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## DEPARTMENT OF PLANNING, BUILDING & ZONING

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### MEMORANDUM

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To: Kendall County Planning, Building and Zoning Committee  
From: Matthew H. Asselmeier, AICP, CFM, Director  
Date: June 1, 2023  
Re: Petition 2023-22 Scrivener's Error Correction Related to Bed and Breakfast Establishments in Ordinance 2023-24

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On May 16, 2023, the County Board approved Ordinance 2023-24, amending the Kendall County Zoning Ordinance pertaining to commercial wind and solar regulations.

The language of Article XX (amendment to special uses of the R-2 District) was accidentally copied and pasted into Article XXII (amendment to special uses of the R-3 District) of the Ordinance. In so doing, bed and breakfast establishment were unintentionally added to the list of special uses in the R-3 District. The language in Article XXII should have read as follows:

XXII. Amended Text: Section 8:07.B.1 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, **except a bed and breakfast, (emphasis added)** Commercial Solar Energy Facilities, Test Solar Energy Facilities, Commercial Wind Energy Facilities, and Test Wind Towers, and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty (40) acres.”

Bed and Breakfast establishments are special uses in the A-1, R-1, RPD-1, RPD-2, RPD-3, and R-2 Districts.

The information provided at all of the advisory committee meetings and public hearing contained the correct information.

The draft ordinance is attached.

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

MHA

Enc.: Draft Ordinance

**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**TEXT AMENDMENTS CORRECTING A SCRIVENER'S ERROR IN ORDINANCE 2023-24  
PERTAINING TO THE REGULATION OF BED AND BREAKFAST ESTABLISHMENTS IN  
THE R-3 DISTRICT**

*WHEREAS*, on May 16, 2023, the County Board approved Ordinance 2023-24, text amendments to the Kendall County Zoning Ordinance pertaining to the regulation of the commercial wind and solar energy facilities; and

*WHEREAS*, Article XXII of Ordinance 2023-24 amended the list of special uses in the R-3 One Family Residential District; and

*WHEREAS*, the approved language of Article XXII of Ordinance 2023-24 incorrectly added bed and breakfast establishments to the list of special uses in the R-3 Zoning District; and

*WHEREAS*, bed and breakfast establishments are special uses in the A-1, R-1, R-2, RPD-1, RPD-2, and RPD-3 Zoning Districts; and

*WHEREAS*, the information provided at all of the advisory committee meetings and public hearing prior to the adoption of Ordinance 2023-24 contained the correct language for Section 8:07.B.1 of the Kendall County Zoning Ordinance; and

*WHEREAS*, the Kendall County Board desires to correct the scrivener's error contained in Ordinance 2023-24 related to the regulation of bed and breakfast establishments; 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 8:07.B.1 of the of the Kendall County Zoning Ordinance is hereby amended by deleting the present text and replacing it with the following:

“Any use permitted as a special use in the R-1 One-Family Estate Residence District, Section 8:02.C, except a bed and breakfast, Commercial Solar Energy Facilities, Test Solar Energy Facilities, Commercial Wind Energy Facilities, and Test Wind Towers, and that Planned Developments may be considered where the zoning lot proposed for development has a gross area of not less than forty (40) acres.”
- III. Any reference or citation errors created by the above text amendment is hereby corrected.

*IN WITNESS OF*, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 27<sup>th</sup> day of June, 2023.

State of Illinois  
County of Kendall

Zoning Petition  
#23-22

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg