

ORDINANCE NUMBER 2022- 03

**TEXT AMENDMENTS PERTAINING TO THE ILLINOIS GARDEN ACT, ROADSIDE STANDS, AND RELATED CITATION CORRECTIONS**

WHEREAS, on January 1, 2022, Illinois Public Act 102-0180, also known as the Garden Act, became effective; and

WHEREAS, Section 5 of the Garden Act states that the purpose of the Act is to encourage and protect sustainable cultivation of fresh produce at all levels of production, including on residential property for personal consumption or non-commercial sharing; and

WHEREAS, Section 10 of the Garden Act establishes a definition for the term vegetable garden; and

WHEREAS, Section 15 of the Garden Act allows any person to cultivate vegetable gardens on their own property or on any property with the permission of the owner in any county within the State of Illinois; and

WHEREAS, vegetable gardens as a primary use of property are only permitted on properties zoned A-1 Agricultural District, RPD-1 Residential Planned Development District-One, RPD-2 Residential Planned Development District-Two, and RPD-3 Residential Planned Development District-Three; 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 8:02.A, 8:06.A, 8:07.A, and 8:08.A of the Kendall County Zoning Ordinance to add vegetable gardens and roadside to the list of permitted uses, non-accessory uses on properties zoned R-1 One Family Residence District, R-2 One Family Residential District, R-3 One Family Residential District, R-4 One Family Residence District, R-5 One Family Residence District, R-6 One Family Residence District, and R-7 General Residence District, establish setback for roadside stands in these zoning districts, amending Section 11:02.F.11 by restricting vegetable gardens from forty foot sight triangles where two public streets meet, 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 initiated a public hearing on November 1, 2021, at 7:00 p.m., and recessed the public hearing to December 13, 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 December 13, 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 recommendation approval 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 8:02.A.5 is deleted in its entirety and replaced with the following:

“5. Lands and buildings used for horticulture or farm purposes including vegetable gardens as defined by the Garden Act.”
- III. Amended Text: The present language in Section 8:06.A.1.a is deleted in its entirety and replaced with the following:

“a. Lands and buildings used for horticulture or farm purposes not including vegetable gardens as defined by the Garden Act and roadside stands following the setbacks requirements in Section 8:02.A.”
- IV. Amended Text: The present language in Section 8:06.A.1.b is deleted in its entirety and replaced with the following:

“b. Farm-type animals shall be prohibited in the R-2 District with the exception of chickens.”
- V. Amended Text: The present language in Section 8:07.A.1.a is deleted in its entirety and replaced with the following:

“a. Lands and buildings used for horticulture or farm purposes not including vegetable gardens as defined by the Garden Act and roadside stands following the setbacks requirements in Section 8:02.A.”
- VI. Amended Text: The present language in Section 8:07.A.1.b is deleted in its entirety and replaced with the following:

“b. Farm-type animals shall be prohibited in the R-3 District with the exception of chickens.”

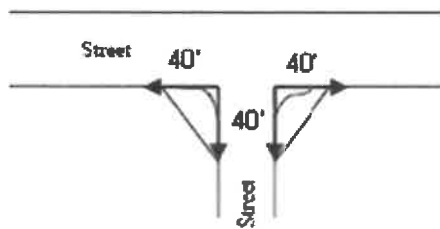
VII. Amended Text: The present language in Section 8:08.A is amended by adding the following uses in the appropriate places alphabetically:

“3. Roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, provided that the stands and produce on display are located ten feet (10’) back from the nearest right-of-way line.

7. Vegetable Gardens as defined by the Garden Act.”

VIII. Amended Text: The present language in Section 11:02.F.11 is deleted in its entirety and replaced with the following:

“11. Landscape sight triangle. No landscaping including berms and vegetable gardens as defined by the Garden Act shall be planted within a forty foot (40’) sight triangle measured at the intersection of two public streets.



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IX. Appendix 9-Table of Uses is amended to reflect the addition of Roadside Stands and Vegetable Gardens as a permitted use in the applicable zoning districts.

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 18<sup>th</sup> day of January, 2022.

Attest:

Kendall County Clerk

Debbie Gillette

Kendall County Board Chairman

Scott R. Gryder

