

ORDINANCE # 2009- 33

AMENDMENT TO THE KENDALL COUNTY ZONING ORDINANCE SECTION
13.07. "SPECIAL USES"

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, 2009.

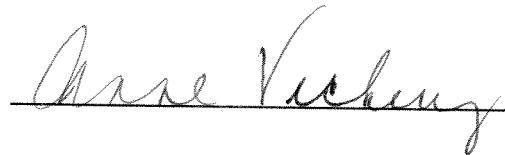
NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.07. "Special Uses" by adding a new Section 13.07.M "Amendments to Approved Special Uses"; Section 13.07 N "Minor Amendments on Property Governed by a Special Use Ordinance" and Section O "Major Amendments" of the Kendall 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 September 15, 2009.



Attest:

Debbie Gillette
Kendall County Clerk



Anne Vickery
Kendall County Board Chairman

EXHIBIT "A"

13.07 SPECIAL USES

- A. PURPOSE.
- B. INITIATION OF SPECIAL USES.
- C. PROCESSING.
- D. CONDITIONS AND GUARANTEES.
- E. DECISIONS.
- F. REVOCATION.
- G. APPLICATION FOR SPECIAL USE.
- H. HEARING ON APPLICATION.
- I. AUTHORIZATION.
- J. STANDARDS.
- K. CONDITIONS.
- L. DURATION. Special Uses granted hereunder shall be transferable and shall run with the land unless otherwise specified by the terms of this Special Use permit.
- M. AMENDMENTS TO APPROVED SPECIAL USES. Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable). Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a Special Use.

Amendment of Special Uses under this paragraph shall apply to all existing, valid Special Uses issued prior to the date of the amendment of this ordinance as well as any future Special Uses granted under this ordinance.
- N. MINOR AMENDMENTS ON PROPERTY GOVERNED BY A SPECIAL USE ORDINANCE: Minor Amendments are those that do not alter the intent or uses of the property for which a Special Use has been approved. Minor Amendments shall be limited to the following:

1. Proposed additions, enlargements or changes in any existing or proposed building or buildings, shown on any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable), and the addition of accessory structures not shown on such plans may be permitted provided that all of the following conditions are met:
 - a) The proposed addition, enlargement or change will, in the opinion of the Zoning Officer, result in a better utilization of the property or a more efficient and desirable use of the land.
 - b) The change shall not constitute more than a ten (10) percent increase in the lot coverage of all approved buildings on the property or a ten (10) percent increase of the total floor area of all approved buildings on the property.
 - b)c) The proposed addition, enlargement or change will not infringe upon or extend into any required building setback, off street parking or loading space or required building separation or exceed the height or bulk regulations of the underlying zoning district.
 - e)d) The additional off-street parking or loading spaces required for such proposed addition, enlargement or change, can be supplied as required by the applicable zoning ordinance provisions.
 - d)e) The proposed addition, enlargement or change will not result in an enlargement or increase of any previously approved variation.

2. Minor Modifications of Conditions provided that all of the following are met:
 - a) The proposed modification will, in the opinion of the Zoning Officer, result in equal or better performance than the original condition imposed.
 - b) The proposed modification or change shall not result in a change of more than ten (10) percent of any previously imposed condition.
 - c) The result of the proposed modification shall be that the property will still be in substantial compliance with the previously approved ordinance.

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

O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.07.C (Processing of Special uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals.

M.P. PLANNED DEVELOPMENTS.

N.Q. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.