

ORDINANCE # 2013- 15

**AMENDMENT TO SECTION 11.00 (EXCEPTIONS) & SECTION 18.00 (APPEALS) OF  
THE KENDALL COUNTY SUBDIVISION CONTROL ORDINANCE**

WHEREAS, Kendall County regulates development under authority of its Subdivision Control 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 1, 2013.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends the Kendall County Subdivision Control Ordinance as provided below:

**SECTION 11.00 EXCEPTIONS**

A. Hardships

1. Where the Plat Officer finds that extraordinary hardships or particular difficulties may result from the strict compliance with this Ordinance he/she may, after written application by the subdivider, recommend in writing to the Planning, Building, and Zoning Committee (hereinafter referenced as PBZ) variations or exceptions to the regulations, subject to specified conditions, so that substantial justice may be done and the public interest secure, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this Ordinance.

The recommendations shall be communicated to the County Board in writing with the reasons therefore. The County Board may approve the variations from these regulations in specific cases which in their opinion, do not affect the general plan or the spirit of the Ordinance.

2. The Plat Officer shall not recommend variations or exceptions to the regulations of this Ordinance unless he shall make findings based on the evidence presented to him in each specific case, that:
  - a. Because of the particular physical surroundings, shape or topography conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

- b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property, and have not been created by any person having an interest in the property.
- c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
- a. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

B. Large Scale Development: The standards and requirements of this Ordinance may be modified in the case of large scale developments when the Plan Commission recommends and the County Board confirms by a 2/3 vote that a plan and program for a new village, complete community, shopping center, industrial park, or neighborhood unit provides adequate public open spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.

**SECTION 18.00 APPEAL**

Notwithstanding any language in Section 13.01.A.3 of the Kendall County Zoning Ordinance, as may be amended from time to time, any person or corporation may appeal within sixty (60) days to the Planning, Building, and Zoning Committee (hereinafter referenced as PBZ) of the County Board any decision made by the plat officer. Appeals of any decision made by PBZ may be made to the full County Board. The County Board shall act as a Board of Appeals and shall hear and decide appeals from and review any final order, requirement, decision or determination made by PBZ, under this Subdivision Control Ordinance. The concurring vote of two-thirds (2/3<sup>rd</sup>s) of the members of the County Board, whether present or absent, shall be necessary to reverse any final order of the PBZ under this ordinance.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16<sup>th</sup> day of July, 2013.

Attest:

  
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 Kendall County Clerk  
 Debbie Gillette

  
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 Kendall County Board Chairman  
 John Shaw