

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, the Zoning, Platting Advisory Committee (ZPAC), the Planning, Building and Zoning 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, 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.
 - 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 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, the County 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.
 - m. Provide and maintain public information service relative to matters arising out of this ordinance.
3. 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:

- 1. Issue a stop-work order for any and all work or use;
- 2. Revoke all permits and cause the cessation of any and all construction activities

3. 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;
4. Impose any penalties that can be imposed directly by the County under the Zoning Ordinance;
5. Seek in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance;
6. 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
7. 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. *(Amended 4.21.20)*

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 member of the Zoning Board of Appeals 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 for cause, after public hearing.

3. Officers. The County Board shall name one of the members of the Zoning Board 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 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 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 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 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. All meetings of the Board shall be open to the public.

10. Powers and Duties. The Zoning Board of Appeals 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*)

- a. Judicial Review. All decisions and findings of the Zoning Board of Appeals, 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 zoning map attached hereto and to make reports on its recommendation to the County Board not less frequently than annually.

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 shall upon application or appeal determine and vary the terms thereof, other than permitted or special use restrictions 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 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 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 without delay. The application shall contain such information as the Zoning Board of Appeals 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

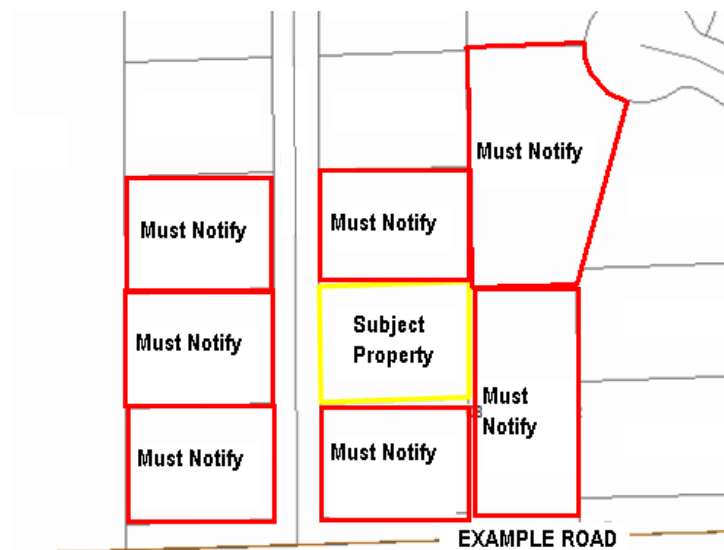
- A. PURPOSE AND CONDITIONS.
 1. Administrative variations are intended to provide a streamlined approval procedure for minor modifications of zoning ordinance regulations while keeping with the general purpose and intent of zoning ordinance regulations and the established character of the area in which 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 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 10%.
2. The Administrative Variation may not be approved unless the Planning, Building and Zoning 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 extent feasible.

C. APPLICATION FOR ADMINISTRATIVE VARIATION:

1. A complete application for Administrative Variation must be filed with the Planning, Building and Zoning 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 Department.



3. If no written objection is received within 15 days of the postal certificate of mailing, the Planning, Building and Zoning 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. If the Planning, Building and Zoning 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 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 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, 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 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, 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 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, 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 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, 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, 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 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 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 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 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. Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals 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 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 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 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 and without further public hearing, may grant or deny any proposed amendment, or may refer it back to the County Zoning Board of Appeals or Planning, Building and Zoning Committee for further consideration.
2. In case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent of the frontage proposed to be altered, or by the owners of twenty percent of the frontage immediately adjoining or across an alley 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 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 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 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 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 and without further public hearing, may grant or deny a proposed special use, or may refer back to the Zoning Board of Appeals 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 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 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 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 unless said Zoning Board of Appeals shall make a written finding. The Zoning Board of Appeals 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 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 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 5/5-12009.5 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 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. 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.
 - (1) The Zoning Administrator or his or her deputies shall review and consider the proposal as to its compatibility with the Land Resource Management Plan 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:
- (1) A tentative sketch plan, which may be in freehand sketch form, showing the location and extent of the types of land uses proposed.
 - (2) The existing topography at five foot contour intervals which may be taken from U.S.G.S. information.
 - (3) Existing streets surrounding the subject property.
 - (4) Existing utilities including storm drainage facilities.
 - (5) The following shall be provided by either graphic exhibits or written statement:
 - aa. The density of commercial uses, including maximum lot coverage and building height.
 - bb. The off-street parking and other service facilities proposed.
 - cc. 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 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:
- (1) provide the applicant with a recommendation for any suggested modifications and direction to proceed to a formal Planned Development submission; or

(2) 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
 - 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 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 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 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 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.
 - (1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
 - (2) 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.
 - (3) That any industrial park areas established in the Planned Development conforms to all requirements therefore as set forth elsewhere in this ordinance.
 - (4) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Development use.
 - (5) 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.
 - (1) In the agriculture district A-1 use listed as permitted use and special uses may be allowed.
 - (2) 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
 - (3) 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:
 - (1) 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.
 - (2) 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.
 - (1) 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.
 - (2) Uses listed as special uses in the zoning district in which the development is located may be allowed.
 - (3) 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:

- wetlands,
- the 100-year floodplain, as shown on official FEMA maps,
- land within the required right-of-way of an existing roadway,
- 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:

- (1) 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)
- (2) 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).
- (3) 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).
- (4) 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).
 - (5) 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).
 - (6) 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).
 - (7) 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. 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.
 - (1) Yards. Yard requirements may be waived - except along the interior boundaries of the development.
 - (2) 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. 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 is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the Zoning Board of Appeals 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 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 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 shall deem necessary to assist it in making its findings and report.
(Amended 3.21.18)

13.09 RESERVED. (Amended 4.21.20)

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 Director of Planning Building and Zoning or the Planning, Building and Zoning 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 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. 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. The proposed use and the design of the site should be consistent with the Land Resource Management Plan.
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 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 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 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) 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 Committee. Site plan decisions by ZPAC may be appealed to the PBZC.
- 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 PBZC, 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 Section, the County may exercise any or all of the remedies and penalties available under law. (*Amended 4.21.20*).

13:11 PENALTIES. (*Amended 4.21.20*)

Any person, firm or corporation who violates 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.

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.