

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

Wednesday, December 11, 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), and Jeff Wehrl

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from October 23, 2019 Meeting (Pages 2-3)

NEW/OLD BUSINESS

1. Review of Sections 7:01, 8:01, 8:03, 9:00, 10:03.1, 11:00, 12:04, 12:08, 12:09, 12:10, 12:19, 12:20, 13:00, and 14:00 of the Zoning Ordinance with Corrections Proposed by Teska Associates-Zoning Sections Include Lighting Regulations (Pages 4-91)

OTHER BUSINESS/ANNOUNCEMENTS

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, January 22, 2020

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 September 25, 2019***

Chairman Larry Nelson called the meeting to order at 5:05 p.m.

Members Present: Bill Ashton (arrived at 5:35 p.m.), Scott Gengler for Scott Gryder, Larry Nelson, Matthew Prochaska, and Jeff Wehrli

Member Absent: Megan Andrews and Randy Mohr

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 four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Wehrli made a motion, seconded by Mr. Prochaska, to approve the minutes of the September 25, 2019, meeting. With a voice vote of four (4) ayes the minutes were approved.

NEW/OLD BUSINESS

1. Review of Sections 7:01, 8:01, 9:00, 10, 12:04, 12:09, 12:10, and 12:21 of the Zoning Ordinance with Corrections Proposed by Teska Associates

Mr. Asselmeier provided a follow-up on items discussed at previous meetings.

The Right to Farm Clause was added to Sections 7 and 8. The consensus of the Committee was to place the Clause in the Business District, Section 9. Mr. Asselmeier will add language to the Clause acknowledging special use permits and other businesses in the area can continue as approved.

In Section 12:04, in the phrase regarding other governmental entity signs, the word “installed” was changed to “approved”.

Discussion occurred regarding flashing signs. The consensus of the Committee was to set the flash at two (2) seconds and allow scrolling. Signs cannot pulsate.

Section 12:21 regarding sign amortization shall be removed.

Mr. Ashton arrived at this time (5:35 p.m.).

The Committee reviewed Section 10 regarding Industrial Districts.

With regarding to regulated uses, the consensus of the Committee was that the one thousand foot (1,000) foot distance should be of the area to be zoned instead of the property line. Also, the consensus of the Committee was to raise the distance to one thousand feet (1,000) from all residential, business, and A-1 PUD zoning districts.

Any use permitted in the M-2 that met performance standards could be special uses in the M-1.

In Section 10.03.1.A.3 the Enforcement Officer should be the Zoning Administrator.

The date of adoption will be added to Section 10:03.1.

The Committee will review Sections 11, 13, and 14 at the next meeting.

The consensus of the Committee was to invite a lighting expert to the meeting when lighting is discussed.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Prochaska announced that funding is available for Eldamain Road bridge and Collins Road extension. He also announced that he would be requesting that the Planning, Building and Zoning Committee approve a letter to the United City of Yorkville requesting that the City amend their Future Land Use Map for properties along Eldamain Road. He would also like to see fiber installed along Eldamain Road.

Discussion occurred regarding updating the transportation plan to reflect new projects after the Eldamain Road and Collins Road are complete for the February annual meeting.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT:

The next meeting will be December 11, 2019. Mr. Wehrli made a motion to adjourn the meeting, seconded by Mr. Prochaska. With a voice vote of five (5) ayes, the motion passed and the meeting adjourned at 6:30 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Follow-Up Items from October Meeting

Amended Right to Farm Clause added to Sections 7:01, 8:01, and 9:00 as follows:

Kendall County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator -- A-1 or A-1 Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS. Please be aware that certain special and permitted uses are in existence and may continue operations as approved.

Section 8:03.H.2.d (Special Uses in RPDs Not Included in a Planned Development) amended as follows:

Home Occupations are deleted because they are permitted uses per Section 8:03.F.7.

Section 9:03.D (Conditional Uses in the B-3) amended as follows:

CONDITIONAL USES. All conditional uses outlined in the B-2 General Business District (Section 9:03.D) may be permitted only if specifically authorized by the Zoning Administrator **except self-storage facilities**. Self-storage facilities are special uses in the B-3.

Section 10.03.1 (Permitting of Mining)

H.G. EXEMPTIONS

Any mining operation legally commenced prior to **the adoption of this Section April 14, 1992** shall be exempt from the requirements hereof, except that said operations shall not be exempt from the requirements hereof pertaining to the hours of operation, the operation of motor vehicles, safety and noise regulations as defined in Sections 10.03.1.C.15 and 10.03.1C.24.

12:04 EXEMPTIONS

The following signs shall be exempted from all but the maintenance and public safety requirements of this Section. No permit is required for any sign designated as exempt below.

- A. PUBLIC OR QUASI-PUBLIC INFORMATIONAL SIGNS. Any public notice, warning, directional, and other instructional or regulatory signs identifying or locating a town, hospital, community center, public building or historic place situated in Kendall County, Illinois, **or other signs approved by a governmental entity**, and also signs identifying or locating a school, college, YMCA, YWCA, church or similar place of worship, service club, soil conservation activity, 4-H Club, or similar public or quasi-public activity for religious, civic, educational or cultural purpose. Such signs shall not exceed an area of six (6) square feet each, nor a

total of 24 square feet for all signs, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than 5 feet from the fronting highway right-of-way.

12:08 AGRICULTURAL DISTRICT

3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs for places of worship, schools and government uses, subject to the following standards:
 - a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, ~~and shall not exceed 60% of the total permitted sign area.~~
 - b. Anything displayed on the changeable copy sign shall remain illuminated and visible ~~for a minimum of 5 minutes for a time period stated in the special use permit. No scrolling is permitted.~~
 - c. The message shall not flash ~~or pulsate~~. Any message that remains visible for less than ~~5 minutes 2 seconds~~ shall be considered flashing.
 - d. Changeable Copy signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
 - e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
 - f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line.
 - g. All content shall only be permitted for the place of worship, school or government use and their events and functions only.
 - h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.

12:09 RESIDENTIAL DISTRICTS

3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs for places of worship, ~~and~~ schools ~~and government~~ uses, subject to the following standards:
 - a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, ~~and shall not exceed 60% of the total permitted sign area.~~
 - b. Anything displayed on the changeable copy sign shall remain illuminated and visible ~~for a minimum of 5 minutes for a time period stated in the special use permit. No scrolling is~~

permitted.

- c. The message shall not flash **or pulsate**. Any message that remains visible for less than ~~5 minutes~~ **2 seconds** shall be considered flashing.
- d. Changeable Copy signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
- e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
- f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line.
- g. All content shall only be permitted for the place of worship, **and** school ~~or government~~ use and their events and functions only.
- h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.
- i. The location of the sign shall be in accordance with ~~s~~Section 12:06 of the Zoning Ordinance.

12:10 BUSINESS DISTRICTS (and Manufacturing Districts).

- 1. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, ~~and shall not exceed 40% of the total permitted sign area.~~
- 2. Electronic Message Board Display. Electronic Message Board Displays are permitted in all Business and Manufacturing Districts subject to the following standards (*Amended 10/19/10*):
 - a. The electronic message board must be located along an arterial or major collector roadway.
 - ~~b. The electronic message board component of a sign shall comprise no more than 80% of the sign's total allowed sign face area~~
 - c. Any individual letter scrolling or otherwise displayed on the electronic message board shall remain illuminated and visible for at least 2 seconds
 - d. The message shall not flash **or pulsate**. Any message that remains visible for less than 2 seconds shall be considered flashing
 - e. Electronic message board signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure
 - f. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence

- g. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line
- h. All advertising content shall only be permitted for tenants of the subject property and community events
- i. The electronic message board shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location
- j. Location of the sign shall be in accordance with **s**Section 12:06 of the Zoning Ordinance.

11:01 SCOPE OF REGULATIONS

- A. **APPLICABILITY.** The off-street parking and loading provisions herein shall apply as follows:
1. For all buildings and structures erected and all uses of land established after May 20, 2008 (~~date of Ordinance approval~~), accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located.
 2. When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (18 inches per bench seat), or other units of measurement specified herein, the new parking regulations or loading facilities for such increase in intensity shall apply.
 3. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to May 20, 2008 (~~date of Ordinance approval~~), additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein.
- B. **EXISTING PARKING AND LOADING FACILITIES.** Accessory off-street parking or loading facilities which are located on the same lot as the building or use served, and which were in existence on the effective date of this amended ordinance or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this amended ordinance for a similar new building or use.
- C. **PERMISSIVE PARKING AND LOADING FACILITIES.** Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
- D. **DAMAGE AND DESTRUCTION.** For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.
- E. **CONTROL OF OFF-SITE PARKING FACILITIES.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same

possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking other than on the same zoning lot until and unless the **Zoning Board of Appeals-ZBA** has reviewed the plans and has heard the applicant and has made findings that the common ownership or possession of the zoning lot and that the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

- F. **SUBMISSION OF PLOT PLAN.** Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan - drawn to scale and fully dimensioned - showing any parking or loading facilities to be provided in compliance with this ordinance. Such plot plan shall indicate ingress and egress to the area and traffic patterns in adjacent streets and alleys.

11:02 ADDITIONAL REGULATIONS - PARKING

- A. **USE OF RESIDENTIAL PARKING FACILITIES.** Unless otherwise specified elsewhere in this ordinance, off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned and operated by the permanent occupants, guests or visitors of the dwellings to which they are accessory. Further the parking of not more than one (1) truck of not more than one and one-half (1 1/2) ton capacity used by occupants of the dwelling structures to which such facilities are accessory shall be permitted. Under no circumstances shall parking facilities accessory to residential structures be used for the storage of commercial vehicles, or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments. For the purposes of this section, commercial vehicles shall be defined as including trucks in excess of 1 and ½ ton capacity, and construction vehicles and equipment. Temporary parking of these types of vehicles shall be allowed provided the vehicles are engaged in the delivery of goods and services or the construction of improvements on the premises as may be necessary from time to time. In addition, the outdoor storage or parking of race cars or similar vehicles shall be prohibited in all residential zoning districts. (Amended 7/18/2006)
- B. **JOINT PARKING FACILITIES.** Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
- C. **SHARED PARKING FACILITIES.** Shared parking may be permitted upon written documentation submitted to the Plan Commission and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.) The Shared Parking report

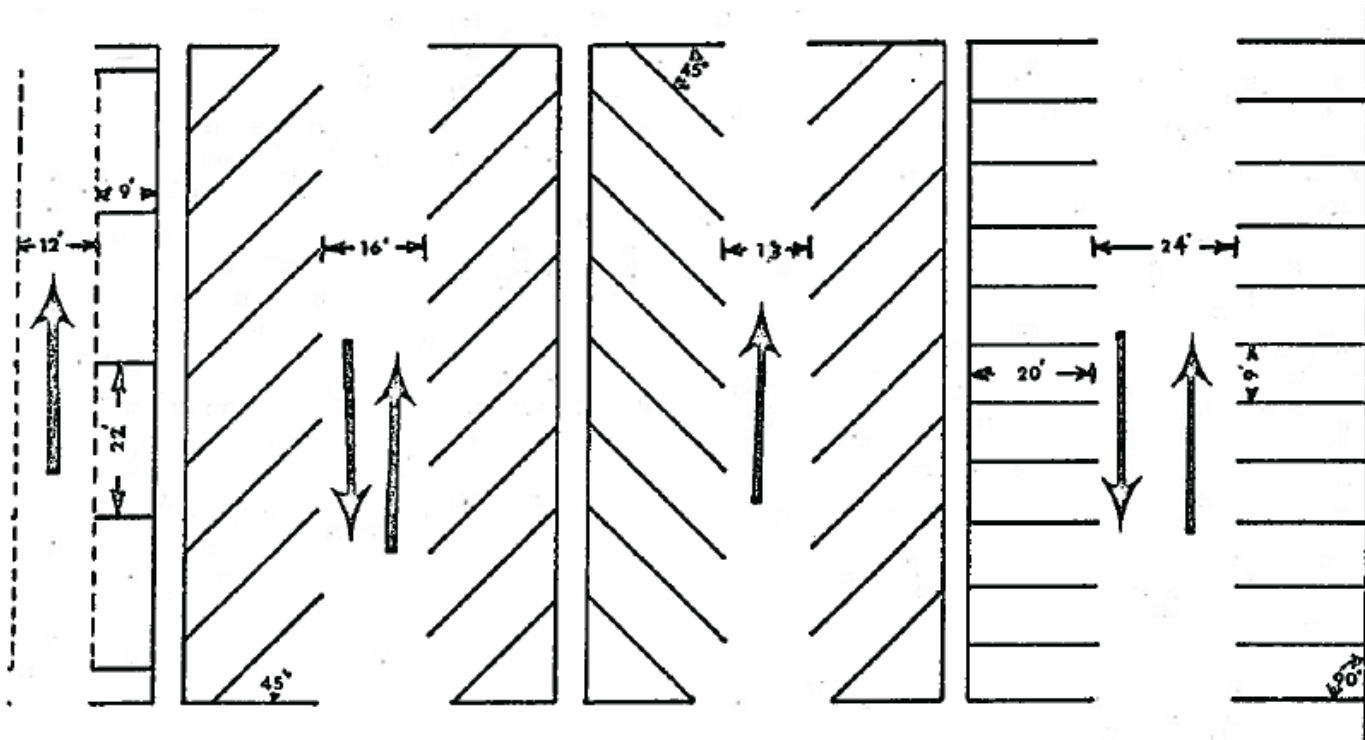
published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed-use buildings and sites. (?)

- D. MIXED USES. When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Regional Plan Commission and approved by the County Board.
- E. COMPUTATION. When the required number of off-street parking spaces results in a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
- F. DESIGN AND MAINTENANCE.
1. Open and Enclosed Parking Spaces. Accessory parking spaces may be open to the sky or enclosed in a building. Accessory parking spaces located in a residential district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.
 2. Surfacing. All required open off-street parking areas and access drives constructed or re-constructed after May 20, 2008 (~~effective date of this amendment~~) in all zoning districts shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. Asphalt paving shall include a 9" compacted gravel base and 3" asphalt covering, or equivalent. When more than 4 parking spaces are required, pavement marking shall be provided to clearly identify each parking space. (Amended 7/18/2006)

The Zoning Administrator may grant an exception to ~~agricultural (A-1);~~, R-1, R-2, and R-3 single family; and community service uses from this provision where such uses generate low traffic volume. Handicapped parking stalls within the A-1 district shall be improved with a permanent, concrete, unit paver or asphalt surface and shall also provide a hard surface to the entrance of the structure a minimum of 6 feet wide. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building and Zoning Committee of the County Board. (Amended 7/19/2011)
 3. Off Street Parking Dimensions. Required off-street parking spaces shall be designed in accordance with the following table:

4. **Parking Table**

	Parking Angle			
	0° (Parallel)	45°	60°	90° (Perpendicular)
(a) Width of stall	9'	9'	9'	9'
(b) Minimum stall length	22'	19'	19'	20'
(c) Aisle width- one way	12'	13'	18'	12'
(d) Aisle width- two way	24'	16'	19'	24'



* Additional width may be required where the aisle serves as the principal means of access to on-site buildings or structures.

In the event that the desired parking angle is not specified by the above table, the Zoning Administrator may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.

5. **Access.** Each required off-street parking space shall open directly upon an aisle or driveway of such width as specified in the table above and designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements. (Amended 7/19/2011)

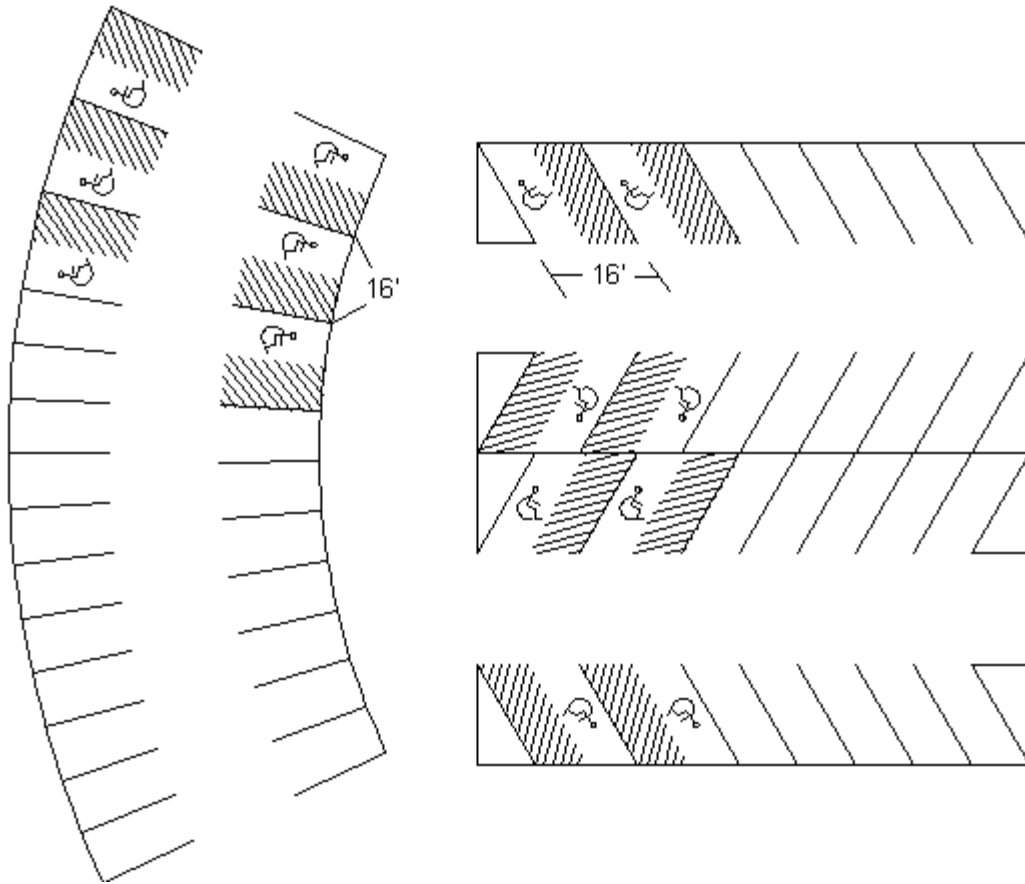
6. **(?) Accessible Parking.** **Please consult the Illinois Accessibility Code and the Americans with Disabilities Act for Parking Regulations.** In

any off-street parking facility, a certain number of spaces must be set aside for handicapped accessible parking as summarized in the following table:

Total Spaces	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 per 100 over 1000 spaces

Exceptions to the requirements of paragraph 1 above:

- Outpatient units at medical care facilities: 10% of total spaces for that facility.
 - Medical Care Facilities specifically for treatment of the mobility impaired: 20% of the total spaces for that facility.
- A. Accessible parking spaces for mobility impaired persons shall be at least sixteen (16) feet wide including an eight (8) foot wide access aisle, and adjacent parking spaces shall not share a common access aisle. All access aisles shall be diagonally striped and shall be provided with a gradual transition to an accessible route to the on-site destination. Such spaces shall measure twenty (20) feet in length.



B. Location of Accessible Spaces

1. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel to an accessible entrance.
2. Accessible parking spaces may be provided on one level of a multi-level parking structure located closest to the elevator and a hard surfaced walkway shall be provided from the handicapped parking stalls to the nearest entrance/elevator.

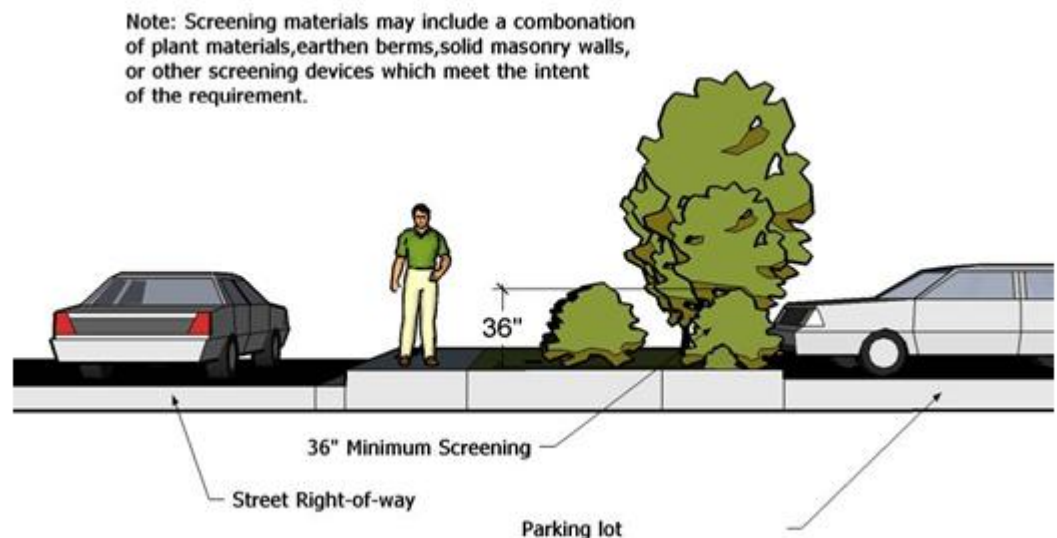
C. Where any conflicts between these regulations and State or Federal Legislation may exist, the State and Federal Standards shall control.

7. In Yards. Off-street parking spaces in required setbacks shall conform to the following: **(re-lettered and re-numbered)**
 - a) *Front Yards.*
 - i. No parking and drive aisles are permitted in a required front setback except the interior one-half of the front yard in

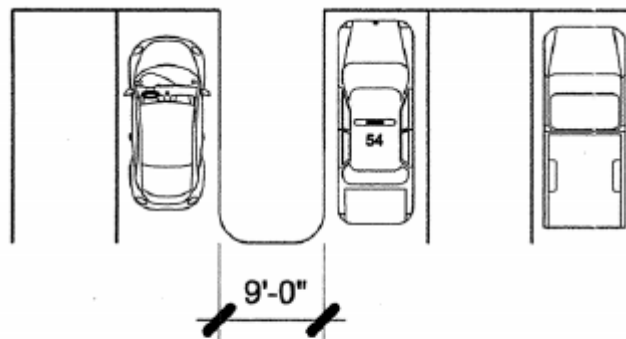
an M-1 Limited Manufacturing District, the M-2 Heavy Industrial District.

- ii. Unless otherwise provided elsewhere in this ordinance, parking is allowed in a front yard on a private driveway serving single family and two family dwellings but shall not be considered as satisfying the off-street parking requirements for such uses as set forth in the ordinance.
 - b) *Side Yards.* Unless otherwise provided elsewhere in this ordinance, parking is not permitted in any required side setback. Residential driveways, or parking in the A-1 zoning district is permitted in the required side setback with a minimum setback of ~~5-(five)~~ five feet (5') from the lot line.
 - c) *Rear Yards.* Parking is permitted in any rear setback a minimum of five feet (5') with the following exceptions and requirements:
 - a) In the M-1 Limited Manufacturing District, M-2 Heavy Industrial District when a rear yard is adjacent to an "R" District there shall be no parking in the twenty (20) feet adjacent thereto.
 - b) In any "R" District no open off-street parking space shall be located nearer than ten ~~(10)~~ feet (10') to a principal building.
8. Screening/ Perimeter Landscaping. All required open automobile parking areas containing more than twenty (20) parking spaces shall be effectively screened as follows:
- a) On each side adjacent to any property situated in a residential district or on any institutional premises, a wall, fence, or densely planted compact hedge no less than three (3) feet in height across 100% of the length of the parking area is required.
 - b) On each side across a public right-of-way from any property situated in a residential district or on any institutional premises, the landscaping shall consist of one of the following options:
 - i. A berm that is at least two (2) feet higher than the finished elevation of the parking lot (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet of frontage shall be provided. Shrubs shall be placed on the property such that parking or vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design. All berms shall maintain a 10 foot setback from the edge of the existing or future R.O.W. whichever is greater.

- ii. A minimum two foot (2') grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and 10 shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
- iii. A wall, fence or natural vegetative screening no less than **3 (three) three feet (3')** in height along the length of the parking area.

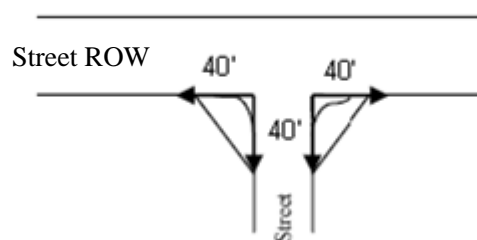


- c) The minimum size for plant materials (at time of installation) shall be as follows: (**separated trees**)
 - i. Shade Tree – 2-1/2” caliper
 - ii. Evergreen Tree – 6’ height
 - iii. Ornamental tree – 2” caliper single trunk or 6’ height multi-trunk
 - iv. Shrubs – 24” height
 - d) All driveways crossing a public sidewalk shall have a clear sight triangle inside the property measuring eight feet (**8'**) by eight feet (**8'**). (Amended 7/18/2006)
9. Circulation. Circulation controls including signs, landscape islands, and pavement markings are encouraged and may be required by the Zoning Administrator only where safety concerns suggest a clear need for such enhancements.
 10. Landscaped parking lot islands are encouraged. (Amended 7/19/2011)



MINIMUM REQUIRED WIDTH FOR
ISLAND - PARALLEL SPACES

11. Landscape sight triangle. No landscaping including berms shall be planted within a ~~40' (forty)~~ **forty foot (40')** sight triangle measured at the intersection of two public streets.

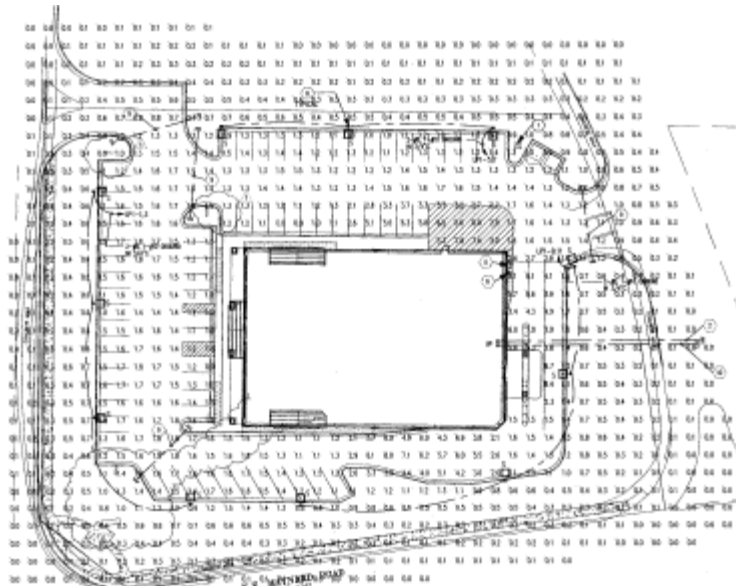


12. Lighting.

All off-street parking and loading facilities, other than residential driveways, shall be illuminated as approved during submittal of the final review phase (special use, final RPD, site plan review or amendments to the parking lot layout). Lighting shall be in accordance with the standards of Illuminating Engineering Society of North America (IESNA) as follows:

- a) A photometric plan will be required as a supporting document for parking lots with equal to or greater than thirty (30) parking spaces. Said photometric plan must show the locations, size, height, orientation, design, construction details, catalog cuts and plans for all of the outdoor lighting and signs, including wall mounted lighting. The plan must show the levels of illumination measured in horizontal foot-candles at ground level in a regularly spaced grid pattern extending sufficiently past the project property lines. A catalog sheet showing the proposed lighting fixtures must be included.

Example:



- b) To reduce glare onto adjacent properties, only “fully shielded” or “cut-off” light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane of the luminaries. Flat lenses are allowed. Sag lenses and wall packs are prohibited. Abutting or nearby residential properties shall not be able to see the actual light source, unless the luminaries are less than 100 watt incandescent. (Amended 7/19/2011)



- c) All under-canopy lights must be fully recessed into the canopy.
- d) Where non-residential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan (LRMP)), the light level at the property line produced by the non-residential lighting shall not exceed 0.2 foot-candles. The lighting shall be designed to avoid casting direct light or glare onto the adjacent residential property. Acceptable means to prevent glare

or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future non-residential as shown on the officially adopted version of on the Land Resource Management Plan (LRMP)), or public streets the maximum illumination at the property line shall be five (5.0) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) foot-candles.

Higher maintained foot-candle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during Site Plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board. (Amended 7/19/2011)

- e) The maximum mounting height (including fixture, pole and base) for light standards located in a parking lot shall not exceed twenty (20) feet measured from ground level to the base of the lens. (Amended 7/19/2011)
 - f) All non-residential lighting is required to be turned off no later than sixty (60) minutes after business hours, only leaving lighting necessary for site security, unless otherwise approved by the Planning, Building, and Zoning Committee of the County Board.
 - g) Non-residential out lot lighting fixtures must be architecturally compatible with fixtures used elsewhere in the development.
 - h) Decorative seasonal lighting shall be limited to a power rating of less than or equal to 75 watts.
13. Repair and Service. No motor vehicle repair work for compensation or sale of gasoline and motor oil of any kind shall be permitted in conjunction with open accessory off-street parking facilities provided in a residential district, except as may be permitted under an approved Special Use or planned unit development. (Amended 7/18/2006)

11:03 LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES

The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

- A. FOR USES IN A RESIDENTIAL DISTRICT. Parking spaces accessory to dwelling shall be located on the same zoning lot as the use served.
- B. FOR USES IN BUSINESS AND MANUFACTURING DISTRICTS. All required parking spaces shall be within one thousand feet **(1000')** from the entrance of the principal building being served. Spaces accessory to dwelling units (not including hotels) shall be within three hundred ~~(300)~~ feet **(300')** of the use served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residential district, except that private, free, off-street parking accessory to such uses may be allowed by special use permit in accordance with the Administrative Section in any residential district within two hundred feet **(200')** of and adjacent to any business or industrial use.

11:04 SCHEDULE OF PARKING REQUIREMENTS

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee. ~~Applicants may also file for a variation from these requirements following the procedures outlined in Section 13.04 of this Zoning Ordinance.~~ Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

Residential Uses	
One-Family Dwelling, Two-Family Dwellings (What about multi-family?)	Two (2) parking spaces shall be provided for each dwelling unit (garage spaces or in the driveway behind the front yard setback line).
Bed and Breakfasts	One (1) parking space shall be provided for each guest room, plus the spaces required for a single family home. Parking spaces may be stacked in a driveway to prevent the over-paving of the area. (7 Max) (ADA?)
Hotel or Motel	One (1) parking space for each guest room, plus one (1) space per employee shall be provided.
Lodging or Boarding Houses	One (1) parking space shall be provided for each lodging room plus one space for the owner or manager.
Private Clubs and Lodges (with sleeping facilities)	One (1) parking space shall be provided for each lodging room plus one (1) for each employee, plus parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons (exclusive of lodging-room capacity) of such club or lodge.
Retail and Service Uses	

Automobile Laundry	Five (5) stacking spaces shall be provided for each manual wash rack. Ten (10) stacking spaces shall be provided for each automatic wash lane. For either manual or automatic facilities, one (1) parking space for each employee shall be provided. For automobile laundries associated with a gas station, a bypass lane shall be provided.
Automobile Service Stations	One (1) space shall be provided for each employee plus two (2) spaces per pump station, but not less than five (5) parking spaces.
Bowling Alleys	Four (4) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses - bars, restaurants and the like as set forth herein for such uses.
Drive-thru restaurant	Stacking of eight (8) vehicles plus one (1) parking stall per one hundred (100) square feet of floor area.
Restaurants	One (1) parking space shall be provided for each seventy-five (75) square feet of floor area. (seating area?)
Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops	One (1) parking space shall be provided for each six hundred (600) square feet of floor area. (showroom or total?)
Heath Clubs and fitness centers	One (1) parking space shall be provided per each two hundred (200) square feet AND one (1) per employee. (public area or total?)
Establishments Engaged in Manufacturing, Assembly, Production, Processing, Cleaning, Servicing, Testing or Repair of Materials, Goods, or Products	One (1) parking space shall be provided for each employee plus one (1) parking space for each vehicle used in the conduct of the enterprise.
Motor Vehicle Sales and Machinery and heavy equipment Sales	One (1) parking space shall be provided for each six hundred (600) square feet of sales floor area, plus three spaces (3) for every service bay, plus one (1) space per employee. All required parking shall be in addition to areas reserved for storage and sale of vehicles. (3 seems excessive)
Offices - Business, Professional and Governmental	One (1) parking space shall be provided for each two hundred and fifty (250) square feet of floor area.
Offices – Medical or Dental	One (1) parking space shall be provided for each two hundred (200) square feet of floor area.

Research and Development	One (1) parking space for each two hundred and fifty (250) square feet up to fifty-thousand (50,000) square feet; thence one (1) space for each five hundred (500) square feet over fifty-thousand (50,000) square feet.
Retail Stores and Banks	One (1) parking space shall be provided for each two hundred (200) square feet of gross floor area. Drive-in banks or other similar drive-in establishments shall provide four (4) stacking spaces per teller or customer service window.
Tennis, squash, racquetball facility, indoor or outdoor	Three (3) parking spaces shall be provided per court (Why are these different than gyms?)
Theaters (indoors)	One (1) parking space shall be provided for each three (3) seats. (Can this be merged with auditoriums?)
Undertaking Establishments, Funeral Parlors	Fifteen (15) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises; in addition there shall be provided stacking space for not less than ten (10) automobiles for funeral procession assembly.
Warehouses and Storage (Does Storage include Self-Storage?)	One (1) parking space for each one thousand (1,000) square feet of warehouse or storage area, plus one (1) parking space for each two hundred and fifty (250) square feet of office area, plus one (1) space for each vehicle kept on the premises.
Wholesale Establishments (but not including Warehouses and Storage Buildings other than Accessory)	One (1) parking space shall be provided for each six hundred (600) square feet of floor area.
Community Service Uses	
Place of Worship, School, College and Other Auditoriums (Are these intended to be gyms and auditoriums at schools and colleges? How are they different than auditoriums and stadiums?)	One (1) parking space shall be provided for each three (3) auditorium seats. Adequate space shall also be provided for buses used in connection with the activity of the institution and all loading and unloading of passengers shall take place upon the premises.
Colleges, Universities and Business, Professional and Trade Schools	One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each three (3) students based on the maximum number of students attending classes on the premises at any one time during any 24 hour period.
Hospitals	One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each employee, plus one (1) parking space for each doctor assigned to the staff.

Libraries, Art Galleries and Museums - Public	One (1) parking space shall be provided for each four hundred (400) square feet of gross floor area.
Public Utility and Public Service Uses, including police and fire services	One (1) parking space shall be provided for each employee per shift plus one (1) parking space for each vehicle used in the conduct of the enterprise plus spaces adequate in number, as determined by the Zoning Administrator, to serve the visiting public.
Child eCare fFacility/ Nursery School	One third (0.33) parking spaces per student capacity (as determined by the Fire Protection District), plus one (1) parking space for each employee. Adequate drop-off and pick-up locations must be provided.
Elementary or Junior High School	One (1) parking space for each employee plus one (1) space for each (20) students plus one (1) space for each vehicle used in the conduct of the school (plus additional parking as required for associated gymnasiums or auditoriums).
High Schools	One (1) parking space for each employee plus one (1) space for each two (2) students and one (1) space for each vehicle used in the conduct of the school. (plus additional parking as required for associated gymnasiums or auditoriums).
Auditoriums, Stadiums, arenas, gymnasiums, convention halls, dance halls, exhibition halls, skating rinks and other similar places of assembly	Parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons shall be provided.
Miscellaneous Uses	
Fraternities, Sororities and Dormitories	One (1) parking space shall be provided for each three (3) active members plus one (1) parking space for each employee.
Private Clubs and Lodges (without sleeping facilities for guests)	Parking spaces equal in number to twenty-five percent (25%) of the capacity (as determined by the Fire Protection District) in persons
Rest Homes, Convalescent Centers, Assisted Living, or Residential Care Homes	One (1) parking space shall be provided for each five (5) beds, plus one (1) parking space for each employee on duty at one time, plus one (1) parking space for each doctor assigned to the staff.
Theatres Theaters - Automobile Drive-In	Reservoir parking space equal to ten percent (10%) of the vehicle capacity of such theatres theaters shall be provided.

<p>Airports or aircraft landing field</p> <p>Heliports</p> <p>Convents and monasteries</p> <p>Crematories and mausoleums</p> <p>Fraternal institutions</p> <p>Outdoor amusement establishments - fairgrounds, permanent carnivals, kiddy parks and other similar amusement centers</p> <p>Municipal or privately owned recreation buildings, community centers, club houses, or other recreational uses such as ball fields or golf courses</p> <p>Penal and correctional institutions</p> <p>Rectories and parish houses</p> <p>Swimming pools</p>	<p>Parking spaces shall be provided in adequate number as determined by the Regional Plan Commission and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public</p>
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Other Uses. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. Such determination may be appealed to the Regional Plan Commission **or determined as part of review of an application for special use permit.**

11:05 PARKING AND STORAGE OF RECREATIONAL VEHICLES, RECREATIONAL TRAILERS, TRAILERS AND MOBILE HOMES (Amended 7/18/2006)

A. STORAGE OF UNOCCUPIED RECREATIONAL VEHICLES, TRAILERS AND MOBILE HOMES (Amended 7/18/2006)

1. Unoccupied recreational vehicles, trailers and their contents may be located on lots in any district provided they comply with the following regulations:
 - a) The number of recreational vehicles and trailers on a lot shall not be restricted when such recreational vehicles or trailers are located within the interior of a permitted structure or when fully screened from adjacent property. Screening shall consist of permitted solid fencing, structures, or evergreen landscaping such that the vehicle does not exceed the height of the permitted screening and so that the vehicle is not directly visible from adjacent properties when viewed at ground level.
 - b) Recreational vehicles trailers and their contents not stored within a permitted structure shall comply with the following parking requirements:

- i. Except for the A-1, R-1, R-2 and R-3 districts, unless otherwise permitted in Section 11:02, such vehicles shall be parked on a hard surfaced all weather pad constructed of concrete, asphalt, brick or stone pavers or comparable material.
- ii. Recreational vehicles, trailers and their contents may not encroach into a required front or corner side yard setback, shall not block any portion of a sidewalk or trail and shall not be parked or stored in a way that obstructs the visibility of oncoming traffic so as to create a safety hazard.
- iii. Recreational vehicles may be stored or parked within a required rear or interior side yard setback.

Exception: An owner of a recreational vehicle located on property in the R-4, R-5, R-6 or R-7 Residential District which cannot comply with the front yard setback provisions of ~~Section 4:08.A.1.b.ii~~ **above of the applicable zoning district** as of June 20, 2006 and that has registered said vehicle with the Kendall County Planning, Building and Zoning Department, may be permitted to store such vehicle within the front yard setback provided said encroachment does not obstruct the required sight distance triangle, in the case of a corner lot, or create an obstruction so as to compromise the safety of pedestrians or other vehicles operating within the road right-of-way (R.O.W.) Said exemption shall apply to the original recreational vehicle registered and any replacement of said recreational vehicle.

This exception shall be non-transferable to any subsequent owner(s) or occupants of the property and shall terminate upon either the sale of the property or change in occupancy of the dwelling unit should the owners chose to maintain it as a rental property.

Owners shall be required to register their properties with the Planning, Building and Zoning Department on a form approved by the Department prior to December 29, 2006. ~~In addition, the owner shall supply a copy of the plat of survey indicating the approved location for the storage of the vehicle and shall be required to pay a one-time registration fee of \$75.00.~~ The Planning, Building and Zoning Department shall keep a copy of the registration form and approved parking plan on file. Upon sale of the property, the owner shall be required to notify the Planning, Building and Zoning Department in writing and shall note in the file that the exemption has been terminated.

- c). When recreational vehicles or trailers and their contents are not fully screened from adjacent properties, the maximum number of

unscreened recreational vehicles or trailers permitted to be parked or stored on a zoning lot shall be in accordance with the following table:

Zoning	Permitted RV's or Trailers
Agriculture	Unlimited, provided such recreational vehicles or trailers are for use by the property owner or tenant
R1, R2, R3	2, provided such recreational vehicles or trailers are for use by the property owner or tenant
All other residential districts	1, provided such recreational vehicles or trailers are for use by the property owner or tenant
Commercial or Industrial Districts	No restriction on trailers, recreational vehicles provided they are part of a permitted trailer storage or sales business.

(Amended 7/18/2006)

2. **Exception:** The number of unscreened recreational vehicles, trailers and their contents parked or stored on a lot in a residential district may exceed the number presented in the table above only under the following circumstances (?):
 - a) For purposes of conducting maintenance on, or the loading and unloading of a recreational vehicle or trailer in preparation for a trip or similar recreational use provided the duration does not exceed **seventy-two (72)** hours within a one **(1)** week period.
 - b) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be parked or stored on the lot shall be limited to **fourteen (14)** consecutive days within a one **(1)** year period or **twenty-one (21)** days (non-consecutive) within a one **(1)** year period unless otherwise approved in writing by the Zoning Administrator.
3. Unoccupied mobile homes can be stored only in commercial and industrial districts **and** only as part of a permitted trailer storage or sales business. (Amended 7/18/2006)

B. OCCUPIED RECREATIONAL TRAILERS AND MOBILE HOMES (Amended 2/16/2010)

1. ~~Except as provided in Section 4.08.B herein, o~~ Occupied recreational trailers and mobile homes may be located in "recreational camps" and

subject to the standards and conditions of a special use permit.
(Amended 2/16/2010)

2. Occupied recreational trailers and mobile homes may be located in residential districts only if:
 - a) The pre-existing home was made unsafe for occupancy by fire, tornado, flood, or other disaster, and
 - b) The occupants will be the future occupants **of** the home to be repaired or constructed on the same zoning lot.
 - c) When a visiting guest or relative of the property owner is in possession of a recreational vehicle. The time period during which the recreational vehicle may be occupied and stored on the lot shall be limited to **fourteen (14)** consecutive days within a one **(1)** year period or **twenty-one (21)** days (non-consecutive) within a one **(1)** year period unless otherwise approved in writing by the Zoning Administrator. This provision shall also apply to properties zoned A-1 Agricultural. (Amended 7/18/2006)
3. Occupied mobile homes utilized for the following purposes may be located in agricultural districts subject to the following restrictions: **(re-lettered)**
 - a) Medical Care Assistance:
 - i. Limited to one **(1)** per zoning lot provided the individual occupying the mobile home provides medical care or assistance to the occupant of the primary residence on the same zoning lot; and
 - ii. That the zoning lot on which the mobile home and principal residence to which it is accessory are located, must be of sufficient size to provide a lot area of at least 130,000 sq. ft. for each dwelling unit.
 - iii. Shall comply with all zoning and permit requirements and fees of the county.
 - b) Temporary Housing:
 - i. Limited to one **(1)** per zoning lot provided the individuals residing in said temporary housing will be the future occupants of a home to be repaired or constructed on the same zoning lot,
 - ii. Mobile homes serving as temporary housing for the repair or re-construction of a Farm Residence are exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's Floodplain Regulations and fees, and the setback standards of the A-1 district.

c) Ag Labor Housing:

Where the occupant is an individual whose employment is related to agricultural activities on the same zoning lot the mobile home is exempt from all zoning regulations and permit fees except those fees and permits as may be required per the County's Floodplain Regulations and the setback standards of the A-1 district. In addition, the zoning lot on which the mobile home and principal residence to which it is accessory are located must be of sufficient size to provide a lot area of at least 130,000 sq. ft. for each dwelling unit.

d. ECHO Housing:

Provided it complies with the provisions of Section 7.01.4-eE of **this Chapter**.

C. INSTALLATION.

1. Occupied mobile homes must comply with Kendall County regulations for sewage disposal.
2. Occupied mobile homes must comply with State regulations for tie-downs.
3. Wheels, tongue and hitch must remain attached.
4. Occupied mobile homes must be placed on piers having depth below the frost line.
5. Any stairs, decks, or other "add-ons" must comply with Kendall County building regulations.

D. PERMITS.

1. Permits are required for recreational trailers and mobile homes that are to be occupied with the exception of those situations permitted under **sSection 4.0811.05.B.2.c. herein**. (Amended 7/18/2006)
2. Occupied recreational trailers and mobile homes subject to permit requirements must show evidence of compliance with federal HUD regulations or the Illinois Mobile Home Safety Act. (Amended 7/18/2006)
3. Permits and annual renewals may be approved by the **Planning, Building and Zoning Director-Zoning Administrator** as follows: (re-lettered)
 - i. Medical care or assistance: Permits may be renewed annually provided a doctor's certification is provided indicating assistance is still required.
 - ii. New home construction or repair: Permits may be issued for

a period of up to one (1) year, and may be extended by the Planning, Building and Zoning Director by six (6) months if the applicant shows adequate progress in construction.

4. Permits may be rescinded by the ~~Planning, Building and Zoning~~ **PBZ** Committee for failure to conform to this ordinance.
 5. Recreational trailers and mobile homes must be removed from the zoning lot within **sixty (60)** days of notice of the rescinded or expired permit, **unless otherwise allowed by ordinance.**
 6. Permits for a temporary mobile home must be renewed annually or as stated above. The Planning, Building and Zoning Committee may extend permits beyond the one (1) year and six (6) month limit as stated in Section ~~4.08-D-3-b~~ **11.05.D.3.ii.** When the permit expires or when occupants of the trailer or mobile home do not meet the conditions set forth above, the trailer or mobile home must be removed within **sixty (60)** days.
 7. Fees:
 - i. Permit application form must be accompanied by a fee set by the Kendall County Board, not refundable.
 - ii. An annual fee set by the Kendall County Board will be required on or before the renewable date stated on the approved permit.
- E. That all applications for a permit be accompanied by an affidavit, stating as follows:
1. Names and addresses of occupants.
 2. Location of use.
 3. Description of trailer.
 4. Reason for application.
 5. Statement that a change in usage, name or number of occupants, location, will be reported to the Building and Zoning Office immediately.

11:06 ADDITIONAL REGULATIONS - OFF-STREET LOADING

- A. LOCATION. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two **(2)** tons capacity shall be closer than fifty feet **(50')** to any property in a residential district unless completely screened by building walls, or a uniformly painted solid fence, natural vegetation screening providing one hundred percent (100%) opacity, wall or any combination thereof, not less than six feet **(6')** in height. No permitted or required

loading berth shall be located within thirty-five feet **(35')** of the nearest point of intersection of any two **(2)** streets.

- B. SIZE. Unless otherwise specified, a required loading berth shall be at least twelve feet (12') in width by at least thirty feet (30') in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fourteen feet **(14')**.
- C. ACCESS. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- D. SURFACING. All open off-street loading berths shall be improved with a concrete pad
- E. REPAIR AND SERVICE. **(Renumbered)**
1. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential, manufacturing or business district.
 2. Space allocated to any off-street loading shall not while so allocated be used to satisfy the space requirements of any off-street parking facilities or portions thereof.
- F. LANDSCAPING FOR LOADING DOCKS. The landscaping shall consist of one **(1)** of the following options: **(Renumbered)**
1. A berm that is at least four **(4)** feet **(4')** higher than the finished elevation of the loading dock (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet **(30')** of frontage shall be provided. Shrubs shall be placed on the property such that vehicular uses are screened from view as seen from the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
 2. A minimum two foot (2') grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and **ten (10)** shrubs for every thirty **(30)** feet **(30')** of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
 3. A wall, fence or natural vegetative screening no less than four **(4)** feet **(4')** in height across the length of the loading dock

The minimum size for plant materials (at time of installation) shall be as follows: **(re-lettered)**

- i. ~~Tree~~— Shade tree – 2-1/2" caliper
- ii. Evergreen Tree – 6' height

- iii. Ornamental tree 2" caliper single trunk or 6' height multi-trunk.
- iv. Shrubs – 24" height

G. SCHEDULE OF LOADING REQUIREMENTS. For the uses listed in the following table, off-street loading berths shall be provided on the basis of the gross floor of the building or portions thereof devoted to such uses in the amount shown herein.

SCHEDULE OF LOADING REQUIREMENTS

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Auditoriums, convention halls, exhibition halls, sports arenas, stadiums	10,000 to 100,000	1 - 12' X 60'
	For each additional 100,000 or fraction thereof	1 – additional 12' X 60'
Banks and offices - business, professional and governmental	10,000 to 100,000	1 - 12' X 30'
	For each additional 100,000 of fraction thereof to 500,000	1 additional 12' X 30'
	For each additional 500,000 or fraction thereof	1 additional 12' X 30'
Bowling alleys	10,000 to 100,000	1 - 12' X 30'
	For each additional 100,000 or fraction Thereof	1 additional 12' X 30'
Establishments dispensing food or beverages for consumption on the premises	5,000 to 10,000	1 - 12' X 30'
	10,000 0 1 to 25,000	2 - 12' X 30'
	25,000 0 1 to 40,000	3 - 12' X 60'
	40,000 0 1 to 100,000	4 - 12' X 60'
	For each additional 100,000 or fraction thereof	1 additional 12' X 60'
Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products	5,000 to 40,000	1 - 12' X 30'
	40,000 0 1 to 100,000	2 - 12' X 60'
	For each additional 100,000 or fraction thereof	1 additional 12' X 60'

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Hospital, sanitariums, nursing homes, convalescent centers, assisted living, etc., churches and schools	10,000 to 100,000 For each additional 100,000 or fraction thereof	1 - 12' X 30' 1 – additional 12' X 30'
Hotel, clubs, and lodges	10,000 to 100,000 For each additional 100,000 or fraction thereof	1 - 12' X 30' 1 – additional 12' X 30'
Hotels, clubs and lodges, when containing any of the following: retail shops, convention halls, or business or professional offices (other than accessory) auditoriums, or exhibition halls	10,000 to 20,000 20,000 01 to 150,000 For each additional 150,000 or fraction thereof	1 - 12' X 30' 1 - 12' X 60' 1 additional 12' X 60'
Motor vehicle and machinery sales	5,000 to 25,000 25,000 01 to 40,000 40,000 01 to 100,000 For each additional 100,000 or fraction thereof	1 - 12' X 30' 2 - 12' X 60' 3 - 12' X 60' 1 additional 12' X 60'
Retail stores	5,000 to 10,000 10,000 01 to 25,000 25,000 01 to 40,000 40,000 01 to 100,000 For each additional 100,000 or fraction thereof	1 - 12' X 30' 2 - 12' X 30' 3 - 12' X 30' 4 - 12' X 30' 1 additional 12' X 30'
Theaters	8,000 to 25,000 For each additional 50,000 or fraction thereof	1 - 12' X 30' 1 additional 12' X 30'

USE	GROSS FLOOR AREA IN SQUARE FEET	REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS
Wholesale establishments (but not including warehouse and storage buildings other than accessory)	5,000 to 10,000	1 - 12' X 60'
	10,000 0 1 to 25,000	2 - 12' X 60'
	25,000 0 1 to 40,000	3 - 12' X 60'
	40,000 0 1 to 100,000	4 - 12' X 60'
	For each additional 100,000 or fraction thereof	1 additional 12' X 60'
Warehouses and storage buildings	For each 100,000 or fraction thereof	1 – 12'x60'
Undertaking establishments	8,000 to 100,000	1 - 12' X 30'
	For each additional 100,000 or fraction thereof	1 additional 12' X 30'
Other	Uses not listed in this schedule of loading requirements shall provide loading berths according to the most similar use, as determined by the Zoning Administrator.	

13:01 ADMINISTRATIVE OFFICERS

A. THE ZONING ADMINISTRATOR.

1. The enforcement of this amended ordinance is hereby vested in the Zoning Administrator of the County and such deputies or assistants as have been or shall be duly appointed by the County Board in accordance with Section 3:02 of this Code.
2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:
 - a. Examine and approve an application pertaining to the use of land or structures when the application conforms with the provisions of this ordinance.
 - b. Issue Zoning Certificates, and make and maintain records thereof.
 - c. Issue Occupancy Certificates and make and maintain records thereof.
 - d. Supervise inspections of structures and uses of land to determine compliance with the terms of this ordinance, and where there are violations, initiate action to secure compliance.
 - e. Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this ordinance require referral to the Regional Plan Commission, the ~~Zoning Board of Appeals ZBA~~, the ~~Zoning, Platting Advisory Committee (ZPAC)~~, the ~~Planning, Building and Zoning-PBZ~~ Committee ~~PBZ~~, or the full County Board. *(Amended 3.21.18)*
 - f. Maintain permanent and current records of this ordinance, including, but not limited to, maps, amendments, the rules or practice and procedure of the ~~Zoning Board of Appeals ZBA~~, special use, variations, appeals and applications therefore, and records of hearings thereon - including the recording of district amendments and special uses on the ~~Zoning district map Official Zoning Map~~.
 - g. Decide or make recommendations on all other matters under this ordinance upon which the Zoning Administrator is required to act.

- h. Receive all notices of petitions for appeals, variations, amendments and special use permits which have been referred to the **Zoning Board of Appeals ZBA** or other appropriate reviewing body.
 - i. Maintain all zoning records which are a part of the administration of this ordinance.
 - j. Initiate, direct and review from time to time, a study of the provisions of this ordinance, and make reports of this recommendation to the **Zoning Board of Appeals ZBA**, the **County Regional** Planning Commission and the County Board not less frequently than annually.
 - k. Direct the development of proposed amendments to the provisions of this ordinance as may be necessary from time to time.
 - l. Publish periodically this ordinance, including the **zoning-district map Official Zoning Map**.
 - m. Provide and maintain public information service relative to matters arising out of this ordinance.
3. Procedure in case of violation. Whenever there is found a violation of the terms of this ordinance, the Zoning Administrator or his or her designee shall file a formal complaint in accordance with the procedures as established under the ordinances of the County regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. When compliance is so secured, the Zoning Administrator shall issue an occupancy certificate certifying such compliance. *(Amended 8.17.04)*

B. ZONING BOARD OF APPEALS

1. Creation and Membership. A Zoning Board of Appeals (ZBA) is hereby created, such Board to consist of five members appointed by the County Board, at least four of whom shall reside in the unincorporated area of the County. The County Board may provide for the appointment of an additional two members to serve for a term of five years. No two of whom shall reside in the same Congressional Township, and shall be confirmed by the members of the County Board. At the end of the term of the two additional members, the County Board may provide for the appointment of successors or may allow the Board of Appeals to revert to a membership

of five. All members shall be residents of Kendall County.

2. Terms of Office. The members of the ~~Zoning Board of Appeals ZBA~~ shall be appointed ~~for the following terms:~~

~~One for a term of one year.~~

~~One for a term of two years.~~

~~One for a term of three years.~~

~~One for a term of four years.~~

~~One for a term of five years.~~

~~Thereafter, as their terms expire, each new appointment shall be~~ for a term of five years. If a vacancy occurs, by resignation or otherwise among the members of the Board, the County Board shall appoint a member for the unexpired term. The County Board shall also have the power to remove any member of the ~~Zoning board of Appeals ZBA~~ for cause, after public hearing.

3. Officers. The County Board shall name one of the members of the ~~Zoning Board ZBA~~ as Chairman upon his appointment, and in the case of a vacancy shall name a new chairman.
4. Quorum. A majority of members of the ~~Zoning Board of Appeals ZBA~~ shall constitute a quorum.
5. Employees. The County Board may appoint and fix the compensation of a secretary and such other employees as are necessary for the discharge of its duties.
6. Offices. The County Board shall provide suitable offices for the holding of hearings and the preservation of records, documents, and accounts.
7. Appropriations. The County Board shall appropriate funds to carry out the duties of the ~~Zoning Board of Appeals ZBA~~ and the Board shall give the authority to expend, under regular County procedure, all sums appropriated to it for the purposes and activities authorized herein.
8. Rules and Procedures. The ~~Zoning Board of Appeals ZBA~~ shall adopt such rules concerning the filing of appeals and applications for amendments, variances and special use permits, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the

Office of the ~~Zoning Board of Appeals ZBA~~ and shall be a public record.
(Amended 3.21.18)

9. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. ~~There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting. Notice of said meetings shall occur in a manner defined by applicable law.~~ All meetings of the Board shall be open to the public.
10. Powers and Duties. The ~~Zoning Board of Appeals ZBA~~ shall:
 - a. Hear and determine appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator charged with the enforcement of this amended ordinance with the exception of violations. (Amended 8.17.04)
 - b. Hear and decide all matters referred to it, or upon which it is required to pass under this amended ordinance.
 - c. Hear and pass upon applications for variations when a property owner or his agent shows that a strict application of the terms of this amended ordinance relation to the use, construction or alteration of buildings or structures, or the use of land imposes upon him practical difficulties or particular hardships.
 - d. To hear all applications for amendments to this ordinance in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board. (Amended 4.20.04)
 - e. To hear all applications for special use permits, major amendments to special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board. (Amended 3.21.18)
 - f. Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.

- g. No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the Zoning Ordinance for a period of twelve months from the date of said denial or recommendation to deny.
 11. Jurisdiction. The concurring vote of three members of a Board consisting of five members or the concurring vote of four members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions. *(Amended 8.15.17)*
 12. **(Renumbered)** Judicial Review. All decisions and findings of the **Zoning Board of Appeals ZBA**, on appeals, application for variations, special use permits, or amendments, shall, after a hearing, be subject to review by court as by law may be provided. *(Amended 3.21.18)*
- C. KENDALL COUNTY REGIONAL PLANNING COMMISSION. The Planning Commission shall have the following duties under this ordinance:
1. To receive from the Zoning Administrator copies of all applications for amendments and special use permits along with the committee report from the **Zoning and Platting Advisory Committee (ZPAC)** and report thereon with its recommendations.
 2. To hold conferences in regard to proposed plan developments under this Ordinance and submit a written report with its recommendations.
 3. To initiate, direct and review a study of the provisions of this Ordinance and the **Official zZoning mMap attached hereto** and to make reports on its recommendation to the County Board not less frequently than annually.
- D. HEARING OFFICER.
- A Hearing Officer shall be appointed by the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the County Board shall provide, and the County Board may establish a schedule of fees to defray the costs of providing a hearing officer. *(Amended 4.20.04) (re-lettered)*

The Hearing Officer shall be responsible for conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County. *(Amended 3.21.18)*

13:02 ZONING CERTIFICATES.

- A. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by an officer, department or employees of Kendall County unless the application for such permit has been examined by the office of the Zoning Administrator and has affixed to it a certificate of his office that the proposed building or structure and use thereof complies with all the provisions of this ordinance.

However, with respect to the performance standards of this amended ordinance for manufacturing and other specified uses, the Zoning Administrator shall accept as proof of compliance with such standards as the certificate of an architect or structural engineer licensed by the State of Illinois stating that the building or structure and proposed use thereof does conform with the said performance standards for the district in which it is located. Upon receipt of such certificate and if all other relevant requirements of this amended ordinance are met, the Zoning Administrator shall without further delay approve and authorize the issuance of a zoning certificate, provided that within fifteen days from the date of such approval, the Zoning Administrator shall examine said application and shall advise the architect or structural engineer in writing if the building structure, or use thereof may not in fact comply with the performance standards of this amended ordinance for the district in which it is or is to be located, and in this case the Zoning Administrator may require posting of a performance bond, such bond to be subject to forfeiture, and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M-1 performance standards, should the establishment in fact, fail to so comply.

Failure of the architect or structural engineer to show compliance or to submit said bond or certified check within thirty days of such notification shall be cause for revocation of the zoning certificate and all further work authorized by said certificate shall be immediately discontinued.

- B. Any permit, zoning certificate, or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.

13:03 CERTIFICATES OF OCCUPANCY

A. SCOPE OF PERMITS.

1. No building or addition thereto, constructed after the effective date of this amended ordinance and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this amended ordinance shall be used for any purpose, until a certificate of occupancy has been issued by the office of the Zoning Administrator. No change in use to the production, processing, or storage of materials or goods, and no change is used from the production, processing, or storage of one kind of materials or goods to another kind shall be made until a certificate of occupancy has been issued by the office of the Zoning Administrator. Every certificate of occupancy shall state that the use or occupancy complies with all the provisions of this amended ordinance.
2. Application for Occupancy Certificate. Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building is required shall be made directly to the office of the Zoning Administrator.
3. Issuance of Occupancy Certificate. No occupancy certificate shall be issued until construction has been completed or the use established and has been inspected and certified by the office of the Zoning Administrator to be in compliance with all the provisions of this amended ordinance; provided that pending the issuance of an occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during the partial occupancy of the premises. An occupancy permit shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued not later than fifteen days after the office of the Zoning Administrator is notified in writing that the Building or premises is ready for occupancy.
4. Fees. The County Board may establish by ordinance the fee to be charged for an occupancy permit.

13:04 VARIATIONS (*AMENDED 03/21/2000; 01/18/11*)

A. PURPOSE AND CONDITIONS.

1. In order that the spirit of this ordinance may be observed and substantial justice done, the **Zoning Board of Appeals ZBA** shall upon application or

appeal determine and vary the terms thereof, **other than permitted or special-use restrictions use the variance of which shall not be permitted**, upon making a finding of fact that, owing to special conditions, a literal enforcement of the provisions of this amended ordinance would result in a particular hardship or practical difficulty.

2. Variations shall run with the land and are transferred to the new owner provided a building permit has been issued (if required) and the use or structure has been lawfully established within one year of variation approval.
3. In making its determination as to whether there is a particular hardship or practical difficulty, the **Zoning Board of Appeals ZBA** shall take into consideration the extent to which the following conditions have been established by the evidence:
 - a. That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.
 - b. That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.
 - c. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.
 - d. That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.
 - e. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.
4. The **Board of Appeals ZBA** may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to prevent injurious effects there from upon other property in the neighborhood, and better to carry out the general intent of this amended ordinance.

- B. AUTHORIZED VARIATIONS. Variation from the regulations of this amended ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards set forth in subsection 13:04.A hereof and may be granted for any item except for a use.
- C. APPLICATION FOR VARIATION AND NOTICE OF HEARING. An application for a variation shall be filed with the Zoning Administrator on a prescribed form who shall forward a copy of same to the ~~Zoning Board of Appeals~~ ZBA without delay. The application shall contain such information as the ~~Zoning Board of Appeals-ZBA~~ may from time to time by rule provide. No more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once nor more than thirty (30) or less than fifteen (15) days before the hearing, in a newspaper of general circulation in Kendall County. The published notice may be supplemented by such additional form of notice as the County Board may by rule provide.

13.05 ADMINISTRATIVE VARIATIONS

A. PURPOSE AND CONDITIONS.

1. Administrative variations are intended to provide a streamlined approval procedure for minor modifications of zoning ordinance regulations while keeping with the general purpose and intent of zoning ordinance regulations and the established character of the area in which it is located.
2. Variations shall run with the land and are transferred to the new owner provided a building permit has been issued (if required) and the use or structure has been lawfully established within one year of variation approval.

B. AUTHORIZED ADMINISTRATIVE VARIATIONS.

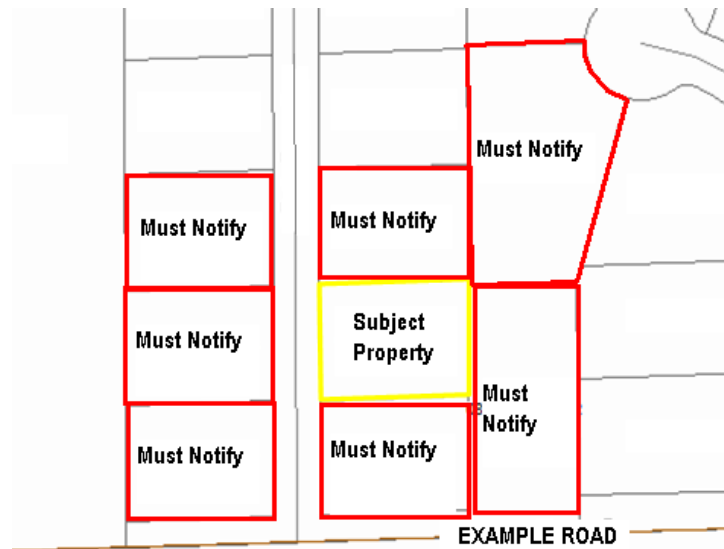
1. The ~~Planning, Building and Zoning PBZ~~ Director or persons designated by the County Board is authorized to grant relief from any numerical or quantitative standard in this zoning ordinance by up to **ten percent (10%)**.
2. The Administrative Variation may not be approved unless the ~~Planning, Building and Zoning PBZ~~ Director or persons designated by the County Board makes a written finding that the requested variation will not have significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public and that any adverse impact resulting from the administrative variance will be mitigated to the maximum extend feasible.

C. APPLICATION FOR ADMINISTRATIVE VARIATION:

1. A complete application for Administrative Variation must be filed with the

Planning, Building and Zoning PBZ Department.

2. After the application and site plan are received, the applicant will need to provide notice via postal certificate of mailing to all adjoining property owners, even those located across the street. Proof of the mailing will need to be provided to the **Planning, Building and Zoning PBZ** Department.



3. If no written objection is received within 15 days of the postal certificate of mailing, the **Planning, Building and Zoning** PBZ Director or persons designated by the County Board may either grant or deny the application. If the petition is denied, or a written objection is received in a timely manner, the applicant will need to apply for a standard Variation in front of the **Zoning Board of Appeals ZBA**. If the **Planning, Building and Zoning PBZ** Director or persons designated by the County Board does not feel comfortable making a recommendation the Director or persons designated may take the petition to the PBZ Committee for a final decision. Also in the case of denial from the Director or persons designated by the County Board and the petitioner does not agree with the recommended denial the petition can then be taken to the PBZ Committee for a final decision.
4. In granting an Administrative Variation, the **Planning, Building and Zoning PBZ** Director or persons designated by the County Board may impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding areas, and to carry out the state purpose and intent of this zoning ordinance.

13:06 APPEALS (*Amended 01.18.11*)

- A. SCOPE OF APPEAL. Except for violations of this code cited by the Zoning Administrator or his or her designee, an appeal may be taken to the ~~Zoning Board of Appeals ZBA~~ by any person, firm, or corporation, or office, department, board or bureau affected by a decision of the office of the Zoning Administrator. The appeal shall specify the grounds thereof and shall be filed within such time and in such form as may be prescribed by the Board by general rule. The Zoning Administrator shall, upon request of the ~~Zoning Board of Appeals ZBA~~, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken. *(Amended 8.17.04)*
- B. HEARING OF APPEAL. The ~~Zoning Board of Appeals ZBA~~ shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the interested parties. At the hearing, any party may appear in person, by agent, or by attorney.
- C. STAYING OF WORK ON PREMISES. When an appeal from the decision of the Zoning Administrator has been taken and filed with the ~~Zoning Board of Appeals ZBA~~, all proceedings and work on the premises concerning which the decision was made shall be stayed unless the Zoning Administrator shall certify to the Board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the ~~Zoning Board of Appeals ZBA~~ or by the Circuit Court of Kendall County, on application, on notice to the Zoning Administrator and the owner of the premises affected and on due cause shown. After the owner or his agent or persons or a corporation in charge of the work on the premises affected have received notice that an appeal has been filed with the ~~Zoning Board of Appeals ZBA~~, the Zoning Administrator shall have full power to order such work discontinued or stayed and to call upon the police power of the County to give full force and effect to the order.
- D. DECISION ON APPEAL. In exercising its powers, the ~~Zoning Board of Appeals ZBA~~ may, upon the concurring vote of three members of a five member Board or four members of a seven member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator. *(Amended 9.19.17)*

13.07 AMENDMENTS *(Amended 01.18.11)*

- A. AUTHORITY. The regulations imposed and the districts created under the authority of this ordinance may be amended, from time to time, by ordinance in accordance with applicable Illinois Statutes. Two types of amendments are possible. A map amendment is needed to change the zoning classification of a particular parcel or parcels. A text amendment is needed to change the regulations of this ordinance. An amendment shall be granted or denied by the County Board only after a public hearing before the ~~Zoning Board of Appeals ZBA~~, and a report of its findings and recommendations has thereafter been submitted to the County Board.
- B. INITIATION OF AMENDMENTS. Amendments may be proposed by the County

Board, a Committee designated by the County Board, the ~~Zoning Board of Appeals ZBA~~, the Regional Plan Commission or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

C. APPLICATION FOR AMENDMENT.

1. An application for an amendment shall be filed with the Zoning Administrator.
2. A copy of such application shall thereafter be forwarded to the ~~Zoning, Platting & Advisory Committee (ZPAC)~~, the Regional Plan Commission and to the County ~~Zoning Board of Appeals ZBA~~ with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
3. For all proposed map amendments, the Applicant will promptly forward via certified mail return receipt requested a copy of the complete application and notice of public hearing to the Township containing the subject parcel, and to any municipality within one and one-half (1½) miles of the subject parcel.

D. HEARING ON APPLICATIONS. The ~~Zoning Board of Appeals ZBA~~ shall hold a public hearing on each application for an amendment ~~and on each proceeding initiated by the Zoning Board of Appeals of its own motion~~. Hearings on map amendments shall be held in the township affected by the terms of such proposed amendments or in the County Office Building. Provided, that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. Hearings on text amendments shall be held in the County Office Building. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the ~~Zoning Board of Appeals ZBA~~ shall, by rule, prescribed from time to time.

E. NOTICE OF PUBLIC HEARING.

1. The applicant shall publish notice of the time and place of the Public Hearing in a newspaper of general circulation in Kendall County not less than fifteen days before such hearing.
2. At least fifteen days prior to each hearing the PBZ Department shall post a sign on the road or street frontage of the land proposed to be reclassified by amendment and a copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within one and one-half miles of the land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the ~~Zoning Board of Appeals ZBA~~ may, by rule, prescribed from time to time.
3. In addition to the above requirements, if the property is zoned A-1, the applicant shall provide notice of the public hearing at least 15 days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within five hundred feet (500'), excluding

road right-of-way, of the parcel to be rezoned.

4. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested.

F. **FINDING OF FACT AND RECOMMENDATION OF THE ~~ZONING BOARD OF APPEALS ZBA~~.** Within a reasonable time after the close of the hearing (**ZBA bylaws says 30 days**) on a proposed amendment, the **~~Zoning Board of Appeals ZBA~~** shall make written findings of fact and shall submit same together with its recommendation to the County Board of Kendall County. Where the purpose and effect of the proposed amendment is to change the Zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of property within the general area of the property in question.
2. The Zoning classification of property within the general area of the property in question.
3. The suitability of the property in question for the uses permitted under the existing zoning classification.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The **~~Zoning Board of Appeals ZBA~~** shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The **~~Zoning Board of Appeals ZBA~~** may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.
5. Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

G. **DECISIONS.**

1. ZBA findings shall be forwarded to the County **~~Planning, Building and Zoning PBZ~~** Committee of the County Board for review and recommendation to the full Board. The County Board, upon report of the County **~~Zoning Board of Appeals ZBA~~** and without further public hearing, may grant or deny any proposed amendment, or may refer it back to the County **~~Zoning Board of Appeals ZBA~~** or **~~Planning, Building and Zoning PBZ~~** Committee for further consideration.

2. In case of written protest against any proposed **map** amendment, **signed by the owner or owners of at least twenty percent of the land to be rezoned or** signed **and acknowledged** by the **owner or** owners of twenty percent of the frontage proposed to be altered, or by the **owner or** owners of twenty percent of the frontage immediately adjoining or across an alley, **street or public right-of-way** there from, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half mile of the limits of a zoned municipality with a recorded comprehensive plan, by the city council or president and board of trustees of the zoned municipality with limits nearest adjacent, filed with the Clerk of Kendall County, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the County Board of Kendall County.

13:08 SPECIAL USES & PLANNED DEVELOPMENTS *(Amended 3.21.18)*

- A. **PURPOSE.** The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts.
- B. **INITIATION OF SPECIAL USES.** Any individual, firm or corporation having a possessory interest entitled to exclusive possession in land, or several such owners acting jointly having such interest in parcels of land comprising one contiguous tract or the County Board may file an application for one or more special uses as provided in this ordinance.
- C. **PROCESSING.**
 1. An application for a special use shall be filed with the Zoning Administrator.
 2. A copy of such application shall be forwarded to the **Zoning and Platting Advisory Committee (ZPAC)** for review, comment, and recommendation
 3. A copy of such application and the committee report from the **Zoning and Platting Advisory Committee (ZPAC)** shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.
 4. A copy of such application and the reports from the **Zoning and Platting Advisory Committee (ZPAC)** and Planning Commission shall thereafter be forwarded to the **Zoning Board of Appeals ZBA** with a request to hold

a public hearing and submit to the County Board a report of its findings and recommendations. *(Amended 3.21.18)*

5. The recommendation and findings of the ~~Zoning Board of Appeals ZBA~~ shall be forwarded to the ~~Planning, Building and Zoning (PBZ)~~ Committee of the County Board for review and recommendation prior to final action by the County Board.
- D. CONDITIONS AND GUARANTEES. Prior to or after the granting of a special use, the ~~Zoning Board of Appeals ZBA~~ may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restriction imposed shall constitute a violation of this ordinance. *(Amended 3.21.18)*
- E. DECISIONS. *(Amended 3.21.18)*
1. The ~~Zoning Board of Appeals ZBA~~ shall report to the County Board a Finding of Fact using the criteria listed in Section 13:08.J of this ordinance and a recommendation as whether the County Board should deny, grant or grant subject to conditions.
 2. The County Board, upon report of the ~~Zoning Board of Appeals ZBA~~ and without further public hearing, may grant or deny a proposed special use, or may refer back to the ~~Zoning Board of Appeals ZBA~~ for further consideration.
 3. The County Board shall act to grant, deny, or amend the recommendations for every Special Use pertaining to a regulated use within 30 days of the date of those recommendations.
- F. REVOCATION. In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. If a revocation is proposed, the ~~Zoning Board of Appeals ZBA~~ shall hold a public hearing (following procedures outlined in Section 13:08 H below) and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice at least 15 days in advance of the hearing. *(Amended 3.21.18)*

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required

for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

- G. APPLICATION FOR SPECIAL USE. An application for special use or amendment of a special use shall be filed with the Zoning Administrator and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth herein.
- H. HEARING ON APPLICATION. Upon receipt in proper form of the application and statement referred to in paragraph 13:08.G of this ordinance, the **Zoning Board of Appeals ZBA** shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, place and date of such hearing shall be published in a newspaper published in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in Kendall County. The notice must also contain:
1. The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.
 2. Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.
 3. Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.
 4. Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity.
 5. Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.
 6. A brief statement of the proposed special use.

In addition to any other notice required by this Section, the Zoning Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within seven hundred fifty feet (750'), excluding road right-of-way, of

the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested. The petitioner or applicant must pay the costs of the publication of the notices required by this Section. *(Amended 4.17.18)*

An audio recording of the proceedings shall be made by the County and shall be retained for a period of one year from the date of hearing. The petitioner at his or her discretion may elect to provide a court reporter, at his or her own expense, for the purposes of making a formal transcript of the proceedings. In addition to the application fee, the petitioner shall be responsible for the cost of the **Zoning Board of Appeals ZBA** in conducting the hearing in accordance with the schedule of fees as established by the County Board. *(Amended 3.21.18)*

- I. AUTHORIZATION. For each application for a special use the Zoning Board of Appeals shall report to the County Board of Kendall County its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The County Board may grant or deny any application for a special use. *(Amended 3.21.18)*

No proposed special use once denied by the County Board shall be again, on a subsequent petition, considered for approval within a period of twelve (12) months from the date of said denial.

- J. STANDARDS. No special use shall be recommended by the **Zoning Board of Appeals ZBA** unless said **Zoning Board of Appeals ZBA** shall make a written finding. The **Zoning Board of Appeals ZBA** shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items *(Amended 3.21.18)*:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
3. That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

4. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals.
 5. That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.
- K. **CONDITIONS.** The ~~Zoning Board of Appeals~~ **ZBA** may recommend and the County Board may provide such conditions or restrictions reasonably necessary to meet the standards listed in Section 13:08.J upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood. *(Amended 3.21.18)*
- L. **DURATION.** Special Uses granted hereunder shall be transferable and shall run with the land unless otherwise specified by the terms of the Special Use permit.
- M. **AMENDMENTS TO APPROVED SPECIAL USES.** Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use ~~(if applicable)~~. Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a Special Use.
- Amendment of Special Uses under this paragraph shall apply to all existing, valid Special Uses issued prior to the date of the amendment of this ordinance as well as any future Special Uses granted under this ordinance. *(Amended 9.15.2009)*
- N. **MINOR AMENDMENTS ON PROPERTY GOVERNED BY A SPECIAL USES ORDINANCE:** Minor Amendments are those that do not alter the intent or uses of the property for which a Special Use has been approved. Minor Amendments shall be limited to the following:
1. Proposed additions, enlargements or changes in any existing or proposed building or buildings, shown on any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable), and the addition of accessory structures not shown on such plans may be permitted provided that all of the following conditions are met:
 - a) The proposed addition, enlargement or change will, in the opinion of the Zoning Administrator, result in a better utilization

- of the property or a more efficient and desirable use of the land.
- b) The change shall not constitute more than a ten (10) percent increase in the lot coverage of all approved buildings on the property or a ten (10) percent increase of the total floor area of all approved buildings on the property.
 - c) The proposed addition, enlargement or change will not infringe upon or extend into any required building setback, off street parking or loading space or required building separation or exceed the height or bulk regulations of the underlying zoning district.
 - d) The additional off-street parking or loading spaces required for such proposed addition, enlargement or change, can be supplied as required by the applicable zoning ordinance provisions.
 - e) The proposed addition, enlargement or change will not result in an enlargement or increase of any previously approved variation.
2. Minor Modifications of Conditions provided that all of the following are met:
- a) The proposed modification will, in the opinion of the Zoning Administrator, result in equal or better performance than the original condition imposed.
 - b) The proposed modification or change shall not result in a change of more than ten (10) percent of any previously imposed condition.
 - c) The result of the proposed modification shall be that the property will still be in substantial compliance with the previously approved ordinance.

An owner seeking an approval of such change shall submit an application for a minor amendment to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a minor amendment to the **Planning, Building and Zoning PBZ** Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a minor amendment to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. (*Amended 9.15.2009*)

- O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13:08.C (Processing of Special Uses) of this ordinance. Notice that a major change is

being sought shall be provided by the applicant in the manner provided for in **55 ILCS 5/5-1209.5 State law governing the issuance of special use permits** and additional requirements as specified in the By-Laws of the **Zoning Board of Appeals (ZBA)**. (*Amended 9.15.2009*)

P. PLANNED DEVELOPMENTS.

1. Purpose. Planned developments are intended to encourage imaginative site planning which integrates the development proposal with existing topography and other natural environmental assets of the land while conserving the County's rural character. Clustering of units is encouraged to provide common open space. Procedures for approval of Residential Planned Developments (RPD) are outlined in Section **8.06 13:09** of this zoning ordinance. All other Planned Developments (industrial, commercial, etc.) may be developed in accordance with standards herein.

2. Zoning Map. Approved planned developments shall be delineated and designated by number on the **zoning district map Official Zoning Map**. A file, available for inspection by the public, shall be maintained by the Zoning Administrator for each planned development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.

3. Procedure.

- a. A pre-application conference shall be held with the Zoning Administrator or his or her deputies. At such conference the applicant shall provide information as to the location of the proposed planned development; the uses, and approximate area of use category; a list of any and all exceptions to the subdivision and zoning ordinances of Kendall County and any other information necessary to clearly explain the planned development. **(remove numbering)**

The Zoning Administrator or his or her deputies shall review and consider the proposal as to its compatibility with the **Land Resource Management Plan LRMP** and the goals and policies for planning of the County and advise the applicant on the information, documents, exhibits, drawings, and limitations on the proposal that should be included in the application to the County for a special use permit for Planning Development.

- b. The applicant shall request a concept review of the Planned Development/special use, by letter addressed to the Secretary of the Plan Commission, to be placed on the agenda of ZPAC and the next regular meeting of the Plan Commission for a preliminary discussion and concept review of the proposed Planned Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development which shall include, but not necessarily be limited to the

following: **(renumber)**

- i. A tentative sketch plan, which may be in freehand sketch form, showing the location and extent of the types of land uses proposed.
 - ii. The existing topography at five-foot contour intervals which may be taken from U.S.G.S. information.
 - iii. Existing streets surrounding the subject property.
 - iv. Existing utilities including storm drainage facilities.
 - v. The following shall be provided by either graphic exhibits or written statement: **(renumber)**
 - i. The density of commercial uses, including maximum lot coverage and building height.
 - ii. The off-street parking and other service facilities proposed.
 - iii. The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planning Development application.
- c. After final adjournment of the meeting, the Plan Commission shall submit to the ~~Planning, Building and Zoning PBZ~~ Committee of the County Board, a report in writing containing its recommendations. The PB&Z Committee shall then review the concept at their next regular meeting and shall either: **(renumber)**
- i. provide the applicant with a recommendation for any suggested modifications and direction to proceed to a formal Planned Development submission; or
 - ii. recommend that the applicant not proceed, along with reasons for the recommendation.
- d. The formal petition for a Planned Development shall be filed with the Zoning Administrator. The Zoning Administrator or his/her deputies shall be responsible for distributing the complete application to the following at the appropriate time:
- i. ~~Zoning, Platting and Advisory Committee (ZPAC)~~
 - ii. Members of the Regional Planning Commission
 - iii. ~~The Zoning Board of Appeals ZBA~~
 - iv. The County Board (*Amended 3.21.18*)

The applicant shall be responsible for providing copies via certified mail return receipt request to the following as soon as possible after

filling the application with the County.

- i. Township(s) affected by the application
 - ii. All municipalities within 1½ miles of the subject property
- e. The ~~Zoning Board of Appeals~~ **ZBA** shall set a hearing date and shall cause notice of the hearing to be published at least once following the procedures set forth in Section 13:08.H of this ordinance. *(Amended 3.21.18)*
- f. The petition shall be heard by the ~~Zoning Board of Appeals~~ **ZBA** and reviewed by the Planning Commission and the report of each shall be submitted to the County Board. The Plan Commission shall submit its review to the ~~Zoning Board of Appeals~~ **ZBA** prior to the public hearing. The report of the findings and recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. *(Amended 3.21.18)*
- g. The County Board may grant a special use for a Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.
4. Construction of Improvements. The petitioner shall construct and install the required improvements in accordance with the County Subdivision Regulations and the Special Use Ordinance.
5. Street Classification. Street classifications, definitions, and specification, shall be in accordance with the regulations as established in the Subdivision Regulations and the **Land Resource Management Plan LRMP** of Kendall County, as may be amended from time to time, as may be modified by the special use permit.
6. Standards. No Planned Development shall be authorized by the County Board unless the Plan Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:
- a. ~~General.~~ **(Relettered)**
 - a) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
 - b) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.

- c) That any industrial park areas established in the Planned Development conforms to all requirements therefore as set forth elsewhere in this ordinance.
 - d) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Development use. When private streets and common driveways are made a part of the Planned Development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.
7. Agricultural Planned Developments. For planned developments located in the agricultural district A-1, exceptions may be made in the regulations of such district as follows:
- a. *Use Regulations. (re-lettered)*
 - i. In the agriculture district A-1 use listed as permitted use and special uses may be allowed.
 - ii. Residential, single family uses providing said use is limited to planned unit developments for conventional golf courses and further providing that the gross area of residential use does not exceed 40% of the zoning parcel, and
 - iii. Clubhouses, restaurants in which alcoholic beverages are sold, and other business uses specifically described which are complimentary to the principle use as a golf course providing such uses are limited to planned unit development for conventional golf courses.
 - b. *Gross Density Premiums.* The maximum gross densities for agricultural planned developments may be increased up to a maximum of fifteen percent, in accordance with and when the development included one or more of the following **(re-lettered)**
 - i. Is adjacent to, or across from a public or permanent private open space which is not less than ten acres in area with a depth perpendicular to a lot line of the planned development of not less than three hundred feet. For the dedication of public recreational and educational sites recommended in the Comprehensive Plan - equal to the number of dwelling units that would otherwise have been permitted upon lands so dedicated.

- ii. For the provision of unique design features which required unusually high development costs and which tend to achieve an especially attractive and stable development - as determined by the County Planning Commission.
 - c. Yards. Yard requirements may be varied or waived - except along the perimeter of the development.
 - ~~d. **Signs. In accordance with the regulations set forth in Section 12.00.**~~
 - ~~e. **Off-street Parking and Loading. In accordance with the regulations set forth in Section 11.00**~~
8. Residential Planned Developments. After August 18, 1998, all new residential planned developments shall be zoned R-1 PUD unless the property is already zoned R-2 or R-3. For planned developments located in one or more residence districts, exceptions may be made in the regulations of such districts, as follows:
- a. *Use Regulations.* (re-lettered)
 - i. In any Residential Planned Development uses listed as permitted uses are allowed, and single-family attached, single-family semi-detached, and multiple-family dwellings may be allowed.
 - ii. Uses listed as special uses in the zoning district in which the development is located may be allowed.
 - iii. In residential planned developments containing over fifty dwelling units, permitted uses and special uses permitted in the B-1 Limited Business District may be allowed, provided that such uses and accessory uses shall not occupy more than five percent of the net land area of the development.
 - b. Base Density. Maximum permitted density for a residential planned development will be based on the sum of the base density and the density premium provisions of this Section. Base density for all planned developments shall be .25 dwelling units per buildable acre. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of .25 dwelling units per acre (the base density) and the appropriate density premium as noted below. Buildable area is defined as the total area of the property minus the following: (re-lettered)
 - i. wetlands,
 - ii. the 100-year floodplain, as shown on official FEMA maps,
 - iii. land within the required right-of-way of an existing roadway,

- iv. land under an existing permanent easement prohibiting future development (including electrical power lines, fiber-optic lines and pipelines).

Lot sizes smaller than otherwise required in the underlying zoning district may be permitted provided adequate septic systems are provided and lots have direct access to a common open space.

- c. *Density Premiums.* The maximum gross densities for residential planned developments may be increased up to a maximum of .8 dwelling units per buildable acre (.25 d.u./ac. base density plus maximum premium of .55 d.u./ac.) if the development includes one or more of the following: **(re-lettered)**
 - i. Secondary open space that is substantially more than the minimum size otherwise required for storm water detention or through park dedication requirements. (Bonus not to exceed .35 dwelling units per buildable acre)
 - ii. Provision of recreational amenities, beyond minimum standards established in the subdivision ordinance, including but not limited to: a golf course, ballfields, playground equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond those designated on the County Transportation Plan), community centers, and exceptional landscape improvements such as native or natural plantings. (Bonus not to exceed .10 dwelling units per buildable acre).
 - iii. Offsite and perimeter road improvements in addition to those needed to provide adequate access solely for the proposed development. (Bonus not to exceed .10 dwelling units per buildable acre).
 - iv. Endowment of a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the County). (Bonus not to exceed .10 dwelling units per buildable acre).
 - v. Conservation of traditional rural architecture reminiscent of Kendall County's agricultural heritage, preservation of historical structures, or design of new structures which

reflect these architectural themes. (Bonus not to exceed .10 dwelling units per buildable acre).

- vi. Protection of slopes exceeding 25% as measured over a 10-foot interval and minimization of mass grading (Bonus not to exceed .10 dwelling units per buildable acre).
 - vii. Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with Army Corps of Engineers Section 404 Permit requirements. (Bonus not to exceed .10 dwelling units per buildable acre).
- d. Yards. Yard requirements may be varied or waived if lot is located adjacent to common open space.
- ~~e. Signs. In accordance with the regulations set forth in Section 12.00.~~
- ~~f. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.~~
9. Business Planned Developments. For planned development located in one or more business districts, exceptions may be made in the regulations of such districts, as follows:
- a. *Use Regulations.* Uses as permitted and special uses in the residential and business districts are allowed.
 - b. *Bulk Regulations.* Gross Density. In the B-1 District - not more than nine dwelling units per gross acre - except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and a lodging room as 0.5 of a dwelling unit.

In the B-2 District - not more than seventeen dwelling units per gross acre - except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and a lodging room as 0.5 of a dwelling unit.
- ~~c. Signs. In accordance with the regulations set forth in Section 12.00.~~
- ~~d. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.~~
- ~~e-c.~~ Performance Standards. In accordance with the standard of the district in which the development is located.
10. Industrial Planned Developments. For planned developments located in one or more industrial districts, exceptions may be made in the regulations of such districts, as follows:

- a. *Use Regulations.* Uses listed as permitted and special uses in the commercial and manufacturing districts.
 - b. *Bulk Regulations. (re-lettered)*
 - i. Yards. Yard requirements may be waived - except along the interior boundaries of the development.
 - ii. Floor Area Ratio. Floor area ratio requirements of the district are applicable to the entire planned development and not to specific uses which may be located within the planned development. For this purpose, the net site area shall be used in the computation.
 - ~~c. *Signs. In accordance with the regulations set forth in Section 12.00.*~~
 - ~~d. *Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.*~~
 - e c. Performance Standards. In accordance with the requirements of the prevailing district.
11. *Re-Application.* At least one year shall elapse between the date of an adverse decision and reapplication or repetition for a variation, amendment or special use.

Q. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.

- 1. In order to protect areas devoted to residential, business and light manufacturing uses from annoying or dangerous classes of industrial nuisances and hazards, Kendall County has divided into two manufacturing performance districts - M-1 and M-2 graduated respectively in terms of industrial performance standards from high to low. For practical purposes, the performance standards in the manufacturing districts have been supplemented by lists and of the uses permitted in these districts.

It is recognized, however, that among the uses first permitted in the M-2 Districts, there may be individual establishments having such high performance standards that they could safely be permitted in the M-1 District even though engaged in operations not listed as permitted in these M-1 Districts. It is consistent with the purposes of this amended ordinance and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Districts.

The ~~Zoning Board of Appeals~~ ZBA is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the ~~Zoning Board of~~

Appeals ZBA is satisfied beyond a reasonable doubt that all performance standards for the M-1 District, as well as all other regulations, will be complied with. In authorizing such Special Use, the ~~Zoning Board of Appeals ZBA~~ may require the posting of a performance bond by the owners or operators of the proposed establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M-1 performance standards should the establishment in fact fail to so comply. *(Amended 3.21.18)*

2. Preliminary to granting a Special Use permit as prescribed in Section 13:08.H, the ~~Zoning Board of Appeals ZBA~~ shall require the applicant for a Special Manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State of Illinois, which certificate shall include the following: *(Amended 3.21.18)*
 - a. A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
 - b. A statement that the proposed operation will conform with the performance standards for the M-1 Districts, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
 - c. Such other pertinent information as the ~~Zoning Board of Appeals ZBA~~ shall deem necessary to assist it in making its findings and report. *(Amended 3.21.18)*

Move 13:09 PENALTIES to 13:11

Moved Section 8:06 PROCEDURE FOR APPROVAL OF RPD-1, RPD-2 OR RPD-3 DEVELOPMENT INTO 13:09

13:09 PROCEDURE FOR APPROVAL OF RPD-1, RPD-2 OR RPD-3 DEVELOPMENT.

- A. PRELIMINARY PLAN PROCESS. **(Renumbered and Relettered)**
 - 1 Pre-Application Discussion. The purpose of this informal meeting is:
 - a. To introduce the applicant and the site designer(s) to the County's zoning and subdivision regulations and procedures
 - b. Discuss the applicant's objectives in relation to the County's official policies and ordinance requirements

- c. Identify early on using, the four step process, the specific issues that will need to be addressed in designing the site. The meeting will include the applicant, the site designer(s) as well as members of the County's Concept Plan Committee and additional representatives as may be required from the affected school and/or park districts, emergency service providers and representatives of any municipality within 1.5 miles of the proposed development.
2. Existing Features (Site Analysis) Plan. Plans analyzing each site's special features are required for all proposed subdivisions, as they form the basis of the design process for greenway lands, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring to the Pre-Application Discussion a copy of the Existing Features (Site Analysis) Plan. Detailed requirements for Existing Features (Site Analysis) Plans are contained in another section of this ordinance, but at the minimum must include
 - a. A contour map based at least upon topographical maps published by the U.S. Geological Survey;
 - b. The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplains, and all rights-of-way and easements;
 - c. Soil boundaries as shown on USDA Natural Resources Conservation Service medium intensity maps and supplemental soils surveys of the property based on a 200-foot grid;
 - d. The location of significant features such as woodlands, **treelines** **tree lines**, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails and any sites listed on the Critical Trends Assessment Program of the Illinois Department of Natural Resources; and
 - e. A drain tile study.

In order to adequately prepare the Existing Features (Site Analysis) Plan, an NRI report shall be prepared, and shall be submitted as part of the pre-application materials supplied along with any additional studies as recommended in said report including but not limited to a wetland delineation report or other similar studies.

The Existing Features (Site Analysis) Plans shall identify both Primary Open Space and Secondary Open Space. Together, these Primary and Secondary Open Space Areas comprise the development's proposed open space, the location of which shall be consistent with the Planning

Goals and Objectives for Natural Resources of the Land Resource Management Plan. The Existing Features (Site Analysis) Plan shall form the basis for the Concept Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section 8:06.C **A5** below.

3. On-Site Inspection. After the Existing Features (Site Analysis) Plan has been prepared, the Director of Planning, Building and Zoning or his designated representative shall, if possible, schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize County officials with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of the Secondary Conservation Areas and potential house locations and street alignments. Separate on-site inspections are encouraged if a convenient date cannot be established for a group visit. If this visit is not scheduled before submission of the sketch plan or the Concept Plan, it should occur soon thereafter.
- B. **CONCEPT PLAN PROCESS**. After the pre-application discussion, a sketch plan or a Concept Plan shall normally be submitted to the Concept Plan Committee for review and comment for all proposed subdivisions. The Concept Plan Committee shall at a minimum be composed of the Director of Planning, Building and Zoning, County Highway Engineer, the County's Consulting Engineer, Director of Environmental Health, Director of the County Forest Preserve, one representative from each of the County Board, Building and Zoning Committee, Plan Commission, Zoning Board of Appeals and a representative from the municipalities **with-in within** 1.5 miles or **other the** affected districts.

The purpose of the Concept Plan is to obtain the County's early sense on the appropriateness of the project as well as the overall pattern of streets, house lots, Primary and Secondary Open Space Areas, and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, stormwater management, or the accurate delineation of internal lot boundaries.

As used in this ordinance, the term "Concept Plan" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. For any project of ten (10) acres or more, these drawings shall be prepared by a team that includes a landscape architect and a civil engineer.

The Concept Plan shall include, at a minimum, the following:

1. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), rights-of-way, preliminary lot locations and sizes, open space areas and any other information as determined by the Director of Planning, Building and Zoning.
2. How the plan follows the four-step process.
3. A topographic survey with two-foot contour intervals.
4. A preliminary tree preservation plan, that identifies all significant trees proposed to be preserved or removed.
5. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
6. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
7. Preliminary specifications of the following: **(changed from Roman numerals to letters)**
 - a. Sequence of phases or stages of development of the Planned Development. Common open space areas shall generally be provided in each phase consistent with the phasing of dwelling units.
 - b. A general landscape planting plan prepared by a landscape architect, which meets the approval of the Plan Commission.
8. The following shall be provided by either graphic exhibits or written statement: **(changed from Roman numerals to letters)**
 - a. The density of residential uses and the number of dwelling units by type.
 - b. The ancillary and non-residential uses to be provided in a Residential Planned Development.
 - c. The calculation of buildable acreage, the estimated percent and acreage of land used for each of Primary and Secondary Conservation purposes, and the projected type and acreage of passive and recreational open space.

A Concept Plan shall be submitted by the applicant to the Director of Planning, Building and Zoning for referral to the Concept Plan Committee, the applicable Township, and any municipality within 1 ½ miles of the proposed development, for their review and comment. If requested by an effected municipality or township, the developer shall present their concept plan at an appropriate local government meeting. After a

complete submission has been received, the Planning, Building and Zoning Department prepare a report describing how the Plan conforms to the requirements of the County's ordinances, including the Development Evaluation Criteria of Section 8:03.O P, and the ~~Land-Resource Management Plan-LRMP~~ and will discuss with the applicant and review their recommendations. The report shall include a copy of any correspondence received from local municipalities or townships.

If in the opinion of the Concept Review Committee, the proposed design and layout of the project does not adequately preserve protect or incorporate the significant natural features of the site as identified in the four step process with regard to wetlands, fens, seeps, high quality streams or significant trees as defined in the County's Subdivision Control Ordinance or if there is a difference of opinion between the committee and the developer regarding the quality of the features being recommended for preservation by the Concept Review Committee, the Committee may designate a consultant experienced in development design and in the protection of natural features and greenway lands to meet with the applicant and the committee to provide an independent assessment of the proposal. All reasonable costs associated with use of the consultant shall be paid by the applicant.

In reviewing the proposal, the consultant shall provide the applicant and the committee with comments as to how the proposed plan sensitively incorporates and maximizes the preservation of the significant natural resources and features of the site and how these proposed plans and documents conform with the: **(changed from numbers to Roman numerals)**

- i. Goals and objectives of the Kendall County ~~Land-Resource Management Plan-LRMP~~;
- ii. Intent and rules of the Residential Planned Development Ordinance;
- iii. Principles and practices of conservation design.

In addition, the consultant shall supply an assessment of the quality of the natural resources and features present on the property along with input as to which features are significant enough to warrant preservation or enhancement. As part of this assessment, the consultant shall also present recommendations on how the concept plan should be revised to accomplish these objectives.

After receiving the input from the consultant, the developer may prepare a revised Concept Plan for presentation to the Concept Review Committee

for review and recommendation to the ~~p~~Plan Commission or request a recommendation on the original plan submitted. The Concept Plan Committee shall schedule a meeting within 15 days of submission of a revised plan to the Director of Planning, Building & Zoning. After review of the submitted plan, the Committee shall provide their recommendation.

The Director of Planning, Building and Zoning or his designated representative shall then submit the Concept Plan and report to the Plan Commission, for review and recommendation within 45 days of the original submission of the Concept Plan. The Concept Plan, report, and the minutes of the applicable Plan Commission meeting shall then be transmitted to the ~~Planning, Building, and Zoning PBZ~~ Committee for their review. Each body shall review the proposal and provide their recommendation. Alternatively, the ~~Planning, Building, and Zoning Committee PBZ~~ may recommend further review by the Concept Plan Committee. If the ~~Planning, Building, and Zoning Committee PBZ~~ recommends further review by the Concept Plan Committee, the application shall be forwarded to that body, along with the report and the minutes of the applicable meetings of the Plan Commission and the Planning, Building, and Zoning Committee. The Concept Plan Committee shall schedule a meeting within 15 days of the recommendation by the ~~Planning, Building, and Zoning Committee PBZ~~.

The Concept Plan Committee shall meet with the applicant on one or more occasions and shall recommend approval, approval with conditions, or denial. Such recommendation shall be transmitted to the Planning, Building, and Zoning Committee of the County Board for final action.

C. FOUR STEP PROCESS. Each sketch plan or Concept Plan shall follow a four-step design process, as described below. When the Concept Plan is submitted, applicants shall be prepared to demonstrate to the Concept Plan Committee and Kendall County Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and greenway lands.

1. Designating the Open Space. During the first step, all potential conservation areas (both primary and secondary) are identified, using the Existing Features (Site Analysis) Plan. Primary Conservation Areas shall consist of wetlands, floodplains, slopes over 25%, and soils susceptible to slumping. Secondary Conservation Areas shall include all remaining open space areas and shall strive to include the most sensitive and noteworthy natural, scenic, and cultural resources on the property.

Guidance on which parts of the remaining land to classify as Secondary Conservation Areas shall be based upon:

- a. the procedures described in Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks, produced by Natural Lands Trust and published by Island Press,
- b. on-site visits or inspections,
- c. the open space location criteria contained in Section 8:03.N above,
- d. the evaluation criteria listed in Section 8:03.P above, and
- e. information from published data and reports.



Step 1: Developing a “yield plan” to determine the maximum allowable density for the site.

The site is 120 acres, which includes 10 acres devoted to wetlands. At 90,000 square feet per lot, the 110 buildable acres yield 47 total lots. In addition, the 120-acre site provides for about 15% open space.

2. Location of House Sites. During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in Section 8:03.O P above, subdivision applicants shall identify tentative house sites on the Concept Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than 100 feet from Primary Open Space Areas, but may be situated within 50 feet of Secondary Open Space Areas, in order to enjoy views of the secondary

open space without negatively impacting the primary open space. The building "footprint" of proposed residences may be changed by more than fifty feet in any direction with majority approval from the members of the Kendall County Board. Changes involving less than fifty feet do not require approval.



Step 2: Identifying and analyzing key environmental features such as woodlands, topography, wetlands, and natural drainage.

This site has extensive environmental features, including large woodlands (shown as the green area) with natural drainage ways (shown as the blue dotted line). One of the natural drainage ways leads to a river on the west side of the graphic. Wetlands are shown as light blue shapes.

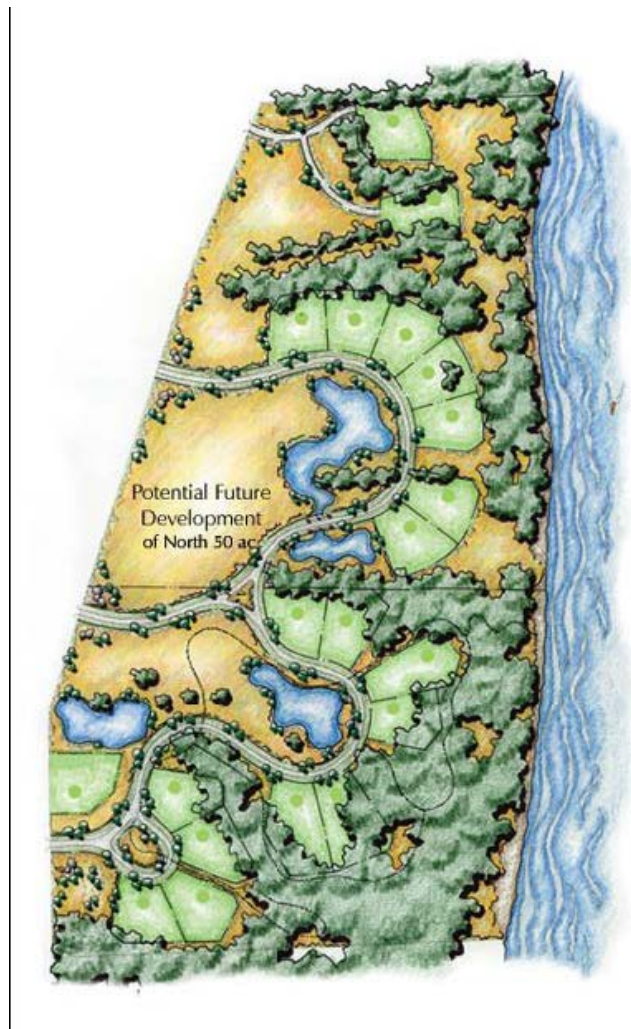
3. **Street and Lot Layout.** The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the County or Township and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Cul-de-sacs serving more than six homes shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted).



Step 3: *Identifying “development opportunities” and “conservation opportunities.”*

Illustrated in green, conservation opportunities are formed by the environmental features identified in Step 2. The yellow shapes represent development opportunities, offering sites for residential lots.

The County generally encourages the creation of single-loaded residential access streets, in order that the maximum number of homes in new developments may enjoy views of open space.



Note that in situations where more formal, "neo-traditional," or village-type layouts are proposed, Steps Two and Three may be reversed, so that the location of house sites follows the location of streets and squares.

4. Lot Lines. The fourth step is simply to draw in the lot lines (where applicable). These are generally drawn midway between house locations.



Step 4: Preparing a site design with residential lots, a road network, and conservation areas.

At 40,000 square feet per lot, the 110 buildable acres yield 59 total lots in this conservation design plan. The 120-acre site provides about 60% open space, which is much greater than the yield plan from Step 1. The existing farm structure along the eastern edge was also preserved as its own lot (light orange area). The higher lot count and greater open space coverage emphasize the benefits of using the conservation design approach.

D. PRELIMINARY SITE PLAN/PLAT APPROVAL.

1. **Preliminary Site Plan.** Prior to approval of the Concept Plan, the applicant shall submit to the Plan Commission a "Preliminary Site Plan/Preliminary Plat" that shows the approximate layout of proposed streets, **house lots house lots**, and open space lands complies with the zoning and subdivision ordinances of the County and any municipalities within 1 ½ miles of the development, particularly those sections governing the design of subdivision streets and stormwater management facilities. This site plan requirement is meant to provide the County with assurance that the proposed plan is able to be accomplished within the current regulations of the County. The site plan shall also note any variations needed to implement the plan as drawn. At his or her own risk, an applicant may skip the Preliminary Plat stage and proceed directly to Final Plan Approval or may combine Preliminary and Final Plat approval.

2. Content of Petition. The formal petition shall contain, in addition to all other requirements, the following:
 - a. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), street classification, rights-of-way, pavement width of street and driveways, all principal buildings, lot sizes, building lines, easements for utility services, off-street parking, service areas, open space recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Development.
 - b. Preliminary architectural plans for all residential buildings proposed to contain more than one dwelling unit shall be submitted in sufficient detail to show the basic planning, the number of units per building and the estimated number of bedrooms per dwelling unit. Building elevations shall be required only for structures containing more than one dwelling unit. Preliminary architectural plans for business or other non-residential buildings shall illustrate elevations and proposed exterior materials.
 - c. A topographic survey with two-foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered Illinois surveyor.
 - d. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
 - e. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
 - f. Preliminary engineering plans and specifications for the following improvements:
 - (i) Roads and streets, including classifications, width of right-of-way, widths of paved surfaces and construction details.

- (ii) Sidewalks and trails, including widths of paved surfaces and construction details.
 - (iii) Sanitary and storm sewer system.
 - (iv) Water supply system.
 - (v) Street lighting and public area lighting system.
 - (vi) Recommended installations for electric, gas and telephone facilities and distribution.
 - (vii) Sequence of phases or stages of development of the Planned Development.
 - (viii) A general landscape planting plan and tree removal and preservation plan, prepared by a landscape architect which meets the approval of the Plan Commission.
- g. The following shall be provided by either graphic exhibits or written statement:
- (i) The density of residential uses and the number of dwelling units by type.
 - (ii) The ancillary and non-residential uses to be provided in a residential planned development.
 - (iii) The off-street parking and other service facilities proposed.
 - (iv) The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planned Development application.
 - (v) The calculation of buildable acreage, the percent and acreage of land used for each of Primary and Secondary Open Space purposes, and the type and acreage of passive and recreational open space.
 - (vi) Other submittals as requested by the County **Planning, Building and Zoning-PBZ** Department (including but not limited to traffic studies, ground water studies, etc.).
3. Procedures for Approval.

- a. The applicant shall request the Preliminary Plan/Plat Approval in addition to a petition for a zoning map amendment, by letter addressed to the ~~Director of Planning Building and Zoning PBZ~~ or his/her designee, to be placed on the agenda of the next regular meeting of the Zoning, Platting Advisory Committee (ZPAC) for a preliminary discussion of the proposed Planned Development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the proposed development.
- b. A copy of the petition shall also be submitted to the applicable Township and any municipality within 1 ½ miles of the proposed development, **with extra-territorial jurisdictional control**. The applicant shall present the application at a regularly scheduled meeting of the Plan Commission (or other applicable body) of the township or municipality. The Township and/or municipality may submit comments to the County regarding the petition within 30 days.
- c. The Director of Planning, Building and Zoning or his designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.
- d. The petition shall be reviewed by the ~~Zoning, Platting Advisory Committee ZPAC~~ within 30 days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The director or staff shall submit minutes of the ZPAC meeting containing such recommendation shall be submitted to the Plan Commission for review and recommendation, along with any written correspondence received from any municipality or township.

- e. The petition shall be heard by the Plan Commission within 60 days of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least 30 days in advance the Plan Commission meeting. Upon completion of their review of the preliminary plan or plat, a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the Plan Commission meeting containing such recommendation shall be submitted to the ~~Zoning Board of Appeals ZBA~~, along with and written correspondence received from any municipality or township.
- f. The Chairman of the ~~Zoning Board of Appeals (ZBA)~~ shall set a hearing date on the zoning map amendment to be held within 30 days of the submission of the Plan Commission report provided any necessary revisions or supplemental information requested by the Plan Commission have been supplied at least 15 days in advance the hearing. The Chairman shall cause notice of the hearing to be published at least once, not more than thirty days nor less than fifteen days before said hearing date in one or more newspaper of general circulation in the County. Written notice shall be given by the applicant to all property owners as prescribed by the ZBA by-laws.
- g. Upon completion of their review of the map amendment and preliminary plan or plat, the ZBA shall make a recommendation. The Director of Planning, Building and Zoning or his designated representative shall forward a copy of the petition, the minutes of the applicable meetings containing the recommendations of the Plan Commission and the Zoning Board of Appeals accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. to the Planning Building and Zoning Committee of the County Board. The ~~Planning Building and Zoning PBZ~~ Committee shall review the petition within 30 days of the public hearing, **unless a legal objection is eligible for filing in which case the PBZ Committee shall review the petition within 60 days.**

- h. The Director of ~~Planning, Building and Zoning PBZ~~ or his designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Plan Commission, Zoning Board of Appeals and Planning Building and Zoning Committee to the County Board. The County Board shall review the petition within 30 days of the ~~Planning Building and Zoning Commission's PBZ Committee's~~ meeting.
 - i. The County Board may grant an ordinance approving a map amendment for the Planned Development as well as any related special use permits. A separate ordinance approving the Concept Plan and Preliminary Plan/Plat may also be granted including plats, landscape plans, and the like. The Concept Plan and Preliminary Site Plan or Plats required by Section ~~8:0613:09.B.4~~ and ~~8.06-13:09.D C.2.~~ shall be explicitly made a part of the Planned Development Ordinance.
4. Zoning Map Approved Residential Planned Developments shall be delineated and designated by a number on the zoning district map. A file, available for inspection by the public, shall be maintained by the Director of ~~Planning, Building and Zoning PBZ~~ for each Planned Development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.

E. FINAL PLAN APPROVAL

1. Request. The applicant shall request the Final Plan Approval, by letter addressed to the Director of ~~Planning Building and Zoning PBZ~~ or his/her designee, to be placed on the agenda of the next regular meeting of the Plan Commission for a preliminary discussion of the proposed Planned Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development.
2. Content of Petition. The formal petition shall contain, in addition to all other requirements, the following:
 - a. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private), street classification, rights-of-way, pavement width of street and driveways, all principal buildings, lot sizes, building lines easements for utility services, off-street parking, service areas,

open space recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Development.

- b. Preliminary architectural plans for all residential buildings proposed to contain more than one dwelling unit shall be submitted in sufficient detail to show the basic planning, the number of units per building and the estimated number of bedrooms per dwelling unit. Building elevations shall be required only for structures containing more than one dwelling unit. Preliminary architectural plans for business or other non-residential buildings shall illustrate elevations and proposed exterior materials.
- c. A topographic survey with two-foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered Illinois surveyor.
- d. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
- e. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
- f. Specifications of the following improvements:
 - i. Roads and streets, including classifications, width of right-of-way, widths of paved surfaces and construction details.
 - ii. Sidewalks, including widths of paved surfaces and construction details.
 - iii. Sanitary and storm sewer system.
 - iv. Water supply system.
 - v. Street lighting and public area lighting system.
 - vi. Recommended installations for electric, gas and telephone facilities and distribution.
 - vii. Sequence of phases or stages of development of the Planned Development.
 - viii. A general landscape planting plan, prepared by a landscape architect which meets the approval of the Plan Commission.

- g. The following shall be provided by either graphic exhibits or written statement:
- i. The density of residential uses and the number of dwelling units by type.
 - ii. The ancillary and non-residential uses to be provided in a residential planned development.
 - iii. The off-street parking and other service facilities proposed.
 - iv. The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planning Development application.
 - v. The calculation of buildable acreage, the percent and acreage of land used for each of Primary and Secondary Conservation purposes, and the type and acreage of passive and recreational open space.
 - vi. Estimates of cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
 - vii. Petitioner's proposed development agreement, covenants, restrictions and conditions, special service district and home owner's association by-laws to be established as a part of the Planned Development.
 - viii. Open Space Maintenance and Monitoring Plan that complies with the standards set forth in Appendix ~~n~~Nine of the Kendall County Subdivision Control Ordinance.
 - ix. Other submittals as requested by the County **Planning, Building and Zoning PBZ** Department.
- i. Construction of Improvements. The petitioner shall construct and install the required improvements in accordance with the County Subdivision Regulations and the Special Use Ordinance.
 - ii. Street Classification. Street classifications, definitions, and specification, shall be in accord with the regulations pertaining to same as established in the Subdivision Regulations and the Comprehensive Plan of Kendall County, as may be amended from time to time, as may be modified by the special use permit.
 - iii. Standards. No Planned Development shall be authorized by the County Board unless the Plan Commission shall find and recommend that the following standards will be met:

- a. The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
 - b. The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
 - ~~c.~~ That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in **the** Planned Development ~~developments are met.~~ **(c should not be crossed out)**
 - d. When private streets and common driveways are made a part of the Planned Development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.
3. Procedures for Approval.
- a. A copy of the petition shall be filed with the ~~Planning, Building and Zoning PBZ~~ Department, and ten copies of the petition shall be filed with the Director of ~~Planning Building and Zoning PBZ~~ or his/her designee. Attached to each copy shall be copies of the supporting documents and exhibits provided for herein.
 - b. A copy of the petition shall also be submitted to the applicable Township and any municipality within 1 ½ miles of the proposed development. The applicant shall present the application at a regularly scheduled meeting of the Plan Commission (or other applicable body) of the township or municipality. The Township and/or municipality may submit comments to the County regarding the petition within 30 days.
 - c. The Director of ~~Planning, Building and Zoning PBZ~~ or his designated representative shall review the submission to ensure that it complies with the preliminary plan and any comments and conditions governing approval of the preliminary plan.

- d. The Petition will be placed on the agenda of the next regular meeting of the ~~Zoning, Platting Advisory Committee (ZPAC)~~ for a preliminary discussion of the proposed Planned Development. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the ZPAC with the final plat for the proposed development.
- e. The petition shall be reviewed by Zoning, Platting Advisory Committee within 30 days of the date of the complete original submission of the final plan, and a recommendation shall be made, accompanied by such plats, exhibits and supporting documents as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the ZPAC meeting containing such recommendation shall be submitted to the Plan Commission for review and recommendation, along with any written correspondence received from any municipality or township
- f. The petition shall be reviewed by the Plan Commission within 60 days of the of the ZPAC meeting provided any necessary revisions or supplemental information requested by ZPAC have been supplied at least 30 days in advance the Plan Commission meeting. Upon completion of their review of the Final Plat, a recommendation shall be made, accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein. The minutes of the Plan Commission meeting containing such recommendation shall be submitted to the ~~Planning Building and Zoning PBZ~~ Committee of the County Board, for review and recommendation to the County Board.
- g. The Chairman of the ~~Planning Building and Zoning PBZ~~ Committee shall review the matter within 30 days of the submission of the Plan Commission report and ~~reciept~~ receipt of the required approvals for the final engineering plans and supporting documents by all applicable reviewing agencies.
- h. Following review and recommendation by the PBZ Committee, the Director of ~~Planning, Building and Zoning PBZ~~ or his designated representative shall forward a copy of the petition and the minutes of the applicable meetings of the Plan Commission and the Planning Building and Zoning Committee to the County

Board. The County Board shall review the petition within 30 days of the of the **Planning Building and Zoning Commission's PBZ Committee's** meeting.

- i. The County Board may grant an ordinance for the Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like. The site development plan required by Section **8.06B.2.a 8:06.C.2.a** shall be explicitly made a part of the Planned Development Ordinance.

4. Relationship to Subdivision Approval

- a. An application for approval of a Residential Planned Development, as provided for in this Section 8:00, may be undertaken concurrently with an application for subdivision plat approval, as provided in the Kendall County Subdivision Control Ordinance.
- b. Certain large projects may be platted and developed in phases. In such cases, the final subdivision plat may be done on a phase-by-phase basis, after receiving preliminary Planned Development approval and preliminary subdivision approval for the entire development. However, the final Planned Development plan for the entire development must be approved in advance of or concurrently with final plat approval of the first phase.
- c. Required Open Space in a Phased Subdivision Plat. In projects which are developed in phases, each subdivision plat phase need not provide 30% of that phase's area as open space (in accordance with the minimum open space requirement for Residential Planned Developments). However, each phase shall provide a reasonable amount of open space, to serve residents of that phase until the entire development is built out and the minimum required open space (30% of the total acreage of the entire development) is completed.

~~13.09 PENALTIES.~~

~~Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense and shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the~~

~~creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. (Amended 8.17.04)~~

13.10 SITE PLAN REVIEW *(Amended 9.18.2001)*

- A. **PURPOSE and INTENT.** Site plan approval is required to insure that plans that are otherwise in conformance with this Ordinance also include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and drainage of the site in a manner that will promote safety and convenience for the public and will preserve surrounding property values. Site Plan review is not a substitute for required State and County building permit reviews.
- B. **APPLICABILITY.** Site Plan Review is required for all new construction or additions and changes in the use of land or existing buildings which results in any alteration or construction within the following zoning districts:
1. All Business Districts.
 2. All Manufacturing Districts.
 3. All commercial development within a Planned Development.
 4. All non-residential or non-agricultural structures within a Residential or Agricultural District.

The following activities are excluded from Site Plan Review:

1. Normal maintenance.
 2. Construction or alteration of any building in use exclusively as a single-family or two-family dwelling or any uses devoted exclusively to agriculture, horticulture or floriculture.
 3. Home occupations as defined in the zoning ordinance.
 4. Restoration or reconstruction of a damaged structure if such restoration does not exceed 50% of the value of the entire structure based on the Kendall County Assessor's records. Such restoration must commence within one year from the date of the fire or other casualty or act of God. If restoration or reconstruction does not begin within one year, a site plan shall be required.
- C. **VARIANCE.** The ~~PBZ Director of Planning Building and Zoning~~ or the ~~Planning, Building and Zoning PBZ~~ Committee of the County Board (~~PBZC~~) may grant exceptions from the site plan requirements.
- D. **SITE DESIGN STANDARDS.** The following development standards are established as criteria for the review of Site Plans.
1. Responsive to Site Conditions. ~~→~~ Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and

current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance.

To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands **shall** and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken.

2. Traffic and Parking Layout. Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles.

Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Relief from this provision may be considered by the **PBZC Committee** for rear yard parking facilities in Manufacturing (M-1, M-2), and Commercial Recreation (B-4) zoning districts or for hardship cases, such as projects where barrier curb installation would conflict with drainage requirements. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing.

Traffic studies may be required by the ~~Zoning and Planning Advisory Committee (ZPAC)~~ or **PBZC Committee**. Such traffic studies should address:

- a. Projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - b. Projected traffic flow patterns, including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 - c. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be provided.
3. Site Layout. Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide

adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.

4. Consistent with the ~~Land Resource Management Plan LRMP~~. The proposed use and the design of the site should be consistent with the ~~Land Resource Management Plan LRMP~~.
5. Building Materials. The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements.
6. Relationship to Surrounding Development. A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements.
7. Open Space and Pedestrian Circulation. Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property.
8. Buffering. Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view.
9. Emergency Vehicle Access. Every structure shall have sufficient access for emergency vehicles.
10. Mechanical Equipment Screening. All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts.
11. Lighting. The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view.
12. Refuse Disposal and Recycling Storage Areas. All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or

machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited.

E. PETITION FOR SITE PLAN REVIEW

1. Standing. A petition for Site Plan review shall be made by a person, firm or corporation that is the legal owner or has a possessory interest on the land which is described in the application for site plan review.
2. Filing. Petitions for Site Plan review shall be filed in writing with the Zoning Administrator and shall be accompanied by such documents and information as the ZPAC or PBZC **Committee** may require. Such documents and information shall include, but are not limited to, the following:
 - a. Completed petition for Site Plan review in a format developed by the County;
 - b. Application fee;
 - c. Generalized location map;
 - d. Plats and drawings depicting compliance with the aforementioned site design standards.
3. Plan Requirements. The petition for Site Plan review and drawings should include the following:
 - a) Name of the project, boundaries, and location map showing the site's location in County, date, north arrow and scale of plan;
 - b) Name, address and telephone number of the owner of record.
 - c) All existing lot lines, easements and right-of-way, including area in acres or square feet.
 - d) Contiguous land uses and zoning, and location and use of structures within 200 feet of the site.
 - e) Location and use of all existing and proposed structures within the development.
 - f) Location of all present and proposed roads, parking areas, driveways, sidewalks, fences, curbs, paths and walls.
 - g) Location and proposed screening details for all permanent waste disposal containers.
 - h) Location, height, intensity and bulb type of all external lighting fixtures. The direction of illumination and methods to eliminate glare into adjoining properties should be shown.
 - i) Location of all present and proposed utilities, including but not limited to sewage or septic systems, water supply, telephone, cable and electrical systems, and storm water drainage systems, such as drain lines, culverts, catch basins, hydrants and drainage swales. Detailed soil mapping may be required to ensure suitability of the property for septic field installation.
 - j) Location of existing and proposed natural features, including

- k) topography, forest cover and water sources.
 - k) Elevation plans for exterior facades of proposed structures, showing design features and indicating type and color of materials to be used.
 - l) Landscaping proposed for the development, including new plantings and existing plant material to be preserved, along with an indication of trees to be removed or transplanted. A separate landscape plan may be submitted in lieu of illustration on the Site Plan.
 - m) A copy of the permit application and any revisions required by the U.S. Army Corps of Engineers for any flood plain or wetland modification.
 - n) Timetable for construction of improvements.
- F. Procedure. A written application for site plan review shall be submitted to the ~~Planning Building and Zoning~~ **PBZ** Department, which will schedule the item for review. Consultation with the appropriate County staff and consultants is encouraged throughout this process to insure a minimum delay. If requested by the applicant, the County will review applications for Site Plan review concurrently with separate requests for rezoning or platting. The review process will include the following:
- 1. *Zoning and Planning Advisory Committee.* One copy of the complete application, along with eight (8) copies of the site plan shall be submitted by the property owner or his certified agent to the Zoning Administrator at least ~~seven (7)~~ **fourteen (14)** days prior to the ZPAC meeting. The purpose of the ZPAC meeting will be to evaluate the completeness of the application and to provide the applicant with feedback/input on the proposed site plan. Prior to the ZPAC meeting, the Zoning Administrator shall distribute copies of the Site Plan to Committee members. After discussion on a proposed site plan, the ZPAC may approve, deny, or approve with modifications, or request that the applicant revise the plan and return to a future ZPAC meeting for further review.
 - 2. ~~Planning, Building, Zoning~~ **PBZ** *Committee.* Site plan decisions by ZPAC may be appealed to the ~~PBZ~~ **Committee**.
- G. Revocation. Where a Site Plan has been approved and where no substantial construction work is initiated within one year from the date approving the Site Plan, then, without further action by the ~~PBZ~~ **Committee**, such Site Plan approval shall become null and void.
- H. Enforcement. It is the policy of the County that enforcement of this Site Plan review requirement is in the highest public interest. If any person, firm, or corporation violates the provisions of this Chapter, the County may exercise any or all of the remedies and penalties available under law including, but not limited to the following:
- 1. Imposition of a fine of not less than \$100 nor more than \$1,000 for the first offense. For the second and subsequent offences, the fine shall not be

less than \$500 nor more than \$1,000. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.

2. Said violation shall be considered a nuisance. The County may take summary steps to abate the nuisance and charge the violator with the cost of abating the nuisance. Upon nonpayment, the County may file a lien against the property.
3. If the violation occurs in connection with the development of property or the building of structures, the County may revoke all permits and cause the cessation of any and all construction.
4. The County may obtain an injunction requiring the abatement of the violation.
5. In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.

13.11 PENALTIES.

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense and shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. *(Amended 8.17.04)*

SECTION 14:00 SEPARABILITY

It is hereby declared to be the intention of the Chairman and County Board of Kendall County that the several provisions of this amended Zoning Ordinance are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall declare any provision of this amended zoning ordinance to be invalid, such ruling shall not affect any other provision of this amended ordinance not specifically included in the said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this amended zoning ordinance to a particular property, building or other structure, such ruling shall not affect the application of said provision to any other property, building, or structure not specifically included in said ruling.

Zoning Citation Authority Proposal

Reference 55 ILCS 5/5-12017 and 55 ILCS 5/5-1113

1. The first paragraph of Section 12:19 is amended as follows:

Any of the following shall be a violation of this ordinance and shall be subject to the **procedures in case of violation and penalties found in Section 13:00 of this Ordinance as well as the remedies set forth in Section 13:00 of this Ordinance.** ~~enforcement remedies and penalties in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law.~~

2. Section 12:20 is deleted in its entirety (language moved to Sections 13:01.A or 13:09).

~~12.20 ENFORCEMENT AND REMEDIES~~

~~A. Any violation or attempted violation of this ordinance, or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as provided for under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law: (Amended 8/17/04)~~

~~Issuing a stop-work order for any and all work on any signs in the same zoning lot;~~

~~Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;~~

~~Imposing any penalties that can be imposed directly by the County under the zoning ordinance;~~

~~Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and~~

~~In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning ordinance and building code for such circumstances.~~

~~Enforcement of building codes.~~

~~The County shall have such other remedies as provided for or allowed by state law for the violation of the zoning ordinance and building code.~~

~~All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.~~

3. Section 13:01.A.3 is amended as follows:

~~Procedure in case of violation. Whenever the Zoning Administrator or his or her designee determines that a violation of this Ordinance has occurred, the Zoning Administrator or his or her designee shall sign and cause a written Citation to be served upon the owner, tenant, and/or occupant of the property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), which Citation shall inform the person served of the Ordinance violation and the date of a required court appearance.~~

~~Any violation or attempted violation of this Ordinance, or any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by any of the following remedies or any other remedies available at law or in equity:~~

~~Issue a stop-work order for any and all work or use;~~

~~Revoke all permits and cause the cessation of any and all construction activities;~~

~~Seek an injunction or other order of restraint or abatement that requires the removal of the sign(s), the correction of the nonconformity, or the abatement of the activity or use;~~

~~Impose any penalties that can be imposed directly by the County under the Zoning Ordinance;~~

~~Seek in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance;~~

~~In the case of a sign, construction activity, or use that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning ordinance and building code for such circumstances; and~~

~~Enforcement of building codes.~~

All enforcement procedures found in this Ordinance are cumulative and the County shall have available all remedies for violations of this Ordinance as provided for or allowed by State law.

~~Whenever there is found a violation of the terms of this ordinance, the Zoning Administrator or his or her designee shall file a formal complaint in accordance with the procedures as established under the ordinances of the County regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. When compliance is so secured, the Zoning Administrator shall issue an occupancy certificate certifying such compliance.~~

4. Section 13:01.D is deleted in its entirety.

~~13.01.D. HEARING OFFICER.~~

~~A Hearing Officer shall be appointed by the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the County Board shall provide, and the County Board may establish a schedule of fees to defray the costs of providing a hearing officer. (Amended 4.20.04)~~

~~1. Powers and Duties. Hearing Officer shall be responsible for:~~

~~a) Conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County. (Amended 3.21.18)~~

5. Section 13:09 is amended as follows:

13:09 PENALTIES.

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense **and shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. (Amended 8.17.04).**

In addition to the above, the County may take summary steps to abate violations to this Ordinance and charge the violator with the cost of abating the violation. Upon nonpayment, the County may file a lien against the property.

In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.

6. Section 13:10.H is amended as follows (language moved to Sections 13:01.A.3 and 13:09):

13.10 SITE PLAN REVIEW

H. Enforcement. It is the policy of the County that enforcement of this Site Plan review requirement is in the highest public interest. If any person, firm, or corporation violates the provisions of this **Section Chapter**, the County may exercise any or all of the remedies and penalties available under law. **including, but not limited to the following:**

~~1. Imposition of a fine of not less than \$100 nor more than \$1,000 for the first offense. For the second and subsequent offences, the fine shall not be less than \$500 nor more than \$1,000. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.~~

~~2. Said violation shall be considered a nuisance. The County may take summary steps to abate the nuisance and charge the violator with the cost of abating the nuisance. Upon nonpayment, the County may file a lien against the property.~~

~~3. If the violation occurs in connection with the development of property or the building of structures, the County may revoke all permits and cause the cessation of any and all construction.~~

~~4. The County may obtain an injunction requiring the abatement of the violation.~~

~~5. In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.~~