

ORDINANCE NUMBER 2009 - 24

GRANTING SPECIAL USE
1072 TYLER ROAD
ROGER SMITH

WHEREAS, Roger Smith has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 5.05 acre property located at 1072 Tyler Road located on the east side of Tyler Road about 1 mile south of Galena Road (Part of PIN# 01-07-200-009), in Little Rock Township; and

WHEREAS, said petition is to allow the continued placement of agricultural labor housing on the subject parcel per Section 7.01.D.2 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as:

Part of the northeast quarter of the northeast quarter of Section 7, township 37 north, range 6 east commencing at the northeast corner of said section 7; thence westerly along the north line of said northeast quarter, 1321.62 feet to the northwest corner of the northeast quarter of said quarter at an angle of 89°11'17" measured clockwise from the last described course, 230.00 feet for the point of beginning; thence continuing southerly along the west line of the northeast quarter of said northeast quarter, 400.00 feet; thence easterly parallel with the north line of said northeast quarter, at an angle of 90°48'43" measured clockwise from the last described course, 550.00 feet; thence northerly parallel with said west line at an angle of 89°11'17" measured clockwise from the last described course, 400.00 feet; thence westerly parallel with said north line, at an angle of 90°48'43" measured clockwise from the last described course, 550.00 feet to the point of beginning, in Little Rock Township, Kendall County, Illinois.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on June 23, 2009; and

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, any change or modification to the Special Use that does not modify the original intent, purpose, or need for the Special Use, shall be submitted to and reviewed by the Planning, Building, & Zoning Department. Notice that a change or modification is sought shall be provided by the applicant in the manner provided in 55 ILCS 5/5-12009.5. Upon proper notice, the Planning, Building, & Zoning Department shall forward the request for change or modification to the Planning, Building & Zoning Committee. The Committee may return the matter to ZPAC and/or Plan Commission for further consideration and findings or forward the matter to the full County Board to grant, deny, or return the requested change or modification to the Committee for further

consideration and findings, and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit for the continued placement of agricultural labor housing on the subject parcel and depicted on the site plan attached as "Exhibit A" hereto and incorporated herein subject to the following conditions:

1. The petitioner will be required to submit documentation to the PBZ Department at the start of each growing season documenting the name and occupation of the individual(s) occupying the trailer. Occupancy of the trailer shall be limited to the employee and his/her immediate family.
2. Annual renewal of the Agricultural Labor Housing Mobile Home permit including payment of the applicable renewal fee until such time that either:
 - a. The use of the trailer for agricultural labor ceases; or
 - b. The trailer is installed on a permanent frost depth foundation.
3. In the event use of the trailer for agricultural labor housing is discontinued or remains unoccupied in any one season, or in the event the property is sold to another owner, the special use shall lapse.
4. Upon a lapse or expiration of the special use, the trailer shall be removed from the premises within 60 days unless otherwise approved by the Planning Building and Zoning committee of the County Board provided just cause for the delay can be demonstrated. In no event shall the trailer be permitted to remain on the premises for more than six months following the lapse or expiration of the special use.

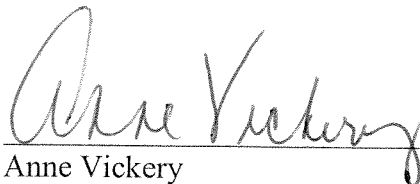
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on July 21, 2009.

Attest:



Kendall County Clerk
Debbie Gillette



Anne Vickery
Kendall County Board Chairman

