

ORDINANCE 2005 - 19

**AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPEMNT  
AGREEMENT FOR "THE BLUFFS" SUBDIVISION**

WHEREAS, the undersigned owners of THE BLUFFS SUBDIVISION have petitioned the COUNTY OF KENDALL to modify and amend the existing Planned Unit Development (PUD) Agreement; and

WHEREAS, the subject property is zoned R-2 with a Special Use Permit for a PUD; and

WHEREAS, it is agreed in Paragraph 1B of the original PUD Agreement that THE BLUFFS SUBDIVISION would be developed with no more than seven (7) individual single family residences; and

WHEREAS, an amendment to the PUD Agreement was requested by formal petition filed with the COUNTY OF KENDALL that still provides a maximum of seven (7) building lots, but changes the configuration of Lot 2 of THE BLUFFS SUBDIVISION in that as petitioned in the Amendment to this PUD Agreement, Lot 2 would consist of eighty seven thousand one hundred and twenty (87,120) square feet, less than the ninety thousand (90,000) square feet called for under the underlying R-2 zoning designation as provided for in the Zoning Ordinance for the COUNTY OF KENDALL; and

WHEREAS, the Zoning Board of Appeals for the COUNTY OF KENDALL, after mailed and published Notice and Public Hearing, recommended approval of a variance to the minimum lot size requirement to allow Lot 2 of THE BLUFFS SUBDIVISION to be reduced in area from its original conforming size as depicted on the approved and recorded Final PUD Plat, to eighty seven one hundred twenty (87,120) square feet; and

WHEREAS, after mailed and published Notice, a Public Hearing has been held by the Special Use Hearing Officer for the COUNTY OF KENDALL, a Public Meeting has been held by the Regional Plan Commission for the COUNTY OF KENDALL, and Final Approval by the Board of Commissioners for the COUNTY OF KENDALL for the modifications to the Special Use Permit and the PUD for THE BLUFFS SUBDIVISION;

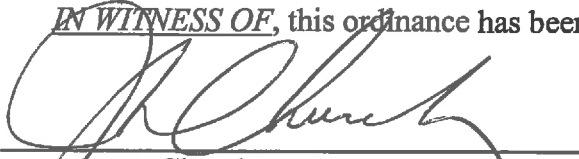
NOW, THEREFORE, BE IT ORDAINED, that the COUNTY OF KENDALL and the Homeowners' Association and Lot Owners of THE BLUFFS SUBDIVISION hereby agree to amend Paragraph 1, Section B of the PUD Agreement to allow Lot 2 of THE BLUFFS SUBDIVISION to contain eighty seven thousand one hundred twenty (87,120) square feet rather than a minimum of ninety thousand (90,000) square feet, as depicted in Exhibit "A" attached hereto and made a part hereof; and

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the COUNTY OF KENDALL and the Homeowners' Association and Lot Owners of THE BLUFFS SUBDIVISION hereby agree to amend the geographic area governed by said PUD Agreement to sever the land area transferred from Lot 2 of THE BLUFFS SUBDIVISION to Lot 4 of THE

OWNER'S RESUBDIVISION OF ABERGELDIE SUBDIVISION from governance by the Homeowners' Association of THE BLUFFS SUBDIVISION, as depicted in Exhibit "A" attached hereto and made a part hereof; and

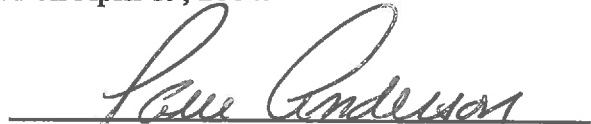
NOW, THEREFORE, BE IT FURTHER ORDAINED, that in all other respects the terms of the original PUD Agreement for THE BLUFFS SUBDIVISION are hereby ratified and affirmed.

IN WITNESS OF, this ordinance has been enacted on April 19, 2004.



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John A. Church  
Kendall County Board Chairman



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Paul Anderson  
Kendall County Clerk

