

**MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
March 2, 2020 – 7:00 p.m.**

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Karen Clementi, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Others Present: Ron Smrz, Len Pfaff, Laurie Pfaff, Ron Zier, and Margaret Rul

PETITIONS

The Zoning Board of Appeals started their review of Petition 19-41 at 8:04 p.m.

19 – 41 – Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to Zoning Ordinance Enforcement (Citation Authority), Hearing Officer, and Fines

Purpose: Proposal Moves the Procedure for Handling Violations from Various Sections to One Section; Establishes a Procedure for Issuing Citations and Remedies for Zoning Ordinance Violations; Abolishes the Hearing Officer for Zoning Ordinance Violations; Clarifies the Fine Structure.

Mr. Asselmeier summarized the request.

For the last several months, the Planning, Building and Zoning Committee has been discussing allowing the Planning, Building and Zoning Department to issue citations in an effort to streamline and increase the time for obtaining compliance for violations to the Zoning Ordinance.

In summary, this proposal does the following:

1. Moves the procedure for handling violations of the signage portion of the Ordinance (Section 12) to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the signage portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.
2. Establishes the procedures for issuing citations and other remedies of violations to the Zoning Ordinance.
3. Abolishes the Hearing Officer for Zoning Ordinance violations. All citations will be sent to court

for hearings.

4. Clarifies the fines the County may pursue in cases of violations.
5. Sets the fine structure for violations of the site plan review portions of the Zoning Ordinance as the same as other violations of the Zoning Ordinance.
6. Moves the procedure for handling violations of the site plan review portions of the Zoning Ordinance to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the site plan portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.

On October 7, 2019, the Planning, Building and Zoning Committee voted to initiate this text amendment and have the State's Attorney's Office assist in preparing the amendment. On November 12, 2019, the Committee reviewed the changes Staff incorporated based on the State's Attorney's Office's comments and the Committee did not object to the changes to the proposal. The Committee was asked to review retaining the Hearing Officer. At their meeting on January 13, 2020, the Committee chose not to amend the proposal and remove the Hearing Officer.

This proposal was sent to the townships on January 22, 2020. To date, no comments have been received from the townships.

ZPAC reviewed this proposal at their meeting on February 4, 2020. ZPAC recommended approval of the proposal without objection; three (3) members were absent.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 26, 2020. Several Commissioners had concerns regarding enforcement procedures, processes, and having a paper trail. The Kendall County Regional Planning Commission recommended that the proposal be forwarded to the Kendall County Zoning Board of Appeals with a condition added that written administrative procedures be established regarding enforcement documentation and processing and that the Department provide quarterly reports to the Regional Planning Commission on the number of violations. Member Wilson voted against the amendment. All nine (9) Commissioners voted to forward the proposal to the Zoning Board of Appeals. The minutes of the meeting were provided.

The State's Attorney's Office has reviewed this proposal.

Discussion occurred regarding enforcement related to special uses.

Chairman Mohr opened the public hearing at 8:12 p.m.

No members of the public testified regarding this proposal.

Chairman Mohr adjourned the public hearing at 8:12 p.m.

Member LeCuyer made a motion, seconded by Member Thompson, to recommend approval of the requested text amendment.

The votes were as follows:

Ayes (7): Cherry, Clementi, Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None

Absent (0): None

The motion passed.

The townships will be notified of the formal objection period and the proposal will go to the Kendall County Planning, Building and Zoning Committee on April 13, 2020.

The Zoning Board of Appeals completed their review of Petition 19-41 at 8:13 p.m.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Whitfield made a motion, seconded by Member Cherry, to adjourn. With a voice vote of seven (7) ayes, the motion passed. The Zoning Board of Appeals meeting adjourned at 8:33 p.m.

The next hearing/meeting will be on March 30, 2020.

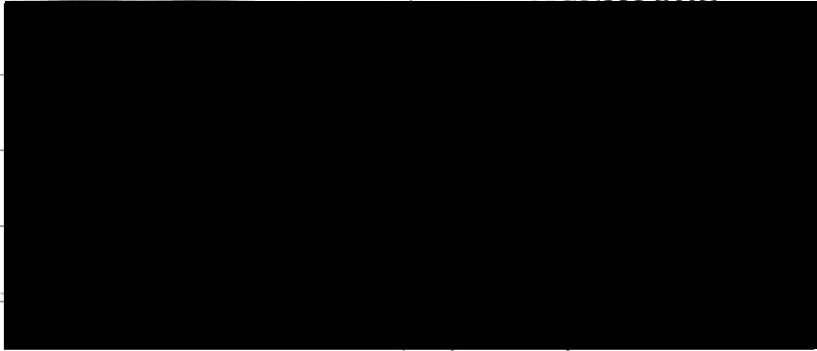
Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

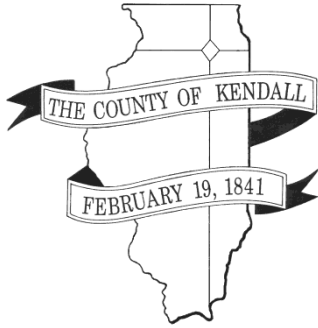
Exhibits

1. Memo on Petition 19-41 Dated February 27, 2020
2. Certificate of Publication for Petition 19-41 (Not Included with Report but on file in Planning, Building and Zoning Office).

**KENDALL COUNTY
ZONING BOARD OF APPEALS
MARCH 2, 2020**

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
LEN PFAFF		
Laurie Pfaff		
Ron Zier		
MARGARET RYAN		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: February 27, 2020
Re: Petition 19-41 Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Zoning Code Enforcement (Citation Authority) and Fines

For the last several months, the Planning, Building and Zoning Committee has been discussing allowing the Planning, Building and Zoning Department to issue citations in an effort to streamline and increase the time for obtaining compliance for violations to the Zoning Ordinance.

In summary, this proposal does the following:

1. Moves the procedure for handling violations of the signage portion of the Ordinance (Section 12) to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the signage portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.
2. Establishes the procedures for issuing citations and other remedies of violations to the Zoning Ordinance.
3. Abolishes the Hearing Officer for Zoning Ordinance violations. All citations will be sent to court for hearings.
4. Clarifies the fines the County may pursue in cases of violations.
5. Sets the fine structure for violations of the site plan review portions of the Zoning Ordinance as the same as other violations of the Zoning Ordinance.
6. Moves the procedure for handling violations of the site plan review portions of the Zoning Ordinance to the same section as the procedure for handling other violations of the Zoning Ordinance. Violations to the site plan portions of the Zoning Ordinance will be treated the same as violations of other portions of the Zoning Ordinance.

On October 7, 2019, the Planning, Building and Zoning Committee voted to initiate this text amendment and have the State's Attorney's Office assist in preparing the amendment. On November 12, 2019, the Committee reviewed the changes Staff incorporated based on the State's Attorney's Office's comments and the Committee did not object to the changes to the proposal. The Committee was asked to review retaining the Hearing Officer. At their meeting on January 13, 2020, the Committee chose not to amend the proposal and remove the Hearing Officer.

This proposal was sent to the townships on January 22, 2020. To date, no comments have been received from the townships.

ZPAC reviewed this proposal at their meeting on February 4, 2020. ZPAC recommended approval of the proposal without objection; three (3) members were absent. The minutes of the meeting are attached.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 26, 2020. Several Commissioners had concerns regarding enforcement procedures, processes, and having a paper trail. The Kendall County Regional Planning Commission recommended that the proposal be forwarded to the Kendall County Zoning Board of Appeals with a condition added that written administrative procedures be established regarding enforcement documentation and processing and that the Department provide quarterly reports to the Regional Planning Commission on the number of violations. Member Wilson voted against the amendment. All nine (9) Commissioners voted to forward the proposal to the Zoning Board of Appeals. The minutes of the meeting are attached.

The redlined copy of the proposal is attached.

If you have any questions, please let me know.

MHA

ENCs.: Redlined Proposal
February 4, 2020 ZPAC Minutes
February 26, 2020 KCRPC Minutes

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 13:11).

~~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 reserved and the following language is moved to Section 13:11 and amended as follows:

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).~~

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 13:11):

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.~~

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
February 4, 2020 – Unapproved Meeting Minutes**

PBZ Chairman Matthew Prochaska called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Matt Asselmeier – PBZ Department
Meagan Briganti – GIS
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Matthew Prochaska – PBZ Committee Chair
Aaron Rybski – Health Department

Absent:

Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department
David Guritz – Forest Preserve

Audience:

None

AGENDA

Mr. Rybski made a motion, seconded by Ms. Andrews, to approve the agenda as presented. With a voice vote of seven (7) ayes, the motion carried.

MINUTES

Ms. Briganti made a motion, seconded by Commander Langston, to approve the January 7, 2020, meeting minutes. With a voice vote of seven (7) ayes, the motion carried.

PETITIONS

Petition 19-41 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

For the last several months, the Planning, Building and Zoning Committee has been discussing allowing the Planning, Building and Zoning Department to issue citations in an effort to streamline and increase the time for obtaining compliance for violations to the Zoning Ordinance.

In summary, this proposal does the following:

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On October 7, 2019, the Planning, Building and Zoning Committee voted to initiate this text amendment and have the State's Attorney's Office assist in preparing the amendment. On November 12, 2019, the Committee reviewed the changes Staff incorporated based on the State's Attorney's Office's comments and the Committee did not object to the

changes to the proposal. The Committee was asked to review retaining the Hearing Officer. At their meeting on January 13, 2020, the Committee chose not to amend the proposal and remove the Hearing Officer.

The redlined proposal was reviewed by the Committee.

Mr. Holdiman made a motion, seconded by Ms. Briganti, to recommend approval of the proposal.

Ayes (7): Andrews, Asselmeier, Briganti, Holdiman, Langston, Prochaska, and Rybski
Nays (0): None
Present (0): None
Absent (3): Chismark, Guritz, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on February 26, 2020.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier distributed copies of the Planning, Building and Zoning Department's Annual Report. Mr. Holdiman noted that the County updated to the 2018 ICC Codes.

Mr. Asselmeier informed the Committee that the Kendall County Regional Planning Commission would initiate petitions to update the Zoning Ordinance. A general summary was provided to Committee members.

Mr. Asselmeier provided an update on proposed changes to the Land Resource Management Plan. The Kendall County Planning, Building and Zoning Committee would be reviewing these changes at their February 10th meeting.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Ms. Andrews made a motion, seconded by Mr. Rybski, to adjourn. With a voice vote of seven (7) ayes, the motion carried. The ZPAC, at 9:17 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved - Meeting Minutes of February 26, 2020 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, and Claire Wilson

Members Absent: None

Staff Present: Scott Koeppel, County Administrator

Others Present: None

Chairman Ashton introduced Bob Stewart from Kendall Township.

APPROVAL OF AGENDA

Member Wilson made a motion, seconded by Member Bledsoe, to approve the agenda. With a voice vote of nine (9) ayes, the motion carried.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the January 22, 2020, meeting. With a voice vote of nine (9) ayes, the motion carried.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the February 1, 2020, Annual Meeting. With a voice vote of nine (9) ayes, the motion carried.

PETITIONS

19-41 Kendall County Planning, Building and Zoning Committee

Mr. Koeppel summarized the request from Mr. Asselmeier's memo.

For the last several months, the Planning, Building and Zoning Committee has been discussing allowing the Planning, Building and Zoning Department to issue citations in an effort to streamline and increase the time for obtaining compliance for violations to the Zoning Ordinance.

In summary, this proposal does the following:

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On October 7, 2019, the Planning, Building and Zoning Committee voted to initiate this text amendment and have the State's Attorney's Office assist in preparing the amendment. On November 12, 2019, the Committee reviewed the changes Staff incorporated based on the State's Attorney's Office's comments and the Committee did not object to the changes to the proposal. The Committee was asked to review retaining the Hearing Officer. At their meeting on January 13, 2020, the Committee chose not to amend the proposal and remove the Hearing Officer.

This proposal was sent to the townships on January 22, 2020. To date, no comments have been received from the townships.

ZPAC reviewed this proposal at their meeting on February 4, 2020. ZPAC recommended approval of the proposal without objection; three (3) members were absent.

The redlined copy of the proposal was provided.

Mr. Koeppel noted that this proposal was similar to a parking ticket. This proposal is similar to the enforcement language in the Junk and Debris Ordinance and Inoperable Vehicle Ordinance. Compliance remains the primary goal.

Member Wilson asked about eliminating the Hearing Officer. Mr. Koeppel said that the County has a low volume of citations and the State's Attorney's Office favors cases going to courts. Municipalities have administrative adjudication because municipalities want control and collect fees. The Hearing Officer could be brought back if the number of cases increased.

Member Nelson asked if the County was in the field looking for violations. Mr. Koeppel responded that the County was complaint driven. However, now, if an inspector sees something while in the field, they can start the citation process. The County will not patrol per se. Member Nelson expressed concerns about selective enforcement.

Member Wilson requested clarification on the notice. Mr. Koeppel said that the party is given time to comply before a court date is set. The goal is resolve the glaring cases.

Member McCarthy-Lange encouraged having a paper trail for complaints. Mr. Koeppel stated the County has an existing complaint process which will remain in place if this proposal is adopted.

Member Wilson asked about the complaint process. Mr. Koeppel responded that someone submits the complaint. The complaint is then investigated. Cases currently go to the Planning, Building and Zoning Committee, which has the discretion for giving someone additional time to remedy a violation. If this proposal is approved, the party would have time to remedy the violation and then would go to court.

Member Nelson asked if devices were installed in County vehicles showing where and when they are going on investigations. Mr. Koepfel responded that GPS devices are not presently installed on or in Planning, Building and Zoning vehicles. Member Nelson suggested that such devices should be installed in the vehicles.

Member Wilson asked if violations go to tenants or to the property owner in the cases where the tenant committed the violation. Mr. Koepfel said the tenant would be notified, if possible. The owner would also get notified. The Planning, Building and Zoning Department would work with people to obtain compliance.

Member Wilson asked about the definition of “served upon”. Mr. Koepfel responded hand delivered.

Member Nelson made a motion, seconded by Member Hamman, that a condition be added that written administrative procedures be established regarding enforcement documentation and processing and that the Department provide quarterly reports to the Regional Planning Commission on the number of violations.

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, and Stewart
Nays (1): Wilson
Absent (0): None

Member Wilson voted no because she felt that the proposal contains specific written procedures. Discussion occurred regarding the availability of certain information in complaints.

Member Nelson made a motion, seconded by Member Hamman, to forward the proposal to the Kendall County Zoning Board of Appeals as amended.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Stewart, and Wilson
Nays (0): None
Absent (0): None

The motion passed. The proposal goes to the Zoning Board of Appeals on March 2, 2020.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Approval to Initiate Text Amendments to Section 1:00 “Title” of the Kendall County Zoning Ordinance

Mr. Koepfel summarized the proposal.

Mr. Nelson noted that the goal of the proposal was to have all of the sections in one (1), searchable document.

Approval to Initiate Text Amendments to Section 2:00 “Intent and Purpose” of the Kendall County Zoning Ordinance

No discussion occurred specifically on this topic.

Approval to Initiate Text Amendments to Section 3:00 “Rules and Definitions” of the Kendall County Zoning Ordinance and Related Appendices

Member Wilson asked about the purpose of Floor Area Ratio, specifically why grain elevators and petroleum tanks were included in the definition.

Member Casey asked about furriers.

Approval to Initiate Text Amendments to Section 4:00 “General Provisions” of the Kendall County Zoning Ordinance

Member Wilson asked about number of buildings in Section 4:10. The Section applies to residential buildings. Discussion occurred about adding a definition of principal building.

Member Nelson made a motion, seconded by Member Hamman, to layover the initiation of the Petitions until March.

With a voice vote of nine (9) ayes, the motion carried.

Further discussion on these matters will occur at the March 25, 2020, Comprehensive Land Plan and Ordinance Committee meeting.

Member Wilson asked if a way existed to get rid of some of the regulations. The response was some of the regulations were proposed for removal.

OLD BUSINESS

Discussion of Amending the Future Land Use Map in Land Resource Management Plan by Having the Transportation Plan Correspond to the 2019-2039 Long Range Transportation Plan, Updating Municipal Boundaries, Reclassifying Islands in the Fox River from Unknown to Open Space and Reclassifying the Remaining Unknown Properties to Match Adjoining Land Use Classifications

Mr. Koeppel summarized the request.

In December 2019, the County Board approved a 2019-2039 Long Range Transportation Plan.

This Plan has several changes from the Future Land Use Map contained in the Land Resource Management Plan. Fran Klaas suggested the following changes to the Land Resource Management Plan:

Remove

- Prairie Parkway
- Lisbon / Helmar Bypass.
- Caton Farm Road West Route 71
- Fox River Drive Westerly Bypass of Village of Newark.
- Whitfield Road Extension North to Griswold Springs Road
- Gates Lane West of Route 47
- County has now taken position to keep WIKADUKE Trail on the existing Stewart Road alignment all the way to Rance Road and then extend a new alignment northeasterly to Route 30 and Heggs Road, using the Village of Oswego’s alignment for the WIKADUKE Trail.

Add

- Millington Road Extending North of Lions Road to Connect to Route 34.
- Walker Road Relocated West of Route 71 to Make Connection to New Fox River Drive / Crimmins Rd intersection
- Westerly Extension of Collins Road West of Minkler Road to Route 71.

At their February meeting, the PBZ Committee suggested having Douglas Road's alignment correspond to the Village of Oswego's plans, aligning Cannonball Trail to Dickson Road and Gordon Street, aligning Millbrook Road and Whitfield Road behind the existing bank building, extending Cherry Road into the Henneberry Woods Forest Preserve, adding the extension of Johnson Road east from Ridge Road to the County Line, changing the Suburban Residential classification for the properties south of the Johnson Road extension to Mixed Use Business, and having the former FS property on Wabena Road be classified as Mixed Use Business.

In addition to the changes to the Transportation Plan changes, Staff is proposing to update the Future Land Use Map to reflect municipal annexations that occurred since the last map update, correct the classification of the Minooka School District property near the intersection of Route 52 and County Line Road, and to classify the parcels of land shown as "Unknown" on the Future Land Use Map.

Member Nelson requested that Fran Klaas attend an upcoming Comprehensive Land Plan and Ordinance Committee meeting to discuss the reasons for some of the proposal. Mr. Koeppel suggested that Chairman Gryder, who is also the Chair of the Highway Committee, attend the meeting as well. Discussion also occurred about having a joint meeting of the Highway Committee and Comprehensive Land Plan and Ordinance Committee.

Discussion occurred regarding Miller Road and the importance of placing roads on the Future Land Use Map.

Discussion occurred regarding changing future land uses along and near Route 47 in Lisbon Township.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petition 19-47, regarding the kennel and veterinary at the northeast corner of Ridge Road and Bell Road, was approved.

OTHER BUSINESS/ANNOUNCEMENTS

Chairman Ashton reported that the text amendment to the Zoning Ordinance pertaining adding truck storage area or yard to the list of permitted uses in the M-1 was proposed by the owner of 3485 Route 126. The owner of this property wants to change the Future Land Use Map and rezone his property to M-1 in order to have that business on the property.

Discussion occurred regarding cannabis regulations.

Discussion occurred regarding a proposal in Springfield, SB 2466, related to the revocation of special use permits. A conviction would be required to revoke a special use permit.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn. With a voice vote of nine (9) ayes, the motion passed. The Kendall County Regional Plan Commission meeting adjourned at 8:29 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner