

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA**

Wednesday, July 24, 2019 – 5:00 p.m.

CALL TO ORDER

ROLL CALL: Larry Nelson (Chair), Kendall County Regional Planning Commission Chairman or Designee (Bill Ashton), Kendall County Zoning Board of Appeals Chairman or Designee (Randy Mohr), Kendall County Board Chairman or Designee (Scott Gryder), Kendall County Soil and Water Conservation District Representative (Megan Andrews), Kendall County Planning, Building and Zoning Committee Chairman or Designee (Matthew Prochaska), Jeff Wehrli, and John Shaw

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from June 26, 2019 Meeting (Pages 2-3)

NEW/OLD BUSINESS

1. Review of Sections 1-3 of the Zoning Ordinance with Corrections Proposed by Teska Associates (Pages 4-39)
2. Discussion of Recreational Marijuana Zoning Related Regulations (Pages 40-76)
3. Update on Petition 18-04-Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township

OTHER BUSINESS/ANNOUNCEMENTS

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, August 28, 2019

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

***Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of June 26, 2019***

Chairman Larry Nelson called the meeting to order at 5:00 p.m.

Members Present: Bill Ashton, Scott Gengler for Scott Gryder, Larry Nelson, Matthew Prochaska, and Jeff Wehrli

Member Absent: Megan Andrews, Randy Mohr, John Shaw

Others Present: Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

Mr. Prochaska made a motion, seconded by Mr. Wehrli to approve the agenda. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Wehrli made a motion, seconded by Mr. Ashton, to approve the minutes of the February 27, 2019, meeting and the March 27, 2019, gathering. With a voice vote of five (5) ayes the minutes were approved.

NEW/OLD BUSINESS

1. Update on Zoning Ordinance Project with Teska Associates
Mr. Asselmeier distributed the changes from Teska Associates.

After contacting Mike Hoffman, the consensus of the Committee was to wait until Teska submitted a redlined copy of the proposal before starting a detailed review of the document. Teska will also be asked to change the definition of family.

Mr. Asselmeier will send Mr. Prochaska the WORD version of the Zoning Ordinance.

2. Discussion of Recreational Marijuana Zoning Related Regulations
Mr. Asselmeier provided the current regulations for medical marijuana and the information from State law regarding recreational marijuana. Discussion occurred regarding the terms and regulations contained in the statute. Discussion occurred regarding financing and paying for recreational marijuana buildings, taxes, and fees. Discussion occurred having the County opt-out of allowing recreational marijuana businesses and the impact of opting-out. The consensus of the Committee was to ascertain the opinion of the County Board regarding

whether or not the County Board favored this use in the County, how strict or lax the regulations should be, and to find out how the municipalities proposed to regulate recreational marijuana. Discussion occurred regarding have a separate special use permit fee for this use or having some type of fee to cover inspections for these types of facilities. The consensus of the Committee was to have a zoning regulation in place for 2020 until a vote could occur and a more detailed regulation written.

Mr. Asselmeier will invite the zoning officials of each municipality to the July meeting after hearing from the County Board Chairman.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Prochaska announced that the proposed change to the future land use map in Lisbon Township was discharged from the Planning, Building and Zoning Committee to the Committee of the Whole. Mr. Prochaska will not be at the July Committee of the Whole meeting and discussion occurred regarding having the proposal at the August Committee of the Whole meeting.

Mr. Prochaska announced that the County Board may reconsider the proposed text amendment regarding research and development related home occupations at the next County Board meeting. The proposal was defeated by a 5-4 vote at an earlier County Board meeting.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

Adjournment:

The next meeting will be July 24, 2019. Mr. Wehrli made a motion to adjourn the meeting, seconded by Mr. Ashton. With a voice vote of five (5) ayes, the motion passed and the meeting adjourned at 6:25 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

ZONING ORDINANCE OF KENDALL COUNTY

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL, STATE OF ILLINOIS, that the Zoning Ordinance adopted on January 16, 1940, and as subsequently amended, is hereby revised and amended to read as follows:

SECTION 1:00 TITLE

This amended ordinance, including the Zoning District Maps made a part hereof, shall be known and may be cited and referred to as the "Kendall County Zoning Ordinance."

SECTION 2:00 INTENT AND PURPOSE

This amended ordinance adopted pursuant to the provisions of "An Act in Relation to County Zoning", passed by the General Assembly of the State of Illinois and enacted into law on June 28, 1935, and all amendments thereto, ~~is intended to~~ serves the following purposes:

1. ~~A.~~ To promote the public health, safety, morals, comfort, and general welfare;
2. ~~B.~~ To conserve the values or property throughout the County and to protect the character and stability of agricultural, residential, business, and manufacturing area, and to promote the orderly and beneficial development of such area;
3. ~~C.~~ To provide adequate light, air, privacy, and convenience of access to property;
4. ~~D.~~ To lessen or avoid congestion in the public streets and highways;
5. ~~E.~~ To regulate and restrict the location and use of buildings, structures and restrict the intensity of such uses, and to establish building or setback lines outside the limits of incorporated cities, villages and towns;
6. ~~F.~~ To divide the entire County outside the limits of such cities, villages, and incorporated towns into districts of such number, shape, area, and of such different classes, according to the use of land and buildings, and the intensity of such use, as may be deemed best suited to carry out the purposes of this Act;
7. ~~G.~~ To prohibit uses, buildings, or structures incompatible with the character of such districts respectively;
8. ~~H.~~ To prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;
9. ~~I.~~ To protect against fire, panic, explosion, noxious fumes, flooding along natural water courses and other hazards in the interest of public health, safety, comfort and general welfare;
10. ~~J.~~ To provide for the elimination of incompatible and non-conforming uses of land, buildings, and structures which are adversely affecting the character and values of desirable development in each district; and
11. ~~K.~~ To define and limit the powers and duties of the administrative officers and bodies as provided herein.

SECTION 3.00 RULES AND DEFINITIONS

Updated on 11.20.18

In the construction of this amended ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

3:01 RULES

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural, the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "plot", "piece", and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- E. The following words and terms, wherever they occur in this amended ordinance shall be interpreted as herein defined.

3:02 DEFINITIONS

ACCESSORY BUILDINGS OR USE. An "accessory building or use" is one which:

- 1. Is subordinate to the principal building or principal use served in terms of area and function; and
- 2. Contributes to the comfort, convenience, or necessity of occupants of the principal use served

ACREAGE. Any tract or parcel of land having an area of one acre or more which has not been subdivided by metes and bounds or platted.

ACTIVE RECREATION OPEN SPACE. An appropriately-sized and usable open space area, a minimum of one hundred twenty-five (125) feet wide, capable of comfortably supporting one or more active recreational activities, such as playgrounds, ball fields, tennis courts, swimming pools, recreation buildings, jogging trails/fitness courses, detention basins designed for recreational use, and other miscellaneous recreational activities. (Amended 10/17/2000)

ACTIVE SOLAR ENERGY SYSTEM. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or

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chemical means. (Amended 11/20/2018)

ADULT BOOK STORE. An establishment having a majority of its public physical floor space occupied by books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

ADULT ENTERTAINMENT FACILITY. A facility or adult use whose primary business is the commercial sale, dissemination or distribution of sexuality explicit material, shows, or other exhibitions such as adult bookstores, adult video stores, striptease clubs or gentlemen's clubs, adult motion picture or adult mini motion picture theatre, or any other use as defined in 55 ILCS 5/5-1097.5. It shall include any facility or adult use which offers or provides activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities, as defined in 55 ILCS 5/5-1097.7, in view of any patron, client, or customer of the business. *(Amended 6/19/2007)*

ADULT MASSAGE PARLOR or SPA. Any place or establishment where a massage is made available for the primary purpose of sexual stimulation or arousal. It shall include activities by employees, agents, or contractors of the business that involve exposure of specified anatomical areas or performance of specified sexual activities, as defined in 55 ILCS 5/5-1097.7, in view of any patron, client, or customer of the business. *(Amended 6/19/2007)*

ADULT MINI MOTION PICTURE THEATERS. An enclosed building with a capacity for less than 50 persons, or an enclosed building with booths, stalls, or other fully or partially partitioned areas with an intended capacity for less than 10 persons used for presenting materials viewing devices distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein. Adult mini motion picture theaters include but are not limited to projection booths, television monitors, television screens, coin operated video devices and other viewing devices.

ADULT MOTION PICTURE THEATERS. An enclosed building with a capacity of 50 or more persons having viewing devices used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

ADULT USE. A use which involves either wholly or partially an activity distinguished or characterized by its emphasis on matters depicting, describing, relating to specified sexual activities on specified anatomical areas, including but not limited to the operation of adult bookstores, adult video theaters, adult entertainment facilities, video arcades, and adult massage parlors or spas. *(Amended 6/19/2007)*

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AGENCY LICENSED FAMILY RESIDENTIAL CARE HOME - TRANSITIONAL. A single housekeeping unit of three (3) or fewer persons receiving care in a family-like atmosphere where the residents are residing in the home on a transitional or temporary basis where the length of residency is not expected to be more than one (1) year. Oversight and supervisory personnel shall be on the premises in addition to this number. *(Amended 10/17/2000)*

AGENCY LICENSED GROUP RESIDENTIAL CARE HOME - PERMANENT. A single housekeeping unit of four (4) or more persons receiving care in a family-like atmosphere. Oversight and supervisory personnel shall be on the premises in addition to this number. *(Amended 10/17/2000)*

AGRICULTURE. Agriculture includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquiculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, wholesale greenhouses, and the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds. In interpreting the foregoing definition, it is the intent of this Ordinance to make the definition of agriculture as used herein identical to the definition of agriculture used in 55 ILCS 5/5-12001, as amended from time to time, exempting agriculture from the zoning authority of the County Board. Cultivating the ground, including the harvesting of crops, and rearing and management of livestock: tillage; husbandry; farming. In a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent, the preparation of these products for man's use. It includes grain storage, horse stables, nurseries, animal feed, commercial feeding, dairy and the like. *(Amended 04/18/2000)*

AGRICULTURAL LABOR HOUSING. One or more buildings, structures, tents, trailers, or vehicles or any combination thereof together with the land appertaining thereto established, operated, or maintained as living quarters for migrant workers or families containing migrant workers who are engaged in agricultural activities. *(Amended 04/18/2000)*

AIRCRAFT. Any equipment or object, now known or hereafter invented, for use or designed and built for navigation of or flight in the air.

AIRPORT. Any area of land, water, or both, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way. *(Amended 6/20/2006)*

AIRPORT OR AIRCRAFT LANDING FIELD. Any landing area, runway or other facility

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(including heliports), designed, used or intended to be used either publicly or privately by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings and open spaces.

ALLEY. A public way, not more than thirty feet wide, which affords only a secondary means of access to abutting property.

ANIMAL HOSPITAL. Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

APARTMENT. A room or suite of rooms in a multiple family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities permanently installed must always be included for each apartment.

AUTOMOBILE LAUNDRY. A building or portion thereof containing facilities for washing more than two motor vehicles, using mechanical methods.

AUTOMOBILE REPAIR, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailer; collision service, including body, frame or fender straightening or repair and painting of vehicles.

~~AUTOMOBILE SERVICE STATION. A place where gasoline, stored in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the service of automobiles; but not including major automobile repairs, and including washing of automobiles where production line methods are not used. When the dispensing sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).~~

AUTOMOBILE WRECKING YARD. Any place where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any goods, articles, or merchandise.

~~AWNING. A roof like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.~~

BANQUET HALL. An establishment that is rented by individuals or groups to

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accommodate private (invitation only) functions including, but not limited to banquets, weddings, anniversaries, and other similar events. Such a use may include kitchen facilities for preparation of food to be consumed on the premises, and outdoor gardens or reception facilities.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood.

BASE FLOOD ELEVATION. The elevation in relation to Mean Sea Level of the crest of the base flood.

BASEMENT. A story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for the purposes of height measurement.

BASIC UTILITY STAGE 1 AIRPORT An airstrip that is open to the public, with a minimum runway length of 2,200' and a minimum width of 100'. *(Amended 6/20/2006)*

BED AND BREAKFAST ESTABLISHMENTS - ~~A lodging establishment, generally in a single-family dwelling and/or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation. An operator-occupied residence providing accommodations for a charge to the public with no more than 5 guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. Bed and bed breakfast establishments shall meet the criteria set forth in the Illinois Bed and Breakfast Act.~~

BILLBOARD. Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to announce church services, or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located.

BLOCK. A tract of land bounded by a street or, in lieu of a street or streets, by public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines or municipalities.

BOARDING HOUSE. A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than twelve, who are not members of the keeper's family.

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BOOK AND STATIONARY STORE. An establishment dealing in books, printed materials and stationary supplies which is not an Adult Book Store.

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 (235 ILCS 5/1-3.33).

BUILDABLE ACREAGE. The total acreage of the property minus the following:

1. Wetlands and land that is generally inundated by water (under ponds, lakes, creeks, etc.);
2. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps unless a study has been done and a LOMAR has been issued prior to development of the site indicating that the existing base flood elevation is actually less than the area depicted on the official FEMA maps.
3. Land within the right-of-way or easement of an existing roadway,
4. Land within an existing permanent easement prohibiting development (including utilities, drainage, access and pipelines).
5. Land with slopes exceeding 25%, or soils and subsurface geology subject to slumping shall also be subtracted from the total acreage when determining a properties buildable acreage. However, homes may still be constructed on such slopes to take advantage of unique views or to provide walk-out units if appropriate engineering procedures are followed to maintain stability of the structure and minimize erosion.

BUILDABLE AREA. The space remaining of a building lot after the minimum yard requirements of this Ordinance have been complied with.

BUILDING. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

BUILDING, COMPLETELY ENCLOSED. A building separated on all sides from the adjacent open space, or from ~~other buildings or~~ other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED. A building surrounded by open space on the same zoning lot.

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BUILDING HEIGHT. The vertical distance measured at the front building elevation to the highest point of the structure, including the roof. (Amended 10/17/2000)

BUILDING, NON-CONFORMING. Any building which does not conform to the regulations of this Ordinance prescribing the use, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

BUILDING, PRINCIPAL. A non-accessory building in which the principal use of the zoning lot, on which it is located, is conducted.

BUILDING SETBACK LINE. A line parallel to the street line at a distance from it, regulated by the front yard requirements set up in this Ordinance.

BUILDING, TEMPORARY. Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings. (Amended 11/20/2018)

BULK. The term used to describe the size and mutual relationships of buildings and other structures, as to size; height; coverage; shape; location of exterior walls in relation to lot lines, to the center lines of the streets, to other walls of the same buildings, and to other buildings or structures; and to all open spaces relating to the building or structures.

~~**BUS LOT.** Any lot or land area used for the storage or layover of passenger buses or motor coaches.~~

BUSINESS. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

BUSINESS OR TRADE SCHOOL. A school or teaching unit organized by an industry or large company to provide trade training, apprentice education, and similar courses.

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CANOPY. A roof like structure of a permanent nature which projects from the wall of a building or overhangs the public way and is designed and intended to protect pedestrians from adverse weather conditions.

CARETAKER. A person who is in charge of the maintenance of a building, estate, etc.; superintendent.

CLINIC OR MEDICAL HEALTH CENTER. An establishment where patients are admitted for special study and treatment by two or more licensed physicians or dentists and their professional associates, practicing medicine together.

CLUB OR LODGE. A non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members, their guests, and invitees. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guest shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable, local, Federal, and State laws, and County Ordinances. *(Amended 6/19/2007)*

COMMON OPEN SPACE. Common open space refers to the land within a Planned Development that is devoid of buildings and other structures, other than recreational and pedestrian facilities and uses accessory thereto, and is suitable for active and passive recreational activities. For purposes of this ordinance, common open space must be a minimum of 50' wide. Common open space may include underground drainage fields for community septic systems or back-up areas for individual septic systems, and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. Common open space specifically excludes parking lots for non-recreational uses, street rights-of-way, subdivided residential lots, school sites, "mound" sewage disposal systems protruding above grade and aerated sewage treatment ponds. Common Open Space is further divided into two categories as follows:

1. Primary Open Space consists of wetlands and land within the 100-year flood plain.
2. Secondary Open Space includes otherwise developable areas of a property which are being preserved for passive or active open space use. Wet bottom detention areas may be included as a part of secondary open space.

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COMMUNICATIONS USE. Radio, television and satellite communications facilities (including towers, cable, telephone, telegraph and maintenance equipment accessory thereto), layout and design of newsprint, and general office activities accessory to these uses.

CONVENIENCE STORE. A retail store with a floor area of less than 5,000 square feet that sells a limited line of groceries, tobacco, newspapers and periodicals, and other household goods. *(Amended 6/19/2007)*

CORNER LOT. See "Lot, Corner".

CORNER LOT, REVERSED. See "Lot, Reversed Corner".

CORRECTIONAL FACILITIES. A prison, or is a place in which people are physically confined and, usually, deprived of a range of personal freedoms.

COVERAGE, LOT. See "Lot Coverage".

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

CURRENCY EXCHANGE. Trading US or other countries money for another based on the value of the money. **Also m**May provide other services such as notaries, money orders, etc.

DAY CARE FACILITY. Facilities that provide supervision and care of more than three (3) children unrelated to the operator of the facility for less than 24 hours per day. This definition shall include Day Care Centers and Day Care Homes as defined and regulated under the Illinois Child Care Act (225 ILCS 10). *(Amended 10/17/2000)*

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT. A section or part of the County for which the use regulations are uniform.

DWELLING. A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one family dwelling units, two-family dwelling units, and multiple family dwelling units, but not including hotels, motels, boarding, or lodging houses.

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DWELLING UNIT. One or more rooms in a residential structure which are arranged, designed, used, or intended for use by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

DWELLING UNIT, SECONDARY. A secondary residence on a single lot that contains one or more rooms which are arranged, designed, used, or intended for use by one family, for living or sleeping purposes, and which includes complete kitchen facilities permanently installed.

DWELLING, ONE-FAMILY. A dwelling unit designed exclusively for use and occupancy by one family.

DWELLING, TWO-FAMILY. A building designed or altered to provide dwelling units for occupancy by two families.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

DWELLING, ATTACHED. A dwelling joined to two other dwellings by party walls, or vertical cavity walls, and above ground physically unifying horizontal structural elements.

DWELLING, DETACHED. A dwelling which is surrounded on all sides by open space on the same lot.

DWELLING, SEMI-DETACHED. A dwelling joined to one other dwelling by party wall, or vertical cavity wall and above-ground physically unifying horizontal structural elements.

ECHO HOUSING. Elderly Cottage Housing Opportunities (ECHO Housing) is the provision of independent living quarters for elderly or disabled family members inside or within five hundred (500) feet of a Farm Residence in an agricultural area. (*Amended 04/18/2000*)

~~**ELECTRONIC MESSAGE BOARD DISPLAY: A sign or component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.**~~

ERECT. The act of placing or affixing a component of a structure upon the ground or upon another such component.

ESTABLISHMENT, BUSINESS. A separate place of business having the following three characteristics:

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1. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
2. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment".
3. There is no direct public access from within such establishment to any other such establishment. When adjacent places of business lack any one of the aforesaid characteristics with respect to one another, they shall then be considered as a single "business establishment" for the purpose of this Ordinance.

FAMILY. Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or ~~group of~~ not more than three persons, who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

FARM. A parcel of land, or contiguous parcels of land under common ownership, used primarily for agriculture. *(Amended 04/18/2000)*

FARM RESIDENCE. A dwelling unit located on a farm. *(Amended 04/18/2000)*

FENCE. An artificial barrier constructed of any material or combination of materials erected to enclose or screen areas of land. *(Amended 11/18/2003)*

FENCE, DECORATIVE: A designed fence or wall with openings representing 50 percent or more of the total front face surface that meets all of the following: (a) it contributes to the identification and beauty of the principal use; (b) it is not erected to satisfy any other provision of this code; (c) it does not act as a retaining structure; (d) it is made of material that typically is not found in security structures, such as chain link. Split rail and ranch rail are examples of decorative fencing. *(Amended 11/18/2003)*

FENCE, HEIGHT. The vertical distance measured from finished grade at the base of the fence to the highest point of the panels of a solid, picket, board-on-board or similar type fence, or the top rail of a chain link or split rail fence. *(Amended 2/15/2005)*

FENCE, OPEN. A designed fence or wall with openings representing more than 50 percent of the total front face surface that meets all of the following and it is made of materials typically found in security structures, such as chain link, wire mesh or similar materials. *(Amended 6/20/2006)*

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FENCE, SOLID. A fence obscuring more than forty (40) percent of the view through the fence. (*Amended 11/18/2003*)

~~FLASHING SIGN: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered as a flashing sign. Due to their unique characteristics, electronic message board displays are not considered flashing signs.~~

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface water from any source.

FLOOR AREA ~~FOR DETERMINING FLOOR AREA RATIO.~~ The sum of the gross horizontal areas of the several floors including the basement floor if a building, measured from the exterior faces of the exterior wall, or from the center lines of walls separating two buildings. The "floor area" shall also include the horizontal areas on each floor devoted to:

1. Elevator shafts and stairwells;
2. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers;
3. Habitable attic space as permitted by the Building Code of Kendall County;
4. Interior balconies and mezzanines;
5. Enclosed porches;
6. Accessory uses.

The "floor area" of structures used for bulk storage of materials, i.e., grain elevators, petroleum tanks, shall also be included in the "floor area" and **such calculated as** one floor for each ten feet of structure height ~~and if such structure measures less than ten feet but not less than five feet over such floor height intervals, it shall be constructed to have an additional floor.~~ The horizontal area in each floor or a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the "floor area".

FLOOR AREA FOR DETERMINING REQUIREMENTS FOR OFF-STREET PARKING AND LOADING. "Floor Area" when prescribed as the basis of measurement of off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

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FLOOR AREA, USABLE. Any floor area within outside walls of a residential building exclusive of areas in cellars, basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

FLOOR AREA RATIO. The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot.

FUEL BULK STATION. A place where crude petroleum, gasoline, naphtha, benzine, benzol, kerosene or other flammable liquid which has a flash point at or below two hundred degrees Fahrenheit (closed cup tester) is stored for wholesale purposes, where the aggregate capacity of all storage tanks is more than eight thousand (8,000) gallons, regardless of whether the fuel is stored above the ground, underground or in mobile tank cars or trucks.

FURRIER. A person who buys and sells furs, or one who makes, repairs, or cleans furs and fur garments; a fur dealer or fur dresser.

~~**GARAGE, BUS.** Any building used or intended to be used for the storage of three or more passenger motor buses, or motor coaches used in public transportation, excluding school buses.~~

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in the garage of one or two car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle and the load capacity of such vehicle shall not exceed five tons.

~~**GARAGE, PUBLIC.** Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.~~

GOLF COURSE. Public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least 60 acres for each standard nine hole course; and 25 acres for each nine hole "par 3" course.

GRID-INTERIE SOLAR ENERGY SYSTEM. A photovoltaic solar energy system that is

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connected to an electric circuit served by an electric utility company. (Amended 11/20/2018)

GROCERY/FOOD SALES. The grocery and food sales use classification applies to uses which sell grocery, food, and beverage items, and such sales occur entirely within an enclosed building. Examples may include: convenience grocery stores (without gas pumps), grocery stores, supermarkets, fruit and vegetable stores, delicatessens, health food stores, meat markets/butcher shops, fish and poultry stores, bakeries, nut and confectionery shops, dairy products stores, and similar land uses. (Amended 8/21/2001)

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system mounted on a rack or pole that rests on or is attached to the ground. (Amended 11/20/2018)

GROUP HOME. A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required unless a Special Use approval is obtained to eliminate the requirement of supervision. A "Group Home" shall comply with the zoning regulations for the district in which the site is located. (Amended 10/17/2000)

GUEST HOUSE. Living quarters within a detached accessory building located on the same premises with the principal building, for use by guests of the occupants of the premises no longer than 90 continuous days. Such quarters can have kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HALFWAY HOUSE. A home for persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, or inmates on release from more restrictive custodial care or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society. A temporary residential living arrangement for persons who are receiving therapy and counseling from support staff who are **always** present **at all times.** Residents are present for the following purposes:

1. To help them recuperate from the effects of drugs or alcohol addiction;
 2. To help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to, prerelease, work release and probationary programs;
 3. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
 4. To provide temporary shelter for persons who are victims of domestic abuse.
- (Amended 10/17/2000)

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HARD SURFACE. Any material placed on or above the earth that substantially reduces or prevents the natural percolation of water. Examples include, but are not limited to structures, including roofs and roof overhangs; parking areas; driveways; sidewalks; gravel areas; patios and decks; sport courts; pools and similar improvements. *(Amended 11/18/2003)*

HARD SURFACE COVERAGE. Total square footage of all hard surfaces on the property divided by the total square footage of the parcel multiplied by 100. *(Amended 11/18/2003)*

HOME OCCUPATION. Any occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental and secondary to the use of the dwelling as a residence.

HOME OCCUPATION - AGRICULTURAL. A home occupation in an agricultural zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be "home occupation". *(Amended 04/18/2000)*

HOME OCCUPATION- RESIDENTIAL. A home occupation in a residential zoning district. Tearooms, restaurants, eating and/or drinking establishments, animal hospitals or kennels, clinics, general retail and wholesale, stables, undertaking establishments and funeral parlors shall not be deemed to be a "home occupation".

HOSPICE. A temporary residential living arrangement for persons with a life-threatening illness that requires full-time support, therapy and/or treatment.

HOSPITAL OR SANITARIUM. An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care, for not less than twenty-four hours in a week, or three or more non-related individuals, suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital", as used in this ordinance does not apply to institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter, or boarding homes.

~~**HOTEL, APARTMENT.** A building containing dwelling units or individual guest rooms, the majority of which are for permanent guest. Maid and janitor service may be provided, but kitchen facilities are not necessarily included.~~

HOTEL, MOTEL, OR INN OR AUTO COURT. An establishment containing lodging accommodations designed for use by transients, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises,

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telephone and secretarial desk service, restaurants, cocktail lounges, meeting rooms, and ancillary retain uses provided access to such uses are from the exterior of the principal use. **Short-term rentals of a maximum thirty (30) days in a dwelling, one family or dwelling, two family or accessory structures with residentially allowed occupancy permits shall not be considered hotels.**

HOUSEHOLDER. The occupant of a dwelling unit who is either the owner or lessee thereof.

INDOOR BUSINESS SALES AND SERVICE. Uses which display or conduct, entirely within an enclosed building, the sale or rental of business-oriented products, equipment, merchandise, or services that are non-personal and non-professional in nature. Examples may include: duplicating or photocopying sales and service; addressing, mailing, or stenographic sales and services; locksmith shops; computer sales and service; employment agencies; and similar land uses. *(Amended 8/21/2001)*

INDOOR ENTERTAINMENT AND RECREATION. ~~The indoor recreation and entertainment use classification applies to all u~~Uses which provide recreation or entertainment services entirely within an enclosed building. Examples may include: skating rink, arcades, billiards rooms/pool halls, dance hall/club, dance/music school or studio, gymnastic facility, martial arts facility, sports training facility, health/fitness club, and similar land uses. Adult and Regulated Uses are specifically excluded from this category.

INDOOR RETAIL SALES OF GOODS (OTHER THAN GROCERIES OR FOOD). The indoor retail sales of goods use classification, excluding grocery and food sales, applies to retail uses which display or conduct the sale or rental of merchandise entirely within an enclosed building. Examples may include: antique shops, furniture stores, hardware stores, department stores, clothing/wearing apparel stores, ~~book stores bookstores~~, sporting goods stores, drug stores, pharmacies, florist shops, and similar land uses. Adult Uses are specifically excluded from this category. *(Amended 8/21/2001)*

JUNK YARD. An open area where waste, scrap metal, paper, rags, or similar material are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

~~**JUNKER.** An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power and will require major repairs before being made usable, or such a vehicle which does not comply with State or County laws or ordinance for vehicles.~~

KENNEL. Any lot or premises or portion thereof on which more than a total of 4 dogs,

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cats, and other household domestic animals or combination thereof over four months of age are kept for sale, or on which more than two such animals are boarded for compensation. *(Amended 6/20/2006)*

LABORATORY, COMMERCIAL. A place devoted to experimental study such as testing and analyzing. Manufacturing assembly or packing of products is not included within this definition.

LAND RESOURCE MANAGEMENT PLAN. An official plan adopted by Kendall County to guide growth and development. The Land Resource Management Plan (LRMP) serves as the County's Comprehensive Plan, including Township specific plans and extensive goals and objectives focused on both planning and management.

LIVESTOCK. Domestic animals of types customarily raised or kept on farms for profit or other purposes.

LIVESTOCK FEEDING YARD. An enclosure designed or used for the purpose of concentrated feeding or fattening of livestock for marketing.

LIVESTOCK SALES YARD. An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.

LOADING AND UNLOADING SPACE, OFF-STREET. An open hard surfaced area ~~of land~~ other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors, and trailers to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, thirty five feet in length, and fourteen feet in height, exclusive of access aisles and maneuvering space.

LODGING OR ROOMING HOUSE. A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or overnight guests.

LOT. A parcel of land legally described as a distinct portion or piece of land of record.

LOT AREA, GROSS. The area of a horizontal plane bounded by the center line of all adjacent public streets and the lot lines where no public street is adjoining.

LOT AREA, NET. The area of a horizontal plane bounded by the front, side and rear lot lines.

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LOT, CORNER. The lot situated at the junction and abutting on two or more intersection street; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.

LOT COVERAGE. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

LOT DEPTH. The mean horizontal distance between the front and rear lot line of a lot measured within the lot boundaries.

LOT LINE. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line. *(Amended 2/15/2005)*

LOT LINE, CORNER SIDE. That portion of a lot boundary on a corner lot which lies along a public street and which is not identified as the front lot line.

LOT FRONTAGE. The front of any lot shall be that boundary of a lot along a public street; for a corner lot, the owner may elect either street lines as the front lot line.

LOT, INTERIOR. A lot other than a corner lot or reversed corner lot.

LOT LINE, FRONT. The front property line of a zoning lot.

LOT LINE, INTERIOR. A side lot line common with another lot.

LOT LINE, REAR. The rear lot line is the lot line or lot lines most nearly parallel to and remote from the front lot line.

LOT OF RECORD. A lot that is part of a recorded subdivision or a parcel of land that has been lawfully established and recorded at the county recorder's office. *(Amended 6-21-2005 ord. #2005-42)*

LOT, REVERSED CORNER. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH. The horizontal distance between the side lot lines as measured at the established front building setback line (Refer to Lot Width Exhibit in Appendix). *(Amended 10/18/2005)*

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LOT, ZONING. See "Zoning Lot".

MARINA. A boat basin and recreational facility, located on water-frontage property, providing moorings for boats, and one or more of the following facilities: Boat launching ramps, boat livery, boat sales, maintenance shops, marine supply stores and fuel dock.

MASSAGE or MASSAGE THERAPY. A system of structural palpation or movement of the soft tissue of the body or the performance of non-sexual manipulative exercises or techniques as defined under the Illinois Massage Licensing Act 225 ILCS 57/10, by a Massage Therapist for compensation, except those persons exempted under 225 ILCS 57/25. (Amended 6/19/2007)

MASSAGE SCHOOL. Any place or establishment or facility which provides instructions in the theory, method and practice of massage or massage therapy which meets the minimum standards for training and curriculum as determined by the Illinois Department of Professional Regulation. (Amended 6/19/2007)

MASSAGE THERAPIST. A person who is licensed by the Illinois Department of Professional Regulation, as defined in 225 ILCS 57/1 et.seq. and administers massage for compensation. (Amended 6/19/2007)

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on 7.1.20) (Amended 12.19.17)

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on 7.1.20) (Amended 12.19.17)

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of

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dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on 7.1.20) (Amended 12.19.17)

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on 7.1.20) (Amended 12.19.17)

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. Also referred to as a “**Class 1 craft** brewer” per 235 ILCS 5/1-3.38.

MICRO DISTILLERY or CRAFT DISTLLERY. A facility that produces alcoholic beverages in quantities not to exceed fifteen thousand (15,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited. If state law changes the quantities the definition should reflect those changes.

MOBILE HOME. A unit designed for year-round living quarters. It has a permanent chassis but must be towed by another vehicle. It is designed to be installed on piers with tie-downs but not on a permanent foundation. It has toilet, cooking and sleeping facilities and when connected to utilities on site it may have plumbing, electric, heating and air conditioning systems contained therein. It is at least 8' wide and 40' long.

MOTOR FREIGHT TERMINAL. A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

MOTOR VEHICLE. A vehicle of less than 16,000 pounds which is self-propelled and is capable of being licensed for operation upon the streets and highways of the State of Illinois, including automobiles, motorcycles, and light trucks. (Amended 6/19/2007)

MOTOR VEHICLE LAUNDRY. A building or portion thereof containing facilities for washing more than two motor vehicles, using mechanical methods. (Amended 6/19/2007)

MOTOR VEHICLE REPAIR, MAJOR. Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailer; collision service, including body, frame or fender straightening or repair and painting of vehicles. (Amended 6/19/2007)

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MUNICIPAL SOLID WASTE TRANSFER STATION. Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities. Recyclables may also be separated from Municipal Solid Waste at these facilities.

~~**NAMEPLATE.** A sign indicating the name and address of a building or the name of an occupant thereof, and the practice of a permitted occupation therein.~~

NANO BREWERY. A brewery that produces less than 1,000 barrels (31,000 gallons) of beer per year with 100% of its beer sold off-site.

~~**NON-CONFORMING USE.** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto with the regulations of this Ordinance.~~

NON-CONFORMING STRUCTURE. Any building or structure lawfully established at the time of the adoption of this Ordinance or any amendments hereto that does not comply with the yard, height, bulk or separation requirements contained the regulations of this Ordinance. *(Amended 6-21-2005 ord. #2005-42)*

~~**NON-CONFORMING USE.** Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Ordinance or amendments hereto with the regulations of this Ordinance.~~

NOXIOUS MATTER. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

NURSING HOMES OR REST HOMES. A home for the care of children or the aged or infirm, or place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

NURSERY SCHOOL OR DAY NURSERY. An institution providing care for three or more children under the age of seven years for periods of more than four hours but not exceeding twenty-four hours.

OBSTRUCTION. An obstacle, impediment or hindrance.

OFF-GRID SOLAR ENERGY SYSTEM. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company. *(Amended*

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OPEN SALES LOT. Any land used or occupied for the purpose of buying and selling new or second-hand passenger cars or trucks, motor scooters, motor ~~cycles~~~~cycles~~, boats, trailers, aircraft, and monuments, and for the storing of same prior to sale.

ORDINANCE. Reference to "ordinance" herein shall be constructed as the "Kendall County Zoning Ordinance".

PAINTBALL FACILITY. The location where a game in which players on one team seek to eliminate those on an opposing team by marking them with a water-soluble dye shot in capsules from air guns.

PARCEL DELIVERY STATION. A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within area.

PARKING AREA, PRIVATE. An open, hard surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING AREA, PUBLIC. An open, hard-surfaced area, other than a street or public way intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE, AUTOMOBILE. Space within a public or private parking area not less than one hundred and eighty square feet (nine by twenty), exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one half ton capacity.

PASSIVE SOLAR ENERGY SYSTEM. A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger. (Amended 11/20/2018)

PERFORMANCE STANDARD. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare of heat generated by or inherent in uses of land or buildings.

PERFORMING ARTS CENTER. The performing arts are art forms in which artists use their body or voice to convey artistic expression. Examples of performing arts may include: music, dance, fitness training, theatre arts, technical arts, online lessons, a

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performing arts preschool, etc. Regulated Uses that are specified in Section 4:16 of the Zoning Ordinance are specifically excluded from this category.

PERSONAL SERVICES. Personal service uses are exclusively indoor land uses in which personal services are provided to individuals on a walk-in or on an appointment basis. Examples may include: barber shops, beauty shops, shoe repair/shoe shine shops, tailor/garment repair shops, small household appliance repair shops, travel office, and similar land uses. Adult and Regulated Uses are specifically excluded from this category. (Amended 6/19/2007)

PHILANTHROPIC ~~AND—ELEEMOSYNARY~~ INSTITUTIONS. A nonprofit nongovernmental institution organized and operated for charitable purposes whose net income does not inure in whole or in part to the benefit of shareholders or individuals but through donated assets and income to provide social useful services. Community foundations, endowments, hospitals, educational institution founded by charity and charitable trusts are types of philanthropic ~~and eleemosynary~~ organizations.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity. (Amended 11/20/2018)

PLACES OF WORSHIP. A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building(s) and uses(s) are maintained and controlled by a religious body organized to sustain religious ceremonies and/or purposes.

PLANNED DEVELOPMENT. A tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings.

~~**POLE SIGN: A sign mounted on one (1) or more freestanding pole(s) or pylons or other supporting base that is not as wide as the bottom of the sign.**~~

PORCH. A roof over structure, projecting out from the wall or walls or a main structure and commonly open to the weather in part.

PRIMARY OPEN SPACE. All non-buildable areas (except existing road rights-of-way), specifically wetlands, lands that are generally inundated (under ponds, lakes, creeks, ect), land within the 100-year floodplain, slopes exceeding 25% and soils subject to slumping. Primary open space areas are predetermined by the locations of these features.

PRINCIPAL USE. The main use of land or buildings as distinguished from a subordinate or accessory use.

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PRIVATE AIRSTRIP. A private aircraft landing strip open to residents and invitees or open to ultra-light or short take-off and landing vehicles only. *(Amended 6/20/2006)*

PRIVATE CLUBS OR LODGES. An association organized and operated for persons who are bona fide members typically paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such associations are typically conducted by a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary, and incidental to the common objectives of the organization, and further provided that such sale or service of alcoholic beverages and food is in compliance with all applicable federal, state, county, and local laws and ordinances.

PUBLIC SERVICE FACILITIES. A needed use in a large format to be used by the public including: Filtration plant, pumping station, and water reservoir, Gas regulator stations, Sewage treatment plant, Telecommunications hub, Electric substation, generators and booster stations and Non-exempt governmental uses. This would include private or public entities.

PUBLIC UTILITY. Any person, firm corporation, or municipal department duly authorized to furnish under public regulation to the public, electricity, gas steam, telephone, sewers, transportation, or water.

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, **trainsheds, train sheds**, warehouses, rail car shops, rail car yards, locomotive shops, water towers, etc.

RECREATIONAL AREAS. Parks and open space devoted primarily to the pursuit of outdoor recreational activities such as golf courses, fishing lakes, playgrounds, trails and nature preserves; does not include outdoor commercial sporting activities.

RECREATIONAL VEHICLE (RV). A vehicle that is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily for recreation, camping, travel or seasonal use. For purposes of regulation in this code, pickup campers, jet skis, boats, snowmobiles, or similar vehicles shall also be considered to be recreational vehicles. *(Amended 7/18/2006)*

RENDERING. A process that collects, cooks and processes bodies or parts of bodies of dead animals, poultry or fish, or used cooking grease and oils, for the purpose of salvaging hides, wool, skins or feathers, and for the production of animal, poultry, or fish protein, blood meal, bone meal, grease or tallow and converts it into stable, value-

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added materials. Rendering can refer to any processing of animal products into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

RESEARCH AND DEVELOPMENT. A building or group of buildings in which are located facilities for scientific research, experimental study, investigation, testing and experimentation, but not primarily facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENCY. The act or condition of residing or dwelling in a place.

RESPIRE CARE. Usually planned residential care for dependent, elderly or handicapped people, to provide relief for their permanent care givers.

RESTAURANT. Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunch room, drive-in stand, tearoom, and dining room; including the service of alcoholic beverages when served with and incidental to the serving of meals, permitted by local option.

REST HOME. See "Nursing Home".

ROADWAY RIGHT-OF-WAY LINE. The edge of the public roadway right-of-way as dedicated or as shown as a prescriptive easement on a certified plat of survey. The edge of a private roadway right-of-way as dedicated as a common easement or commonly owned parcel. The width of land required by the Kendall County Subdivision Ordinance. The Zoning Administrator shall determine the actual line to be used for determining zoning setback requirements.

ROOF MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is mounted on a rack that is fastened onto a building roof. (Amended 11/20/2018)

RUNWAY. A strip or area of pavement used exclusively for the landing and taking off of aircraft, or for the movement of vehicles incidental to such use.

SANITARY LAND FILL. A method of disposing of refuse by spreading and covering with earth to a depth of two feet on the top surface and one foot on the sides of the bank.

SEASONAL FESTIVAL. A temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards, vineyards, nurseries and similar agricultural operations. Related activities may include,

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but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from Seasonal Festivals.

SECONDARY OPEN SPACE. All buildable acreage protected as open space. Secondary open spaces shall include, at a minimum, a 150-foot deep greenway buffer along all water bodies and watercourses, and a 50-foot greenway buffer alongside arterial and major collector streets and wetlands. The location of secondary open space areas shall be guided by the maps and policies contained in the **Land-Resource Management Plan LRMP** and shall typically include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, areas with highly permeable soil according to the Kendall County Soil Survey, significant wildlife habitats, sites listed by the Critical Trends Assessment Program of the Illinois Department of Natural Resources, prime farmland, historic or traditional rural architecture reminiscent of Kendall County's agricultural heritage, and scenic views into the property from existing public roads.

SELF-SERVICE STORAGE FACILITY. A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies. *(Amended 8/21/2001)*

SELF-STORAGE OR MINI-WAREHOUSE A building consisting of individual, self-contained units that are leased or owned for the storage of business supplies and household goods. Business goods are limited to those not associated with any office, retail or other business or commercial use within the self-storage warehouse facility. *(Amended 6/20/2006)*

SERVICE CLUB. A voluntary non-profit organization where members meet regularly to perform charitable works either by direct hands-on efforts or by raising money for other organizations

SERVICE STATION. A place where gasoline, stored in underground tanks, kerosene, lubricating oil or grease, for operation of motor vehicles, are offered for sale directly to the public on the premises, and including minor accessories and the service of motor vehicles; but not including major motor vehicle repairs, and including washing of motor vehicles. When the dispensing sale or offering for sale of motor fuels or oil is incidental to the conduct of a **public-garage motor vehicle repair facility**, the premises shall be classified as a **public-garage motor vehicle repair facility**. Service stations shall not include sale or storage of automobiles or trailers (new or used) *(Amended 6/19/2007)*

SETBACK LINE, BUILDING. See "Building Setback Line".

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SIGN. A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, tree, rock, or other object, or piece of land, and which directs attention to an object, product, place, activity, persons, institutions, organization or business. However, a sign shall not include the flag, emblem or insignia of a nation, political unit, school or religious group. A sign shall not include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign.

SIGN, ADVERTISING (BILLBOARD). A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises on which such sign is located or to which it is affixed.

~~**SIGN, BUSINESS.** A sign which directs attention to a business or profession conducted, or to commodity, service or entertainment sold or offered upon the premises where such a sign is located or to which it is affixed.~~

~~**SIGN, CHURCH BULLETIN BOARD.** A sign attached to the exterior of a church or located elsewhere on the church premises used to indicate the services or activities of the church and including its name, if desired.~~

~~**SIGN, FLASHING.** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered as a flashing sign.~~

~~**SIGN, GROSS SURFACE AREA OF.** A sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an intricate part of the display.~~

~~**SIGN IDENTIFICATION.** A structure, building wall or other outdoor surface use to display and identify the name of the individual business, profession, organization or institution occupying the premises upon which it is located.~~

~~**SLAUGHTER HOUSE SLAUGHTERHOUSE.** An establishment where animals are butchered for food.~~

SMALL POULTRY AND SMALL ANIMAL PROCESSING PLANT. Operations in which the carcasses of slaughtered poultry are defeathered, eviscerated, cut-up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed. Poultry and small animals are defined as **rabbits**, chickens, turkeys, ducks, geese,

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guineas, squab (pigeons up to one month old), small game birds such as quail, pheasant, and partridge ~~and rabbits~~.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system. (Amended 11/20/2018)

SOLAR COLLECTOR. An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy. (Amended 11/20/2018)

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector. (Amended 11/20/2018)

SOLAR ENERGY EASEMENT. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land. (Amended 11/20/2018)

SOLAR ENERGY SYSTEM (SES). All components required to become a complete assembly or structure that will convert solar energy into electricity for use. (Amended 11/20/2018)

SOLAR ENERGY SYSTEM ADDITION. A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto. (Amended 11/20/2018)

SOLAR ENERGY SYSTEM, PRIVATE. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards. (Amended 11/20/2018)

SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located. (Amended 11/20/2018)

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SOLAR GARDEN. A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses located off-site from the location of the solar energy system. (Amended 11/20/2018)

SOLAR HEAT EXCHANGER. A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas. (Amended 11/20/2018)

SOLAR HOT AIR SYSTEM. An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. (Amended 11/20/2018)

SOLAR HOT WATER SYSTEM. A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes. (Amended 11/20/2018)

SOLAR MOUNTING DEVICES. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground. (Amended 11/20/2018)

SOLAR STORAGE UNIT. A component of a solar energy device that is used to store solar generated electricity or heat for later use. (Amended 11/20/2018)

SPECIAL USE. Any use of land or buildings, or both, described and permitted herein, subject to the provisions of Section 13:00.

SPECIFIED ANATOMICAL AREAS. Are defined as:

1. Less than completely or opaquely covered: a) human genitals, b) pubic region, c) buttock, and d) female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. ~~For the purpose of this section a~~Are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, fellatio or sodomy;

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3. Fondling, kissing, or other erotic touching of specified anatomical areas.

STABLE, LIVERY. Any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn livery or both.

STABLE, PRIVATE. Any building, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

STABLE, PUBLIC (RIDING OR BOARDING STABLES). A building and grounds which are designed, arranged, used or intended to be used for the storage, boarding, breeding of horses including accessory uses which may include riding and horsemanship and the hire of riding horses.

STACKING REQUIREMENTS. ~~For the purpose of this ordinance, stacking requirements are t~~The number of cars and trucks that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

STAND, ROADSIDE. A structure for the display and sale of only agricultural products which are produced on the premises.

STORY. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and ceiling next above it. Any portion of a story exceeding fourteen feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

STORY, HALF. A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than four and one-half feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this ordinance. In the case of multiple family dwellings three or more stories in height, a half story shall be counted as a story.

STREET. A way other than an alley, which affords a primary means of access to abutting property.

STREET LINE. A line separating an abutting lot, piece or parcel from a street.

STRUCTURE. A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a mobile home and a prefabricated building.

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STRUCTURAL ALTERATIONS. Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing wall, column, beams, and girders.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceed fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or site documented as deserving preservation by the Illinois Department of Conservation or listed on the National Register of Historic Places.

TAVERN OR LOUNGE. A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

TELECOMMUNICATIONS STATIONS. A system consisting of a transmitter, a transmission medium, or a receiver used for the transmission of information over significant distances for the purposes of communication.

TEMPORARY. For a duration of time no longer the 7 days including weekends.

TERRACE, OPEN. A level and rather narrow place or platform which, for the purpose of this Ordinance, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

THEATER. An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor an Adult Mini-Motion Picture Theater.

THOROUGHFARES. Primary, secondary and collector, as defined by the Official Kendall County Comprehensive Plan.

~~TOURIST COURTS, MOTOR LODGES.~~ A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, or other similar type uses.

TOXIC MATERIALS. A substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

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TRAILER. Every vehicle without motive power designed for carrying property and for being drawn by a motor vehicle.

TRAILER, RECREATIONAL. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use. It has a permanent chassis and it has its own motive power or is mounted on or towed by another vehicle. It is sometimes referred to as a travel trailer, camping trailer, truck camper, motor home or recreational vehicle.

TRAILER CAMP OR PARK. Any premises occupied by or designed to accommodate two or more automobile house trailers or mobile homes, or the parking of two or more trailers for business or storage purposes.

TRAILER, OFFICE OR STORAGE. Any trailer designed for temporary use for an office or storage and not used as living quarters, temporary or permanent.

TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicle, while not loading or unloading, and which exceeds one and one-half tons in capacity.

TRUCK STOP. A facility that provides a much broader range services than a typical "Service Station". Such facilities are generally designed to accommodate the needs of commercial vehicles and interstate truck traffic in addition to the motoring public at large. Facilities may include one or more buildings designed for the maintenance, servicing, storage or repair of commercial and passenger vehicles; for the dispensing of motor fuel and other petroleum products directly into motor vehicles, and trucks; the sale of accessories or equipment for trucks and similar commercial vehicles as well as areas for overnight parking and storage of such vehicles. A truck stop may also include overnight accommodations, car and truck wash facilities, showers and/or restaurant facilities, primarily for the use of truck crews and the traveling public. *(Amended 6/19/2007)*

USE. The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USED CAR LOT. A zoning lot on which used cars or new cars, trailer, or trucks are displayed in the open for sale or trade.

VIEWING DEVICE. Any device, whether or not coin operated which projects or displays visual images of moving and stationary objects, including but not limited to magic lanterns, films or slide projector or other light projection device, and video

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screens, cable receivers, or any electronic device which receives electromagnetic waves or electronic signals and displays the reconverted images on a screen.

WATCHMAN. A person who maintains security on a piece of land and/or its structures to protect it from fire, vandals, or thieves.

WATERCOURSE. Any flowing body of water including rivers, creeks, streams or waterways; not to include small swales, impressions or areas that puddle.

WETLANDS. Areas inundated or saturated by surface water or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.

WIND FARM, COMMERCIAL A single wind driven machine or a collection of wind driven machines or turbines that convert-wind energy into electrical power for the primary purpose of sale, resale or offsite use. *(Amended 6/20/2006)*

WIND ENERGY SYSTEM, SMALL A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. If all applicable regulations are met a small wind energy system may contain more than one wind energy conversion system. *(Amended 2/16/2010)*

WRECKING YARD. Any place where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including the commercial salvaging of any goods, articles, or merchandise. *(Amended 6/19/2007)*

YARD. An open space on the same zoning lot with the principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for which the zoning lot is located.

YARD, CORNER SIDE. A yard extending across the full length of a corner side lot line and lying between the roadway right-of-way line and the nearest line of the buildings. *(Amended 2/15/2005)*

YARD, FRONT. A yard extending across the full width of the zoning lot and lying between the roadway right-of-way line and the nearest line of the buildings.

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YARD, REAR. A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, REQUIRED. The area between the road right-of-way and/or the property line and the minimum distance established for the appropriate setback for either front, side, or rear yard. *(Amended 10/17/2000)*

YARD, SIDE. The part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the required front yard (or from the front lot line if there is no required front yard) to the required rear yard.

ZONING BOARD. The Kendall County Zoning Board of Appeals **(ZBA)**.

ZONING ADMINISTRATOR. Wherever in this Ordinance the term Zoning Administrator is used, it shall mean the Zoning Administrator appointed by the County Board and such deputies or assistants as have been or shall be duly appointed by the County Board. That officer is hereby authorized and it is his duty to administer and enforce the orders as are necessary therefore, and requiring such plats, plans, and other descriptive materials in connection with application for permits as are necessary for him to judge compliance with this Ordinance.

ZONING MAPS. The map or maps incorporated into this Ordinance as a part hereof, designating Zoning Districts.

ZONING LOTS. Hereby defined to mean a contiguous piece of land in one ownership irrespective of intervening waterways or right of ways for roads or utilities and further irrespective of the division of said land by survey, plat or otherwise which is or may be occupied by a use, building or buildings including the open spaces required by this Ordinance.

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC). An informal, strictly advisory committee and not a County Board committee comprised primarily of County staff and advisors. Membership includes, but is not limited to, representatives from the County ~~Planning, Building and Zoning (PBZ)~~ **(PBZ Department)**, the Highway Department, the Health Department, the Sheriff's Department, Forest Preserve District, Soil and Water Conservation District, and the County Engineer or consultants. The PBZ Chair or his/her designee, as needed, from the Planning, Building and Zoning (PBZ) Committee shall serve on ZPAC.

1 (o) Labeling, including warning labels, may be modified by
2 rule by the Department of Agriculture.

3 Section 55-25. Local ordinances. Unless otherwise provided
4 under this Act or otherwise in accordance with State law:

5 (1) A unit of local government, including a home rule
6 unit or any non-home rule county within the unincorporated
7 territory of the county, may enact reasonable zoning
8 ordinances or resolutions, not in conflict with this Act or
9 rules adopted pursuant to this Act, regulating cannabis
10 business establishments. No unit of local government,
11 including a home rule unit or any non-home rule county
12 within the unincorporated territory of the county, may
13 prohibit home cultivation or unreasonably prohibit use of
14 cannabis authorized by this Act.

15 (2) A unit of local government, including a home rule
16 unit or any non-home rule county within the unincorporated
17 territory of the county, may enact ordinances or rules not
18 in conflict with this Act or with rules adopted pursuant to
19 this Act governing the time, place, manner, and number of
20 cannabis business establishment operations, including
21 minimum distance limitations between cannabis business
22 establishments and locations it deems sensitive, including
23 colleges and universities, through the use of conditional
24 use permits. A unit of local government, including a home
25 rule unit, may establish civil penalties for violation of

1 an ordinance or rules governing the time, place, and manner
2 of operation of a cannabis business establishment or a
3 conditional use permit in the jurisdiction of the unit of
4 local government. No unit of local government, including a
5 home rule unit or non-home rule county within an
6 unincorporated territory of the county, may unreasonably
7 restrict the time, place, manner, and number of cannabis
8 business establishment operations authorized by this Act.

9 (3) A unit of local government, including a home rule
10 unit, or any non-home rule county within the unincorporated
11 territory of the county may regulate the on-premises
12 consumption of cannabis at or in a cannabis business
13 establishment within its jurisdiction in a manner
14 consistent with this Act. A cannabis business
15 establishment or other entity authorized or permitted by a
16 unit of local government to allow on-site consumption shall
17 not be deemed a public place within the meaning of the
18 Smoke Free Illinois Act.

19 (4) A unit of local government, including a home rule
20 unit or any non-home rule county within the unincorporated
21 territory of the county, may not regulate the activities
22 described in paragraph (1), (2), or (3) in a manner more
23 restrictive than the regulation of those activities by the
24 State under this Act. This Section is a limitation under
25 subsection (i) of Section 6 of Article VII of the Illinois
26 Constitution on the concurrent exercise by home rule units

1 of powers and functions exercised by the State.

2 (5) A unit of local government, including a home rule
3 unit or any non-home rule county within the unincorporated
4 territory of the county, may enact ordinances to prohibit
5 or significantly limit a cannabis business establishment's
6 location.

7 Section 55-28. Restricted cannabis zones.

8 (a) As used in this Section:

9 "Legal voter" means a person:

10 (1) who is duly registered to vote in a municipality
11 with a population of over 500,000;

12 (2) whose name appears on a poll list compiled by the
13 city board of election commissioners since the last
14 preceding election, regardless of whether the election was
15 a primary, general, or special election;

16 (3) who, at the relevant time, is a resident of the
17 address at which he or she is registered to vote; and

18 (4) whose address, at the relevant time, is located in
19 the precinct where such person seeks to circulate or sign a
20 petition under this Section.

21 As used in the definition of "legal voter", "relevant time"
22 means any time that:

23 (i) a notice of intent is filed, pursuant to subsection
24 (c) of this Section, to initiate the petition process under
25 this Section;

1 board of a business or non-profit organization that pled
2 guilty, was convicted, fined, or had a registration or
3 license suspended or revoked;

4 (6) proposed operating bylaws that include procedures
5 for the oversight of the cultivation center, including the
6 development and implementation of a plant monitoring
7 system, accurate recordkeeping, staffing plan, and
8 security plan approved by the Department of State Police
9 that are in accordance with the rules issued by the
10 Department of Agriculture under this Act. A physical
11 inventory shall be performed of all plants and cannabis on
12 a weekly basis by the cultivation center;

13 (7) verification from the Department of State Police
14 that all background checks of the prospective principal
15 officers, board members, and agents of the cannabis
16 business establishment have been conducted;

17 (8) a copy of the current local zoning ordinance or
18 permit and verification that the proposed cultivation
19 center is in compliance with the local zoning rules and
20 distance limitations established by the local
21 jurisdiction;

22 (9) proposed employment practices, in which the
23 applicant must demonstrate a plan of action to inform,
24 hire, and educate minorities, women, veterans, and persons
25 with disabilities, engage in fair labor practices, and
26 provide worker protections;

1 site as prescribed in subsection (b) of this Section shall
2 submit an application on forms provided by the Department. The
3 application must meet or include the following qualifications:

4 (1) a payment of a nonrefundable application fee of
5 \$30,000;

6 (2) proof of registration as a medical cannabis
7 dispensing organization that is in good standing;

8 (3) submission of the application by the same person or
9 entity that holds the medical cannabis dispensing
10 organization registration;

11 (4) the legal name of the medical cannabis dispensing
12 organization;

13 (5) the physical address of the medical cannabis
14 dispensing organization and the proposed physical address
15 of the secondary site;

16 (6) a copy of the current **local zoning ordinance**
17 Sections relevant to **dispensary operations** and
18 documentation of the approval, the conditional approval or
19 the status of a request for zoning approval from the local
20 zoning office that the proposed dispensary location is in
21 compliance with the local zoning rules;

22 (7) a plot plan of the dispensary drawn to scale. The
23 applicant shall submit general specifications of the
24 building exterior and interior layout;

25 (8) a statement that the dispensing organization
26 agrees to respond to the Department's supplemental

1 suspended or revoked or (ii) managed or served on the board
2 of a business or non-profit organization that pled guilty,
3 was convicted, fined, or had a registration or license
4 suspended or revoked;

5 (6) proposed operating bylaws that include procedures
6 for the oversight of the craft grower, including the
7 development and implementation of a plant monitoring
8 system, accurate recordkeeping, staffing plan, and
9 security plan approved by the Department of State Police
10 that are in accordance with the rules issued by the
11 Department of Agriculture under this Act; a physical
12 inventory shall be performed of all plants and on a weekly
13 basis by the craft grower;

14 (7) verification from the Department of State Police
15 that all background checks of the prospective principal
16 officers, board members, and agents of the cannabis
17 business establishment have been conducted;

18 (8) a copy of the current **local zoning ordinance** or
19 permit and verification that the **proposed craft grower** is
20 in compliance with the local zoning rules and distance
21 limitations established by the local jurisdiction;

22 (9) proposed employment practices, in which the
23 applicant must demonstrate a plan of action to inform,
24 hire, and educate minorities, women, veterans, and persons
25 with disabilities, engage in fair labor practices, and
26 provide worker protections;

1 and implementation of a plant monitoring system, accurate
2 recordkeeping, staffing plan, and security plan approved
3 by the Department of State Police that are in accordance
4 with the rules issued by the Department of Agriculture
5 under this Act; a physical inventory of all cannabis shall
6 be performed on a weekly basis by the infuser;

7 (7) verification from the Department of State Police
8 that all background checks of the prospective principal
9 officers, board members, and agents of the infuser
10 organization have been conducted;

11 (8) a copy of the current local zoning ordinance and
12 verification that the proposed infuser is in compliance
13 with the local zoning rules and distance limitations
14 established by the local jurisdiction;

15 (9) proposed employment practices, in which the
16 applicant must demonstrate a plan of action to inform,
17 hire, and educate minorities, women, veterans, and persons
18 with disabilities, engage in fair labor practices, and
19 provide worker protections;

20 (10) whether an applicant can demonstrate experience
21 in or business practices that promote economic empowerment
22 in Disproportionately Impacted Areas;

23 (11) experience with infusing products with cannabis
24 concentrate;

25 (12) a description of the enclosed, locked facility
26 where cannabis will be infused, packaged, or otherwise

1 plan approved by the Department of State Police that are in
2 accordance with the rules issued by the Department of
3 Agriculture under this Act; a physical inventory shall be
4 performed of all cannabis on a weekly basis by the
5 transporting organization;

6 (7) verification from the Department of State Police
7 that all background checks of the prospective principal
8 officers, board members, and agents of the transporting
9 organization have been conducted;

10 (8) a copy of the current local zoning ordinance or
11 permit and verification that the proposed transporting
12 organization is in compliance with the local zoning rules
13 and distance limitations established by the local
14 jurisdiction, if the transporting organization has a
15 business address;

16 (9) proposed employment practices, in which the
17 applicant must demonstrate a plan of action to inform,
18 hire, and educate minorities, women, veterans, and persons
19 with disabilities, engage in fair labor practices, and
20 provide worker protections;

21 (10) whether an applicant can demonstrate experience
22 in or business practices that promote economic empowerment
23 in Disproportionately Impacted Areas;

24 (11) the number and type of equipment the transporting
25 organization will use to transport cannabis and
26 cannabis-infused products;

1 and employer workplace policies shall be interpreted broadly to
2 protect employee safety.

3 Section 1-10. Definitions. In this Act:

4 "Adult Use Cultivation Center License" means a license
5 issued by the Department of Agriculture that permits a person
6 to act as a cultivation center under this Act and any
7 administrative rule made in furtherance of this Act.

8 "Adult Use Dispensing Organization License" means a
9 license issued by the Department of Financial and Professional
10 Regulation that permits a person to act as a dispensing
11 organization under this Act and any administrative rule made in
12 furtherance of this Act.

13 "Advertise" means to engage in promotional activities
14 including, but not limited to: newspaper, radio, Internet and
15 electronic media, and television advertising; the distribution
16 of fliers and circulars; and the display of window and interior
17 signs.

18 "BLS Region" means a region in Illinois used by the United
19 States Bureau of Labor Statistics to gather and categorize
20 certain employment and wage data. The 17 such regions in
21 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
22 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
23 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
24 Rockford, St. Louis, Springfield, Northwest Illinois
25 nonmetropolitan area, West Central Illinois nonmetropolitan

1 area, East Central Illinois nonmetropolitan area, and South
2 Illinois nonmetropolitan area.

3 "Cannabis" means marijuana, hashish, and other substances
4 that are identified as including any parts of the plant
5 Cannabis sativa and including derivatives or subspecies, such
6 as indica, of all strains of cannabis, whether growing or not;
7 the seeds thereof, the resin extracted from any part of the
8 plant; and any compound, manufacture, salt, derivative,
9 mixture, or preparation of the plant, its seeds, or resin,
10 including tetrahydrocannabinol (THC) and all other naturally
11 produced cannabinol derivatives, whether produced directly or
12 indirectly by extraction; however, "cannabis" does not include
13 the mature stalks of the plant, fiber produced from the stalks,
14 oil or cake made from the seeds of the plant, any other
15 compound, manufacture, salt, derivative, mixture, or
16 preparation of the mature stalks (except the resin extracted
17 from it), fiber, oil or cake, or the sterilized seed of the
18 plant that is incapable of germination. "Cannabis" does not
19 include industrial hemp as defined and authorized under the
20 Industrial Hemp Act. "Cannabis" also means concentrate and
21 cannabis-infused products.

22 "Cannabis business establishment" means a cultivation
23 center, craft grower, processing organization, dispensing
24 organization, or transporting organization.

25 "Cannabis concentrate" means a product derived from
26 cannabis that is produced by extracting cannabinoids from the

1 plant through the use of propylene glycol, glycerin, butter,
2 olive oil or other typical cooking fats; water, ice, or dry
3 ice; or butane, propane, CO₂, ethanol, or isopropanol. The use
4 of any other solvent is expressly prohibited unless and until
5 it is approved by the Department of Agriculture.

6 "Cannabis container" means a sealed, traceable, container,
7 or package used for the purpose of containment of cannabis or
8 cannabis-infused product during transportation.

9 "Cannabis flower" means marijuana, hashish, and other
10 substances that are identified as including any parts of the
11 plant Cannabis sativa and including derivatives or subspecies,
12 such as indica, of all strains of cannabis; including raw kief,
13 leaves, and buds, but not resin that has been extracted from
14 any part of such plant; nor any compound, manufacture, salt,
15 derivative, mixture, or preparation of such plant, its seeds,
16 or resin.

17 "Cannabis-infused product" means a beverage, food, oil,
18 ointment, tincture, topical formulation, or another product
19 containing cannabis that is not intended to be smoked.

20 "Cannabis plant monitoring system" or "plant monitoring
21 system" means a system that includes, but is not limited to,
22 testing and data collection established and maintained by the
23 cultivation center, craft grower, or processing organization
24 and that is available to the Department of Revenue, the
25 Department of Agriculture, the Department of Financial and
26 Professional Regulation, and the Department of State Police for

1 the purposes of documenting each cannabis plant and monitoring
2 plant development throughout the life cycle of a cannabis plant
3 cultivated for the intended use by a customer from seed
4 planting to final packaging.

5 "Cannabis testing facility" means an entity registered by
6 the Department of Agriculture to test cannabis for potency and
7 contaminants.

8 "Clone" means a plant section from a female cannabis plant
9 not yet rootbound, growing in a water solution or other
10 propagation matrix, that is capable of developing into a new
11 plant.

12 "Community College Cannabis Vocational Training Pilot
13 Program faculty participant" means a person who is 21 years of
14 age or older, licensed by the Department of Agriculture, and is
15 employed or contracted by an Illinois community college to
16 provide student instruction using cannabis plants at an
17 Illinois Community College.

18 "Community College Cannabis Vocational Training Pilot
19 Program faculty participant Agent Identification Card" means a
20 document issued by the Department of Agriculture that
21 identifies a person as Community College Cannabis Vocational
22 Training Pilot Program faculty participant.

23 "Conditional Adult Use Dispensing Organization License"
24 means a license awarded to top-scoring applicants for an Adult
25 Use Dispensing Organization License that reserves the right to
26 an adult use dispensing organization license if the applicant

1 meets certain conditions described in this Act, but does not
2 entitle the recipient to begin purchasing or selling cannabis
3 or cannabis-infused products.

4 "Conditional Adult Use Cultivation Center License" means a
5 license awarded to top-scoring applicants for an Adult Use
6 Cultivation Center License that reserves the right to an Adult
7 Use Cultivation Center License if the applicant meets certain
8 conditions as determined by the Department of Agriculture by
9 rule, but does not entitle the recipient to begin growing,
10 processing, or selling cannabis or cannabis-infused products.

11 "Craft grower" means a facility operated by an organization
12 or business that is licensed by the Department of Agriculture
13 to cultivate, dry, cure, and package cannabis and perform other
14 necessary activities to make cannabis available for sale at a
15 dispensing organization or use at a processing organization. A
16 craft grower may contain up to 5,000 square feet of canopy
17 space on its premises for plants in the flowering state. The
18 Department of Agriculture may authorize an increase or decrease
19 of flowering stage cultivation space in increments of 3,000
20 square feet by rule based on market need, craft grower
21 capacity, and the licensee's history of compliance or
22 noncompliance, with a maximum space of 14,000 square feet for
23 cultivating plants in the flowering stage, which must be
24 cultivated in all stages of growth in an enclosed and secure
25 area. A craft grower may share premises with a processing
26 organization or a dispensing organization, or both, provided

1 each licensee stores currency and cannabis or cannabis-infused
2 products in a separate secured vault to which the other
3 licensee does not have access or all licensees sharing a vault
4 share more than 50% of the same ownership.

5 "Craft grower agent" means a principal officer, board
6 member, employee, or other agent of a craft grower who is 21
7 years of age or older.

8 "Craft Grower Agent Identification Card" means a document
9 issued by the Department of Agriculture that identifies a
10 person as a craft grower agent.

11 "Cultivation center" means a facility operated by an
12 organization or business that is licensed by the Department of
13 Agriculture to cultivate, process, transport (unless otherwise
14 limited by this Act), and perform other necessary activities to
15 provide cannabis and cannabis-infused products to cannabis
16 business establishments.

17 "Cultivation center agent" means a principal officer,
18 board member, employee, or other agent of a cultivation center
19 who is 21 years of age or older.

20 "Cultivation Center Agent Identification Card" means a
21 document issued by the Department of Agriculture that
22 identifies a person as a cultivation center agent.

23 "Currency" means currency and coin of the United States.

24 "Dispensary" means a facility operated by a dispensing
25 organization at which activities licensed by this Act may
26 occur.

1 "Dispensing organization" means a facility operated by an
2 organization or business that is licensed by the Department of
3 Financial and Professional Regulation to acquire cannabis from
4 a cultivation center, craft grower, processing organization,
5 or another dispensary for the purpose of selling or dispensing
6 cannabis, cannabis-infused products, cannabis seeds,
7 paraphernalia, or related supplies under this Act to purchasers
8 or to qualified registered medical cannabis patients and
9 caregivers. As used in this Act, dispensary organization shall
10 include a registered medical cannabis organization as defined
11 in the Compassionate Use of Medical Cannabis Pilot Program Act
12 or its successor Act that has obtained an Early Approval Adult
13 Use Dispensing Organization License.

14 "Dispensing organization agent" means a principal officer,
15 employee, or agent of a dispensing organization who is 21 years
16 of age or older.

17 "Dispensing organization agent identification card" means
18 a document issued by the Department of Financial and
19 Professional Regulation that identifies a person as a
20 dispensing organization agent.

21 "Disproportionately Impacted Area" means a census tract or
22 comparable geographic area that satisfies the following
23 criteria as determined by the Department of Commerce and
24 Economic Opportunity, that:

25 (1) meets at least one of the following criteria:

26 (A) the area has a poverty rate of at least 20%

1 according to the latest federal decennial census; or

2 (B) 75% or more of the children in the area
3 participate in the federal free lunch program
4 according to reported statistics from the State Board
5 of Education; or

6 (C) at least 20% of the households in the area
7 receive assistance under the Supplemental Nutrition
8 Assistance Program; or

9 (D) the area has an average unemployment rate, as
10 determined by the Illinois Department of Employment
11 Security, that is more than 120% of the national
12 unemployment average, as determined by the United
13 States Department of Labor, for a period of at least 2
14 consecutive calendar years preceding the date of the
15 application; and

16 (2) has high rates of arrest, conviction, and
17 incarceration related to the sale, possession, use,
18 cultivation, manufacture, or transport of cannabis.

19 "Early Approval Adult Use Cultivation Center License"
20 means a license that permits a medical cannabis cultivation
21 center licensed under the Compassionate Use of Medical Cannabis
22 Pilot Program Act as of the effective date of this Act to begin
23 cultivating, infusing, packaging, transporting (unless
24 otherwise provided in this Act), and selling cannabis to
25 cannabis business establishments for resale to purchasers as
26 permitted by this Act as of January 1, 2020.

1 "Early Approval Adult Use Dispensing Organization License"
2 means a license that permits a medical cannabis dispensing
3 organization licensed under the Compassionate Use of Medical
4 Cannabis Pilot Program Act as of the effective date of this Act
5 to begin selling cannabis to purchasers as permitted by this
6 Act as of January 1, 2020.

7 "Early Approval Adult Use Dispensing Organization at a
8 secondary site" means a license that permits a medical cannabis
9 dispensing organization licensed under the Compassionate Use
10 of Medical Cannabis Pilot Program Act as of the effective date
11 of this Act to begin selling cannabis to purchasers as
12 permitted by this Act on January 1, 2020 at a different
13 dispensary location from its existing registered medical
14 dispensary location.

15 "Enclosed, locked facility" means a room, greenhouse,
16 building, or other enclosed area equipped with locks or other
17 security devices that permit access only by cannabis business
18 establishment agents working for the licensed cannabis
19 business establishment or acting pursuant to this Act to
20 cultivate, process, store, or distribute cannabis.

21 "Enclosed, locked space" means a closet, room, greenhouse,
22 building or other enclosed area equipped with locks or other
23 security devices that permit access only by authorized
24 individuals under this Act. "Enclosed, locked space" may
25 include:

26 (1) a space within a residential building that (i) is

1 the primary residence of the individual cultivating 5 or
2 fewer cannabis plants that are more than 5 inches tall and
3 (ii) includes sleeping quarters and indoor plumbing. The
4 space must only be accessible by a key or code that is
5 different from any key or code that can be used to access
6 the residential building from the exterior; or

7 (2) a structure, such as a shed or greenhouse, that
8 lies on the same plot of land as a residential building
9 that (i) includes sleeping quarters and indoor plumbing and
10 (ii) is used as a primary residence by the person
11 cultivating 5 or fewer cannabis plants that are more than 5
12 inches tall, such as a shed or greenhouse. The structure
13 must remain locked when it is unoccupied by people.

14 "Financial institution" has the same meaning as "financial
15 organization" as defined in Section 1501 of the Illinois Income
16 Tax Act, and also includes the holding companies, subsidiaries,
17 and affiliates of such financial organizations.

18 "Flowering stage" means the stage of cultivation where and
19 when a cannabis plant is cultivated to produce plant material
20 for cannabis products. This includes mature plants as follows:

21 (1) if greater than 2 stigmas are visible at each
22 internode of the plant; or

23 (2) if the cannabis plant is in an area that has been
24 intentionally deprived of light for a period of time
25 intended to produce flower buds and induce maturation, from
26 the moment the light deprivation began through the

1 remainder of the marijuana plant growth cycle.

2 "Individual" means a natural person.

3 "Infuser organization" or "infuser" means a facility
4 operated by an organization or business that is licensed by the
5 Department of Agriculture to directly incorporate cannabis or
6 cannabis concentrate into a product formulation to produce a
7 cannabis-infused product.

8 "Kief" means the resinous crystal-like trichomes that are
9 found on cannabis and that are accumulated, resulting in a
10 higher concentration of cannabinoids, untreated by heat or
11 pressure, or extracted using a solvent.

12 "Labor peace agreement" means an agreement between a
13 cannabis business establishment and any labor organization
14 recognized under the National Labor Relations Act, referred to
15 in this Act as a bona fide labor organization, that prohibits
16 labor organizations and members from engaging in picketing,
17 work stoppages, boycotts, and any other economic interference
18 with the cannabis business establishment. This agreement means
19 that the cannabis business establishment has agreed not to
20 disrupt efforts by the bona fide labor organization to
21 communicate with, and attempt to organize and represent, the
22 cannabis business establishment's employees. The agreement
23 shall provide a bona fide labor organization access at
24 reasonable times to areas in which the cannabis business
25 establishment's employees work, for the purpose of meeting with
26 employees to discuss their right to representation, employment

1 rights under State law, and terms and conditions of employment.
2 This type of agreement shall not mandate a particular method of
3 election or certification of the bona fide labor organization.

4 "Limited access area" means a building, room, or other area
5 under the control of a cannabis dispensing organization
6 licensed under this Act and upon the licensed premises with
7 access limited to purchasers, dispensing organization owners
8 and other dispensing organization agents, or service
9 professionals conducting business with the dispensing
10 organization.

11 "Member of an impacted family" means an individual who has
12 a parent, legal guardian, child, spouse, or dependent, or was a
13 dependent of an individual who, prior to the effective date of
14 this Act, was arrested for, convicted of, or adjudicated
15 delinquent for any offense that is eligible for expungement
16 under this Act.

17 "Mother plant" means a cannabis plant that is cultivated or
18 maintained for the purpose of generating clones, and that will
19 not be used to produce plant material for sale to an infuser or
20 dispensing organization.

21 "Ordinary public view" means within the sight line with
22 normal visual range of a person, unassisted by visual aids,
23 from a public street or sidewalk adjacent to real property, or
24 from within an adjacent property.

25 "Ownership and control" means ownership of at least 51% of
26 the business, including corporate stock if a corporation, and

1 control over the management and day-to-day operations of the
2 business and an interest in the capital, assets, and profits
3 and losses of the business proportionate to percentage of
4 ownership.

5 "Person" means a natural individual, firm, partnership,
6 association, joint stock company, joint venture, public or
7 private corporation, limited liability company, or a receiver,
8 executor, trustee, guardian, or other representative appointed
9 by order of any court.

10 "Possession limit" means the amount of cannabis under
11 Section 10-10 that may be possessed at any one time by a person
12 21 years of age or older or who is a registered qualifying
13 medical cannabis patient or caregiver under the Compassionate
14 Use of Medical Cannabis Pilot Program Act.

15 "Principal officer" includes a cannabis business
16 establishment applicant or licensed cannabis business
17 establishment's board member, owner with more than 1% interest
18 of the total cannabis business establishment or more than 5%
19 interest of the total cannabis business establishment of a
20 publicly traded company, president, vice president, secretary,
21 treasurer, partner, officer, member, manager member, or person
22 with a profit sharing, financial interest, or revenue sharing
23 arrangement. The definition includes a person with authority to
24 control the cannabis business establishment, a person who
25 assumes responsibility for the debts of the cannabis business
26 establishment and who is further defined in this Act.

1 "Primary residence" means a dwelling where a person usually
2 stays or stays more often than other locations. It may be
3 determined by, without limitation, presence, tax filings;
4 address on an Illinois driver's license, an Illinois
5 Identification Card, or an Illinois Person with a Disability
6 Identification Card; or voter registration. No person may have
7 more than one primary residence.

8 "Processing organization" or "processor" means a facility
9 operated by an organization or business that is licensed by the
10 Department of Agriculture to either extract constituent
11 chemicals or compounds to produce cannabis concentrate or
12 incorporate cannabis or cannabis concentrate into a product
13 formulation to produce a cannabis product.

14 "Processing organization agent" means a principal officer,
15 board member, employee, or agent of a processing organization.

16 "Processing organization agent identification card" means
17 a document issued by the Department of Agriculture that
18 identifies a person as a processing organization agent.

19 "Purchaser" means a person 21 years of age or older who
20 acquires cannabis for a valuable consideration. "Purchaser"
21 does not include a cardholder under the Compassionate Use of
22 Medical Cannabis Pilot Program Act.

23 "Qualified Social Equity Applicant" means a Social Equity
24 Applicant who has been awarded a conditional license under this
25 Act to operate a cannabis business establishment.

26 "Resided" means an individual's primary residence was

1 located within the relevant geographic area as established by 2
2 of the following:

3 (1) a signed lease agreement that includes the
4 applicant's name;

5 (2) a property deed that includes the applicant's name;

6 (3) school records;

7 (4) a voter registration card;

8 (5) an Illinois driver's license, an Illinois
9 Identification Card, or an Illinois Person with a
10 Disability Identification Card;

11 (6) a paycheck stub;

12 (7) a utility bill; or

13 (8) any other proof of residency or other information
14 necessary to establish residence as provided by rule.

15 "Smoking" means the inhalation of smoke caused by the
16 combustion of cannabis.

17 "Social Equity Applicant" means an applicant that is an
18 Illinois resident that meets one of the following criteria:

19 (1) an applicant with at least 51% ownership and
20 control by one or more individuals who have resided for at
21 least 5 of the preceding 10 years in a Disproportionately
22 Impacted Area;

23 (2) an applicant with at least 51% ownership and
24 control by one or more individuals who:

25 (i) have been arrested for, convicted of, or
26 adjudicated delinquent for any offense that is

1 eligible for expungement under this Act; or

2 (ii) is a member of an impacted family;

3 (3) for applicants with a minimum of 10 full-time
4 employees, an applicant with at least 51% of current
5 employees who:

6 (i) currently reside in a Disproportionately
7 Impacted Area; or

8 (ii) have been arrested for, convicted of, or
9 adjudicated delinquent for any offense that is
10 eligible for expungement under this Act or member of an
11 impacted family.

12 Nothing in this Act shall be construed to preempt or limit
13 the duties of any employer under the Job Opportunities for
14 Qualified Applicants Act. Nothing in this Act shall permit an
15 employer to require an employee to disclose sealed or expunged
16 offenses, unless otherwise required by law.

17 "Tincture" means a cannabis-infused solution, typically
18 comprised of alcohol, glycerin, or vegetable oils, derived
19 either directly from the cannabis plant or from a processed
20 cannabis extract. A tincture is not an alcoholic liquor as
21 defined in the Liquor Control Act of 1934. A tincture shall
22 include a calibrated dropper or other similar device capable of
23 accurately measuring servings.

24 "Transporting organization" or "transporter" means an
25 organization or business that is licensed by the Department of
26 Agriculture to transport cannabis on behalf of a cannabis

1 business establishment or a community college licensed under
2 the Community College Cannabis Vocational Training Pilot
3 Program.

4 "Transporting organization agent" means a principal
5 officer, board member, employee, or agent of a transporting
6 organization.

7 "Transporting organization agent identification card"
8 means a document issued by the Department of Agriculture that
9 identifies a person as a transporting organization agent.

10 "Unit of local government" means any county, city, village,
11 or incorporated town.

12 "Vegetative stage" means the stage of cultivation in which
13 a cannabis plant is propagated to produce additional cannabis
14 plants or reach a sufficient size for production. This includes
15 seedlings, clones, mothers, and other immature cannabis plants
16 as follows:

17 (1) if the cannabis plant is in an area that has not
18 been intentionally deprived of light for a period of time
19 intended to produce flower buds and induce maturation, it
20 has no more than 2 stigmas visible at each internode of the
21 cannabis plant; or

22 (2) any cannabis plant that is cultivated solely for
23 the purpose of propagating clones and is never used to
24 produce cannabis.

25

ARTICLE 5.

Amended by Ordinance 2017-28

State of Illinois
County of Kendall

Petition #14-17

ORDINANCE # 2014-28

AMENDMENT TO SECTIONS 3.02 AND 10.01.C OF THE KENDALL COUNTY ZONING ORDINANCE TO TEMPORARILY ALLOW MEDICAL CANNABIS CULTIVATION CENTERS- TEMPORARY

WHEREAS, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. Jan. 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and is repealed on January 1, 2018; and

WHEREAS, section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers; and,

WHEREAS, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, wishes to amend Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis cultivation centers in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; ; and

WHEREAS, the Kendall County Board automatically repeals this amendment to Zoning Ordinance concurrent with the repeal of the Act, on January 1, 2018; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on July 28, 2014; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 3.02- "Definitions" & 10.01.C "M-1 & M-2 Manufacturing District- Special Uses" of the Kendall County Zoning Ordinance as provided:

I. **RECITALS.** The recitals set forth above are incorporated as is fully set forth herein.

II. THE FOLLOWING TERMS ARE ADDED TO SECTION 3.02 "DEFINITIONS" OF ZONING ORDINANCE:

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain

consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern.

**III. THE FOLLOWING LANGUAGE IS ADDED TO SECTION 10.01.C
"MANUFACTURING DISTRICT- SPECIAL USE (M-1 & M-2)" OF ZONING
ORDINANCE:**

10.01.C Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on January 1, 2018)

- a. **Definitions:** All terms not defined in section 3.02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended
- b. **Preliminary Requirements.** All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
 1. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.

2. *Registration.* Applicants must be registered with the Illinois Department of Agriculture
 3. *Location.* A Cultivation Center must be located more than 2,500 feet from the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130/105.
 4. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
 5. *Code Compliance.* Cultivation Centers must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
 6. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/105, as amended.
- c. **Required Permit Information.** Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:
1. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130/105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.
 2. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.
 3. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and
 4. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/105, as amended, and
 5. Proof that applicant is registered with the Illinois Department of Agriculture.
- d. **Operational and Facility Requirements:**
1. *Enclosed, Locked Facility.* All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.
 2. *Storage.* No outdoor storage of any kind will be permitted at Cultivation Centers.
 3. *Edibles.* Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130/80.
 4. *Waste.* Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with

- the requirements set forth in 410 ILCS 130/180 and 8 Ill. Admin. Code. 1000.460, as amended respectively.
- 5. *Signs.* All signage shall comply with Section 12 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.
- 6. *Other Products.* It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.
- 7. *Fence.* All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.
- 8. *Registration.* The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.

e. Legal Protections.

- 1. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Cultivation Center's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
- 2. *Indemnification.* The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.
- 3. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

- f. **Revocation:** Any special use permit granted under this Zoning Ordinance may be revoked for failure to comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Zoning Ordinance.

IV. **REPEAL.** This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on January 1, 2018.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 16th day of September, 2014 and is automatically repealed on January 1, 2018.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
John Shaw

Amended by Ordinance 2017-28

State of Illinois
County of Kendall

Petition #14-25

ORDINANCE # 2014- 31

AMENDMENT TO SECTION 10.01.C OF THE KENDALL COUNTY ZONING ORDINANCE TO TEMPORARILY ALLOW MEDICAL CANNABIS DISPENSING ORGANIZATIONS - TEMPORARY

WHEREAS, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. Jan. 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and is repealed on January 1, 2018; and

WHEREAS, section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis dispensing organizations; and,

WHEREAS, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, wishes to amend Section 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis dispensing organizations in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

WHEREAS, the Kendall County Board automatically repeals this amendment to Zoning Ordinance concurrent with the repeal of the Act, on January 1, 2018; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on September 3, 2014; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 10.01.C "M-1 & M-2 Manufacturing District- Special Uses" of the Kendall County Zoning Ordinance as provided:

- I. **RECITALS.** The recitals set forth above are incorporated as if fully set forth herein.
- II. **THE FOLLOWING LANGUAGE IS ADDED TO SECTION 10.01.C "MANUFACTURING DISTRICT- SPECIAL USE (M-1 & M-2)" OF ZONING ORDINANCE:**

10.01(C) (11) Medical Cannabis Dispensing Organization- Temporary (will be automatically repealed on January 1, 2018)

- a. **Definitions:** All terms not defined in section 3.02 of this Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.), as amended
- b. **Preliminary Requirements.** All Medical Cannabis Dispensing Organization special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.
 - i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.
 - ii. *Location.* A Dispensing Organization may not be located within 1,000 feet of the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use, as required pursuant to 410 ILCS 130/130 and Section 1290.50 of the Department of Financial and Professional Regulation rules.
 - iii. *Images.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights of any similar lighting system.
 - iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.
 - v. *Code Compliance.* Dispensing Organizations must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.
 - vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/130, as amended.
- c. **Required Permit Information.** Upon applying for a Dispensing Organization special use permit, the applicant must provide the following information:
 - i. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

- ii. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/130 & Section 1290.50.19, as amended.
- d. **Operational and Facility Requirements:**
- i. *Enclosed, Loading/unloading bay.* All medical cannabis deliveries shall take place in an Enclosed, Locked Facility.
 - ii. *Storage.* No outdoor storage of any kind will be permitted at Dispensing Organizations.
 - iii. *Advertisement/Signs.*
 - 1. All signage shall comply with Section 12 of the Kendall County Zoning Ordinance.
 - 2. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.
 - 3. Electronic message boards and temporary signs are not permitted in connection with a Dispensing Organization.
 - 4. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization. .
 - 5. No Advertisements shall be placed or maintained within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game arcade admission to which is not restricted to persons age 21 or older.
 - 6. No advertisement shall be posted on publicly-owned or -operated property.
 - 7. If the dispensing organization sells edible cannabis infused products, it must display a placard that states the following: "Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens." The placard shall be no smaller than 24" tall by 36" wide, with typed letters no smaller than 2". The placard shall be clearly visible and readable by customers and shall be written in English.
 - iv. *Other Prohibitions.* A dispensing organization shall not:
 - 1. produce or manufacture cannabis;
 - 2. allow consumption of cannabis at the dispensary;
 - 3. sell cannabis unless it is pre-packaged and labeled in accordance with Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946;
 - 4. sell cannabis or cannabis-infused products to consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH;
 - 5. enter into an exclusive agreement with any cultivation center;

6. operate drive through windows;
 7. transport cannabis to residences of registered qualifying patients or designated caregivers;
 8. operate if video surveillance equipment is inoperative;
 9. operate if the point of sale equipment is inoperative;
 10. operate if the State's medical cannabis electronic verification system is inoperative; or,
 11. have fewer than two people working at any time while the dispensary is open.
- v. *Landscaping.* All dispensing organizations shall ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight.
 - vi. *Lighting.* All dispensing organizations shall ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance.
 - vii. *Hours of operation:* A dispensary may operate between 6 a.m. and 8 p.m. local time.

e. Legal Protections.

- i. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Dispensing Organization, the Dispensing Organization's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Dispensing Organization's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
- ii. *Indemnification.* The permitted Dispensing Organization, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of the County's own choosing, due in whole or in part to the Dispensing Organization's acts or omissions and/or for any illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall

County State's Attorney and shall be appointed a Special Assistant State's Attorney.

iii. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

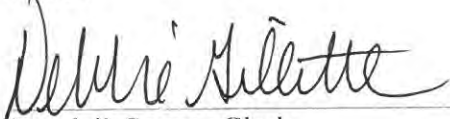
f. **Revocation:**

- i. Any special use permit granted under this ordinance may be revoked for failure to comply with the terms of this ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Kendall County Zoning Ordinance.
- ii. Applicants must be registered with the Illinois Department of Financial and Professional Regulation prior to commencing operations and shall remain registered at all times of operation. The Dispensing Organization must notify Kendall County within ten (10) days of its registration being suspended or revoked. Failure to register or timely notify Kendall County of the suspension or revocation will result in immediate revocation of the special use.

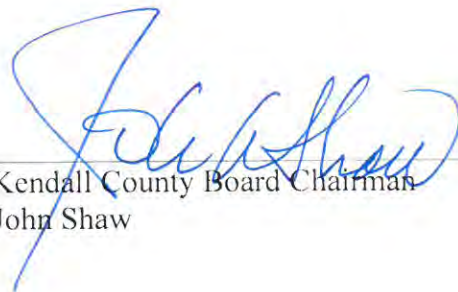
III. **REPEAL.** This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on January 1, 2018.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 18th day of November, 2014 and is automatically repealed on January 1, 2018.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
John Shaw

ORDINANCE # 2017- 28

**TEXT AMENDMENTS TO SECTIONS 3.02, 10.01.C.10 AND 10.01.C.11 OF THE
KENDALL COUNTY ZONING ORDINANCE TO EXTEND THE EXPIRATION
DEADLINE FROM JANUARY 1, 2018 TO JULY 1, 2020 FOR KENDALL
COUNTY'S MEDICAL CANNABIS DISPENSING ORGANIZATIONS AND
MEDICAL CANNABIS CULTIVATION CENTERS RELATED ZONING
REGULATIONS**

WHEREAS, the Illinois General Assembly enacted the Compassionate Use of Medical Cannabis Pilot Program Act, P.A. 98-122 (eff. January 1, 2014), 410 ILCS 130/1 et seq. ("Act"), which allows for and regulates the cultivation, sale, distribution, and use of cannabis for medicinal purposes, and contained a repeal date of January 1, 2018; and,

WHEREAS, the Illinois General Assembly amended the Act by changing the repeal date to July 1, 2020 through P.A. 99-519 (eff. June 30, 2016); and,

WHEREAS, Section 140 of the Act grants a unit of local government the authority to enact reasonable zoning ordinances or resolutions regulating registered medical cannabis cultivation centers and medical cannabis dispensing organizations; and,

WHEREAS, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, amended Sections 3.02 and 10.01.C of the Kendall County Zoning Ordinance ("Zoning Ordinance") to regulate medical cannabis cultivation centers through Ordinance 2014-28 (adopted September 16, 2014), in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

WHEREAS, pursuant to the authority provided in 410 ILCS 130/140, Kendall County, a unit of local government, amended Sections 3.02 and 10.01.C of the "Zoning Ordinance" to regulate medical cannabis dispensing organizations through Ordinance 2014-31 (adopted November 18, 2014), in the unincorporated areas of Kendall County, to protect the health, safety, and welfare of the community; and

WHEREAS, the Kendall County Board originally desired to automatically repeal Ordinance 2014-28 and Ordinance 2014-31 on January 1, 2018; and

WHEREAS, the Kendall County Board now desires to automatically repeal Ordinances 2014-28 and Ordinance 2014-31 concurrently with the repeal of the Act, on July 1, 2020; and

WHEREAS, all administrative procedures required prior to passing amendments to the

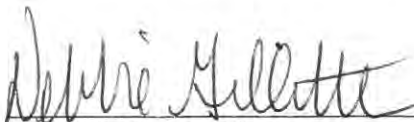
Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on October 30, 2017; and

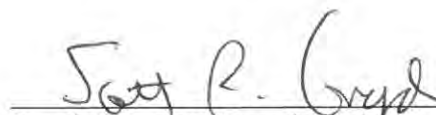
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 3.02- “Definitions”, 10.01.C.10 & 10.01.C.11 “M-1 & M-2 Manufacturing District- Special Uses” of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: All references to a repeal date of January 1, 2018 are deleted and replaced with a repeal date of July 1, 2020.
- III. All references to a repeal date of January 1, 2018 found within Ordinance 2014-28 are deleted and replaced with a repeal date of July 1, 2020.
- IV. All references to a repeal date of January 1, 2018 found within Ordinance 2014-31 are deleted and replaced with a repeal date of July 1, 2020.
- V. All of the provisions and regulations contained within Ordinances 2014-28 and Ordinance 2014-31 shall remain effective until July 1, 2020 at which time both Ordinances shall be automatically repealed.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 19th day of December, 2017.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Scott R. Gryder