

ORDINANCE # 2010- 10

AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE
Section 3.02 “Rules and Definitions – Definitions” & Section 7.01.E.3 “Agricultural
District – Conditional Uses Permitted – Corn Mazes/Truck and Tractor Pulls”

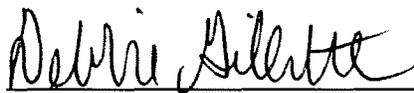
WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

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 April 27, 2010.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 7.01.E.3 “Agricultural District – Permitted Conditional Uses” of the Kendall County Zoning Ordinance as provided in attached Exhibit “A”.

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on May 18, 2010.



Attest:
Debbie Gillette
Kendall County Clerk



Anne Vickery
Kendall County Board Chairman

EXHIBIT "A"

Section 3.02 Definitions

SEASONAL FESTIVAL – A temporary event held during a specified time of the year which is designed to enhance the sales of seasonal crops and related products produced in conjunction with existing agricultural businesses such as orchards, vineyards, nurseries and similar agricultural operations. Related activities may include, but are not limited to, corn mazes, wagon rides, pony rides, farm animal petting zoos, and pumpkin patches. Activities including amusement park rides, live music concerts, truck and tractor pull competitions are specifically prohibited from Seasonal Festivals.

Section 7.01.E Conditional Uses

- 3 j. ~~Corn Mazes~~ or Truck and Tractor Amusement Competition Events, provided that the following conditions and restrictions are met: *(Amended 6/20/2006)*
- i. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject property unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
 - ii. The operator shall provide adequate parking on the site, such that no on-street parking will be required.
 - iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
 - iv. No alcohol shall be sold on the premises without a Kendall County liquor license.
 - v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
 - vi. Events shall not exceed six (6) consecutive days in duration.
 - vii. Events shall not exceed two (2) times per calendar year on any particular property.
 - viii. Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.
 - ix. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department.
 - x. Any event activities shall start no earlier than 9:00 A.M., and shall end no later than 9:00 P.M., any day of the week.

Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.

EXHIBIT "A"

- 4 j. Seasonal Festivals, provided that the following conditions and restrictions are met:
- i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary
 - ii. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office
 - iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services
 - iv. No alcohol shall be sold on the premises
 - v. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services
 - vi. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements
 - vii. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property
 - viii. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Department
 - ix. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday
 - x. Events shall be permitted once a year unless otherwise approved by the PBZ Committee
 - xi. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year
 - xii. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
 - xiii. All signage shall comply with Section 12.00 of the Zoning Ordinance
 - xiv. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line

EXHIBIT "A"

Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request 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 Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.