

ORDINANCE # 2004- 13

**AMENDMENT TO CHAPTER 13 "ADMINISTRATION" of the
KENDALL COUNTY ZONING ORDINANCE**

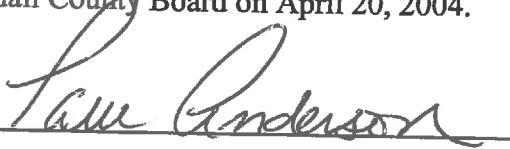
WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public's interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Chapter 13 – "Administration" of the Kendall County Zoning Ordinance as provided in attached Exhibit A by establishing a Hearing Officer in lieu of the Zoning Board of Appeals for the purpose of conducting the public hearing and finding of facts involving requests for special use permits:

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on April 20, 2004.



Attest:



John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk

SECTION 13.00 ADMINISTRATION *(Last revised 4-6-04)*

13.01 ADMINISTRATIVE OFFICERS

A. THE ZONING ADMINISTRATOR.

1. The enforcement of this amended ordinance is hereby vested in the Zoning Administrator of the County.
2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:
 - a. Examine and approve an application pertaining to the use of land or structures when the application conforms with the provisions of this ordinance.
 - b. Issue Zoning Certificates, and make and maintain records thereof.
 - c. Issue Occupancy Certificates and make and maintain records thereof.
 - d. Supervise inspections of structures and uses of land to determine compliance with the terms of this ordinance, and where there are violations, initiate action to secure compliance.
 - e. Receive, file, and forward to the Zoning Board of Appeals all applications for the amendments, Planned Developments, or for other matters which under this ordinance require referral to the Zoning Board of Appeals.
 - f. Maintain permanent and current records of this ordinance, including, but not limited to, maps, amendments, the rules or practice and procedure of the Zoning Board of Appeals, special use, variations, appeals and applications therefor, and records of hearings thereon - including the recording of district amendments and special uses on the Zoning district map.
 - g. Decide or make recommendations on all other matters under this ordinance upon which the Zoning Administrator is required to act.
 - h. Receive from the County Clerk all notices of petitions for appeals, variations, amendments and special use permits which have been referred by the County Clerk to the Zoning Board of Appeals or other appropriate reviewing body.

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- i. Maintain all zoning records which are a part of the administration of this ordinance.
 - j. Initiate, direct and review from time to time, a study of the provisions of this ordinance, and make reports of this recommendation to the Zoning Board of Appeals, the County Planning Commission and the County Board not less frequently than annually.
 - k. Assist the office of the State's Attorney in the development of proposed amendments to the provisions of this ordinance as may be necessary from time to time.
 - l. Publish periodically this ordinance, including the zoning district map.
 - m. Provide and maintain public information service relative to matters arising out of this ordinance.
3. Procedure in case of violation. Whenever there is found a violation of the terms of this ordinance, the Zoning Administrator shall at once issue written notice to the owner and any other responsible party, specifying the nature of the violation and citing the provisions of the ordinance which are violated, and said owner and any other party shall at once take appropriate steps to correct said violation. In case of failure by the owner or other responsible party to correct the violation within a reasonable time, the Zoning Administrator shall initiate action or proceeding as shall secure compliance with the applicable provisions of this ordinance. When compliance is so secured, the Zoning Administrator shall issue an occupancy certificate certifying such compliance.

B. ZONING BOARD OF APPEALS

1. Creation and Membership. A Zoning Board of Appeals is hereby created, such Board to consist of five members appointed by the County Board, at least four of whom shall reside in the unincorporated area of the County. The County Board may provide for the appointment of an additional two members to serve for a term of five years. No two of whom shall reside in the same Congressional Township, and shall be confirmed by the members of the County Board. At the end of the term of the two additional members, the County Board may provide for the appointment of successors or may allow the Board of Appeals to revert to a membership of five. All members shall be residents of Kendall County.

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2. Terms of Office. The member of the Zoning Board of Appeals shall be appointed for the following terms:

One for a term of one year.

One for a term of two years.

One for a term of three years.

One for a term of four years.

One for a term of five years.

Thereafter, as their terms expire, each new appointment shall be for a term of five years. If a vacancy occurs, by resignation or otherwise among the members of the Board, the County Board shall appoint a member for the unexpired term. The County Board shall also have the power to remove any member of the Zoning board of Appeals for cause, after public hearing.

3. Officers. The County Board shall name one of the members of the Zoning Board as Chairman upon his appointment, and in the case of a vacancy shall name a new chairman.
4. Quorum. A majority of members of the Zoning Board of Appeals shall constitute a quorum. No action of the Board is official, however, unless authorized by a majority of the Board.
5. Employees. The County Board may appoint and fix the compensation of a secretary and such other employees as are necessary for the discharge of its duties.
6. Offices. The County Board shall provide suitable offices for the holding of hearings and the preservation of records, documents, and accounts.
7. Appropriations. The County Board shall appropriate funds to carry out the duties of the Zoning Board of Appeals and the Board shall give the authority to expend, under regular County procedure, all sums appropriated to it for the purposes and activities authorized herein.
8. Rules and Procedures. The Zoning Board of Appeals shall adopt such rules concerning the filing of appeals and applications for amendments, and ~~variances and special uses~~, giving of notice and conduct of hearings as shall

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be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the office of the Board and shall be a public record.

9. All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting. All meetings of the Board shall be open to the public.
10. Powers and Duties. The Zoning Board of Appeals shall:
 - a. Hear and determine appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator charged with the enforcement of this amended ordinance.
 - b. Hear and decide all matters referred to it, or upon which it is required to pass under this amended ordinance.
 - c. Hear and pass upon applications for variations when a property owner or his agent shows that a strict application of the terms of this amended ordinance relation to the use, construction or alteration of buildings or structures, or the use of land imposes upon him practical difficulties or particular hardships.
 - d. To hear all applications for ~~special uses and~~ amendments to this ordinance in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.
 - e. Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.
 - f. No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the Zoning Ordinance for a period of twelve months from the date of said denial or recommendation to deny.

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13.02 ZONING CERTIFICATES.

- A. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by an officer, department or employees of Kendall County unless the application for such permit has been examined by the office of the Zoning Administrator and has affixed to it a certificate of his office that the proposed building or structure and use thereof complies with all the provisions of this ordinance.

However, with respect to the performance standards of this amended ordinance for manufacturing and other specified uses, the Zoning Administrator shall accept as proof of compliance with such standards as the certificate of an architect or structural engineer licensed by the State of Illinois stating that the building or structure and proposed use thereof does conform with the said performance standards for the district in which it is located. Upon receipt of such certificate and if all other relevant requirements of this amended ordinance are met, the Zoning Administrator shall without further delay approve and authorize the issuance of a zoning certificate, provided that within fifteen days from the date of such approval, the Zoning Administrator shall examine said application and shall advise the architect or structural engineer in writing if the building structure, or use thereof may not in fact comply with the performance standards of this amended ordinance for the district in which it is or is to be located, and in this case the Zoning Administrator may require posting of a performance bond, such bond to be subject to forfeiture, and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M-1 performance standards, should the establishment in fact, fail to so comply.

Failure of the architect or structural engineer to show compliance or to submit said bond or certified check within thirty days of such notification shall be cause for revocation of the zoning certificate and all further work authorized by said certificate shall be immediately discontinued.

- B. Any permit, zoning certificate, or certificate of occupancy issued in conflict with the provisions of this ordinance shall be null and void.

13.03 CERTIFICATES OF OCCUPANCY

A. SCOPE OF PERMITS.

1. No building or addition thereto, constructed after the effective date of this amended ordinance and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this amended ordinance shall be used for any purpose, until a certificate of occupancy has

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been issued by the office of the Zoning Administrator. No change in use to the production, processing, or storage of materials or goods, and no change is used from the production, processing, or storage of one kind of materials or goods to another kind shall be made until a certificate of occupancy has been issued by the office of the Zoning Administrator. Every certificate of occupancy shall state that the use or occupancy complies with all the provisions of this amended ordinance.

2. **Application for Occupancy Certificate.** Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building is required shall be made directly to the office of the Zoning Administrator.

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3. **Issuance of Occupancy Certificate.** No occupancy certificate shall be issued until construction has been completed or the use established and has been inspected and certified by the office of the Zoning Administrator to be in compliance with all the provisions of this amended ordinance; provided that pending the issuance of an occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during the partial occupancy of the premises. An occupancy permit shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued not later than fifteen days after the office of the Zoning Administrator is notified in writing that the Building or premises is ready for occupancy.
4. **Fees.** The County Board may establish by ordinance the fee to be charged for an occupancy permit.

13.04 VARIATIONS. *[Amended - 03/21/2000]*

A. PURPOSE AND CONDITIONS.

1. In order that the spirit of this ordinance may be observed and substantial justice done, the Zoning Board of Appeals shall upon application or appeal determine and vary the terms thereof, other than permitted or special use restrictions the variance of which shall not be permitted, upon making a finding of fact that, owing to special conditions, a literal enforcement of the provisions of this amended ordinance would result in a particular hardship or practical difficulty.
2. In making its determination as to whether there is a particular hardship or practical difficulty, the Zoning Board of Appeals shall take into consideration the extent to which the following conditions, all favorable to the applicant or appellant, have been established by the evidence.
 - a. That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.
 - b. That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.
 - c. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

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11. Jurisdiction. The concurring vote of four members of a Board consisting of five members or the concurring vote of five members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions.

a. Judicial Review. All decisions and findings of the Zoning Board of Appeals, on appeals, application for variations, ~~special uses~~ or amendments, shall, after a hearing, be subject to review by court as by law may be provided.

C. KENDALL COUNTY REGIONAL PLANNING COMMISSION. The Planning Commission shall have the following duties under this ordinance:

1. To receive from the Zoning Administrator copies of all applications for amendments and special use permits along with the committee report from the Zoning and Platting Advisory Committee (ZPAC) and report thereon with its recommendations.
2. To hold conferences in regard to proposed plan developments under this Ordinance and submit a written report with its recommendations.
3. To initiate, direct and review a study of the provisions of this Ordinance and the zoning map attached hereto and to make reports on its recommendation to the County Board not less frequently than annually.

D. HEARING OFFICER.

A Hearing Officer shall be appointed By the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the county board shall provide, and the county board may establish a schedule of fees to defray the costs of providing a hearing officer.

1. Powers and Duties. The Hearing Officer shall be responsible conducting hearings and making recommendations to the PBZ and County Board on all Special Use applications. The procedures for conducting such hearings and recommendations shall be as specified in Section 13.07. herein.

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- d. That the granting of the variation will not materially be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - e. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood; and
 - f. That the proposed variance complies with the spirit and intent of the restrictions imposed by this amended ordinance.
3. The Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variation as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood, and better to carry out the general intent of this amended ordinance.
- B. AUTHORIZED VARIATIONS.** Variation from the regulations of this amended ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards set forth in subsection 13.04-A hereof and may be granted in the following instances only, and in no others:
1. To permit the extension of a district to include an entire lot where the boundary line of the district divides a lot of record in the effective date of this amended ordinance.
 2. To permit the change of a location, height, or bulk (such as: maximum allowable building footprint, floor area ratio, etc.) requirement, with the exception of signs which require a special use permit in accordance with Section 12.12.
 3. To permit a structure in a side, rear, or front yard in which that structure is prohibited.
 4. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot.
 5. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading berth or twenty percent of the required number, whichever is greater.
 6. To increase by not more than twenty-five percent the maximum distance that

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required parking spaces are permitted to be located from the use served.

7. To permit the same off-street parking facilities to qualify as a required facility for two or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same day of the week.
8. To permit the construction of one (1) single family detached dwelling on any agriculturally zoned parcel less than forty (40) acres in size, which:
 - a. Was legally recorded and existing prior to March 8th, 1977,
 - b. Meets the lot size standards contained in Section 7.01 C. 15.
 - a.
 - c. Had no dwelling unit existing thereon on said date.

In addition to considering the standards set forth in Section 13.04 A. 2. above in making written findings of fact and recommendation, the Zoning Board of Appeals shall consider the following findings of fact:

- The petitioner must have purchased the property prior to May 1, 2000;
- The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased;
- Did the petitioner pay a premium price for the property because it was buildable (for example, substantially more than agricultural land was selling for at that time) ; and
- Whether the property is viable for agriculture or any other reasonable use.

- C. APPLICATION FOR VARIATION AND NOTICE OF HEARING. An application for a variation shall be filed with the Zoning Administrator on a prescribed form who shall forward a copy of same to the Zoning Board of Appeals without delay. The application shall contain such information as the Zoning Board of Appeals may from time to time by rule provide. No more than ninety (90) days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once nor more than thirty (30) or less than fifteen (15) days before the hearing, in a newspaper of general circulation in Kendall County. The published notice may be supplemented by such additional form of notice as the County Board may by rule provide.

13.05 APPEALS

- A. SCOPE OF APPEAL. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or office, department, board or bureau affected by a decision of the office of the Zoning Administrator. The appeal shall specify the

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grounds thereof and shall be filed within such time and in such form as may be prescribed by the Board by general rule. The Zoning Administrator shall, upon request of the Zoning Board of Appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.

- B. **HEARING OF APPEAL.** The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the interested parties. At the hearing, any party may appear in person, by agent, or by attorney.
- C. **STAYING OF WORK ON PREMISES.** When an appeal from the decision of the Zoning Administrator has been taken and filed with the Zoning Board of Appeals, all proceedings and work on the premises concerning which the decision was made shall be stayed unless the Zoning Administrator shall certify to the Board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court of Kendall County, on application, on notice to the Zoning Administrator and the owner of the premises affected and on due cause shown. After the owner or his agent or persons or a corporation in charge of the work on the premises affected have received notice that an appeal has been filed with the Zoning Board of Appeals, the Zoning Administrator shall have full power to order such work discontinued or stayed and to call upon the police power of the County to give full force and effect to the order.
- D. **DECISION ON APPEAL.** In exercising its powers, the Zoning Board of Appeals may, upon the concurring vote of four members of a five member Board or five members of a seven member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator.

13.06 AMENDMENTS.

- A. **AUTHORITY.** The regulations imposed and the districts created under the authority of this ordinance may be amended, from time to time, by ordinance in accordance with applicable Illinois Statutes. An amendment shall be granted or denied by the County Board only after a public hearing before the Zoning Board of Appeals, and a report of its findings and recommendations has thereafter been submitted to the County Board.

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- B. **INITIATION OF AMENDMENTS.** Amendments may be proposed by the County Board, the Zoning Board of Appeals, and by person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment.
- C. **APPLICATION FOR AMENDMENT.**
1. An application for an amendment shall be filed with the Zoning Administrator and thereafter entered into the records of the first meeting thereafter of the County Board.
 2. A copy of such application shall thereafter be forwarded to the County Clerk and to the County Zoning Board of Appeals with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
- D. **HEARING ON APPLICATIONS.** The Zoning Board of Appeals shall hold a public hearing on each application for an amendment and on each proceeding initiated by the Zoning Board of Appeals of its own motion. Hearings on map amendments shall be held in the township affected by the terms of such proposed amendments or in the County Office Building. Provided, that if the owner of any property affected by such proposed map amendment so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. Hearings on text amendments shall be held in the County Office Building. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Zoning Board of Appeals shall, by rule, prescribed from time to time.
- E. **NOTICE OF PUBLIC HEARING.**
1. Notice of the time and place shall be published in a newspaper of general circulation in Kendall County not less than fifteen days before such hearing. In addition, at least fifteen days prior to each hearing notice of such hearing shall be posted on the road or street frontage of the land proposed to be reclassified by amendment and a copy of such notice shall be mailed to the clerk of each municipality, the corporate limits of which lie within one and one-half miles of the land proposed to be reclassified. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals may, by rule, prescribed from time to time.
- F. **FINDING OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS.** Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the County Board of Kendall County. Where the purpose and effect of the proposed amendment is to change

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the Zoning classification of particular property, the Zoning Board of Appeals shall make findings based upon evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of property within the general area of the property in question.
2. The Zoning classification of property with the general area of the property in question.
3. The suitability of the property in question for the uses permitted under the existing zoning classification.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.
5. Consistency with the spirit of the Land Resource Management Plan and other adopted County of municipal plans and policies.

G. DECISIONS.

1. The County Board, upon report of the County Zoning Board of Appeals and without further public hearing, may grant or deny any proposed amendment, or may refer it back to the County Zoning Board of Appeals for further consideration.
2. In case of written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent of the frontage proposed to be altered, or by the owners of twenty percent of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half mile of the limits of a zoned municipality with a recorded comprehensive plan, by the city council or president and board of trustees of the zoned municipality with

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limits nearest adjacent, filed with the Clerk of Kendall County, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the County Board of Kendall County.

13.07 SPECIAL USES

- A. **PURPOSE.** The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location.
- B. **INITIATION OF SPECIAL USES.** Any individual, firm or corporation having a possessory interest entitled to exclusive possession in land, or several such owners acting jointly having such interest in parcels of land comprising one contiguous tract or the County Board may file an application for one or more special uses as provided in this ordinance.
- C. **PROCESSING.**
1. An application for a special use shall be filed with the Zoning Administration.
 2. A copy of such application shall be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review, comment, and recommendation
 3. A copy of such application and the committee report from the Zoning and Platting Advisory Committee (ZPAC) shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.
 4. A copy of such application and the reports from the Zoning and Platting Advisory Committee (ZPAC and Planning Commission shall thereafter be forwarded to the Hearing Officer ~~Zoning Board of Appeals~~ with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
- D. **CONDITIONS AND GUARANTEES.** Prior to or after the granting of a special use, the Hearing Officer ~~Zoning Board of Appeals~~ may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special use is granted, the County Board may require such evidence and

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guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restriction imposed shall constitute a violation of this ordinance.

E. DECISIONS.

1. The County Board, upon report of the Hearing Officer ~~Zoning Board of Appeals~~ and without further public hearing, may grant or deny a proposed special use, or may refer back to the Zoning Board of Appeals for further consideration.
2. The County Board shall act to grant, deny, or amend the recommendations for every Special Use pertaining to a regulated use within 30 days of the date of those recommendations.

F. REVOCATION. In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use permit.

G. APPLICATION FOR SPECIAL USE. An application for special use or expansion of a special use shall be filed with the Zoning Administrator and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth herein.

H. HEARING ON APPLICATION. Upon receipt in proper form of the application and statement referred to in paragraph 13.07-2 of this Section, the Hearing Officer ~~Zoning Board of Appeals~~ shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing notice of the time and place of such hearing shall be published in a newspaper of general circulation in Kendall County.

An audio recording of the proceedings shall be made by the County and shall be retained for a period of one year from the date of hearing. The petitioner at his or her discretion, may elect to provide a court reporter, at his or her own expense, for the purposes of making a formal transcript of the proceedings. In addition to the application fee, the petitioner shall be responsible for the cost of the Hearing Officer in conducting the hearing in accordance with the schedule of fees as established by the County Board.

I. AUTHORIZATION. For each application for a special use the Hearing Officer ~~Zoning Board of Appeals~~ shall report to the County Board of Kendall County its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The County Board may grant or

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deny any application for a special use.

No proposed special use once denied by the County Board shall be again, on a subsequent petition, considered for approval within a period of twelve 12 months from the date of said denial.

J. **STANDARDS.** No special use shall be recommended by the ~~Hearing Officer Zoning Board of Appeals~~ unless said Hearing Officer Board shall make a written finding:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals.
7. That the special use is consistent with the spirit of the Land Resource Management Plan and other adopted County of municipal plans and policies.

K. **CONDITIONS.** The ~~Hearing Officer Zoning Board of Appeals~~ may recommend and the County Board may provide such conditions or restrictions upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to

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secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood.

L. PLANNED DEVELOPMENTS.

1. **Purpose.** Planned developments are intended to encourage imaginative site planning which integrates the development proposal with existing topography and other natural environmental assets of the land while conserving the County's rural character. Clustering of units is encouraged to provide common open space. Under this procedure well planned residential, industrial, commercial and other types of land use, individually or in combination, may be developed in accordance with standards herein.
2. **Zoning Map.** Approved planned developments shall be delineated and designated by number on the zoning district map. A file, available for inspection by the public, shall be maintained by the Zoning Administrator for each planned development so designated. The file shall contain a record of the approved development plan and all exceptions authorized therein.
3. **Procedure.**
 - a. A pre-application conference shall be held with the County Planner. At such conference the applicant shall provide information as to the location of the proposed planned development; the uses, and approximate area of use category; a list of any and all exceptions to the subdivision and zoning ordinances of Kendall County and any other information necessary to clearly explain the planned development.
 - (1) The County Planning Officer shall review and consider the proposal as to its compatibility with the Comprehensive Plan and the goals and policies for planning of the County and advise the applicant on the information, documents, exhibits, drawings, and limitations on the proposal that should be included in the application to the County for a special use permit for Planning Development.
 - b. The applicant shall request the special use permit, by letter addressed to the Secretary of the Plan Commission, to be placed on the agenda of the next regular meeting of the Plan Commission for a preliminary discussion of the proposed Planned Development at such meeting, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the Plan Commission with the proposed development

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which shall include, but not necessarily be limited to the following:

- (1) A tentative sketch plan, which may be in freehand sketch form, showing the location and extent of the types of land uses proposed.
 - (2) The existing topography at five foot contour intervals which may be taken from U.S.G.S. information.
 - (3) Existing streets surrounding the subject property.
 - (4) Existing utilities including storm drainage facilities.
 - (5) The following shall be provided by either graphic exhibits or written statement:
 - aa. The density of residential uses and the number of dwelling units by type.
 - bb. The ancillary and non-residential uses to be provided in a residential Planned development.
 - cc. The off-street parking and other service facilities proposed.
 - dd. The exception or variations to the Kendall County zoning or subdivision requirements being requested as part of the Planning Development application.
- c. Within thirty days after final adjournment of the meeting, the Plan Commission shall submit to the County Board, a report in writing containing its recommendations.
 - d. The formal petition for a Planned Development shall be addressed to the County Board and shall be filed with the Zoning Administrator, ten copies of the petition shall be filed with the Secretary of the Plan Commission; attached to each copy shall be copies of the supporting documents and exhibits hereinafter provided for.
 - e. ~~The Chairman of the Zoning Board of Appeals~~ Hearing Officer shall set a hearing date which shall be not less than fifteen or more than thirty days after the filing of the petition, and shall cause notice of the hearing to be published at least once, no more than thirty days nor less than fifteen days before said hearing date in one or more

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newspaper of general circulation in the County. Written notice shall be given by the applicant to all property owners as prescribed by the Illinois Statutes.

- f. The County Clerk shall forward a copy of the petition to the County board and to each member of the ~~Zoning Board of Appeals~~ Hearing Officer.
 - g. The petition shall be heard by the ~~Zoning Board of Appeals~~ Hearing Officer and reviewed by the Planning Commission and the report of ~~both committees~~ each shall be submitted to the County Board. The ~~Plan Commission~~ shall submit its review to the ~~Zoning Board of Appeals~~ Hearing Officer prior to the public hearing. The report of the findings and recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
 - h. The County Board may grant a special use for a Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.
4. Content of Petition. The formal petition shall contain, in addition to all other requirements, the following:
- a. A site plan of the Planned Development. This plan will be at a scale of not less than one inch equals one hundred feet which shall show all proposed streets (public and private) , street classification, rights-of-way, pavement width of street and driveways, all principal and accessory buildings and their use, lot sizes, building lines easements for utility services, off-street parking, service areas, open space recreation facilities and any other information necessary to clearly show the proposed elements of the Planned Development.
 - b. Preliminary architectural plans for all residential buildings shall be submitted in sufficient detail to show the basic planning, the number of units per building and the number of bedrooms per dwelling unit.

Preliminary architectural plans are not required for business or other non-residential buildings at the time of this application but must be submitted to the Plan Commission for its approval prior to filing an

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application for a building permit.

- c. A topographic survey with two foot contour intervals and the boundary survey of the subject area, prepared and certified by a registered Illinois surveyor.
- d. A rendered plan of the Planned Development area showing in contrasting colors or by other means the respective location of all categories of land use.
- e. A map of the general area showing the location of the Planned Development site and its relation to the existing roads and streets and use districts within the immediately adjacent and surrounding area.
- f. Preliminary Plans and outline specifications of the following improvements:
 - (1) Roads, streets and alleys, including classifications, width of right-of-way, widths of paved surfaces and construction details.
 - (2) Sidewalks, including widths of paved surfaces and construction details.
 - (3) Sanitary and storm sewer system.
 - (4) Water supply system.
 - (5) Street lighting and public area lighting system.
 - (6) Recommended installations for electric, gas and telephone facilities and distribution.
 - (7) Sequence of phases or stages of development of the Planned Development.
 - (8) A general landscape planting plan shall be prepared by landscape architect and shall meet the approval of the Plan Commission.
- g. Estimates of cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
- h. Petitioner's proposed covenants, restrictions and conditions to be established as a part of the Planned Development.

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5. Construction of Improvements. The petitioner shall construct and install the required improvements in accordance with the County Subdivision Regulations and the Special Use Ordinance.
6. Street Classification. Street classifications, definitions, and specification, shall be in accord with the regulations pertaining to same as established in the Subdivision Regulations and the Comprehensive Plan of Kendall County, as may be amended from time to time, as may be modified by the special use permit.
7. Standards. No Planned Development shall be authorized by the County Board unless the Plan Commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:
 - a. General.
 - (1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
 - (2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
 - (3) That any industrial park areas established in the Planned Development conform to all requirements therefor as set forth elsewhere in this ordinance.
 - (4) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the Planned Development use.
 - (5) When private streets and common driveways are made a part of the Planned Development or private common open space or recreation facilities are provided, the applicant shall submit as a part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the County Board.
8. Agricultural Planned Developments. For planned developments located in the agricultural district A-1, exceptions may be made in the regulations of such district as follows:

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- a. Use Regulations.
 - (1) In the agriculture district A-1 use listed as permitted use and special uses may be allowed.
 - (2) Residential, single family uses providing said use is limited to planned unit developments for conventional golf courses and further providing that the gross area of residential use does not exceed 40% of the zoning parcel, and
 - (3) Clubhouses, restaurants in which alcoholic beverages are sold, and other business uses specifically described which are complimentary to the principle use as a golf course providing such uses are limited to planned unit development for conventional golf courses.

 - b. Gross Density Premiums. The maximum gross densities for agricultural planned developments may be increased up to a maximum of fifteen percent, in accordance with and when the development included one or more of the following:
 - (1) Is adjacent to, or across from a public or permanent private open space which is not less than ten acres in area with a depth perpendicular to a lot line of the planned development of not less than three hundred feet. For the dedication of public recreational and educational sites recommended in the Comprehensive Plan - equal to the number of dwelling units that would otherwise have been permitted upon lands so dedicated.
 - (2) For the provision of unique design features which required unusually high development costs and which tend to achieve an especially attractive and stable development - as determined by the County Planning Commission.

 - c. Yards. Yard requirements may be varied or waived - except along the perimeter of the development.

 - d. Signs. In accordance with the regulations set forth in Section 12.00.

 - e. Off-street Parking and Loading. In accordance with the regulations set forth in Section 11.00
9. Residential Planned Developments. After August 18, 1998 all new residential planned developments shall be zoned R-1 PUD unless the

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property is already zoned R-2 or R-3. For planned developments located in one or more residence districts, exceptions may be made in the regulations of such districts, as follows:

a. Use Regulations.

- (1) In any Residential Planned Development uses listed as permitted uses are allowed, and single-family attached, single-family semi-detached, and multiple-family dwellings may be allowed.
- (2) Uses listed as special uses in the zoning district in which the development is located may be allowed.
- (3) In residential planned developments containing over fifty dwelling units, permitted uses and special uses permitted in the B-1 Limited Business District may be allowed, provided that such uses and accessory uses shall not occupy more than five percent of the net land area of the development.

b. Base Density. Maximum permitted density for a residential planned development will be based on the sum of the base density and the density premium provisions of this Section. Base density for all planned developments shall be .25 dwelling units per buildable acre. To determine the permitted number of dwelling units, the buildable area of the site shall be multiplied by the sum of .25 dwelling units per acre (the base density) and the appropriate density premium as noted below. Buildable area is defined as the total area of the property minus the following:

- wetlands,
- the 100-year floodplain, as shown on official FEMA maps,
- land within the required right-of-way of an existing roadway,
- land under an existing permanent easement prohibiting future development (including electrical power lines, fiber-optic lines and pipelines)

Lot sizes smaller than otherwise required in the underlying zoning district may be permitted provided adequate septic systems are provided and lots have direct access to a common open space.

c. Density Premiums. The maximum gross densities for residential planned developments may be increased up to a maximum of .8 dwelling units per buildable acre (.25 d.u./ac. base density plus maximum premium of .55 d.u./ac.) if the development includes one or more of the following:

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- (1) Secondary open space that is substantially more than the minimum size otherwise required for storm water detention or through park dedication requirements. (Bonus not to exceed .35 dwelling units per buildable acre)
- (2) Provision of recreational amenities, beyond minimum standards established in the subdivision ordinance, including but not limited to: a golf course, ballfields, playground equipment, tennis courts, basketball courts, swimming pool, hiking and bicycling paths (beyond those designated on the County Transportation Plan) , community centers, and exceptional landscape improvements such as native or natural plantings. (Bonus not to exceed .10 dwelling units per buildable acre) .
- (3) Offsite and perimeter road improvements in addition to those needed to provide adequate access solely for the proposed development. (Bonus not to exceed .10 dwelling units per buildable acre) .
- (4) Endowment of a permanent fund to offset continuing open space maintenance costs. Spending from this fund should be restricted to expenditure of interest, in order that the principal may be preserved. Assuming an annual average interest rate of 5%, the amount designated for the Endowment Fund should be twenty (20) times the amount estimated to be required on a yearly basis to maintain the open space. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities (such as a homeowners' association, a land trust, or the County) . (Bonus not to exceed .10 dwelling units per buildable acre) .
- (5) Conservation of traditional rural architecture reminiscent of Kendall County's agricultural heritage, preservation of historical structures, or design of new structures which reflect these architectural themes. (Bonus not to exceed .10 dwelling units per buildable acre) .
- (6) Protection of slopes exceeding 25% as measured over a 10-foot interval and minimization of mass grading (Bonus not to exceed .10 dwelling units per buildable acre) .
- (7) Enhancement or expansion of an existing wetland or creation of a new wetland beyond that required for compliance with

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**Army Corps of Engineers Section 404 Permit requirements.
(Bonus not to exceed .10 dwelling units per buildable acre) .**

- d. **Yards.** Yard requirements may be varied or waived if lot is located adjacent to common open space.
 - e. **Signs.** In accordance with the regulations set forth in Section 12.00.
 - f. **Off-Street Parking and Loading.** In accordance with the regulations set forth in Section 11.00.
10. **Business Planned Developments.** For planned development located in one or more business districts, exceptions may be made in the regulations of such districts, as follows:
- a. **Use Regulations.** Uses as permitted and special uses in the residential and business districts are allowed.
 - b. **Bulk Regulations. Gross Density.** In the B-1 District - not more than nine dwelling units per gross acre - except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and a lodging room as 0.5 of a dwelling unit.

In the B-2 District - not more than seventeen dwelling units per gross acre - except that an efficiency unit shall be counted as 0.67 of a dwelling unit, and a lodging room as 0.5 of a dwelling unit.
 - c. **Signs.** In accordance with the regulations set forth in Section 12.00.
 - d. **Off-Street Parking and Loading.** In accordance with the regulations set forth in Section 11.00.
 - e. **Performance Standards.** In accordance with the standard of the district in which the development is located.
11. **Industrial Planned Developments.** For planned developments located in one or more industrial districts, exceptions may be made in the regulations of such districts, as follows:
- a. **Use Regulations.** Uses listed as permitted and special uses in the commercial and manufacturing districts.

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- b. Bulk Regulations.
 - (1) Yards. Yard requirements may be waived - except along the interior boundaries of the development.
 - (2) Floor Area Ratio. Floor area ratio requirements of the district are applicable to the entire planned development and not to specific uses which may be located within the planned development. For this purpose the net site area shall be used in the computation.
 - c. Signs. In accordance with the regulations set forth in Section 12.00.
 - d. Off-Street Parking and Loading. In accordance with the regulations set forth in Section 11.00.
 - e. Performance Standards. In accordance with the requirements of the prevailing district.
12. Re-Applications. At least one year shall elapse between the date of an adverse decision and reapplication or repetition for a variation, amendment or special use.

M. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.

1. In order to protect areas devoted to residential, business and light manufacturing uses from annoying or dangerous classes of industrial nuisances and hazards, Kendall County has divided into two manufacturing performance districts - M-1 and M-2 graduated respectively in terms of industrial performance standards from high to low. For practical purposes, the performance standards in the manufacturing districts have been supplemented by lists and of the uses permitted in these districts.

It is recognized, however, that among the uses first permitted in the M-2 Districts, there may be individual establishments having such high

performance standards that they could safely be permitted in the M-1 District even though engaged in operations not listed as permitted in these M-1 Districts. It is consistent with the purposes of this amended ordinance and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Districts. ~~The Zoning Board of Appeals Hearing Officer~~ is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the ~~Zoning Board of Appeals Hearing Officer~~ is satisfied beyond a reasonable doubt that all performance standards for the M-1 District, as well as all other regulations, will be complied with. In authorizing such Special Use, the ~~Zoning Board of Appeals Hearing Officer~~ may require the posting of a performance bond by the owners or operators of the proposed

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establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M-1 performance standards should the establishment in fact fail to so comply.

2. Preliminary to granting a Special Use permit as prescribed in Section 13.07-H, the ~~Zoning Board of Appeals~~ Hearing Officer shall require the applicant for a Special Manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State of Illinois, which certificate shall include the following:
 - a. A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
 - b. A statement that the proposed operation will conform with the performance standards for the M-1 Districts, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
 - c. Such other pertinent information as the ~~Zoning Board of Appeals~~ Hearing Officer shall deem necessary to assist it in making its findings and report.

13.08 PENALTIES.

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense.

13.09 SITE PLAN REVIEW (Amended 9/18/2001)

- A. **PURPOSE and INTENT.** Site plan approval is required to insure that plans that are otherwise in conformance with this Ordinance also include the compatible arrangement of buildings, off-street parking, lighting, landscaping, ingress and egress, and drainage of the site in a manner that will promote safety and convenience for the public and will preserve surrounding property values. Site Plan review is not a substitute for required State and County building permit reviews.

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B. APPLICABILITY. Site Plan Review is required for all new construction or additions and changes in the use of land or existing buildings which results in any alteration or construction within the following zoning districts:

1. All Business Districts.
2. All Manufacturing Districts.
3. All commercial development within a Planned Development.
4. All non-residential or non-agricultural structures within a Residential or Agricultural District.

The following activities are excluded from Site Plan Review:

1. Normal maintenance.
2. Construction or alteration of any building in use exclusively as a single-family or two-family dwelling or any uses devoted exclusively to agriculture, horticulture or floriculture.
3. Home occupations as defined in the zoning ordinance.
4. Restoration or reconstruction of a damaged structure if such restoration does not exceed 50% of the value of the entire structure based on the Kendall County Assessor's records. Such restoration must commence within one year from the date of the fire or other casualty or act of God. If restoration or reconstruction does not begin within one year, a site plan shall be required.

C. VARIANCE. The Director of Planning Building and Zoning or the Planning, Building and Zoning Committee of the County Board (PBZC) may grant exceptions from the site plan requirements.

D. SITE DESIGN STANDARDS. The following development standards are established as criteria for the review of Site Plans.

1. **Responsive to Site Conditions** - Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance.

To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands shall and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also

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should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken.

2. **Traffic and Parking Layout.** Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles.

Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Relief from this provision may be considered by the PBZC for rear yard parking facilities in Manufacturing (M-1, M-2) , and Commercial Recreation (B-4) zoning districts or for hardship cases, such as projects where barrier curb installation would conflict with drainage requirements. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing.

Traffic studies may be required by the Zoning and Planning Advisory Committee (ZPAC) or PBZC. Such traffic studies should address:

- a. Projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - b. Projected traffic flow patterns, including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
 - c. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be provided.
3. **Site Layout.** Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
 4. Consistent with the Land Resource Management Plan. The proposed use

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and the design of the site should be consistent with the Land Resource Management Plan.

5. **Building Materials.** The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements.
6. **Relationship to Surrounding Development.** A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements.
7. **Open Space and Pedestrian Circulation.** Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property.
8. **Buffering.** Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view.
9. **Emergency Vehicle Access.** Every structure shall have sufficient access for emergency vehicles.
10. **Mechanical Equipment Screening.** All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts.
11. **Lighting.** The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view.
12. **Refuse Disposal and Recycling Storage Areas.** All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist.

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Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited.

E. PETITION FOR SITE PLAN REVIEW

1. **Standing.** A petition for Site Plan review shall be made by a person, firm or corporation that is the legal owner or has a possessory interest on the land which is described in the application for site plan review.
2. **Filing.** Petitions for Site Plan review shall be filed in writing with the Zoning Administrator and shall be accompanied by such documents and information as the ZPAC or PBZC may require. Such documents and information shall include, but are not limited to, the following:
 - a. Completed petition for Site Plan review in a format developed by the County;
 - b. Application fee;
 - c. Generalized location map;
 - d. Plats and drawings depicting compliance with the aforementioned site design standards.
3. **Plan Requirements.** The petition for Site Plan review and drawings should include the following:
 - a. Name of the project, boundaries, and location map showing the site's location in County, date, north arrow and scale of plan;
 - b. Name, address and telephone number of the owner of record.
 - c. All existing lot lines, easements and right-of-way, including area in acres or square feet.
 - d. Contiguous land uses and zoning, and location and use of structures within 200 feet of the site.
 - e. Location and use of all existing and proposed structures within the development.
 - f. Location of all present and proposed roads, parking areas, driveways, sidewalks, fences, curbs, paths and walls.
 - g. Location and proposed screening details for all permanent waste disposal containers.
 - h. Location, height, intensity and bulb type of all external lighting fixtures.

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The direction of illumination and methods to eliminate glare into adjoining properties should be shown.

- i. Location of all present and proposed utilities, including but not limited to sewage or septic systems, water supply, telephone, cable and electrical systems, and storm water drainage systems, such as drain lines, culverts, catch basins, hydrants and drainage swales. Detailed soil mapping may be required to ensure suitability of the property for septic field installation.
- j. Location of existing and proposed natural features, including topography, forest cover and water sources.
- k. Elevation plans for exterior facades of proposed structures, showing design features and indicating type and color of materials to be used.
- l. Landscaping proposed for the development, including new plantings and existing plant material to be preserved, along with an indication of trees to be removed or transplanted. A separate landscape plan may be submitted in lieu of illustration on the Site Plan.
- m. A copy of the permit application and any revisions required by the U.S. Army Corps of Engineers for any flood plain or wetland modification.
- n. Timetable for construction of improvements.

F. Procedure. A written application for site plan review shall be submitted to the Planning Building and Zoning Department, which will schedule the item for review. Consultation with the appropriate County staff and consultants is encouraged throughout this process to insure a minimum delay. If requested by the applicant, the County will review applications for Site Plan review concurrently with separate requests for rezoning or platting. The review process will include the following:

1. Zoning and Planning Advisory Committee. One copy of the complete application, along with eight (8) copies of the site plan shall be submitted by the property owner or his certified agent to the Zoning Administrator at least seven (7) days prior to the ZPAC meeting. The purpose of the ZPAC meeting will be to evaluate the completeness of the application and to provide the applicant with feedback/input on the proposed site plan. Prior to the ZPAC meeting, the Zoning Administrator shall distribute copies of the Site Plan to Committee members. After discussion on a proposed site plan, the ZPAC may approve, deny, or approve with modifications, or request that the applicant revise the plan and return to a future ZPAC meeting for further review.

2. PBZC. Site plan decisions by ZPAC may be appealed to the PBZC.

G. Revocation. Where a Site Plan has been approved and where no substantial construction work is initiated within one year from the date approving the Site Plan, then, without further action by the PBZC, such Site Plan approval shall become null and void.

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- H. **Enforcement.** It is the policy of the County that enforcement of this Site Plan review requirement is in the highest public interest. If any person, firm, or corporation violates the provisions of this Chapter, the County may exercise any or all of the remedies and penalties available under law including, but not limited to the following:
1. Imposition of a fine of not less than \$100 nor more than \$1,000 for the first offense. For the second and subsequent offenses, the fine shall not be less than \$500 nor more than \$1,000. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.
 2. Said violation shall be considered a nuisance. The County may take summary steps to abate the nuisance and charge the violator with the cost of abating the nuisance. Upon nonpayment, the County may file a lien against the property.
 3. If the violation occurs in connection with the development of property or the building of structures, the County may revoke all permits and cause the cessation of any and all construction.
 4. The County may obtain an injunction requiring the abatement of the violation.
 5. In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.