

ORDINANCE # 2018- 07

**TEXT AMENDMENT TO SECTION 13.08.H OF THE KENDALL COUNTY  
ZONING ORDINANCE INCREASING THE NOTIFICATION REQUIREMENTS  
FOR APPLICATIONS FOR SPECIAL USE PERMITS ON PROPERTIES ZONED A-  
1 AGRICULTURAL DISTRICT**

*WHEREAS*, Kendall County historically required that property owners seeking applications for special use permits on A-1 Agricultural zoned properties notify neighboring property owners within five hundred feet (500') of the property subject to the special use application by certified mail return receipt within at least fifteen (15) days prior to the public hearing; and

*WHEREAS*, the Kendall County Planning, Building and Zoning Committee requested a text amendment to Section 13.08.H of the Kendall County Zoning Ordinance related to the notification of neighboring property owners in cases of special use permit applications on A-1 Agricultural zoned properties; and

*WHEREAS*, the Kendall County Board amends this ordinance from time to time in the public interest; and

*WHEREAS*, 55 ILCS 5/5-12009.5 defines the notification requirements for hearings on special use applications; and

*WHEREAS*, the Kendall County Board adopted Ordinance 2011-01 on January 18, 2011 setting the notification requirement at five hundred (500') feet in cases of map amendment and text amendment applications on A-1 Agricultural zoned property;

*WHEREAS*, the current language of Section 13.08.H of the Kendall County Zoning Ordinance does not specifically state a notification requirement for applications for special use permits; and

*WHEREAS*, all administrative procedures required prior to passing text amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on January 29, 2018; and

*NOW, THEREFORE, BE IT ORDAINED*, the Kendall County Board hereby amends Section 13.08.H of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The second paragraph of Section 13.08.H is hereby deleted and replaced with the following:


“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.”

- III. Any completed application for a special use permit, major amendment to a special use permit, or non-owner initiated special use permit revocation lawfully submitted prior to the adoption of this ordinance shall follow the rules and procedures for notification of public hearings in place on the date the application was submitted.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this 17<sup>th</sup> day of April, 2018.

Attest:

  
\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

  
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Kendall County Board Chairman  
Scott R. Gryder