

ORDINANCE # 2014-22

**AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE
TO DELETE TEMPORARY USES FROM SECTION 7.01.F AND REVISE SECTION
4.00 TO INCLUDE A TEMPORARY USE SECTION (WITH A FEE), ALSO
MODIFY 4.12 AND 10.0.F REGARDING PERFORMANCE STANDARDS**

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a public hearing held before the Kendall County Zoning Board of Appeals on July 28, 2014;

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.01.F- "Agricultural Temporary Uses," Section 4.19 "Temporary uses permitted," Section 4.12 "Performance Standards" & 10.01.G- "Manufacturing District Performance Standards" of the Kendall County Zoning Ordinance as provided:

DELETE IN ITS ENTIRETY SECTION 7.01.F (Agricultural Temporary Uses Permitted)

TEMPORARY USES PERMITTED

Upon application and issuance by the Zoning Administrator of a permit thereof, the following uses may be operated as temporary uses. The Zoning Administrator may require that a site plan be submitted with the application to provide a means of evaluating compliance with Ordinance requirements. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.07) if the stated time limit is to be exceeded.

Put into new Section 4.19 (General Provision Section)

4.19 TEMPORARY USES PERMITTED

An owner seeking an approval of a permitted temporary use shall submit an application for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use 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 or his/her deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted

temporary use may be treated as a special use (per the procedures contained in Section 13.07) if the stated time limit is to be exceeded.

1. Christmas Tree Sales; each permit shall be valid for a period of not more than sixty (60) days in any Agricultural or Business District.
2. Concrete ready-mix or asphalt plants, when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District.
 - a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - b. The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure.
 - c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
 - d. The plant shall produce product only for the specific parcel for which the temporary use is permitted. For plants constructed to support a major road project, the plant shall be located adjacent to the roadway.
 - e. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
 - f. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
3. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district provided that:
 - a. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation.
 - b. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods.
 - c. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.
4. Trailers or mobile homes may be used for residential purposes only during the

construction of a residence and must be removed within thirty (30) days of obtaining a certificate of occupancy or completion of construction. In no case shall a trailer or mobile home be permitted to remain on the premises for more than two years.

5. Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District as long as the following conditions are met:
 - a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - b. The operation shall be located a minimum of seven hundred and fifty (750) feet from the lot line of any residential building and/or a minimum of three hundred (300) feet from the lot line from retail businesses.
 - c. All facilities placed or located on the site shall be removed and the site restored to its original condition within the time frame of the permit.
 - d. The operation shall have hard surface road frontage. If located in an Agricultural District, the operation must have frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan.
 - e. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
 - f. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

6. Temporary Stockpiling of dirt on private property when necessary and incidental to a major construction project:
 - a. Erosion control measures must be in place
 - b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
 - c. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise permitted.
 - b. Before the issuance of the temporary use permits, the septic field shall be roped off and the water well shall be clearly staked to allow for the protection of both of these utilities. The areas shall remain marked or roped off through the duration of the project.

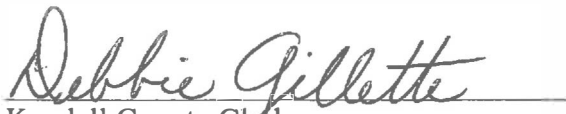
4.12 PERFORMANCE STANDARDS

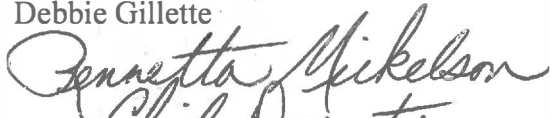
Any use established after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards set forth in Title 35 of the Illinois Administrative Code and Administered by the Illinois Pollution Control Board (www.ipcb.state.il.us). No use lawfully established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with these performance standards.

Delete Section 10.01.G. Performance Standards in Manufacturing Districts and modify references from 10.01.G to reference 4.12.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 19th day of August, 2014.

Attest:


Kendall County Clerk
Debbie Gillette


Chief Deputy


Kendall County Board Chairman
John Shaw