

ORDINANCE NUMBER 2023- 17

**TEXT AMENDMENTS CHANGING THE DEFINITIONS OF BREW PUB AND
MICROBREWERY IN THE KENDALL COUNTY ZONING ORDINANCE**

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, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, desires to have the definitions of “brew pub” and “microbrewery” contained in the Kendall County Zoning Ordinance match the definitions of these terms contained in State law; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance amending Section 3:02 of the Kendall County Zoning Ordinance by amending the definitions of “brew pub” and “microbrewery” to match the definitions of these terms with the definitions contained in State law; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on March 2, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on March 27, 2023, 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 amendments 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 March 27, 2023; 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 of 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: Section 3:02 Definitions is amended by deleting the definitions of “brew pub” and “microbrewery” in their entirety and adding the following terms in the appropriate places alphabetically:

“BREW PUB. 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

State of Illinois
County of Kendall

Zoning Petition
#23-08

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 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.”

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16th day of May, 2023.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Matt Kellogg

