Uses is amended to reflect the change of Seasonal Festivals from a conditional use to a permitted use in the A-1 Agricultural Zoning District.
- IX. Any reference citation errors created by the above text amendments to the Zoning Ordinance shall be corrected.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 4th day of January, 2022.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Scott R. Gryder

