

ORDINANCE NO. 01-25

AMENDING SECTION 13 SITE PLAN REVIEW OF THE ZONING ORDINANCE

WHEREAS, the County of Kendall has adopted ordinances, regulations, and codes which regulate construction; and

WHEREAS, the Zoning Ordinance currently regulates non-residential development through the various development ordinances; and

WHEREAS, the County has not adopted a Site Plan Review Ordinance which would require such developments to be reviewed for compliance with development standards; and

WHEREAS, the text of the Site Plan Review Ordinance is attached as Exhibit "A"; and

WHEREAS, the Regional Planning Commission reviewed the proposed amendments on July 25, 2001, and recommended approval of them by a unanimous vote; and

WHEREAS, the Zoning Board of Appeals conducted a public hearing on the proposed changes on August 28, 2001, and subsequently voted unanimously in favor of the proposed amendments; and

WHEREAS, the County Board feels that it is in the best interests of the County to amend Section 13 of the Kendall County Zoning Ordinance to add Site Plan review requirements for the unincorporated areas of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL THAT:

The Kendall County Zoning Ordinance, as originally adopted on January 16, 1940, is hereby amended as follows:

- 1. Add Section 13.09 SITE PLAN REVIEW as written in Exhibit "A" to the end of Section 13 of the Kendall County Zoning Ordinance.**

This Ordinance shall be effective immediately upon approval.

APPROVED THIS 18th DAY OF September, 2001.

ATTEST:


Clerk


Chairman

EXHIBIT "A"

13.09 SITE PLAN REVIEW

- 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.
- 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 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 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. 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. 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.
- 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 that \$1,000 for the first offense. For the second and subsequent offences, the fine shall not be less that \$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.