

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
March 27, 2023 – 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: Scott Cherry (Arrived at 7:06 p.m.), Cliff Fox, Tom LeCuyer, Randy Mohr, Jillian Prodehl, and Dick Thompson

Members Absent: Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Emma Tajchman and Dan Nagel

PETITIONS

Without objection, Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 were combined.

The Zoning Board of Appeals started their review of Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 at 8:01 p.m.

Petition 23 – 05 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Appendix 7 of the Kendall County Subdivision Control Ordinance by Removing Phone Numbers and Related Text Adjustments

Petition 23 – 06 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Appendix 7 of the Kendall County Subdivision Control Ordinance by Removing References to Specific Engineering Companies, Engineers, and Related Text Adjustments

Petition 23 – 07 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Appendix 9 A and Appendix 9 B of the Kendall County Subdivision Control Ordinance by Removing Dead Website Links and Related Text Adjustments

Petition 23 – 08 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Section 3:02 of the Kendall County Zoning Ordinance by Amending the Definitions of Brew Pub and Microbrewery

Petition 23 – 09 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Section 3:02 of the Kendall County Zoning Ordinance by Amending the Definitions of Tent

Petition 23 – 10 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendment to Section 11:05 of the Kendall County Zoning Ordinance by Amending the Permitting Requirements of Occupied Recreational Trailers and Mobile Homes (Specifically Deleting the Reference to the Illinois Mobile Home Safety Act)

Petition 23 – 11 – Kendall County Planning, Building and Zoning Committee

Request: Repealing Ordinance 1998-10 and Text Amendment to Section 13:01 of the Kendall County Zoning Ordinance by Establishing Procedures to Close Inactive Zoning Related Petitions

Mr. Asselmeier summarized the requests.

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1. Petition 23-05 Subdivision Control Ordinance-Appendix 7
Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2. Petition 23-06 Subdivision Control Ordinance-Appendix 7
Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3. Petition 23-07 Subdivision Control Ordinance-Appendix 9 A
In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.

Subdivision Control Ordinance-Appendix 9 B
In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.
4. Petition 23-08 Zoning Ordinance Section 3:02
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2
This section references a State law that does not exist.

7. Petition 23-11 Ordinance 1998-10

This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023. To date, no comments have been received.

ZPAC met on the proposals on February 28, 2023, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposals on March 22, 2023. Mr. Asselmeier explained the codification process. The phone numbers referenced in Petitions 23-05 and 23-06 would remain on the County's website. Greg Chismark and WBK Engineering were notified of Petition 23-06. Those entities that had special use permits for microbreweries and related brewery uses were notified of Petition 23-08. The entities that had special use permits for campgrounds and banquet facilities were notified of Petition 23-09. The entities that had special use permits for campgrounds were notified of Petition 23-10. The parties that had open special use permit applications from 2018 and 2022 were notified of Petition 23-11. The proposed definition of tent would not impact the permitting requirements contained in the Zoning Ordinance. The Kendall County Regional Planning Commission recommended approval of the proposals by a vote of eight (8) in favor and zero (0) in opposition and with two (2) members absent. The minutes of the meeting are attached.

Chairman Mohr opened the public hearing at 8:07 p.m.

Nobody from the public was present for the hearing.

Chairman Mohr closed the public hearing at 8:07 p.m.

Member Prodehl asked if tents could be up permanently. Mr. Asselmeier said the proposal impacts the definition of tent; permitting requirements would remain unchanged.

Member Prodehl made a motion, seconded by Member Thompson, to recommend approval of the text amendments.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Prodehl, and Thompson
Nays (0): None
Abstain (0): None
Absent (1): Whitfield

The motion passed.

The townships will be notified of the results of the public hearing.

The proposal goes to the Planning, Building and Zoning Committee on May 8, 2023.

The Zoning Board of Appeals completed their review of Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 at 8:09 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that the proposed text amendment related to chickens on residentially zoned and used properties will be on the agenda for the May 1, 2023, meeting. There will also be a petition for a special use permit for a landscaping business and related variances at the property located at the southwest corner of Route 126 and Grove Road.

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 carried.

The Zoning Board of Appeals meeting adjourned at 8:12 p.m.

The next regularly scheduled hearing/meeting will be on May 1, 2023.

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

Exhibits

1. Memo on Petition 23-05 Through 23-11 Dated March 23, 2023
2. Certificate of Publication and Certified Mail Receipts for Petitions 23-05 Through 23-11 (Not Included with Report but on file in Planning, Building and Zoning Office)

**KENDALL COUNTY
ZONING BOARD OF APPEALS**

March 27, 2023

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Emma Tajchman	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	DAN NEDEL



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 Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Senior Planner
Date: March 23, 2023
Re: Proposed Amendments Related to Codification

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1. Petition 23-05 Subdivision Control Ordinance-Appendix 7
Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
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In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.

Subdivision Control Ordinance-Appendix 9 B
In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.
4. Petition 23-08 Zoning Ordinance Section 3:02
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2
This section references a State law that does not exist.
7. Petition 23-11 Ordinance 1998-10
This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes are attached.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023.

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If you have any questions regarding this memo, please let me know.

MHA

Encs: Redline Proposal
 Ordinance 98-10
 February 28, 2023, ZPAC Meeting Minutes (These Petitions Only)
 March 22, 2023 RPC Minutes (These Petitions Only)

1. Petition 23-05
2. Petition 23-06

Local Government Representatives:

Please refer to the Kendall County website for contact information for contact information for the following organizations:

Kendall County Planning, Building & Zoning Department - ~~Planning Rep: Phone (630) 553-4139~~
~~Building Rep: Phone (630) 553-4134~~

County Highway Department ~~Phone: (630) 553-7616~~

Kendall County Consulting Engineer ~~-(Greg Chismark at WBK Engineering)~~
~~Phone: (630) 443-7755~~

Township Highway Department - Contact the corresponding department for the township in which the project is located. If the project is split between more than one township, a representative from each of the affected townships will need to attend. ~~Contact phone numbers for each are as follows:~~

~~Little Rock Township Hwy. Department Phone: (630) 552-3304~~
~~Bristol Township Hwy. Department Phone: (630) 553-0101~~
~~Oswego Township Hwy. Department Phone: (630) 264-4587~~
~~Fox Township Hwy. Department Phone: (630) 553-5904~~
~~Kendall Township Hwy. Department Phone: (630) 553-7133~~
~~Na-Au-Say Township Hwy. Department Phone: (815) 254-7708~~
~~Big Grove Township Hwy. Department Phone: (815) 695-9443~~
~~Lisbon Township Hwy. Department Phone: (815) 475-7160~~
~~Seward Township Hwy. Department Phone: (815) 475-4613~~

Kendall County Health Department – Environmental Health
~~Phone: (630) 553-9100~~

Optional

Kendall County Soil & Water Conservation District
~~Phone: (630) 553-5821 ext. --3~~

Additional individuals may be invited to attend at the developer's discretion and may include utility companies, school, park or open space agency representatives (if project involves regional trails or land donations), local Fire Department or others as may be appropriate.

Performance Criteria

In order to ensure adequate diversity of plants, to respond to varying environmental and hydrologic conditions, to ensure the establishment of native landscapes that are functional, aesthetic, and cost-effective, and to provide reasonable variety to meet aesthetic expectations, a minimum of 10 species of native plants are required within any naturalized stormwater facility, such as naturalized detention basins or swales. A minimum of 40 native species will be established in any upland landscapes.

The success of natural landscaping can be affected by the appropriateness of the plant species selected, the effectiveness of the grading and seedbed preparation, the quality of the seed and plant material used, the timing of the planting, and attention to early maintenance. With upland prairie, savanna, and woodland restoration or establishment (see definitions), it generally is appropriate to leave soils undisturbed since mass grading will result in compacted soils and may lead to serious weed problems. Land currently under agricultural row crop production should remain undisturbed if possible until prairie seeding can be accomplished. This will contribute to the success of the native landscape by preventing the establishment of weeds and minimizing the corruption of the seed bank. The success of the project will be formally evaluated by the following vegetation performance standards monitored over time.

- By the end of the first full growing season, planted areas should have 90 percent vegetation cover and no area greater than 1.0 meter square shall be devoid of vegetation. A cover crop of annual rye or oats may be used to help achieve this goal. At least 75 percent of the plugs, root stock, and tubers, and 50 percent of the seeded species should be present and alive. If an area is designed as an aquatic or emergent system, it is anticipated that portions of the submerged area will be periodically exposed and without vegetation cover due to fluctuating water levels. If, by the end of the first full growing season, the basin emergent zones and/or side slopes fail to support the establishment of sufficient vegetation, then corrective measures regarding the fundamental design of the area and/or planting plan shall be required.
- During the second growing season at least 60 percent of the permanent species planted in seed form should be evident. Ninety percent or more of species planted as plugs, root stock, and tubers, shall also have persisted into the second season. If this fails to occur, a determination must be made as to why and remedial action shall be necessary. Remediation may include overseeding and/or plugging of appropriate species. Finally, undesirable, invasive plant species shall not be prevalent in any of the management units. No invasive, weedy species, including any of the following, shall be among the five most dominant plant species in the overall vegetative cover.

- Reed canary grass (*Phalaris arundinacea*)
- Common reed (*Phragmites australis*)
- Purple loosestrife (*Lythrum salicaria*)
- Non-native thistle (*Cirsium spp.*, *Carduus spp.*)
- Sweet clover (*Melilotus spp.*)
- Crown vetch (*Coronilla varia*)
- Wild parsnip (*Pastinaca sativa*)
- Burdock (*Arctium spp.*)
- Garlic mustard (*Alliaria petiolata*)
- Teasel (*Dipsacus spp.*)
- Ragweed (*Ambrosia spp.*)
- Kentucky bluegrass (*Poa pratensis*)
- Buckthorn (*Rhamnus spp.*)
- Sandbar willow (*Salix interior*)
- Honeysuckle (*Lonicera spp.*)
- Multiflora rose (*Rosa multiflora*)
- Box elder (*Acer negundo*)

A more complete listing of common invasive species **can be found on the Illinois Department of Natural Resource's website. is found in the ~~Illinois Nature Preserve Management Guidelines: http://dnr.state.il.us/INPC/Management_guidelines.htm~~**

- At the end of the third full growing season, at least 75 percent of the seeded permanent species and 90 percent or more of species planted as plugs, root stock, and tubers are expected to be established. Alternatively, native perennial species that volunteer on the site, excluding undesirable invasive species, may also be counted in determining the preceding criteria. Qualitative vegetative sampling within each management area shall achieve the following to be determined a success and a mean Coefficient of Conservatism shall meet or exceed 3 and the Floristic Quality Index shall meet or exceed 20, except in designated stormwater management facilities (Swink and Wilhelm).
- The five most dominant species of the overall vegetative cover within each management unit shall not include any of the undesirable species referenced above under the 2nd season performance standards. If the identified level of species development fails to occur, a determination must be made as to why, and a remedial action plan must be prepared and submitted to the Kendall County Planning, Building and Zoning Department (KCPBZ) for approval. The approved remedial plan must be implemented and continued monitoring will be required beyond the third growing season until these performance criteria are met. Where the minimum performance standards cannot be achieved, a written explanation and alternative performance standards must be submitted for consideration by the Planning, Building and Zoning Department.

APPENDIX NINE (B) NATIVE PLANTING RESOURCES

Suggested references for restoration and natural landscaping include:

Illinois Nature Preserve Management Guidelines, Illinois Nature Preserves Commission.
http://dnr.state.il.us/INPC/Management_guidelines.htm

Tallgrass Restoration Handbook, for Prairies, Savannas, and Woodlands, S. Packard and C. Mutel, Society for Ecological Restoration, 1997.

Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois, USDA Natural Resources Conservation Service, 2004. <http://www.il.nrcs.usda.gov/technical/plants/npg/NPG-toc.html>

Natural Landscaping for Local Officials: Design and Management Guidelines, Northeastern Illinois Planning Commission, 2004.
<http://www.nipc.org/environment/sustainable/naturallandscaping/installation%20and%20maintenance%20guide.pdf>

Plants of the Chicago Region, F. Swink and G. Wilhelm, the Morton Arboretum, Published by the Indiana Academy of Science, 1994.

Kane County Wild Plants & Natural Areas, 3rd Edition, D. Young, 2008

4. Petition 23-08

BREW PUB. ~~A restaurant-brewery where the beer is brewed primarily for sale in the restaurant and bar. A brew pub shall not sell for off-premises consumption more than 50,000 gallons per year~~ A person, including a restaurant or brewery, who manufactures no more than one hundred fifty-five thousand (155,000) gallons of beer per year only at a designated licensed premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than one hundred fifty-five (thousand) 155,000 gallons per year. (235 ILCS 5/1-3.33).

MICROBREWERY. ~~A brewery that produces between 1,000 barrels and 15,000 barrels (31,000 to 465,000 gallons) of beer per year with 75% or more of its beer sold off-site. A person, including a brewery, who is a holder of a brewer license or non-resident dealer license who manufactures up to 930,000 gallons of beer per year and who may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in in the Illinois Liquor Control Act. Also referred to as a "Class 1 brewer" per 235 ILCS 5/1-3.38~~

5. Petition 23-09

TENT. ~~Collapsible shelter of canvas or other material stretched and sustained by poles fixed in the ground and used for a temporary outdoor camping shelter. A structure, enclosure, umbrella structure, or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.~~

6. Petition 23-10

Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or ~~the Illinois Mobile Home Safety Act applicable State law.~~

7. Petition 23-11

1. Delete Ordinance 1998-10 in its entirety.
2. Section 13:01.A is amended by adding the following:

"4. Procedure in case of petition inactivity. The Zoning Administrator may declare an application for text amendment, map amendment, special use permit, major or minor amendments to special use permits, administrative or traditional variance, conditional use permit, or site plan review closed if the party requesting the action has ceased communications with the Planning, Building and Zoning Department for a period of six (6) months and the following actions are taken:

- a. The Zoning Administrator shall send a certified letter to the applicant at the address stated on the original application stating that the petition will be closed for inactivity. The applicant will be informed that they have sixty (60) days from the date of the letter to re-activate the petition.
- b. If the Zoning Administrator does not receive a response in writing within sixty (60) days of the date the letter was mailed, the petition shall be dismissed by the Zoning Administrator.
- c. If the Zoning Administrator receives communication that the applicant would like to keep the petition active, the Zoning Administrator shall keep the petition open.

- d. **If an applicant believes that the Zoning Administrator incorrectly closed an application for inactivity, the applicant shall submit an appeal to the Planning, Building and Zoning Committee outlining the reasons why the application should remain active. The Planning, Building and Zoning Committee shall conduct an initial review of the appeal at their next available Committee meeting. If the Planning, Building and Zoning Committee rules in favor of the applicant, the application shall be re-activated. If the Planning, Building and Zoning Committee rules against the applicant, the application shall be considered closed.”**

ORDINANCE # 98-10

PETITION TIME LIMIT ORDINANCE

WHEREAS, the Kendall County regulates development under authority of its Zoning Ordinance, Storm Water Runoff Ordinance, Soil and Erosion Control Ordinance, Subdivision Control Ordinance, Special Flood Hazard Areas Ordinance, and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time; and

WHEREAS, inactive petitions for development approval may become obsolete or non-compliant with the amended ordinances; and

WHEREAS, several current petitions for development approval to the Planning, Building and Zoning Department have been inactive; and

WHEREAS, the potential for future petitioners to continue to delay the petition process indefinitely does exist; and

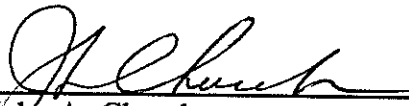
WHEREAS, all administrative procedures for ordinances have been followed including a Public Hearing was held before the Kendall County Zoning Board of Appeals;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby adopts the following Petition Time Limit Ordinance:

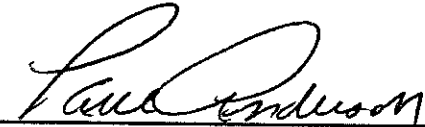
- A. All petitioners with petitions on file, or will be filed after the date on which this ordinance was enacted, that have been inactive for the past six (6) months shall be notified in writing that:
1. The petition has been inactive for at least six (6) months
 2. If the petitioner chooses to continue with their petition, they have sixty (60) days from the date on the letter to activate the petition.
 3. If the Zoning Administrator has not received a written response within sixty (60) days of the date on the letter, the petition shall be dismissed by the Zoning Administrator.
 4. If the petitioner can provide documentation that the petition has not been inactive or will be re-activated, the Zoning Administrator can decide not to dismiss.

- B. The Zoning Administrator shall dismiss any petition that has been inactive for at least six (6) months after a sixty (60) day notification period, which begins at the date on the notification letter.
- C. The petitioner may appeal the Zoning Administrator's decision regarding dismissal to the Planning, Building, and Zoning Committee of the Kendall County Board at the next available, regularly scheduled meeting after the decision.
- D. Petition Time Limit Definitions:
 - 1. "Inactive" means any instance when a petition has not been:
 - a. On an agenda of a committee or board authorized to review the petition by ordinance or statute; or
 - b. Within an impact study or other reasonable analytical investigation commissioned or required by Kendall County or other governmental entity.
 - 2. "Petition" means any zoning or site development petition, application, request, or letter of intent accepted by the Kendall County Planning, Building, and Zoning Department. The following are excluded since the time limit is regulated under a separate ordinance:
 - a. Building Permit Applications are regulated under the Kendall County Building Code Ordinance 94-06.
 - b. Preliminary Plats and Final Plats are regulated under the Kendall County Subdivision Control Ordinance enacted on August 10, 1971.
 - 3. "Petitioner" means any owner of property filing said petition.

IN WITNESS OF, this Ordinance was approved by the Kendall County Board on June 16, 1998.



John A. Church
Kendall County Board Chairman



Paul Anderson
Kendall County Clerk

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
February 28, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff’s Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Doug Westphal

PETITIONS

Without objection, Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 were combined.

Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the requests.

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This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to recommend approval of the proposals.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley

Nays (0): None

Abstain (0): None

Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

PUBLIC COMMENT

Doug Westphal expressed concerns about townships maintaining their roads when large renewable energy projects occur. Mr. Asselmeier noted the road use agreement requirement in the law.

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn.

With a voice vote of nine (9) ayes, the motion carried.

The ZPAC, at 9:54 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of March 22, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Dave Hamman (Arrived at 7:04 p.m.), Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Seth Wormley

Members Absent: Bob Stewart and Claire Wilson

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Dan Nagel and Greg Vander Kamp

PETITIONS

Petitions 23-05 Through 23-11 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the requests.

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations.

Member Rodriguez asked what the codification process entailed. Mr. Asselmeier explained that Kendall County's various ordinances were presently stand-alone documents. The codifiers would take all of the ordinances and place them in one (1) document. The codifiers were a private company hired by the County.

Member Hamman arrived at this time (7:04 p.m.).

The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1. Petition 23-05 Subdivision Control Ordinance-Appendix 7
Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2. Petition 23-06 Subdivision Control Ordinance-Appendix 7
Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3. Petition 23-07 Subdivision Control Ordinance-Appendix 9 A
In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.

Subdivision Control Ordinance-Appendix 9 B

In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.

4. Petition 23-08 Zoning Ordinance Section 3:02
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2
This section references a State law that does not exist.
7. Petition 23-11 Ordinance 1998-10
This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

The proposals were emailed to the townships on February 23, 2023.

ZPAC met on the proposals on February 28, 2023, and recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

Member Nelson asked if the phone numbers referenced in Petitions 23-05 and 23-06 would be kept updated on the website. Mr. Asselmeier responded yes. Member Nelson noted the difficulty of getting phone numbers for certain township officials.

Member Rodriguez asked who received notices for the Petitions. Mr. Asselmeier responded that no one received notices for Petitions 23-05 and 23-07. Greg Chismark and WBK Engineering were notified of Petition 23-06. Those entities that had special use permits for microbreweries and related brewery uses were notified of Petition 23-08. The entities that had special use permits for campgrounds and banquet facilities were notified of Petition 23-09. The entities that had special use permits for campgrounds were notified of Petition 23-10. The parties that had open special use permit applications from 2018 and 2022 were notified of Petition 23-11.

Member Rodriguez made a motion, seconded by Member Nelson, to recommend approval of the text amendments.

Member Nelson asked if the definition of tent changed any permitting requirements for tents. Mr. Asselmeier said the proposal does not change the permitting requirements related to tents.

The votes were as follows:

Ayes (8): Ashton, Bernacki, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Wormley
Nays (0): None
Absent (2): Stewart and Wilson
Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on March 27, 2023.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the proposed text amendment related to chickens on residentially zoned and used properties will be on the agenda for the April meeting. There will also be a petition for a special use permit for a landscaping business and related variances at the property located at the southwest corner of Route 126 and Grove Road.

ADJOURNMENT

Member Rodriguez made a motion, seconded by Member McCarthy-Lange, to adjourn. With a voice vote of eight (8) ayes, the motion carried.

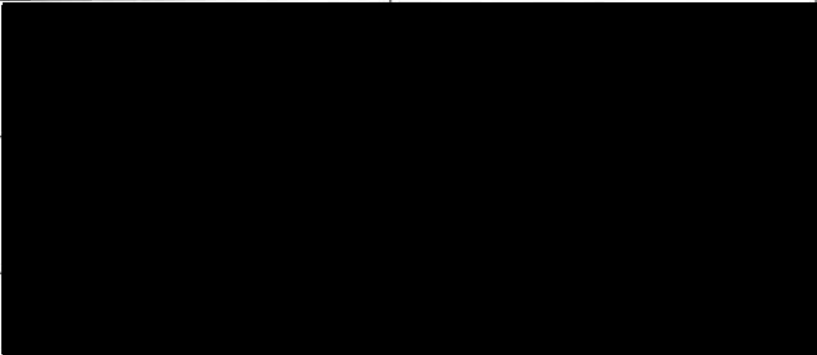
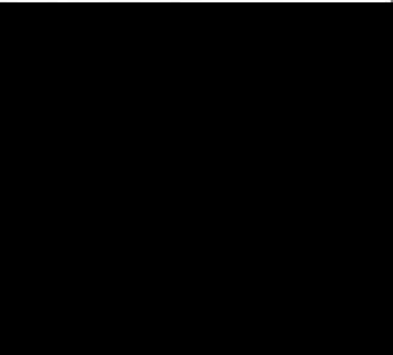
The Kendall County Regional Planning Commission meeting adjourned at 7:49 p.m.

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



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
MARCH 22, 2023**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
<i>Don Nagel</i>		
<i>Greg Vander Kamp</i>		