

ORDINANCE NUMBER 2023-20

**REPEALING ORDINANCE 1998-10 AND TEXT AMENDMENTS ESTABLISHING A
PROCEDURE TO CLOSE INACTIVE ZONING RELATED PETITIONS 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, on June 16, 1998, the Kendall County Board adopted Ordinance 1998-10 which established procedures for closing inactive petitions; and

WHEREAS, Ordinance 1998-10 was not incorporated into the Kendall County Zoning Ordinance; and

WHEREAS, the Kendall Planning, Building and Zoning Committee, hereinafter be referred to as "Petitioner", desires to incorporate similar language contained in Ordinance 1998-10 into the Kendall County Zoning Ordinance; and

WHEREAS, on February 9, 2023, the Petitioner submitted text amendments to the Kendall County Zoning Ordinance repealing Ordinance 1998-10 and amending Section 13:01.A of the Kendall County Zoning Ordinance by establishing procedures for closing inactive petitions; 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. Ordinance 1998-10 is hereby repealed in its entirety.

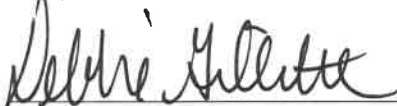
III. Amended Text: Section 13:01.A of the Kendall County Zoning Ordinance is hereby amended by adding the following language to the end of the Section:

“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:

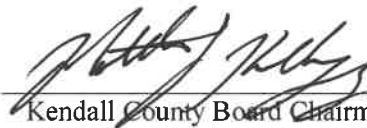
- a. The Zoning Administrator shall send a certified letter to the applicant at the address stated on the original application stating that the petition will be closed for inactivity. The applicant will be informed that they have sixty (60) days from the date of the letter to re-activate the petition.
- 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.”

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

