

KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
AGENDA

Monday, January 8, 2018 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Lynn Cullick, Bob Davidson (Chair), Scott Gryder, Judy Gilmour and Matt Kellogg (Vice Chair)

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from the December 11, 2017 Meeting (Pages 3-9)

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 10-11)

PUBLIC COMMENT:

PETITIONS:

1. **18-01 Erich and Amy Kaiser (Pages 12-20)**
Request: Request for a Revocation of a Special Use Permit Awarded by Ordinance 2008-09 Allowing the Operation of a Landscaping Business at 17609 Galena Road
Location: 17609 Galena Road in Little Rock Township
PIN: 01-06-100-006
Purpose: Petitioners No Longer Desire to Operate a Landscaping Business on the Property; Property is Zoned A-1.
2. **18-02 Daniel J. Kramer on Behalf of Christie Marie Sheldon (Pages 21-42)**
Request: Request for a Conditional Use Permit for Construction of One (1) Single-Family Home on Parcel Less Than Forty (40) Acres in Size at 16395C Griswold Springs Road
Location: 16395C Griswold Springs Road in Little Rock Township
PIN: 01-29-377-001
Purpose: Petitioners Request Conditional Use Permit Due to Tree Size and Excessive Slopes on the Property; Property is Zoned A-1.

NEW BUSINESS:

1. Renewal of Mobile Home Conditional Use Permits
 - a. 10825B Corneils Road (Pages 43-44)
 - b. 13443 Fennel Road (Pages 45-46)
 - c. 14281 Anderson Road (Petitioner Requests Revocation of Conditional Use Permit) (Page 47)
2. Update on Future Land Use Map Updates on Property Adjacent to Route 47 in Lisbon Township (Pages 48-68)
3. Discussion of Solar Panel Regulations (Pages 69-110)
4. Discussion of Scheduling a Future Planning, Building and Zoning Committee Meeting in Boulder Hill
5. Kendall County Regional Planning Commission Annual Meeting-February 3, 2018 at 9:00 a.m. (Page 111)

OLD BUSINESS:

1. Approval to Initiate Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map

Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments.
(Pages 112-126)

2. Review of Code Hearing Unit Regulations (Pages 127-162)
 - a. Review of Inoperable Vehicle Ordinance (Page 160)
 - b. Review of Junk and Debris Ordinance (Pages 161-162)
 - c. Review of Fine Structure for Planning, Building and Zoning Related Ordinances (Page 141)
3. Update on Bridge Issue at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)
 - a. Committee Could Grant Mr. Antos' Request to Complete Bridge by May 1, 2018. (Pages 163-169)
4. Request for Guidance RE: Conditional Use Permits (Pages 170-182)

REVIEW VIOLATION REPORT (Pages 183-184)

REVIEW NON-VIOLATION REPORT (Pages 185-186)

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

1. February 21, 2018 Event (Page 187)
2. Historic Tax Credit Resolution (Pages 188-192)

REVIEW PERMIT REPORT:

1. Review Monthly Report (Pages 193-206)
2. Review of Fiscal Year 2016-2017 Building Permit Report (Pages 207-212)

REVIEW REVENUE REPORT: (Page 213)

CORRESPONDENCE:

1. Correspondence Related to Churchill Club Stormwater Issue (Page 214-227)
2. Email from Michael Denyko to Health Department and Planning, Building and Zoning Department RE: 2600 Light Road (Page 228)

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

1. Review of Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21))

NEW BUSINESS:

1. Approval of a Determination That (1) The Need for Confidentiality Still Exists as to All or Part of Those Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act and/or (2) The Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act or Portions Thereof No Longer Require Confidential Treatment and Are Available for Public Inspection

ADJOURNMENT: Special Meeting January 30, 2018 at 6:00 p.m. (Page 229)

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of December 11, 2017 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:30 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman), Judy Gilmour, Scott Gryder (arrived at 7:11 p.m.) and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Mr. and Mrs. Jayson Greenslade, Jim Williams, Duane Torgerson, Bob Rogerson, Chris Lindley, and Ryan Leonard

APPROVAL OF AGENDA

Motion by Member Kellogg to approve the agenda with the following amendments: the item at 18 Ridgfield Road, the Red Hawk Landing item and the item at 5586 Fields Drive were moved to between Public Comment and Petitions, seconded by Member Cullick. With a voice vote of four ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Kellogg, seconded by Member Cullick, to approve the minutes of the November 13, 2017 meeting. With a voice vote of four ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report, the Fiscal Year 2016-2017 End of Year Report for the Planning, Building and Zoning Department and the Fiscal Year 2016-2017 End of Year Escrow Report. Motion by Member Kellogg, seconded by Member Cullick, to approve the claims report. With a voice vote of four ayes, the motion carried.

PUBLIC COMMENT

None

NEW BUSINESS

Approval to Forward a Trailer Parked in the Front Yard/Driveway Complaint at 18 Ridgfield Road, Montgomery to the State's Attorney's Office or Code Hearing Unit

Mr. Asselmeier presented information on the case. A trailer can be parked in the front yard for a maximum seventy-two (72) hours in a one (1) week for loading/unloading and maintenance.

Mr. and Mrs. Jayson Greenslade, property owners, stated that they did not receive a definitive time amount from Planning, Building and Zoning Department. The Greenslade family has invested several thousand dollars in their house in recent months. They are presently remodeling the kitchen and the cabinets are in the garage. The family has lived in the house for eleven (11) years.

Jim Williams, Boulder Hill, is a neighbor to the property. Mr. Williams filed the complaint against the Greenslades. Mr. Williams said that the trailer has not moved; the Greenslades disagreed with this statement.

Chairman Davidson asked how long it would take Mr. Greenslade to move the trailer. Mr. Greenslade said that he would get it moved as quickly as possible.

The consensus of the Committee was to give the property owner thirty (30) days to remove the trailer.

OLD BUSINESS

Red Hawk Landing Stormwater Issue

Bob Rogerson, Oswego Township Highway Commissioner, said that the drainage issue was a private property matter. However, the Township previously did work in the area. Mr. Rogerson introduced Chris Lindley of WBK Engineering to explain the situation. Mr. Lindley explained their exploration efforts of field tile in the area and the conditions of the field tiles in the area. Mr. Lindley proposed to make repairs to the field tiles where trees roots have infiltrated the field tile. He proposed removing forty feet (40') of field tile in the area where the tree roots damaged the field tile. He also suggested removing the trees causing the problem.

Duane Torgerson, Red Hawk Drive, said that the problem is not the large water flows; the problem is that the tile plugs up and causes back-ups. The water backs up into adjoining leach fields and causes raw sewage to flow downstream.

Mr. Rogerson proposed determining the location and ownership of the trees. The survey could cost Three Thousand Dollars (\$3,000). He would like financial assistance from the County on the survey and potential fix.

John Constantine, Plainfield Road, stated that his family owns the land south of the site. He said that he has standing water on his property if the tile was not blocked.

Several Committee members expressed concerns about spending public money on private property and lamented that a drainage district did not exist in the area.

The State's Attorney's Office's opinion was that the County had no liability on this matter.

The consensus of the Committee was that the issue was not a County matter and Mr. Rogerson should try to resolve the issue with the private property owners.

Update on Stormwater Issue in Fields of Farm Colony Unit 4 (5586 Fields Drive)

Mr. Asselmeier said that Oswego Township did not have jurisdiction or any files on this property. The County also did not have liability on this matter.

Ryan Leonard, property owner, discussed the drainage system at his property.

The consensus of the Committee was that this issue was not a County matter and the owner of the property was responsible for jetting the line.

Member Gryder arrived at this time (7:11 p.m.).

PETITION

Petition 17-30-Kendall County Planning, Building and Zoning Committee Requested Text Amendments to Section 3.02 (Definitions), Section 10.01.C.10 and Section 10.01.C.11 (Special Uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District) of the Kendall County Zoning Ordinance By Extending the Expiration Deadline from January 1, 2018 to July 1, 2020 for the County Medical Cannabis Related Zoning Regulations

Mr. Asselmeier summarized the request. At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance extending the expiration deadline for the County's medical cannabis regulations. When the County adopted medical cannabis regulations in 2014 (by Ordinances 2014-28 and 2014-31) the expiration date was set at January 1, 2018. The Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) expires on July 1, 2020.

This proposed amendment does not change any language, other than the expiration date, contained within the Zoning Ordinance on this topic.

ZPAC reviewed this proposal at their meeting on October 3rd and unanimously recommended approval of the proposed text amendments. The Kendall County Regional Planning Commission reviewed this proposal at their meeting on October 25th and unanimously recommended approval of the proposed text amendments. The public hearing before the Kendall County Zoning Board of Appeals occurred on October 30th. No members of the public spoke in favor or in opposition to this proposal. The Zoning Board of Appeals unanimously recommended approval of the proposal. The townships were notified of the decision of the Zoning Board of Appeals on October 31st. No comments were received from any township.

Member Gilmour asked if language could be added stating that the regulations must meet federal law. Mr. Asselmeier responded that the County tried to place that language in the original proposal in 2014, but the State's Attorney's Office advised against it at that time.

Motion by Member Kellogg, seconded by Member Cullick, to forward the proposed text amendments to the County Board.

Yeas (5): Cullick, Davidson, Gryder, Gilmour and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on December 19th.

NEW BUSINESS

Approval of Scheduling a Special Meeting of the Planning, Building and Zoning Committee in the Month of January 2018 for the Purposes of Discussing and Amending Proposed Changes to Kendall County's Outdoor Shooting Range Regulations. The Specific Date, Time and Location of the Meeting Shall be Determined at the December 11, 2017 Meeting

Motion by Member Kellogg, seconded by Member Gryder, to schedule the special meeting for January 30, 2018 at 6:00 p.m. in the County Board Room for the purposes of discussing and amending proposed changes to Kendall County's outdoor shoot range regulations.

Yeas (5): Cullick, Davidson, Gryder, Gilmour and Kellogg

Nays (0): None

Abstain (0): None

Absent (0): None

The motion carried.

The existing gun ranges/gun clubs will be notified of the meeting date and time.

Discussion of Future Use of Code Hearing Unit (Administrative Adjudication Hearing Officer) and Related Amendment to the Definition of Code Found in the Code Hearing Unit Regulations

Mr. Asselmeier read his memo on the subject. At the November 29th meeting of the Kendall County Regional Planning Commission, the Commission wondered if the County intended to use the Code Hearing Unit on a more frequent basis. If the County desires to use the Code Hearing Unit on a more frequent basis, the definition of the term "code" would require amendment.

Member Gilmour asked who is the Hearing Officer. Mr. Asselmeier responded that Walter Werderich is the Hearing Officer.

Chairman Davidson said that he would like to see the Hearing Officer used more frequently.

The consensus of the Committee was to check the County's existing regulations with State law and to review the fines contained in the various ordinances. This matter will be brought back to the January meeting.

Discussion of Special Use Permit Renewal Procedures

Mr. Asselmeier read his memo on the subject. Of the approximately two hundred (200) special use permits issued by Kendall County, twenty-seven (27) require some form of review. This review ranges from inspections to review to renewals.

The Zoning Ordinance does specifically identify the process for renewing a special use permit. This issue raises several questions including:

1. Do special use permits automatically expire if they are not renewed?
2. Do special use permit renewals require the same process and the same fee (\$1,155) as new special use permits?

Staff requested guidance as to how the Committee would like the Department to proceed on special use permit renewals.

Member Gilmour expressed concerns about allowing public to express an opinion on renewal requests.

The consensus of the Committee was for Staff to draft a proposal outlining a renewal procedure and to bring the proposal to the January Committee meeting.

OLD BUSINESS

Update on Bridge Issue at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)

Mr. Asselmeier stated that the State's Attorney's Office was working on a letter to Mr. Antos. The State's Attorney's Office requested that the Illinois Department of Natural Resources be contacted to investigate and supply an additional letter.

The consensus of the Committee was that they would like the property owner to come into compliance with the Stormwater Management Ordinance and that a letter from the Illinois Department of Natural Resources could delay that process.

Review Violation Report

The Committee reviewed the Violation Report

Review Non-Violation Report

The Committee reviewed the Non-Violation Report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

Approval of Historic Tax Credit Resolution

Mr. Asselmeier read his memo on the subject. At their meeting on November 20th, the Historic Preservation Commission recommended approval of the proposed resolution.

The Chairwoman of the Historic Preservation Commission also sent a letter to our elected officials in Washington, D.C. expressing support for the Historic Tax Credit Program.

The consensus of the Committee was that this matter should be laid over until the January meeting because some Committee members felt they needed more information and other Committee members felt that the resolution was moot given the current tax policy negotiations in Washington.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report. Revenues are higher from this time last year.

CORRESPONDENCE

Correspondence Related to Churchill Club Stormwater Issue

Mr. Asselmeier read the emails on this matter. The Village of Oswego is leading the investigation of this issue and sent a violation letter to the owner. The Village of Oswego continues to gather water samples. The owner of the horse property was not happy about the stormwater runoff onto his property. The owner of the adjoining property in the Churchill Club subdivision was also not happy about the water in her backyard.

Member Gryder asked about the catch basin near the church. Mr. Asselmeier responded that the Village of Oswego said that everything was constructed correctly.

Correspondence Related to the Operation of a Garage or Mechanic Shop at 57 Sonora Drive
Mr. Asselmeier read the correspondence.

Member Gryder said that he spoke with members of the family in the past, but it is hard to catch the neighbor using the property for a garage or mechanic shop.

Memo from Matt Asselmeier to Planning, Building and Zoning Committee Regarding the Kendall County Regional Planning Commission Establishing a Sub-Committee Named the Comprehensive Land Plan and Ordinance Committee

Mr. Asselmeier read the memo. At their November 29th meeting, the Chairman of the Kendall County Regional Planning Commission created a sub-committee pursuant to Article XI of the By-Laws of the Kendall County Regional Planning Commission. The name of the sub-committee is the Comprehensive Land Plan and Ordinance Committee. The tentative members of the sub-committee are:

Larry Nelson, Chairman
Kendall County Regional Planning Commission Chairman or His Designee
Kendall County Zoning Board of Appeals Chairman or His Designee
Kendall County Board Chairman or His Designee
Kendall County Soil and Water Conservation District Designee
Planning, Building and Zoning Committee Chairman or His Designee
Jeff Wehrli
John Shaw
County Administrator (Declined Appointment)

The sub-committee has scheduled its first meeting for December 20th at 5:00 p.m. in the County Board Room.

PUBLIC COMMENT

Jim Williams, Boulder Hill, expressed concerns about trailers in front yard, stock cars, boats and illegal businesses in residential zoned areas. He expressed opposition to the existing regulations allowing non-licensed cars parked on the driveway if the car starts. He stated that people do not know the procedure for filing a complaint.

Member Cullick suggested having a Planning, Building and Zoning Committee meeting in Boulder Hill, possibly March or April.

The Committee requested Staff to bring the Inoperable Vehicle Ordinance and Junk and Debris Ordinance to the January meeting.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

The minutes in question were not ready to be reviewed. The Committee decided to layover going into executive session on this issue until the January meeting.

ADJOURNMENT

Member Kellogg motioned to adjourn, seconded by Member Cullick. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 8:16 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

frmPrctClaim Kendall County

Claims Listing

12/06/17 11:09:42 AM

Page 001

Vendor #	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 191522	SOURCE ONE OFFICE PRODUCTS	531039	NOVEMBER 2017 PLUMBI	12/06/17	01020026200	OFFICE SUPPLIES	24.52
2 012018	AT & T MOBILITY	287251783045X	CELL PHONE - CODE OF	12/06/17	01020026207	CELLULAR PHONE	74.62
3 190816	SHAW MEDIA	111710101009	ZONING LEGAL NOTICES	12/06/17	01020026209	LEGAL PUBLICATIONS	74.62*
4 110531	KENDALL CO HIGHWAY DEPT	NOVEMBER 2017	NOVEMBER FUEL PBZ	12/06/17	01020026217	VEHICLE MAINT/REPAIRS	101.40
5 261005	RANDY ERICKSON	NOVEMBER 2017	NOVEMBER 2017 PLUMBI	12/06/17	01020026361	PLUMBING INSPECTIONS	101.40*
6 110545	KENDALL COUNTY RECORDER	886	RECORDING OF 2 ORDIN	12/06/17	01020026370	RECORDING EXPENSE	130.15*
							1,680.00
							1,680.00*
							102.00
							102.00*

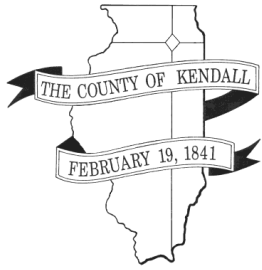
Total BUILDING AND ZONING

2,112.69*

GRAND TOTAL

2,112.69**

frmPrctClaim	Kendall County	Supplemental Claims Listing				12/15/17	8:41:19 AM	Page 001
Vendor #	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount	
BUILDING AND ZONING								
1	120557	LEDGER-SENTINEL	57908	OSWEGO LEDGER SUBSCR	12/15/17	01020026202	BOOKS/SUBSCRIPTIONS	22.00
								22.00*
2	091474	INTERNATIONAL CODE COUNCIL, IN	3186413	ICC MEMBERSHIP DUES	12/15/17	01020026203	DUES	240.00
								240.00*
3	160189	PARADISE CAR WASH	223568	COUNTY TRUCK WASH	12/15/17	01020026217	VEHICLE MAINT/REPAIRS	17.00
								17.00*
4	230933	WBK ENGINEERING, LLC	18489	REVIEW SERVICES	12/15/17	01020026363	CONSULTANTS	94.50
								94.50*
Total BUILDING AND ZONING								373.50*
ENGINEERING/CONSULTING ESCROW ACCT								
5	230933	WBK ENGINEERING, LLC	5	FOX METRO EXPANSION	12/15/17	59020000046	FOX METRO WATER REC DIST	457.32
								457.32*
6	230933	WBK ENGINEERING, LLC	18491	7225 CATON FARM ROAD	12/15/17	59020000051	CHRIS JENSEN SP 17-01	246.49
								246.49*
7	230933	WBK ENGINEERING, LLC	18389	NICOR-MINOOKA	12/15/17	59020000059	NICOR-AUX SABLE CREEK-CO	472.50
								472.50*
Total ENGINEERING/CONSULTING ESCROW								1,176.31*
GRAND TOTAL								1,549.81*



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: January 3, 2018

Re: Petition 18-01-Repeal of Special Use at 17609 Galena Road

On January 3, 2018, Erich and Amy Kaiser submitted a request that the special use permit for a landscaping business at 17609 Galena Road be revoked. A copy of Ordinance 2008-09 which granted them a special use permit for a landscaping business is attached.

The subject property is zoned A-1 Agricultural. If the special use permit is revoked, the subject property would retain the A-1 Agricultural zoning classification.

If the Committee wishes to take action on this proposal, a draft ordinance is also enclosed.

If you have any questions, please let me know.

Thanks,

MHA

Enc: Draft Revocation Ordinance
Ordinance 2008-09

ORDINANCE # 2018-_____

REVOKING A SPECIAL USE for
A LANDSCAPING BUSINESS AT 17609 GALENA ROAD
(PARCEL ID NUMBER 01-06-100-006) IN LITTLE ROCK TOWNSHIP

WHEREAS, Landscape Designs petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the operation of a landscaping business on their property located at 17609 Galena Road in Little Rock Township, identified by Parcel Identification Number 01-06-100-006; and

WHEREAS, said property is legally described the attached Exhibit “A”; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2008-09 on April 15, 2008; and

WHEREAS, Erich and Amy Kaiser purchased said property on or about May 1, 2015; and

WHEREAS, Section 13.08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13.08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; and

WHEREAS, Erich and Amy Kaiser, owners, no longer desire the special use permit and have stated in a letter as provided in attached Exhibit “B” that they voluntarily requests that Kendall County revoke the special use permit on the above-referenced property; and

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Kendall County, Illinois that the special use permit granted under Ordinance 2008-09 be revoked as of the date of this Ordinance; and

BE IT FURTHER ORDAINED, that the Zoning Administrator and other appropriate County officials are hereby authorized and directed to update the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted under Ordinance 2008-09.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 16th day of January, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

EXHIBIT "A"

THAT PART OF THE NORTH HALF OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 6, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6 WITH THE ORIGINAL CENTER LINE OF GLANEA ROAD; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 2473.05 FEET TO THE WEST LINE OF LANDS FORMERLY OWNED BY J.S. HATCH EXTENDED SOUTHERLY FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 884.0 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO SAID CENTER LINE 338.93 FEET; THENCE NORTHEASTERLY PARALLEL WITH SAID CENTER LINE 910.96 FEET TO SAID WEST LINE; THENCE SOUTHEASTERLY ALONG SAID WEST LINE AND SAID WEST LINE EXTENDED, 340.0 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF LITTLE ROCK, KENDALL COUNTY, ILLINOIS

Exhibit "B"

December 1, 2017

Kendall County
Planning, Building and Zoning
Attn: Matthew H. Asselmeier
111 West Fox Street Room 203
Yorkville, IL 60560-1498
Phone: 630-553-4139 Fax: 630.553.4179

I, Erich & Amy Kaiser, am the owner of the parcel 01-06-100-006.

On April 15, 2008, the property was granted a special use (Ordinance 2008-09). The special use granted in 2008 was granted for the operation of a landscaping business.

Pursuant to Section 13.08.F of the Kendall County Zoning Ordinance, I hereby voluntarily request that Kendall County revoke my special use on the above-referenced property. By signing below, I acknowledge that no public hearing shall be conducted for revocation of the special use. I understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, I hereby waive my right to a public hearing and formally request the above-referenced special use be removed from my

[Redacted Signature]

(Signature)

12-28-17
(Date)

Erich & Amy Kaiser
(Printed Name)

Attest:

[Redacted Notary Signature]

Notary Public

12/28/17

Exp. 3/17/21

OFFICIAL SEAL
ELLEN DUNNE
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES: 03/17/21

ORDINANCE NUMBER 2008 - 09

GRANTING A SPECIAL USE for
OPERATION OF A LANDSCAPING BUSINESS to
LANDSCAPE DESIGNS

WHEREAS, Landscape Designs has filed a petition for a Special Use within the A-1 Agricultural Zoning District for the operation of a landscaping business pursuant to Section 7.01.D.17 of the Kendall County Zoning Ordinance for a 6.983 acre property located on the north side of Galena Road, approximately 1 mile west of Little Rock Road, commonly known as 17609 West Galena Road (PIN# 01-06-100-006), in Little Rock Township, as legally described in "Exhibit A"; and

WHEREAS, said petition is to allow the operation of a landscaping business; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on March 25, 2008; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit per section § 7.01.D.17 (A-1 Special Uses-Landscaping Business) to permit the use indicated in the recitals section of this Ordinance, subject to the following conditions:

1. The site shall be developed in accordance with the controlling site plan attached hereto as Exhibit "B";
2. A Change of Occupancy permit must be secured for the commercial building prior to the start of the business operation
3. The proposed gravel drive shall be paved with a hard surface from Galena road to the edge of the R.O.W. within six (6) months of the approval of this Special Use.
4. No storage of landscape waste, burning or composting of waste materials from landscaping operations shall be permitted on the premises;
5. Storage and location of above ground fuel tanks shall comply with all applicable state and local codes and ordinances.
6. The occupancy of the existing residence on-site shall be limited to family members of the property owners

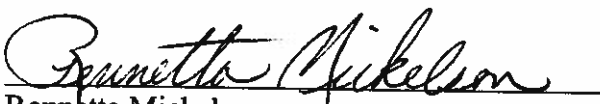
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

State of Illinois
County of Kendall

Zoning Petition
08-04

IN WITNESS OF, this ordinance has been enacted on April 15, 2008.

Attest:


Rennetta Mickelson
Kendall County Clerk


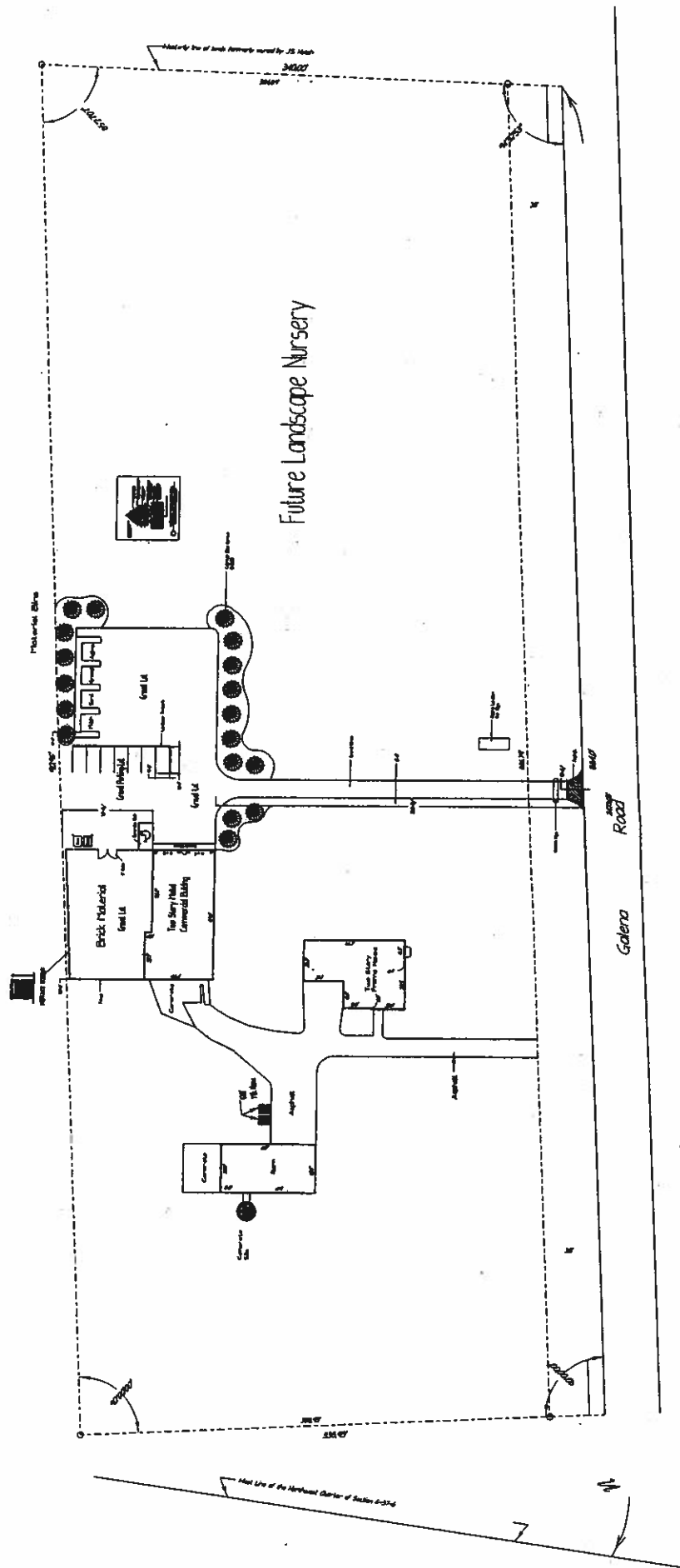

John A. Church
Kendall County Board Chairman

EXHIBIT "A"

THAT PART OF THE NORTH HALF OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 6, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6 WITH THE ORIGINAL CENTER LINE OF GLANEA ROAD; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 2473.05 FEET TO THE WEST LINE OF LANDS FORMERLY OWNED BY J.S. HATCH EXTENDED SOUTHERLY FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 884.0 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO SAID CENTER LINE 338.93 FEET; THENCE NORTHEASTERLY PARALLEL WITH SAID CENTER LINE 910.96 FEET TO SAID WEST LINE; THENCE SOUTHEASTERLY ALONG SAID WEST LINE AND SAID WEST LINE EXTENDED, 340.0 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF LITTLE ROCK, KENDALL COUNTY, ILLINOIS

DATE _____



H2.4x6.983 Acres
H0.8333x(6.272 Acres Excluding Road)

Proposed Land Use	Plan	Area	Value	Notes
Residential	1-30	10.00	10.00	
Commercial	1-30	10.00	10.00	
Industrial	1-30	10.00	10.00	
Public	1-30	10.00	10.00	
Other	1-30	10.00	10.00	

Law Offices
of
Daniel J. Kramer
1107A S. Bridge Street
Yorkville, Illinois 60560
630-553-9500
Fax: 630-553-5764

Daniel J. Kramer

Kelly A. Helland
D.J. Kramer

December 29, 2017

Matthew Asselmeier
Department of Planning, Building & Zoning
111 W. Fox St.
Yorkville, IL 60560


RE: Universal Resources, Inc. Conditional Use

Dear Mr. Asselmeier:

Enclosed please find a complete disc along with the filing fee check for \$100.00, paper Application forms and maps.

Let us know when you want to schedule meetings?

Very truly yours,



Daniel J. Kramer
Attorney at Law

DJK:rg



LAW OFFICES of DANIEL J KRAMER

1107 S Bridge St, Ste A
Yorkville, IL 60560
(630) 553-9500

FNBC
BANK & TRUST
www.fnbcft.com
70-392/719

EZShield® Check Fraud
Protection for Business

DATE

12/29/17

CHECK

AMOUNT

****\$100.00

PAY

TO THE
ORDER
OF

Kendall Co. Treasurer
111 W. Fox Street
Yorkville IL 60560

*** ONE HUNDRED & 00/100 DOLLARS



AUTHORIZED SIGNATURE

Security features. Details on back.

QUIT CLAIM DEED

Statutory (Illinois)

THE GRANTOR,

Universal Resources, Inc.

of Plano
in the County of Kendall
and State of Illinois

for and in consideration of \$10.00 in hand paid, CONVEY and QUIT CLAIM TO:

Christie M. Sheldon, a single person

whose address is: 16395C Griswold Springs, Plano, IL 60545

all interest in the following described Real Estate situated in the County of Kendall, in the State of Illinois to wit:

See attached Legal Description

SUBJECT TO: Existing easements, covenants, and restrictions of record, and 2013 and subsequent years real estate taxes.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number: Part of 01-29-377-001

Address of Real Estate: 16395C Griswold Springs, Plano, IL 60545

Dated this 29th day of December, 2017

X

Christie M. Sheldon

Quit Claim Deed

STATE OF ILLINOIS)
) SS.
COUNTY OF KENDALL)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Christie M. Sheldon, personally known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered this instrument as her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this _____ Day of __, 20__.

Notary Public

SEND SUBSEQUENT TAX BILLS TO:

Christie M. Sheldon
16395C Griswold Springs
Plano, IL 60545

THIS DOCUMENT PREPARED BY:

Law Offices of Daniel J. Kramer
1107A S. Bridge Street
Yorkville, IL 60560

AFTER RECORDING, RETURN TO:

Christie M. Sheldon
16395C Griswold Springs
Plano, IL 60545

This Transaction EXEMPT under provisions
of 35ILCS 200/31-45, Par. ____.

Dated _____, 20____.

Signed _____

LEGAL DESCRIPTION OF PROPOSED CONDITIONAL USE TRACT:

That Part of the South Half of Section 29, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of the Southeast Quarter of said Section 29; thence North $89^{\circ}59'16''$ West, along the South Line of said Southeast Quarter, 1325.80 feet to the Southeast Corner of the West Half of said Southeast Quarter; thence North $00^{\circ}46'35''$ West, along the East Line of the West Half of said Southeast Quarter, 425.0 feet; thence North $89^{\circ}59'16''$ West, parallel with the South Line of said Southeast Quarter, 924.43 feet to an Iron Pipe Monument at a Southeast Corner of a Tract conveyed to Universal Resources, Inc. by Trustee's Deed recorded December 5, 2017 as Document No. 201700019102; thence South $89^{\circ}48'59''$ West, along a Southerly Line of said Universal Resources Tract (as monumented), 70.0 feet for the point of beginning; thence North $89^{\circ}48'59''$ East, along the line of the last described course, 70.0 feet to an Iron Pipe Monument; thence North $01^{\circ}09'02''$ West, along an Easterly Line of said Universal Resources Tract (as monumented), 199.79 feet to an Iron Pipe Monument; thence North $89^{\circ}40'23''$ East, along a Southerly Line of said Universal Resources Tract (as monumented), 196.25 feet to an Iron Pipe Monument at the Southwest Corner of Lot 12 of Griswold Springs Estates; thence North $00^{\circ}57'53''$ West, along the Westerly Line of said Griswold Springs Estates, 645.74 feet to a Concrete Monument; thence South $69^{\circ}43'22''$ West, along the Southerly Line of Lot 12 of Bohnstedt Addition to the City of Sandwich, 825.0 feet; thence South $20^{\circ}16'38''$ East, 260.0' thence South $53^{\circ}45'20''$ East, 536.07 feet to the point of beginning, in Little Rock Township, Kendall County, Illinois.

PLAT ACT AFFIDAVIT
(FILE WITH THE RECORDER OF DEEDS OF KENDALL COUNTY)

STATE OF ILLINOIS)
)ss.
COUNTY OF KENDALL)

DOCUMENT #

DANIEL J. KRAMER, being duly sworn on oath, states that he resides at
1107A S. Bridge Street, Yorkville, IL 60560. That the attached deed represents:

1. The subject property is unsubdivided property.
2. A distinct separate parcel qualifying for a Kendall County building permit prior to August 10, 1971.
3. The division of subdivision of the land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
4. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
5. The sale of exchange of parcels of land is between owners of adjoining and contiguous land.
6. The conveyance is of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access.
7. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
8. The conveyance is of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
9. The conveyance is made to correct descriptions in prior conveyances.
10. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.
11. The sale is of a single lot of less than five acres from a larger tract, evidenced by a survey made by a registered surveyor which single lot is the first sale from said larger tract as determined by the dimensions and configurations thereof on October 1, 1973, and which sale does not violate any local requirements applicable to the subdivision of land.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

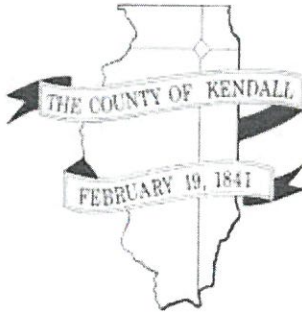
Affiant further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

DANIEL J. KRAMER, Attorney at Law

SUBSCRIBED AND SWORN to before me

this ____ day of _____, 20____.


Notary Public

**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

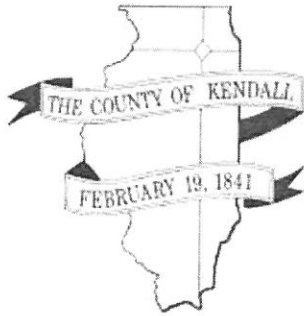
CONDITIONAL USE APPLICATION

PROJECT NAME Sheldon FILE #

NAME OF APPLICANT Christie Marie Sheldon		
CURRENT LANDOWNER/NAME(s) Universal Resources, Inc.		
SITE INFORMATION		
ACRES 9.2581 acres	SITE ADDRESS OR LOCATION 16395C Griswold Springs, Plano	ASSESSOR'S ID NUMBER (PIN) 01-29-377-001
EXISTING LAND USE	CURRENT ZONING A-1 Agricultural	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply): <u>YOU MUST MEET ALL CONDITIONS LISTED IN THE ORDINANCE TO QUALIFY</u>		
<input type="checkbox"/> SMALL WIND ENERGY SYSTEM	<input type="checkbox"/> SEASONAL FESTIVAL	<input type="checkbox"/> RIDING STABLES
<input type="checkbox"/> ECHO HOUSING	<input type="checkbox"/> BUYING AND SELLING OF LIVESTOCK	<input type="checkbox"/> FEED YARDS
<input type="checkbox"/> ACCESSORY AGRICULTURAL SERVICES	<input type="checkbox"/> TRUCK/TRACTOR AMUSEMENTS	<input type="checkbox"/> PUBLIC 911 SAFETY TOWER
<input type="checkbox"/> AGRICULTURAL LABOR HOUSING	<input type="checkbox"/> GUEST HOUSE	<input checked="" type="checkbox"/> SINGLE FAMILY DWELLING
<input type="checkbox"/> HOME-BASED FOOD OPERATION	<input type="checkbox"/> MODEL HOME	<input type="checkbox"/> PLACES OF WORSHIP
<input type="checkbox"/> SCHOOL	<input type="checkbox"/> DRY CLEANER	<input type="checkbox"/> LAUNDRYMAT (SELF-SERVICE)
<input type="checkbox"/> ELECTRICAL APPLIANCE STORE	<input type="checkbox"/> CONSTRUCTION SERVICES	<input type="checkbox"/> CONTRACTOR'S OFFICE
<input type="checkbox"/> ENCLOSED SELF-SERVICE STORAGE	<input type="checkbox"/> LABORATORIES	<input type="checkbox"/> OUTDOOR DISPLAY
<input type="checkbox"/> PROCESSING OR ASSEMBLY		
PRIMARY CONTACT EMAIL Dkramer@dankramerlaw.com	PRIMARY CONTACT MAILING ADDRESS 1107A S. Bridge Street, Yorkville, IL 60560	PRIMARY CONTACT Daniel J. Kramer
PRIMARY CONTACT PHONE # 630-553-9500	PRIMARY CONTACT FAX # 630-553-5764	PRIMARY CONTACT OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT 	DATE December 29, 2017	

FEE PAID: \$
CHECK #:

¹Primary Contact will receive all correspondence from County



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

CONDITIONAL USE APPLICATION CHECKLIST

- ☒ Completed Application Form
- ☒ Application Fee
- ☒ Legal Description of Property Involved (submitted either on CD or email to PBZ Dept.)
- ☒ Proof of Ownership (Deed or Title Insurance Policy)
- ☐ A Beneficiary Disclosure Statement for Property (if held in trust)
- ☐ Proof of Application to Soil and Water Conservation District for Natural Resource Inventory (If needed)
- ☐ Affidavit signed saying you will abide by all the conditions (Please ask staff for affidavit before applying, each affidavit is different depending on the use)
- ☒ 2 Copies of a Plat of Survey less than five years old depicting the following items*:
 - ☒ Title
 - ☒ Scale of Drawing
 - ☒ "North Arrow" showing north at top of the drawing
 - ☒ Location Map
 - ☒ Date of drawing (as well as dates of any and all revisions)
 - ☒ Names of Developer/Owner
 - ☒ Names of Designer/Surveyor
 - ☒ All existing structures on the property and adjacent properties within 100' of property line
 - ☒ Proposed location of dwelling unit with distances to lot lines
 - ☒ Proposed location of well and septic
 - ☒ Utilities on the property and adjacent properties
 - ☒ Existing easements (location, width and purpose)
 - ☒ Existing streets and other rights-of-way
 - ☒ Topography at 1 or 2 foot contours
 - ☒ Wooded areas (if present)
 - ☒ Natural drainage to, from and on the property
 - ☒ Base Flood Elevation (if present on the property)
 - ☒ Wetlands (if present on the property)
 - ☒ Present zoning classification and PIN on subject property and all adjacent properties on plat or separate plan

*if submitting copies of 11"x17" or smaller, one additional 24"x36" copy is requested for display purposes.

LEGAL DESCRIPTION OF PROPOSED CONDITIONAL USE TRACT:

That Part of the South Half of Section 29, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of the Southeast Quarter of said Section 29; thence North 89°59'16" West, along the South Line of said Southeast Quarter, 1325.80 feet to the Southeast Corner of the West Half of said Southeast Quarter; thence North 00°46'35" West, along the East Line of the West Half of said Southeast Quarter, 425.0 feet; thence North 89°59'16" West, parallel with the South Line of said Southeast Quarter, 924.43 feet to an Iron Pipe Monument at a Southeast Corner of a Tract conveyed to Universal Resources, Inc. by Trustee's Deed recorded December 5, 2017 as Document No. 201700019102; thence South 89°48'59" West, along a Southerly Line of said Universal Resources Tract (as monumented), 70.0 feet for the point of beginning; thence North 89°48'59" East, along the line of the last described course, 70.0 feet to an Iron Pipe Monument; thence North 01°09'02" West, along an Easterly Line of said Universal Resources Tract (as monumented), 199.79 feet to an Iron Pipe Monument; thence North 89°40'23" East, along a Southerly Line of said Universal Resources Tract (as monumented), 196.25 feet to an Iron Pipe Monument at the Southwest Corner of Lot 12 of Griswold Springs Estates; thence North 00°57'53" West, along the Westerly Line of said Griswold Springs Estates, 645.74 feet to a Concrete Monument; thence South 69°43'22" West, along the Southerly Line of Lot 12 of Bohnstedt Addition to the City of Sandwich, 825.0 feet; thence South 20°16'38" East, 260.0' thence South 53°45'20" East, 536.07 feet to the point of beginning, in Little Rock Township, Kendall County, Illinois.

KINGSLAND PROPERTIES
 25 W 560 GENEVA ROAD
 CAROL STREAM, IL 60188
 630-665-1100

KENDALL POINT
 OSWEGO, IL
 PROPOSED DETENTION PLAN

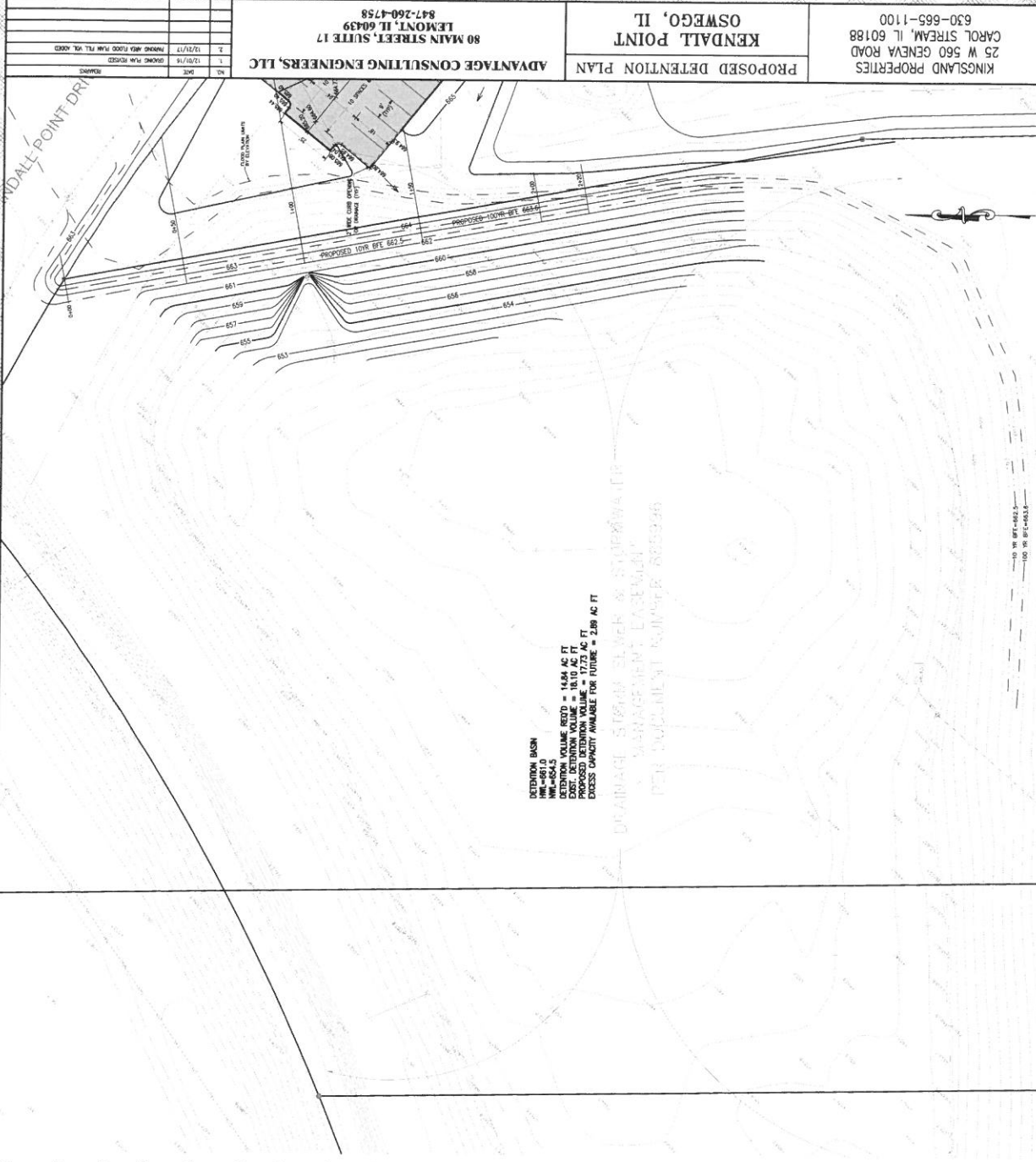
ADVANTAGE CONSULTING ENGINEERS, LLC
 80 MAIN STREET, SUITE 17
 LEMONT, IL 60439
 847-260-4758



10 W BT = 662.5
 100 W BT = 663.5

DETENTION BASIN
 100' x 60' x 10'
 DETENTION VOLUME 8570 = 14.84 AC FT
 PROPOSED DETENTION VOLUME = 1773 AC FT
 EXCESS CAPACITY AVAILABLE FOR FUTURE = 2.89 AC FT

ADVANTAGE CONSULTING ENGINEERS, LLC
 80 MAIN STREET, SUITE 17
 LEMONT, IL 60439
 847-260-4758



DETENTION POND C-APPROVED PLAN				
ELEV.	AREA S.F.	DEPTH (ft) FT	PERCENT A-25 SOIL (A-25) AC FT	CUMULATIVE AC FT
664.00	81.362	0.50	0.85	0.85
665.00	64.141	1.00	2.08	2.93
666.00	29.718	1.00	2.12	5.05
667.00	26.746	1.00	2.28	7.33
668.00	108.072	1.00	2.38	9.71
669.00	108.449	1.00	2.51	12.21
670.00	112.030	1.00	2.64	14.84
671.00	117.803	1.00	2.64	17.48

DETENTION POND C-AS BUILT CONDITION				
ELEV.	AREA S.F.	DEPTH (ft) FT	PERCENT A-25 SOIL (A-25) AC FT	CUMULATIVE AC FT
664.00	85.142	0.50	1.13	1.13
665.00	102.085	1.00	2.47	3.61
666.00	113.109	1.00	2.84	6.45
667.00	118.915	1.00	2.78	9.23
668.00	122.296	1.00	2.88	12.11
669.00	128.811	1.00	3.03	15.14
670.00	134.400	1.00	3.19	18.33
671.00	143.189	1.00	3.19	21.52

DETENTION POND C-PROPOSED CONDITION				
ELEV.	AREA S.F.	DEPTH (ft) FT	PERCENT A-25 SOIL (A-25) AC FT	CUMULATIVE AC FT
664.00	83.841	0.50	1.12	1.12
665.00	100.864	1.00	2.43	3.55
666.00	111.029	1.00	2.68	6.23
667.00	114.666	1.00	2.68	8.91
668.00	118.750	1.00	2.87	11.78
669.00	126.010	1.00	2.97	14.75
670.00	132.410	1.00	3.11	17.86
671.00	138.901	1.00	3.11	20.97

KENDALL POINT 10-YEAR FLOOD PLAIN FILL VOLUME				
SECTION	DISTANCE	FILL (CF)	FILL (CF)	FILL (CF)
0	0	12	12	12
0+50	50	22	34	46
1+00	100	27	61	107
1+50	150	30	91	137
2+00	200	1	92	138
2+50	250	1	93	139
TOTAL C.F.			139	139

KENDALL POINT 5-YEAR FLOOD PLAIN FILL VOLUME				
SECTION	DISTANCE	FILL (CF)	FILL (CF)	FILL (CF)
0	0	6	6	6
0+50	50	4	10	16
1+00	100	7	17	23
1+50	150	6	23	29
2+00	200	1	24	30
2+50	250	1	25	31
TOTAL C.F.			31	31



TRUSTEE'S DEED

201700019102

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL

AFTER RECORDATION MAIL TO:

Near North National Title
222 North La Salle lobby Level
Chicago, Illinois 60601

RECORDED: 12/5/2017 12:19 PM
TRSD: 39.00 RHSPS FEE: 10.00
STATE TAX: 325.00
COUNTY TAX: 162.50
PAGES: 4

The Grantee is and
SEND SUBSEQUENT TAX BILLS TO:

Universal Resources, Inc
16395 C Griswold Springs Road
Plano, Illinois 60545

THIS AGREEMENT, made this 24th day of October, 2017, between Ellyn M Kivitts and Kelly Ann Simms, as Co-Trustees of the Ellyn M Kivitts Trust dated September 15, 1993, Grantee,

WITNESSETH: The Grantor, in consideration of the sum of Ten (\$10.00) Dollars, receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the Grantor as said Trustee, and of every other power and authority the Grantor hereunto enabling, hereby conveys and quitclaims unto the Grantee Universal Resource, Inc, the following described real estate, situated in the County of Kendall, State of Illinois, to-wit

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

Permanent Real Estate Index Number 01-29-377-001

Address of Real Estate 16395 C Griswold Springs Road, Plano, IL 60545

SUBJECT TO General real estate taxes for the years ~~2015~~ ²⁰¹⁷, and subsequent years, special assessments, if any, building, building line, and use or occupancy restrictions, conditions, covenants and restrictions of record, zoning laws and ordinances, easements of record, easements for public utilities, rights of way for drainage ditches, feeders, laterals and drain tile, pipe or other conduit, if any, rights of the public, the State of Illinois, County of Kendall, and the municipality in and to that part of the land taken or used for road purposes, if any, together with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining thereto

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois

IN WITNESS WHEREOF, the Grantors, as Trustees aforesaid, have hereunto set their hands and seals the day and year first above written

DATED this 24th day of October, 2017

KELLY A. SIMMS, Co-Trustee and Power
of Attorney for ELLYN M. KIVITTS

as attorney in fact

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that **KELLY ANN SIMMS, AS CO-TRUSTEE AND POWER OF ATTORNEY FOR THE ELLYN M. KIVITTS TRUST DATED SEPTEMBER 15, 1993**, known to me to be the trustees of their respective trust and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead

Given under my hand and official seal, this 24th day of October, 2017

NOTARY PUBLIC

Instrument prepared by:

Julie Swanson Haggard, Attorney at Law
Krentz, Salfisberg, & Swanson Haggard, P.C.
100 W Main Street
Plano, IL 60545

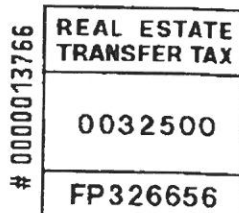
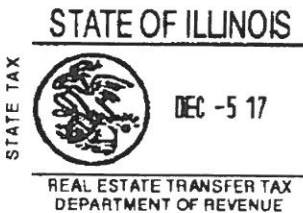


EXHIBIT "A"

Parcel 1

That part of the South 1/2 of Section 29, Township 37 North, Range 6 East of the Third Principal Meridian, described as follows Commencing at the Southeast corner of the Southeast 1/4 of said Section 29, thence North 89°59'16" West along the South line of said Southeast 1/4, 1325 80 feet to the Southeast corner of the West 1/2 of said Southeast 1/4, thence North 0°46'35" West along the East line of the West 1/2 of said Southeast 1/4, 425 feet, thence North 89°59'16" West parallel with the South line of said Southeast 1/4, 924 43 feet, thence North 89°59' West 178 6 feet for the point of beginning, thence South 89°59' East 178 6 feet, thence North 0°46'35" West parallel with the East line of the West 1/2 of said Southeast 1/4, 200 feet, thence South 89°59'16" parallel with the South line of said Southeast 1/4, 196 86 feet, thence North 0°46'35" West parallel with the East line of the West 1/2 of said Southeast 1/4, 646 31 feet, thence South 68°58'50" West 11 39, thence South 69°42'42" West 1581 51 feet to the center line of Little Rock Creek, thence Southeasterly along said center line, 1049 24 feet to a line drawn South 60°24' West from the point of beginning, thence North 60°24' East 332 20 feet to the point of beginning, in the Township of Little Rock, County of Kendall, State of Illinois

Parcel 2

Easement for ingress and egress as created by reservation in Deed recorded August 7, 1969 as Document 164224, made by Paul Lange, Administrator with the will annexed of the estate of Fred C. Lange, deceased, to Merrill L. Bryant and wife, and as created by instrument recorded August 7, 1969 as document 164226, made by Lowrie Glenn Simms and wife to Merrill L. Bryant and wife, et al, for the benefit of Parcel One, over a strip of land 30 feet wide through the Southwest Quarter of the Southeast Quarter of Section 29, Township 37 North, Range 6, East of the Third Principal Meridian, the center line of said strip being described as follows Commencing at the Southeast corner of said Southeast Quarter, thence North 99° 59' 16" West along the South line of said Quarter Section, 1325 80 feet to the Southeast corner of the Southwest Quarter of said Southeast Quarter, thence North 89° 59' 16" West along the South line of said Quarter Section, 730 66 feet, thence North 31 feet for the point of beginning of said line, thence North 18° 58' 23" West 92 27 feet, thence North 34° 17' 48" West 196 99 feet, thence North 42° 14' 40" West 194 29 feet for the termination of said center line, in the Township of Little Rock, Kendall County, Illinois

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

PLAT ACT AFFIDAVIT

Julie Swanson Haggard, of Sandwich, Illinois, LaSalle County, being duly sworn on oath, state the attached deed is not in violation of Section 205/1 of Chapter 765 of the Illinois Compiled Statutes for one of the following reasons

- 1 The sale or exchange is of an entire tract of land not being a part of a larger tract of land
- 2 The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access
- 3 The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access
- 4 The sale or exchange of parcels of land is between owners of adjoining and contiguous land
- 5 The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities, which does not involve any new streets or easements of access
- 6 The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access
- 7 The conveyance is of land for highway or public purpose or grants or conveyances relating to the vacation of land impressed with a public use
- 8 The conveyance is use to correct descriptions in prior conveyances
- 9 The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1957, and not involving any new streets or easements of access
- 10 The sale is of a single lot of less than 5 acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configurations of said larger tract on October 1, 1973, and no sale prior to this sale, of any lot or lots from said larger tract having taken place since October 1, 1973, and no sale prior to this sale, of any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor

CIRCLE NUMBER FROM FIRST PAGE WHICH IS APPLICABLE TO ATTACHED DEED

AFFIANT further states that he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording, and that all local requirements applicable to the subdivision of land are met by the attached deed and the tract described therein

JULIE SWANSON HAGGARD

SUBSCRIBED and SWORN TO
Before me this 7th day of October, 2017

Notary Public

OFFICIAL SEAL
JANE E MAVES
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 01/16/18

Matt Asselmeier

From: Aaron Rybski
Sent: Thursday, January 04, 2018 11:14 AM
To: Matt Asselmeier
Subject: RE: 16395C Griswold Springs

FYI,

I spoke with the applicant yesterday afternoon and explained that I wished to see the soil reports and an assessment from the contractors she had hired to do this work. This at least gives me something to work with.

She explained that she would be contacting them to get this information. I explained that if there was any confusion that they could reach out to me directly.

Long story short, the ball is in her court and she is aware of this...just in case there are any concerns.

A.R.

From: Matt Asselmeier
Sent: Wednesday, January 03, 2018 3:28 PM
To: Aaron Rybski
Subject: 16395C Griswold Springs

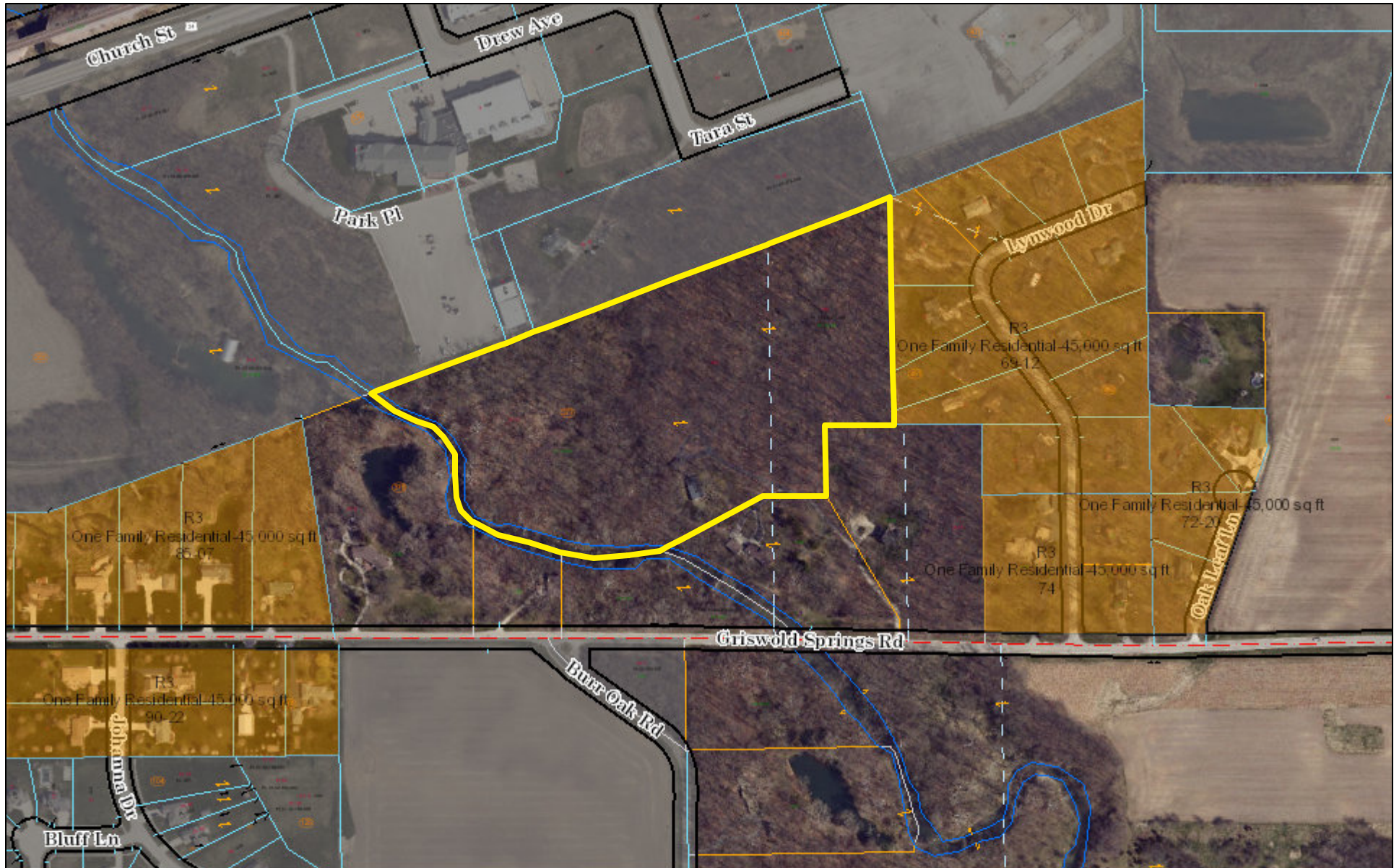
Aaron:

Please see the attached document.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

16395C Griswold Springs Road



January 4, 2018

Agricultural



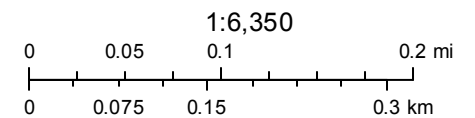
Agricultural-Building Permit



Agricultural-Special Use

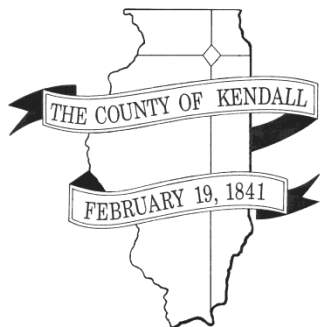


Agricultural-Special Use-Planned Unit Development



Kendall County Illinois GIS





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

January 8, 2018

Daniel J. Kramer
1107A S. Bridge Street
Yorkville, IL 60560

RE: *A-1 Conditional Use-Single-Family Dwelling on Less than Forty Acres of Land
 (Portion of PIN # 01-29-377-001)*

Petition #18-01

To Whom It May Concern:

This letter serves as a copy of the approved Agricultural Conditional Use for a Single-Family home on less than forty (40) acres of property for a portion of the property located approximately two hundred forty-one (241') feet north of the intersection of Griswold Springs Road and Burr Oak Road and more commonly known as 16935C Griswold Springs Road, Plano in Little Rock Township. The Agricultural Conditional Use for a Single-Family home on less than forty (40) acres applies specifically to that portion of the property described in attached Exhibit A.

A review of the submitted documents and our tax assessment database indicate this property consists of the original parcel containing approximately nineteen point nine three (19.93) acres, the applicable portion of the parcel for the Conditional Use Permit contains approximately nine point two (9.25) acres and is zoned A-1 (Agricultural District). The Conditional Use Permit would allow for the construction of one (1) single-family home on the property.

According to our research, the property meets the requirements of Section 7.01.E.1.k of the Kendall County Zoning Ordinance pertaining to single-family homes on less than forty (40) acres because the property contains existing woodland coverage with trees in excess of six inches (6") in diameter at breast level as shown on Exhibit B. The following conditions must be met for the new home:

- There can only be one (1) single-family housing unit located on the parcel.
- The parcel must remain at least one hundred thirty thousand (130,000) square feet in size.
- Well and septic system must receive applicable permits from the Kendall County Health Department.
- The new home shall be constructed in substantially the same location shown on attached Exhibit B.
- No building permit for the new home may be issued until the eastern portion of the property (as shown on attached Exhibit B) is lawfully separated from the larger property.
- The property owner may remove the necessary trees in order to construct the structures shown on attached Exhibit B and install the well and septic system also shown on attached Exhibit B.
- The property owner shall secure all applicable permits for the construction of structures on the property.

This conditional use is valid indefinitely and will run with the land. At the time of application for the building permit and Health Department permits, the applicant will be required to supply a copy of this letter with the applications.

Should you have any questions or concerns about this matter, please feel free to contact me at (630) 553-4139.

Sincerely,

Robert Davidson
PBZ Chairman/ Zoning Administrator

Matthew H. Asselmeier, AICP
Senior Planner/ Zoning Administrator Deputy

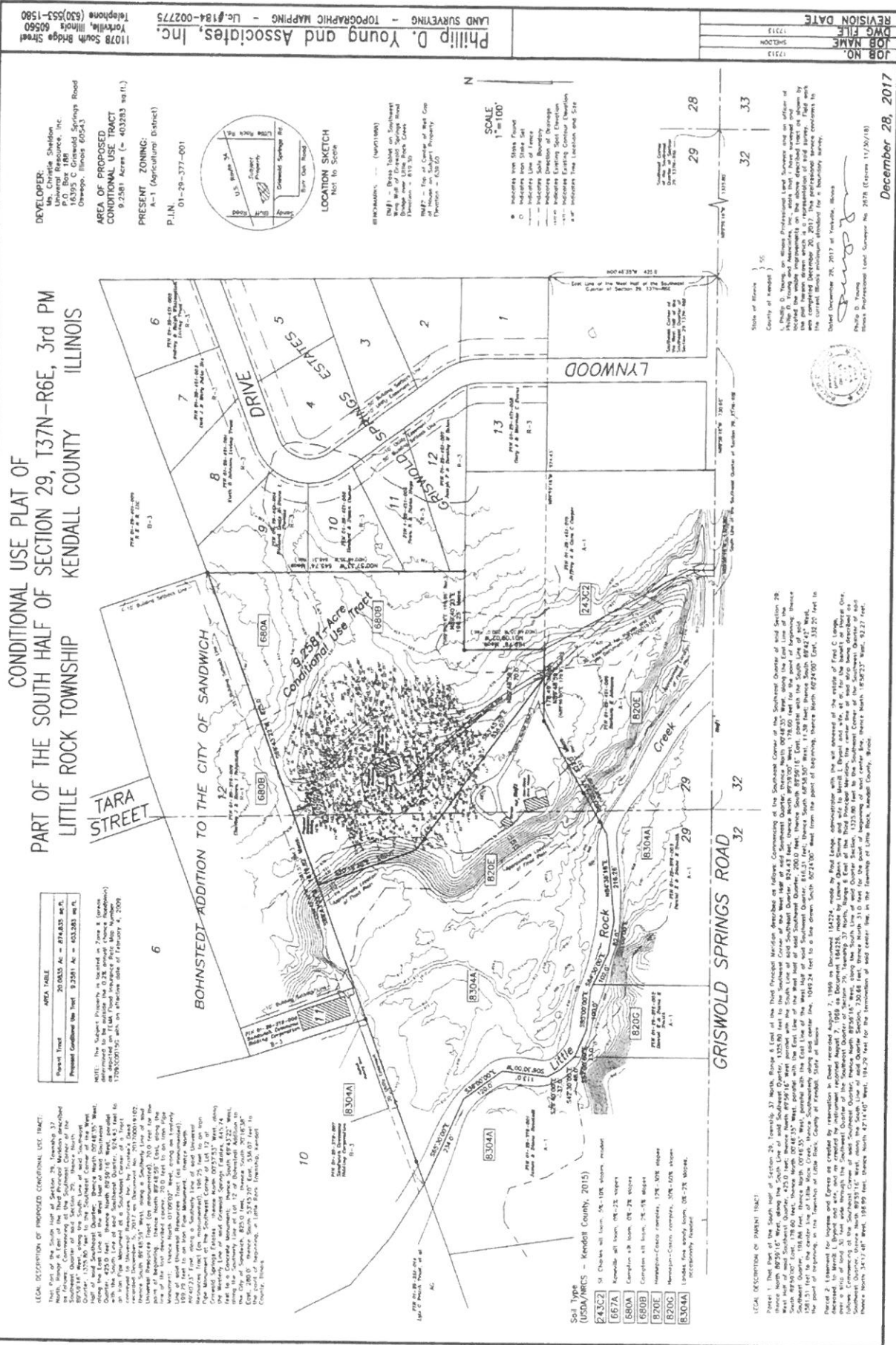
CC: Brian Holdiman, Code Inspector
Aaron Rybski, Director of Environmental Health

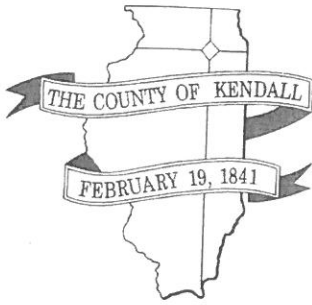
ENC: Exhibit A Legal Description
Exhibit B Plat of Survey

Exhibit A

LEGAL DESCRIPTION OF PROPOSED CONDITIONAL USE TRACT:

That Part of the South Half of Section 29, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of the Southeast Quarter of said Section 29; thence North 89°59'16" West, along the South Line of said Southeast Quarter, 1325.80 feet to the Southeast Corner of the West Half of said Southeast Quarter; thence North 00°46'35" West, along the East Line of the West Half of said Southeast Quarter, 425.0 feet; thence North 89°59'16" West, parallel with the South Line of said Southeast Quarter, 924.43 feet to an Iron Pipe Monument at a Southeast Corner of a Tract conveyed to Universal Resources, Inc. by Trustee's Deed recorded December 5, 2017 as Document No. 201700019102; thence South 89°48'59" West, along a Southerly Line of said Universal Resources Tract (as monumented), 70.0 feet for the point of beginning; thence North 89°48'59" East, along the line of the last described course, 70.0 feet to an Iron Pipe Monument; thence North 01°09'02" West, along an Easterly Line of said Universal Resources Tract (as monumented), 199.79 feet to an Iron Pipe Monument; thence North 89°40'23" East, along a Southerly Line of said Universal Resources Tract (as monumented), 196.25 feet to an Iron Pipe Monument at the Southwest Corner of Lot 12 of Griswold Springs Estates; thence North 00°57'53" West, along the Westerly Line of said Griswold Springs Estates, 645.74 feet to a Concrete Monument; thence South 69°43'22" West, along the Southerly Line of Lot 12 of Bohnstedt Addition to the City of Sandwich, 825.0 feet; thence South 20°16'38" East, 260.0' thence South 53°45'20" East, 536.07 feet to the point of beginning, in Little Rock Township, Kendall County, Illinois.





DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
MOBILE HOME APPLICATION

PERMIT #: 97-03

APPLICANT INFORMATION

NAME OF APPLICANT

MAILING ADDRESS

CITY, STATE - ZIP

Gary Bennett

10791 Corneils Road

Plano, IL 60545

PHONE #

SITE INFORMATION

ACRES

SITE ADDRESS OR LOCATION

ASSESSOR'S ID NUMBER

47.15 ACRES

10825 B Corneils Road

02-08-300-008

EXISTING LAND USE

CURRENT ZONING

Residential and Agricultural

A-1 Conditional Use

CHECK ONE:



Needs Medical Care (Attach Affidavit from Physician)

Building House on Same Lot

Emergency

Residence for Agricultural Employee on the Same Lot

1) Months Occupied (ie. May to August, 2001):

2) Name(s) and Phone Number of Occupant(s):

3) Primary Occupation of Occupant(s):

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF APPLICANT

DATE

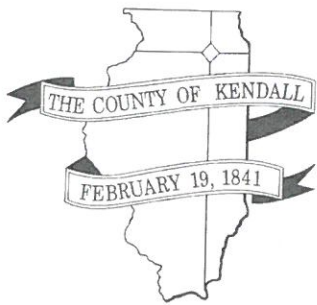
SIGNATURE OF ATTORNEY/AGENT

DATE

12/5/17



11/17/2017 09:33



DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
MOBILE HOME APPLICATION

PERMIT #: 13-18

APPLICANT INFORMATION		
NAME OF APPLICANT	MAILING ADDRESS	CITY, STATE - ZIP
Cindy Harney for Lillian Schallhorn	13443 Fennel Road	Newark, IL 60541
PHONE #		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER
5 ACRES	13443 Fennel Road	07-07-200-020
EXISTING LAND USE		CURRENT ZONING
Residential and Agricultural		A-1 Conditional Use
CHECK ONE:		
<input type="checkbox"/> Needs Medical Care (Attach Affidavit from Physician)		
<input type="checkbox"/> Building House on Same Lot		
<input type="checkbox"/> Emergency		
<input type="checkbox"/> Residence for Agricultural Employee on the Same Lot		
1) Months Occupied (ie. May to August, 2001): _____		
2) Name(s) and Phone Number of Occupant(s): _____		
3) Primary Occupation of Occupant(s): _____		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		
SIGNATURE OF APPLICANT		DATE
		1/2/18
SIGNATURE OF ATTORNEY/AGENT		DATE



11/17/2017 10:20

Matt Asselmeier

From: amber W [REDACTED]
Sent: Tuesday, January 02, 2018 12:09 PM
To: Matt Asselmeier
Subject: Re: ECHO House at 14281 Anderson Road

Yes however at this time we are holding off on this project. We will apply again in the future if needed thank you

Amber

On Jan 2, 2018, at 11:44 AM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Amber:

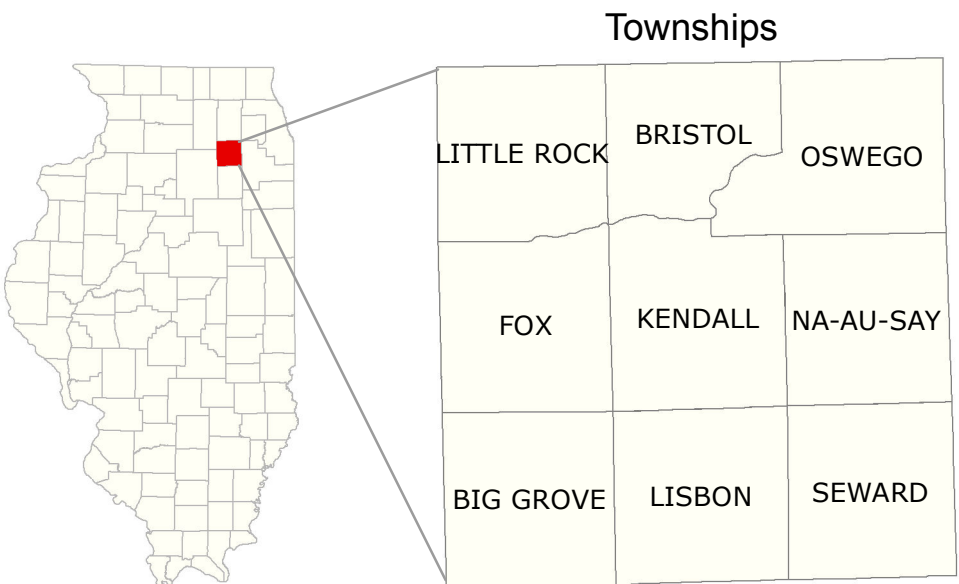
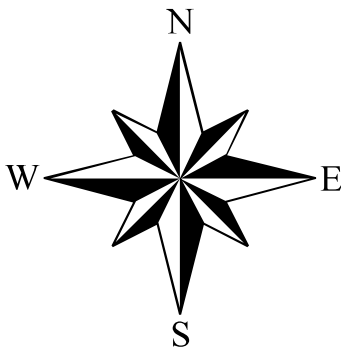
Did you receive the application to renew the mobile home at your property?

Thanks,

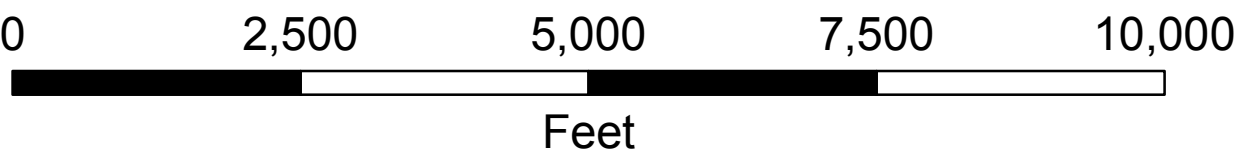
Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

DRAFT Lisbon Future LRMP
Helmar Rd to Sherrill Rd
KENDALL COUNTY
- 2017 -

<http://www.co.kendall.il.us>

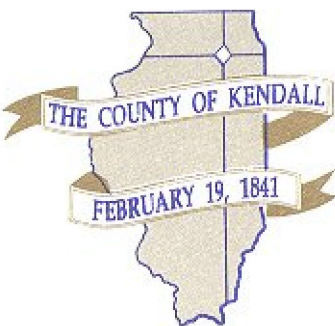


Scale: 1 in = 1,667 feet

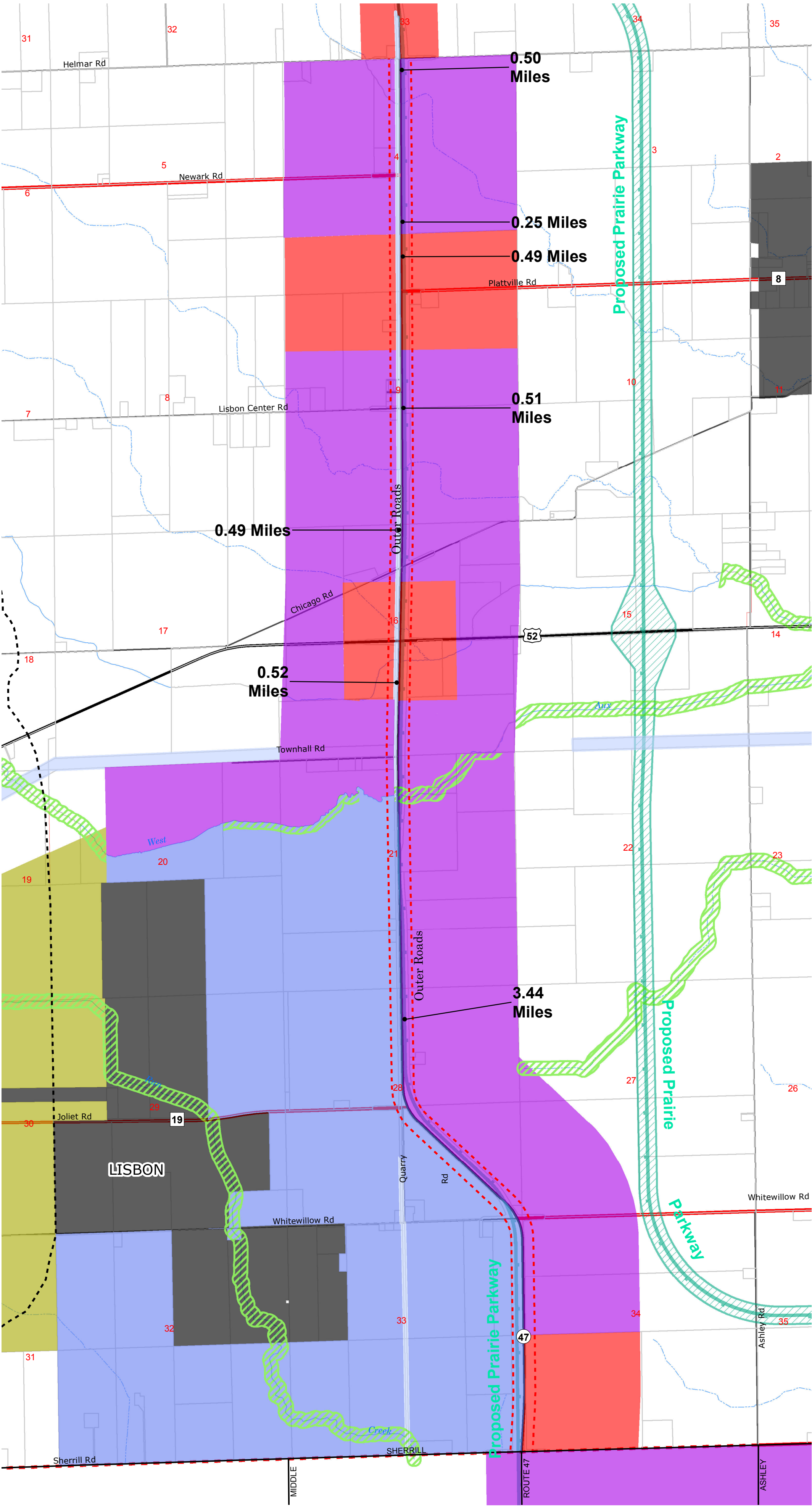


Legend

- Outer Roads
 - Proposed Roadways
- Future LRMP**
- Abbreviation**
- Natural Resource Areas
 - Grundy Mixed Use Business
 - Court Ordered Mining
 - Open Space
 - Urbanized Areas
 - Mixed Use Business
 - Transportation Corridors
 - Public Institutional
 - Mining
 - Rural Settlements
 - Commercial
 - Continued Growth Suburban Residential



Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030



Findings of Fact for Proposed LRMP Map Changes Along Route 47 (Approximately 5.5 Miles)
in Lisbon Township

1. The Illinois Department of Transportation approved Alternative B5 in 2007 which called for the widening of Route 47 from Caton Farm Road to the Grundy County Line through Lisbon Township as part of the Prairie Parkway Project.
2. The purpose of the Prairie Parkway was to:
 - a. “Improve regional mobility by providing more north-south, higher speed multi-lane roads or additional lanes to serve traffic growth and reduce regional travel times for long distance travel.
 - b. Address local system deficiencies by developing a transportation system that serves forecast growth in local traffic and reduces travel times.
 - c. Improve access from the study area to regional jobs by serving the forecast growth in work trips and by reducing travel times from the study area current and future jobs.
 - d. Improve safety by reducing existing and projected growth in motor vehicle crashes”
Source: Prairie Parkway Design Report (2011) Page 1.
3. The Illinois Department of Transportation did not conduct any economic analysis of the impact of the proposed Prairie Parkway on lands located near Route 47 south of Caton Farm Road. Source: Illinois Department of Transportation
4. Changes to the alignment of the Prairie Parkway could cause the Illinois Department of Transportation to re-study the corridor, including updating the NEPA environmental reports, if federal dollars were pursued.
5. There are commercial and industrial lands in Grundy County and Minooka closer to Interstate 80 interchange
 - a. Kraft facility has 1 million square feet available.
 - b. 150 acres is available across from the Morris Airport
 - c. Morris plans warehouses out to Brisbin Road.
 - d. Morris plans retail on Route 47 north of town.
 - e. Morris plans industrial uses by the airport.
Source: Grundy County EDC
6. The City of Morris has extended water lines to Minooka Road and sanitary sewer lines to Nelson Road; no plans to extend infrastructure into Lisbon Township. The City of Morris obtains water for the area north of Interstate 80 from wells south of Interstate 80 Source: Guy Christensen, City of Morris

7. The Chicago Metropolitan Agency for Planning, in the Kendall County Industrial Market Analysis of April 2016, concluded that industrial uses would favor locations near Minooka and inside Grundy County because of their proximity to Interstate 80 (Page 34)
8. Any buildings constructed presently along the corridor will utilize wells and septic systems. Larger buildings (over 5,000 square feet) will need adequate water for fire suppression and/or will need to be constructed with appropriate firewalls.
9. No fiber optics lines currently exist in the area.
10. Traffic counts along Route 47 in Lisbon Township have generally declined since 2003 with the exception for the north end of the Township:
 - a. 5400 (2003) to 4950 (2017) south end of County
 - b. 6300 (2003) to 4950 (2017) south end Route 47 and 52 interchange
 - c. 6600 (2003) to 6250 (2017) north of Chicago Road
 - d. 6400 (2003) to 6700 (2017) at Newark RoadSource: Illinois Department of Transportation
11. Traffic Counts on Route 52 have remained steady since 2003:
 - a. 1800 (2003) to 1600 (2017) south of Bushnell School Road
 - b. 2900 (2003) to 3350 (2017) east of 47Source: Illinois Department of Transportation
12. Current traffic accidents are most likely to occur near road intersections; many of these accidents are “failure to yield” type accidents. The types of accidents could change and could include more overcorrection type accidents after the widening project is completed. Source: Kendall County Sheriff’s Department
13. The existing Kendall County Land Resource Management Plan calls for agricultural uses along most of the corridor. Source: Kendall County Land Resource Management Plan (2011)
14. The Village of Lisbon’s existing Comprehensive Plan calls for commercial, mixed uses and mining along and near the corridor. Source: Village of Lisbon Comprehensive Plan (2009)
15. The intersection of Routes 47 and 52 is the most likely area on the northeast side of an enlarged Village of Lisbon where sales tax producing businesses could locate. The northeast corner of the intersection is already zoned B-3 Highway Business.

16. Existing mining operations are located in Sections 21, 28 and 33. The mining operations could expand into Sections 32, 29 and 20.
17. West Aux Sable Creek is located in the area.
18. The intersection of Plattville Road and Route 47 is the most likely area on the west side of an enlarged Village of Plattville where sales tax producing businesses could locate.
19. Grainco FS and CHS Elburn currently operate grain storage facilities between Helmar and Newark Roads on the west side of Route 47. These uses are special uses in the A-1 Zoning District and are Permitted Uses in the M-2 Zoning District.
20. Commonwealth Edison has a ROW along Route 47 running north to south and near Townhall Road running east to west.
21. The Kendall County Land Resource Management Plan includes classifications for Commercial Uses (office and retail establishments at nodes), Transportation Corridor Uses (uses in B-3, B-5 and B-6 Zoning Districts), Mixed Use Business (uses in B-6 and the 3 Manufacturing Districts) and Mining.
22. Most of the land along the corridor is currently used for agricultural purposes.
23. The Kendall County Economic Development Committee would like outer roads to ensure to prevent interruption of traffic flows in the area. The Committee was also concerned about adequate water and the aesthetics of the corridor. The Committee also wanted a portion of the corridor reserved for industrial uses.
24. Few houses are located along the corridor. Locations with less traffic tend to be better suited for residential uses and these locations exist elsewhere in the County. No loss of affordable housing units is anticipated. The County will remain in compliance with the Illinois Affordable Housing Planning and Appeal Act (310 ILCS 67).

Recommendations

1. The Mining Area should be expanded in Sections 33, 32 20 and 21 because that is the location of the limestone.
2. A Mixed Use Business Corridor should be placed in Sections 34, 28 and 21 to serve as a buffer between the mining operations and other uses.

3. A Commercial Node should be established at the intersection of Routes 47 and 52 to ensure that the Village of Lisbon has land available for sales tax producing businesses.
4. The Rural Settlement area should remain around the intersection of Routes 47 and Lisbon Center Road to protect the existing houses at this location.
5. A Transportation Corridor should be established between the Rural Settlement at Lisbon Center Road and the Commercial Node at the Route 47-52 interchange because of limited access to Route 47 in this area.
6. A Commercial Node should be established at the intersection of Route 47 and Plattville Road to ensure that the Village of Plattville has land available for sales tax producing businesses.
7. A Mixed Use Business Corridor should be established on the west side of Route 47 between Helmar and Newark Roads to protect the existing grain operations at this location.
8. The remaining area of the Route 47 corridor north of the Plattville Commercial Node should either be a Transportation Corridor or a Mixed Use Business Corridor.

9.04 B-3 HIGHWAY BUSINESS DISTRICT

- A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. Permitted Uses. The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
 2. Agricultural implement sales and service on an open lot or within a building.
 3. Animal hospital
 4. Banquet Halls are permitted subject to the following conditions:
 - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
 - b. The subject parcel must be a minimum of 5 acres.
 - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
 - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
 - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
 - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
 - g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. Clean up and restoration services with the following conditions:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
 - c. All operations are to take place inside an enclosed structure.
 - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
 - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
 - f. No materials that are brought in can be burned on this site.
 - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
9. Construction equipment sales and service.
10. Crematories/ Funeral Homes
11. Currency exchange.

12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
13. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
27. Taverns

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice with the following conditions:
 - a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
 - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
 - c. Hours of operation from 7am to 10pm
 - d. No alcohol allowed.
 - e. Must meet all requirements of the Kendall County Health Department.
 - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
10. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
11. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
12. Landscaping business, provided that:
 - a. All vehicles equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.

- b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
 - c. No landscape waste generated off the property can be burned on this site.
- 13. Meetings Halls
- 14. Micro-Brewery and/or Winery
- 15. Micro Distillery subject to the following conditions:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. Locally grown inputs shall be used to the greatest extent possible
 - c. The number of hours permitted to operate shall be on the approving ordinance.
 - d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
 - e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
 - f. Shall contact & meet all requirements of the Kendall County Health Department.
 - g. A waste management plan should be submitted to the Kendall County Health Department
- 16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
- 17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
- 18. Pawn Shop
- 19. Performing arts center subject to the following conditions:

- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
 - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
 - d. The amount of students and type of events are listed in the approving ordinance.
 - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
 - f. Must meet applicable Fire Protection District codes.
- 20. Places of Worship subject to the following conditions:
 - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
 - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00
- 21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.
- 22. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses

- 23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
- 24. Self-Service Storage Facilities
- 25. Telecommunications Stations
- 26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
- 27. Truck Driving School
- 28. Truck Stop

D. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.

9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.

B-6
Permitted Uses

1. Accessory uses.
2. Banks and financial institutions
3. Business or trade school.
4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
5. Consumer credit, payday loan offices, financing or financial offices.
6. Fire Stations
7. Governmental buildings and facilities
8. Hospital.
9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
10. Offices, business and professional, including medical clinics.
11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
12. Planned Developments- Business
13. Police Stations.
14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
17. Wholesale sales, displays and offices, but not including storage or warehousing

B-6
Special Uses

1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Child Day Care Facility
3. Convenience store
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Health clubs (public or private) and related accessory uses.
6. Hotel and/or motel
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. Places of Worship
12. Private clubs such as soccer, etc.
13. Public or Private Utilities and Service uses:
 - a. Telecommunications hub

- b. Filtration plant, pumping station, and water reservoir.
- c. Sewage treatment plant.
- d. Electric substations and booster stations.
- e. Other Similar uses
- 14. Restaurants and/or taverns
- 15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
- 16. Self Service Storage Facilities (enclosed)
- 17. Telecommunications stations
- 18. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District

M-1 Permitted Uses

- 1. Ambulance Service (Private)
- 2. Animal feed; preparation, grinding, mixing and storage.
- 3. Auction Facility
- 4. Banquet Halls
- 5. Beverages, non-alcoholic, bottling and distributing.
- 6. Business or trade school
- 7. Clean up and restoration services
- 8. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
- 9. Construction equipment sales and service.
- 10. Contractors' offices and shops.
- 11. Glass cutting and glazing establishments
- 12. Light manufacturing and assembly.
- 13. Micro Distillery
- 14. Miscellaneous uses - as follows:
 - Accessory uses.
 - Signs.
 - Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- 15. Motor vehicle Sales/ Motorcycle Sales including truck sales.
- 16. Nano Breweries.
- 17. Offices, business and professional, including medical clinics.
- 18. Parking Garages for storage of private passenger automobiles and commercial vehicles.
- 19. Public and community service uses - as follows:
 - Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.
 - Electric sub-stations.
 - Fire stations.
 - Governmental buildings and facilities
 - Municipal or privately owned recreation buildings
 - Police stations.
 - Sewage treatment plants.

Telephone exchanges.
Water filtration plants.
Water pumping stations.
Water reservoirs.

20. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:

Apparel and other products manufactured from textiles.
Art needle work and hand weaving.
Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.
Awnings, venetian blinds.
Bakeries.
Beverages - non-alcoholic.
Blacksmith shop.
Books - hand binding and tooling.
Bottling works.
Brushes and brooms.
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.
Cameras and other photographic equipment and supplies.
Canning and preserving.
Canvas and canvas products.
Carpet and rug cleaning.
Carting, express hauling or storage yards.
Cement block manufacture.
Ceramic products - such as pottery and small glazed tile.
Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.
Clothing.
Cosmetics and toiletries.
Creameries and dairies.
Dentures.
Drugs.
Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.
Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
Fur goods, not including tanning and dyeing.
Glass products, from previous manufactured glass.
Hair, felt and feather products (except washing, curing and dyeing).
Hat bodies of fur and wool felt.
Hosiery.

House trailer, manufacture.

Ice, dry and natural.

Ink mixing and packaging and inked ribbons.

Jewelry.

Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

Laundries.

Leather products, including shoes and machine belting, but not including tanning and dyeing.

Luggage.

Machine shops for tool, die and pattern making.

Meat products.

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.

Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Musical instruments.

Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.

Perfumes and cosmetics.

Pharmaceutical products.

Plastic products, but not including the processing of the raw materials.

Poultry and rabbits - slaughtering.

Precision instruments - such as optical, medical and drafting.

Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.

Printing and newspaper publishing, including engraving and photoengraving.

Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.

Copying/Reproduction Stores & banner or sign supplies

Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

Silverware, plate and sterling.

Soap and detergents, packaging only.

Soldering and welding.

Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.

Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.

Storage of household goods.

Storage and sale of trailers, farm implements and other similar equipment on an open lot.

Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under sub-section 10.01-C.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 4.12 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

21. Retail and services as follows:

Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.

Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting)

Banks and financial institutions

Carpet and Rug Stores

Catering Establishments as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.

Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice
10. Kendall County Sheriff's Office shooting range
11. Kennels
12. Landscaping business,
13. Meetings Halls
14. Micro-Brewery and/or Winery
15. Micro Distillery
16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
18. Pawn Shop
19. Performing arts center
20. Places of Worship subject to the following conditions:
21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
22. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop
 1. Amphitheater, drive-in theater, auditorium, stadium and sports arena,
 2. Athletic Fields with Lights,
 3. Amusement park, including go-cart tracks, water parks and other rides, .
 4. Bait Shop

5. Convenience Store
6. Hotel and/or Motel
7. Indoor entertainment and recreation
8. Indoor Target Practice
9. Kendall County Sheriff's Office shooting range
10. Kennels
11. Places of Worship
12. Planned Developments- Business
13. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
14. Racetrack
16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses
17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
18. Telecommunications Stations
19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
2. Adult Regulated uses
3. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
4. Airport, private airstrip, heliports and aircraft landing fields
5. Art Galleries and studios
6. Grain Storage.
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Kennels
10. Medical Cannabis Cultivation Centers- Temporary
11. Medical Cannabis Cultivation Centers- Temporary
12. Motor freight terminals.
13. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
14. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
15. Paintball Facilities
16. Parks and recreational areas
17. Planned developments, industrial
18. Private Clubs or lodges
19. Private clubs such as soccer, etc.
20. Racetrack provided that the following minimum standards are met:
21. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)

22. Stadiums, auditoriums and arenas.
23. Theaters, outdoor drive-in.
24. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
25. Truck Wash Facility or Motor Vehicle Wash Facility
26. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4.12. can be met in their entirety.
27. Wind Farms, Commercial,

M-2 Permitted Uses

1. Any use permitted in the M-1 Districts except banks and financial institutions.
2. Production, processing, cleaning, servicing, testing, and repair, including the following products:
 - Charcoal, lampblack and fuel briquettes.
 - Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.
 - Coal, coke and tar products, including gas manufacturing.
 - Electric central station, power and steam-generating plants.
 - Fertilizers.
 - Film, photographic.
 - Flour, feed and grain - milling and processing.
 - Incineration or reduction of garbage, offal and dead animals.
 - Linoleum and oil cloth.
 - Magnesium foundries.
 - Matches.
 - Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.
 - Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
 - Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
 - Rubber (natural or synthetic).
 - Soaps, including fat and oil rendering.
 - Starch.
 - Wood, coal, and bones, distillations.
 - Wood pulp and fiber, reduction and processing, including paper mill operations.
 - Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.
3. Storage, including the following uses and materials or products: Goods used in or produced by manufacturing activities permitted in this district.
 - Grain.
 - Manure, peat and topsoil.
 - Petroleum and petroleum products.

M-2
Special Uses

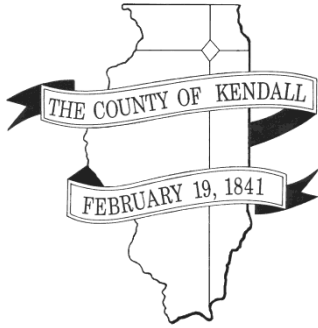
1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve feet high.
6. Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
7. Miscellaneous uses as follows:
 - a. Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.
8. Slaughter House

M-3
Permitted Uses

1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
2. Explosive, including storage, when not prohibited by other ordinance.

M-3
Special Uses

1. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
2. Commercial off-premise advertising structures
3. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
4. Outdoor Target Practice or Shooting (not including private shooting in your own yard)



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: January 3, 2018
Re: Solar Panel Regulations

The Kendall County Planning, Building and Zoning Department has received several requests for the County's regulations for larger solar panel operations (i.e. solar energy used at an off-site location). Currently, this use is considered a public or private utility and is a special use in the A-1, all Residential, B-1, B-2, B-3 and B-6 zoning districts. This use is a permitted use in M-1 and M-2. No restrictions are listed in the Zoning Ordinance for this type of use.

Several other counties in Illinois received similar requests. Tazewell County's and Kankakee County's solar regulations are attached. DeKalb County's, Will County's, and Boone County's proposed regulations are also attached.

Kendall County already has regulations for solar panels that generate energy for on-site consumption. These regulations are:

4.18 SOLAR PANELS (*Amended 7/19/11*)

- A. Roof Mounted. Solar panels located on the roof of an existing structure shall be permitted in all districts.
- B. Freestanding. Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures. Freestanding solar panels shall be permitted if they comply with all of the following standards (Properties considered agriculturally exempt as defined in State Statute from building permits are further exempt from these standards with the exception of #3 listed below):
 1. The proposed system is no larger than necessary to provide 120 percent of the electrical and/or thermal energy requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.
 2. The solar panels and supporting framework shall not exceed 12' in all districts with the exception of the agricultural district as measured from adjoining grade at base to the highest elevation of the equipment.
 3. The solar energy system including any appurtenant equipment is not located within any required setback areas within the respective zoning district.
 4. If the solar panels are visible from off-site, the solar panels are not located within 150 feet of a dwelling located on a lot other than the lot on which the solar energy system is located unless:
 - a. There are appropriate facades, walls, fences or landscaping that screen the solar panels and supporting framework from unobstructed view.

- b. Reflection angles from collector surfaces are oriented away from neighboring windows.
 - c. The panels are mounted as close as possible to the ground while allowing adequate drainage and preventing vegetation from shading the panels.
- 5. The solar panels are located so that they are not readily visible from public viewing areas including parks, roads and trails located to the south of the site.

If the Committee would like the Planning, Building and Zoning Department to draft text amendments for larger solar panel operations, please let Staff know.

If any Committee members have any questions, please let me know.

MHA

ENC: Tazewell County's Solar Energy Systems Ordinance
Kankakee County's Solar Energy Systems Ordinance
Proposed DeKalb County Solar Energy System Ordinance
Proposed Will County Solar Energy Ordinance
Proposed Boone County Solar Energy Ordinance

TITLE 7, CHAPTER 7



TAZEWELL COUNTY **SOLAR ENERGY SYSTEMS**

ADOPTED MAY 31, 2017

**TITLE 7, CHAPTER 7
SOLAR ENERGY SYSTEMS**

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TITLE 7, CHAPTER 7
TAZEWELL COUNTY SOLAR ENERGY SYSTEMS ORDINANCE

7 TCC 7-1 (a) Purpose.

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in Tazewell County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

7 TCC 7-2 (b) Definitions.

ACCESSORY: As applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS: A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

COLLECTIVE SOLAR: Solar installations owned collectively through subdivision homeowner associations, college student groups, or other similar arrangements.

COMMERCIAL/LARGE SCALE SOLAR FARM: A utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

COMMUNITY SOLAR GARDEN: A community solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system.

GROUND MOUNT SOLAR ENERGY SYSTEM: A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

NET METERING: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

PHOTOVOLTAIC SYSTEM: A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.

QUALIFIED SOLAR INSTALLER: A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

ROOF MOUNT: A solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

SOLAR ACCESS: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR: A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems

SOLAR STORAGE BATTERY/UNIT: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

SOLAR THERMAL SYSTEMS: Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

7 TCC 7-3 (c) Ground Mount and Roof Mount (SES) Permitted as an Accessory Use. Ground Mount and Roof Mount (SES) shall be permitted by a building permit in all zoning districts where there is a principal structure. An application shall be submitted to the Community Development Administrator demonstrating compliance with Article 31 of the Tazewell County Zoning in addition to the following requirements below:

(1) Height:

- i. Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning district.
- ii. Ground or pole-mounted solar energy systems shall not exceed 20 feet in height which oriented at maximum tilt.
- iii. Ground mounted solar energy systems may be placed in the front yard, but shall not exceed 30 inches above grade.

(2) Setbacks:

- i. Ground mounted solar energy systems shall meet the accessory structure setbacks for the zoning district in which the unit is located.
- ii. Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.
- iii. In addition to building setbacks the collector surface and mounting devices for roof mounted systems shall not extend beyond the exterior perimeter of the building on which the systems is mounted or built, unless the collector or

mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

- (3) Reflection Angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- (4) Aviation Protection.
 - i. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- (5) Visibility:
 - i. Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the North while still providing adequate solar access for collectors.
- (6) Safety:
 - i. Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south facing or flat roof upon which the panels are mounted.
 - ii. Roof or building mounted solar energy systems shall meet the requirements of the Tazewell County Building and Property Maintenance Code.
 - ii. All solar energy systems shall be performed by a qualified solar installer.
 - iii. Any connection to the public utility grid shall be inspected by the appropriate public utility.
 - iv. All solar energy systems shall be maintained and kept in good working order. If it is determined by the Community Development Administrator that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended for 6 consecutive months, the property owner shall be given 30 day notice for removal of the unit and all equipment. If the solar energy system is not removed within 30 days the Community Development Administrator shall issue a Notice of Violation and Notice to Appear before the Tazewell County Hearing Officer as an ordinance violation.
- (7) Approved Solar Components:
 - i. Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.
- (8) Restrictions on Solar Energy Systems Limited. Consistent with 765 ILCS 165/ no homeowner's agreement, covenant, common interest community or other contracts

between multiple property owners within a subdivision of unincorporated Tazewell County shall prohibit or restrict homeowners from installing solar energy systems.

7 TCC 7-4 (d) Building Integrated Systems. Building Integrated Systems shall be permitted outright in all Zoning Districts but shall meet the requirements of the Tazewell County Building and Property Maintenance Code.

7 TCC 7-5 (e) Community Solar Gardens (SES). Development of Community Solar Gardens is permitted by Special Use as a principal use in all zoning districts subject to the following requirements:

- (1) Rooftop Gardens Permitted. Rooftop gardens are permitted in all zoning districts where buildings are permitted.
- (2) Ground Mount Gardens. Ground mount community solar energy systems must be less than five (5) acres in total size, and require a Special Use in all districts. Ground-mount solar developments covering more than five (5) acres shall be considered a solar farm.
- (3) Interconnection. An interconnection agreement must be completed with the electric utility in whose service the territory the system is located.
- (4) Dimensional Standards.
 - i. All solar garden related structures in newly platted and existing platted subdivisions shall comply with the principal structure setback, height, and coverage limitations for the district in which the system is located.
- (5) Aviation Protection.
 - i. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- (6) Other Standards.
 - i. Ground Mount Systems shall comply with all required standards for structures in the district in which the system is located.
 - ii. All solar gardens shall comply with the Tazewell County Building and Maintenance Code.
 - iii. All solar gardens shall comply with Article 25 Special Use of the Tazewell County Zoning Code.
 - iv. All solar gardens shall also comply with all other State and Local requirements.

7 TCC 7-6 (f) Commercial/Large Scale Solar Farm (SES). Ground Mount solar energy systems that are the primary use of the lot, designed for providing energy to off-site uses or export to the wholesale market require a Special Use in the Agriculture Districts the Conservation

District and Industrial Districts and shall comply with Article 25 of the Tazewell County Zoning Code. The following information shall also be submitted as part of the application:

- (1) A site plan with existing conditions showing the following:
 - i. Existing property lines and property lines extending one hundred feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.
 - ii. Existing public and private roads, showing widths of the road and any associated easements.
 - iii. Location and size of any abandoned wells, sewage treatment systems.
 - iv. Existing buildings and impervious surfaces.
 - v. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
 - vi. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.)
 - vii. Any delineated wetland boundaries.
 - viii. A copy of the current FEMA FIRM maps that shows the subject property including the one hundred year floor elevation and any regulated flood protection elevation, if available.
 - ix. Surface water drainage patterns.
 - x. The location of any subsurface drainage tiles.
- (2). A Site Plan of proposed conditions showing the following:
 - i. Location and spacing of the solar panels
 - ii. Location of access roads.
 - iii. Location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load
 - iv. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
- (3) Fencing and Weed/Grass Control
 - i. The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The Operating Company or Successor during the operation of the Solar Farm shall adhere to the weed/grass control plan.
 - ii. Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.

- iii. The applicant shall maintain the fence and adhere to the weed/grass control plan. If the Operating Company does not adhere to the proposed plan a fine of \$500 per week will be assessed until the Operating Company or Successor complies with the weed/grass control and fencing requirements.
- (4) Manufactures Specifications
 - 1. The manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.
- (5) Connection and Interconnection
 - i. A description of the method of connecting the SOLAR array to a building or substation.
 - ii. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- (6) Setbacks
 - i. A minimum of fifty (50) feet must be maintained on all property liens. Solar panels shall be kept at least five hundred (500) feet from a residence that is not part the Special Use permit.
- (7) Aviation Protection.
 - i. For solar energy systems located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- (8) Fire Protection
 - i. A fire protection plan for the construction and the operation of the facility, and emergency access to the site.
- (9) Endangered Species and Wetlands.
 - i. Solar Farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.
- (10) Road Use Agreements.
 - i. All routes on either County or Township Road that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Tazewell County Highway Engineer in coordination with the Township Road Commissioners. The Solar Farm

Developer complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The development shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the Highway/Road Officials when warranted.

(11) Decommissioning of the Solar Farm.

- i. The Developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event the facility is abandoned or had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of twelve (12) months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be made by a cash, surety bond or irrevocable letter of credit before construction commences. Further a restoration plan shall be provided for the site with the application. The decommissioning plan shall have the following provided:

(1). Removal of the following within six (6) months:

- a. All solar collectors and components, aboveground improvements and outside storage.
- b. Foundations, pads and underground electrical wires and reclaim site to a depth of four (4) feet below the surface of the ground.
- c. Hazardous material from the property and dispose in accordance with Federal and State law.

(2) The decommissioning plan shall also recite an agreement between the applicant and the County that:

- a. The financial resources for decommissioning shall be in the form of a Surety Bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Community Development Administrator.
- b. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
- c. The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment.

- d. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- e. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the county's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- f. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

7 TCC 7-7 (g) Compliance with Building Code. All solar energy systems shall comply with the Tazewell County Building and Maintenance Code as well as all Federal and State requirements.

7 TCC 7-8 (h) Liability Insurance. The owner operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name Tazewell County as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

7 TCC 7-9 (i) Administration and Enforcement. The Community Development Administrator shall enforce the provisions of this section through an inspection of the solar farm every year. The Community Development Administrator is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section may face fines of not less than twenty-five (\$25.00) nor more than five hundred (\$500.00) for each offense.

7 TCC 7-10 (j) Fees charged for Building Permits. The fees for processing the applications for building permits and mechanical permits shall be collected by the Community Development Administrator who shall be accountable to the County for such fees as follows:

i.	0-4 kilowatts (kW-dc)	\$75.00
	5-10 kilowatts (kW-dc)	\$150.00
	11-50 kilowatts (kW-dc)	\$300.00
	51-100 kilowatts (kW-dc)	\$500.00
	101-500 kilowatts (kW-dc)	\$1,000.00
	501-1000 kilowatts (kW-dc)	\$3,000.00
	1001-2000 kilowatts (kW-dc)	\$5,000.00

SOLAR FARM
PROPOSED
Kankakee County Zoning Ordinance Amendment

Chapter 121 – ZONING

ARTICLE I. – IN GENERAL

Sec. 121-3. Rules and definitions

(b) Definitions.

Solar Farm - A solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary use(s) for the parcel of land on which it is located, or any solar energy system that has a primary purpose for wholesale or retail sales of generated electricity.

ARTICLE III. - ZONING DISTRICTS

DIVISION 2. – AGRICULTURAL DISTRICTS

Sec. 121-99. – Agricultural district (A1).

(c) *Special uses.*

(34) Solar farm. Solar farms, also known as solar power plants and solar energy generation facilities, shall be permitted in the A1 district as a special use, in accordance with the following minimal regulations and design standards.

(a) *Design standards.* The design standards and bulk regulations listed in the A1- Agriculture district for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar farms and the following regulations shall apply instead. All other design standards and bulk regulations of the district shall apply.

1. Foundations - The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is

within accepted professional standards, given local soil and climate conditions.

2. Other Standards and Codes- All solar farms shall be in compliance with any applicant local, state and federal regulatory standards, and the National Electric Code as amended.

3. Power and Communication Lines – Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions or variances may be granted in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.

4. Minimum lot size – No solar farm shall be erected on any lot less than 5 acres in size.

5. Height – Systems, equipment and structures shall not exceed thirty feet (30) in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.

6. Setbacks – Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment excluding fences a minimum of 100 feet on the front and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 100 feet for residentially zoned lots and existing residential properties, with the setback distance to be measured from the property line of the solar farm to the property line of residentially zoned lots or existing residential properties. The zoning board of appeals may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way, if the owners of the adjoining properties agree to waive these setback requirements. The zoning board of appeals granting of such a variance will be part of their recommendation to the county board.

7. Screening and Fencing – Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 8 feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. The zoning board of appeals shall have the discretion to recommend or at the discretion of the county board, a thirty (30) foot

wide buffer of which part shall be consisting of a compact evergreen hedge or other type of evergreen foliage which shall be recommended along the entire perimeter of the facility, or an alternative buffer may also be considered. The buffer shall be planted at a minimum of three (3) feet tall and with the expectation that this hedge shall reach the height of at least eight (8) feet within three years and shall be maintained in good condition. If a vegetative buffer is to be part of the solar farm development, a landscape plan should be submitted for review and approval. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the plantings, along with an evaluation of the soils. An alternative buffer may also be considered. Earth berms other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements, if they conceal the use from public view and are maintained.

8. Lighting – If lighting is provide at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

9. Noise - Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.

10. Performance standards - All solar power plants must conform to the performance standards as listed in Sec. 121-207 of Chapter 121.

11. Signage – an appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and a 24 hour emergency contact number.

12. Outdoor storage - Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed with the exception of outdoor storage that is expressly allowed in the zoning district as specified herein. The planning director or his or her designee shall have the discretion in determining whether the outdoor storage is in compliance with this provision. In any event all outdoor storage areas

shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses.

(b) Application Requirements (zoning). Due to the unique nature and special requirements of solar power plants and their potential impacts to adjoining properties and government services, solar power plants shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the County Code or any special conditions required by the zoning board of appeals or the Kankakee County Board. The applicant shall provide 50 copies of all required submittals to the planning department. However, the applicant shall only be required to submit two copies of all documents proving ownership or interest in the property.

1. A site plan with existing conditions showing the following:
 - a. Existing property lines and property lines extending one hundred feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
 - b. Existing public and private roads, showing widths of the roads and any associated easements.
 - c. Location and size of any abandoned wells, sewage treatments systems.
 - d. Existing buildings and any impervious surfaces.
 - e. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
 - f. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
 - g. Waterways, watercourses, lakes and public water wetlands.
 - h. Any delineated wetland boundaries.

- i. A copy of the current FEMA FIRM map that shows the subject property. And, the one hundred year flood elevation and any regulated flood protection elevation, if available.
 - j. Floodway, flood fringe and/or general flood plain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
 - k. Mapped soils according to the Kankakee County Soil Survey.
 - l. Surface water drainage patterns.
 - m. The location of any subsurface drainage tiles.
2. Site Plan of Proposed Conditions:
- a. Location and spacing of solar panels.
 - b. Location of access roads and access points.
 - c. Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - d. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
 - e. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
 - f. Weed/Grass control- Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The Operating Company during the operation of the Solar Farm must maintain the fence and adhere to the weed/grass control plan. If the operating company does not there can be a fine of \$500 per week if the fence is not secure or the weed/grass control plan is not followed, as per Sec. 121-7 of these regulations.

3. All solar power plant applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-ways that will be utilized for both the construction and operation of the solar power plant. Prior to the issuance of a building permit, the applicant shall submit an executed agreement between the solar power plant owner/operator and all road district authorities with infrastructure affected by the solar power plant to the county. This agreement shall include at a minimum:
 - a. A final map identifying the routes that will be used.
 - b. A plan for maintaining and/or repairing the affected roads.
 - c. Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.
4. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
5. An itemized cost estimate of the entire construction costs of the project.
6. A description of the method of connecting the array to a building or substation.
7. At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the county.
8. A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of

solar panels must occur in the event they are not in use for twelve (12) consecutive months, the operating company and or land owner have six months to complete the decommission plan or the County will take the necessary decommission steps. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Decommissioning security financing shall be required by the county in order to assure the proper decommissioning of the site and in no instance shall the finance security be less than \$1000.00 per acre. This security financing should be in the form of an irrevocable letter of credit or cash placed in a County escrow account. The county board may, in its sole discretion, agree to accept security, or a portion thereof, in another form such as a bond or corporate guarantee. The decommissioning plan and financial security must be presented to and accepted by the Kankakee County Board prior to the issuance of a building permit for the facility.

An update to this decommissioning plan should be submitted to the county every three years. In addition any decommissioning plans signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application.

The county reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

(c) Fees and costs.

- (1) *[Applicable fees.]* The fees listed in [section 121-38](#) are not applicable to solar farm special use permit applications and the following fees shall apply. No solar farm special use permit application shall be accepted until the filing fee of \$5,000.00 is paid and accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the county additional fees to reimburse the county for moneys expended in excess of \$5,000.00 in preparing for, processing, reviewing and evaluating the application to its final resolution. The applicant shall also agree in said notarized statement to stop all proceedings if

an invoice for reimbursement to the county is not paid to the county treasurer within ten days after the invoice has been presented to the appropriate corporate officer or official legal representative of the applicant.

- (2) *Remedial costs.* Applicants and/or owners of solar farms shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the planning director or the Kankakee County Board.

12/14/17

DRAFT DEKALB COUNTY SOLAR ENERGY SYSTEM (SES) ORDINANCE

Scope

This article applies to all solar energy installations in unincorporated DeKalb County.

Purpose

The purpose of this ordinance is to promote and encourage economic development, while maintaining order in the construction, installation and operation of Solar Energy Systems (SES) in DeKalb County, while ensuring protection of the health, safety and welfare of the residents of DeKalb County by promoting the safe, effective, and efficient use of solar energy to reduce on-site consumption of fossil fuels or utility-supplied electric energy. Also, to avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands. This ordinance shall not be deemed to nullify any provisions of local, state or federal law.

Definitions

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground Mount: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof Mount: A solar energy system that is mounted on a rack that is fastened onto a building roof.

Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector: An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary

purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Energy System Addition: A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

Solar Energy System, Private: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden: A commercial solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

Building Permit Requirements and Fees

All Solar Energy Systems (SES) will be required to have a DeKalb County Building Permit before any work can be started. A written plan and a plat/ drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat / drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the DeKalb County Community Development Department as follows:

0-	10 kilowatts (kW)	\$ 150.00
11-	50 kilowatts (kW)	\$ 300.00
51-	100 kilowatts (kW)	\$ 600.00
101-	500 kilowatts (kW)	\$ 1,200.00
501-	1,000 kilowatts (kW)	\$ 2,750.00
1,001-	2,000 kilowatts (kW)	\$ 6,000.00
Over	2,000 kilowatts (kW)	\$ 200.00 for each additional 0-100 kilowatts

Any SES that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee.

Permitted/Special Use

- 1) A single private solar energy system ground mount, roof mount or building integrated system for residential/business use are permitted as an Accessory Use in ALL Zoning Districts where there is a principal structure.
- 2) Solar Gardens in the ALL Zoning Districts require a Special Use Permit whether accessory or principal use of the property.
- 3) Solar Farms in the A-1 Zoning Districts require a Special Use Permit.

Set Back Requirements

- 1) Set back requirements for all Solar Energy Systems (SES) shall meet the structure set back requirements, (when the SES is oriented at any & all positions), in ALL Zoning Districts as stated in Article 5 of the Zoning Ordinance.
- 2) All solar panels in a Solar Farm shall be kept at least five hundred (500) feet from a residence that is not part of the specific solar energy system permit / plan.
- 3) No solar energy system shall be allowed to be placed in the front yard of any residential use or zoned property.
- 4) Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.
- 5) The affected road authority, utility, Solar Panel owner/lessee and/or affected adjacent property owner may waive the setback. Said waiver shall be in writing. However, in no instance shall any part of a SES, be located within thirty (30) feet of any of the aforementioned items.

Height Requirements

- 1) Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any Zoning District, as stated in Article 5** of the DeKalb County Zoning Ordinance.
- 2) Ground or pole mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt. Or – Ground-mounted solar collectors (accessory) may not exceed six feet (6')

in height and shall meet the minimum zoning setback for the zoning district in which located.

- 3) When visible from an adjoining residential use or residentially zoned property (including across a street), a screen shall be composed of view-obscuring vegetation (used individually, or in combination with), a wall, semi-opaque fence, or berm designed to obscure views to a height of six feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.

Other Requirements

- 1) Upon request from the DeKalb County Community Development Department, an owner of an individual residential or commercial Solar Energy System must provide documentation, within 14 days, that the Solar Energy System is still in use. If it is not, the owner of the System will have 180 days, after notification from the Zoning Department, to remove the Solar Energy System from the property.
- 2) Upon request from the DeKalb County Community Development Department, the owner or operator of a Solar Farm or a Solar Garden must submit, within 14 days, a current operation and maintenance report to the Department.
- 3) In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the DeKalb County Zoning Dept. before a permit or Special Use Permit will be issued.
- 4) All Solar Farms will be subject to a site assessment / soil identification standard, (LESA) that is intended to protect agricultural soils.
- 5) Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of ALL Solar Farms / Solar Gardens. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
- 6) Any lighting for Solar Farms / Gardens shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
- 7) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- 8) Solar Farms shall be located in a manner to reasonably minimize the view of the system from surrounding properties.
- 9) Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
- 10) Solar Energy Systems must be in compliance with ALL State of Illinois Building, Electric, Plumbing and Energy Codes.

Design Standards: Active solar energy systems shall be designed to conform to the county comprehensive plan and to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys provide that screening shall not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

- 1) *Building Integrated Photovoltaic Systems.* Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

- 2) *Solar Energy Systems with Mounting Devices.* Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley
- 3) *Reflectors.* All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- 4) *Aviation Protection.* For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

Plan Approval Required: All solar energy systems shall require administrative plan approval by the DeKalb County Building official via the review of the application for a building permit.

- 1) *Plan Applications.* Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - a) *Pitched Roof Mounted Solar Energy Systems.* For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - b) *Flat Roof Mounted Solar Energy Systems.* For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- 2) *Plan Approvals.* Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Director of Community Development and shall not require Planning and Zoning Committee review. Plan approval does not indicate compliance with Building Code or Electric Code.

Approved Solar Components: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

Compliance with Building Code: All active solar energy systems shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable.

Compliance with State Electric Code: All photovoltaic systems shall comply with the Illinois State Electric Code.

Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

Compliance with State Energy Code: All photovoltaic systems and Solar thermal systems shall comply with the Illinois State Energy Code.

Utility Notification: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

Principal Uses. DeKalb County encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the zoning lot or lots are special uses in selected districts.

- a) *Solar gardens:* DeKalb County permits the development of unincorporated county solar gardens, subject to the following standards and requirements:

Rooftop Gardens Permitted. Rooftop community systems are permitted in all zoning districts where buildings are permitted.

Ground-Mount Gardens Special Use. Ground-mount community solar energy gardens must be less than five acres in total size, and are a special use in all districts. Ground-mount solar developments covering more than five acres shall be considered solar farms.

Interconnection. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

Aviation Protection. For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

Other Standards. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met.

- b) *Solar farms:* Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:
 - 1) *Special Use Permit.* Solar farms are special uses in agricultural district.
 - 2) *Stormwater and NPDES.* Solar farms are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.
 - 3) *Ground Cover and Buffer Areas.* Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees.
 - 4) *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
 - 5) *Other Standards and Codes.* All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended;

and the National Electric Code, as amended.

- 6) *Power and Communication Lines.* Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by DeKalb County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Director of Community Development.
- 7) *Site Plan Required.* A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by DeKalb County. The site plan should also show all zoning districts, and overlay districts.
- 8) *Setbacks.* A minimum setback of 50 feet must be maintained on all property lines. Solar panels will be kept at least 500 feet from a residence that is not a part of the Special Use.
- 9) *Aviation Protection.* For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- 10) *Agricultural Protection.* Solar farms must comply with site assessment or soil identification standards (LESA) that are intended to protect agricultural soils.
- 11) *Endangered Species and Wetlands.* Solar farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer.

Liability insurance and indemnification

- 1) For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$5 million in the aggregate. Such insurance may be provided pursuant to a plan of self-insurance, by a party with a net worth of \$20 million or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
- 2) For Private / Individual SES(s), commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Director of Community Development.
- 3) Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the SES(S) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the county's other indemnification rights available under the law.

Decommissioning

- 1) A decommissioning plan shall be required to be submitted when applying for the Special Use Permit on all Solar Farms and Solar Gardens, to ensure that facilities are properly removed after their useful life.
- 2) Decommissioning of solar panels must occur in the event they are not in use for 90 consecutive days.
- 3) The owner or operator will have 6 months to complete the decommissioning plan after operation of a Solar Farm or Solar Garden stops being operational.
- 4) The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.
- 5) The DeKalb County Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.
- 6) In the event that the State of Illinois enacts a law with regards to the decommissioning of a Solar Farm, the strictest requirements shall prevail.

USE CATEGORY	ZONING DISTRICTS																	Standards
Use Subcategory	A-1	A-2	E-1	E-2	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	C-1	C-2	C-3	C-4	C-5	C-6	
^L Specific Use Type																		
P = use permitted as of right S = use allowed with special use approval - = use not allowed																		
<u>^LSolar Farms</u>	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	155-9.245
^L Wholesale Power Generators	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	155-9.250
^L Wind Farm Facilities	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	155-9.260
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	155-9.270
COMMERCIAL																		
Adult Entertainment Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	155-9.10
Animal Service																		
^L Animal Sales/Grooming	S	S	S	S	-	-	-	-	-	-	-	P	P	P	-	-	P	
^L Animal Care/Boarding	S	S	S	S	-	-	-	-	-	-	-	P	P	P	-	-	P	155-9.20
^L Veterinary Clinic, Animal Hospital	S	S	S	S	-	-	-	-	-	-	-	P	P	P	-	-	P	155-9.20
^L Stable (accessory use)	P	P	P	P	S	S	-	-	-	-	-	-	-	-	-	P	-	155-10.10 (B)(2)
^L Stable (principal use)	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
<u>Artist Work or Sales Space</u>	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-
Building Maintenance Service (except as identified below)	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	
^L Landscaping and Lawn Maintenance Business	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Building Supplies and Equipment	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	
Business Support Services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	
Communication Service Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Construction Sales and Services	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	
^L Construction Offices/and Equipment/ Materials Storage (Temporary)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	155-9.60
Eating and Drinking Establishment (except as identified below)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	

§ 155-9.230 RESIDENTIAL CONVENIENCE AND SUPPORT ESTABLISHMENTS.

Residential convenience and support establishments are allowed in the R-6 zoning district in conjunction with multi-dwelling buildings, provided they comply with the following regulations.

(A) Residential convenience and support establishments must be located in the same building as the principal residential use, and occupy in aggregate, no more than 4,500 square feet or 15% of the gross floor area of the principal residential use, whichever is less.

(B) Residential convenience and support establishments are limited to a maximum of one nonilluminated wall sign not exceeding three square feet in area.

(Ord. effective 10-1-2012)

§ 155-9.240 SELF-SERVICE STORAGE FACILITIES.

Self-service storage facilities are subject to all of the following regulations.

(A) Self-service storage facilities are limited to dead storage use only.

(B) No activities other than rental storage units and pick-up and deposit of dead storage are allowed on the premises.

(C) All storage on the property must be kept within an enclosed building, except in the I-3 district where outdoor storage of recreational vehicles is allowed as of right and in I-1 and I-2 districts, where outdoor storage of recreational vehicles may be approved as a special use.

(D) A fence must be provided around the perimeter of all drive-up style self-service storage developments. The fence must be at least six feet in height and must be constructed of opaque materials such as brick, stone, architectural tile, masonry units, wood, or similar finish materials that will prevent the passage of light and debris. Chain link and woven wire fences are expressly prohibited.

(E) No door openings for a drive-up style self-storage unit may face any R-zoned property.

(F) No drive-up style self-service storage building may exceed 12 feet in height.

(G) No drive-up style individual storage unit may exceed 600 square feet in floor area.

(H) Parking and loading/unloading areas must be provided. Drive-up style self-service storage uses may provide required parking within parking/driving lanes adjacent to the storage unit buildings. These lanes must be at least 26 feet in width when storage units open onto only one side of the lane and at least 30 feet in width when storage units open onto both sides of the lane.

(I) No person, on premises covered by a special use permit for self-service storage facility may conduct:

(1) Any business activity (other than rental of storage units) including miscellaneous or garage sales, and transfer/storage businesses that utilize vehicles as part of the business.

(2) Servicing or repair of motor vehicles, boats, trailers, lawn mowers, or any similar equipment.

(J) All self-service storage facility rental/lease agreements must include clauses prohibiting:

(1) The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.

(2) The use of the property for uses other than dead storage.

(Ord. effective 10-1-2012)

§ 155-9.245 SOLAR FARMS.

Solar farms are subject to all the following regulations:

(A) Height. Buildings are subject to the height limits of the subject zoning district. Ground-mounted solar energy systems may not exceed 25 feet in height when oriented at maximum tilt.

(B) Setbacks. Buildings are subject to the setback regulations of the subject zoning district. Ground-mounted solar energy systems must be set back at least 25 feet from all property lines or in accordance with the setback regulations of the subject zoning district, whichever results in a greater setback.

(C) Visual Screening. Ground-mounted mechanical equipment that is visible outside the perimeter of the solar farm must be screened from view of roads and dwelling units located within 1,000 feet in accordance with the provisions of this subsection (c). Required screening may be located within required setbacks and must comply with one of the following options or a similar alternative approved by the County Board at the time of special use permit approval:

- (1) A landscaped area at least ten feet in width with at least one shrub per five linear feet, plus at least one evergreen tree per 25 linear feet of perimeter area. Shrubs must be at least three feet in height at time of planting. Evergreen trees must be at least 5 feet in height at time of planting or
- (2) Provide a landscaped area at least ten feet in width with a solid wall or privacy fence with a minimum height of 6 feet. At least one evergreen tree is required per 30 linear feet of fence or wall.

(D) Glare. Solar energy systems must be designed, constructed and sited to minimize glare or reflections on adjacent properties and roadways and to not interfere with traffic, including air traffic, or otherwise create a safety hazard.

(E) Soil and Ground Cover

- (1) Top soils shall not be removed from the site during development unless the removal is expressly approved as part of the special use permit.
- (2) Perennial vegetative ground cover must be maintained or established in all areas containing solar arrays and in required setbacks to prevent erosion and manage run-off.

(F) Security Barrier. Solar energy systems that are part of a solar farm must be enclosed by perimeter security fencing or other county-approved barrier with a minimum height of at least 7 feet. The use of barbed wire or razor wire is prohibited unless otherwise expressly at the time of special use permit approval.

(G) Approved solar components. Electric system components must have a UL (Underwriters Laboratories Inc.) listing.

(H) Lighting. Solar farms may not be artificially illuminated, unless required by the FAA or other applicable government agency or authority.

(I) Underground Utilities. On-site power lines and utility connections must be placed underground unless otherwise expressly approved as part of the special use permit.

(J) Abandonment and Decommissioning. Solar farms that do not produce energy for a continuous period of one year or more are presumed to have been abandoned.

(1) Any solar farm that has been abandoned must be decommissioned and removed within 180 days.

(2) Decommissioning must consist of:

- a. Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- b. Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Administrator is authorized to allow the owner or operator to leave landscaping or designated below-grade foundations in place in order to minimize erosion and disruption to vegetation.

(3) Decommissioning Plan.

- a. A decommissioning plan outlining the anticipated means and costs of removing the solar farm must be submitted with the special use permit application.
- b. The decommissioning plan should ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation.

- c. The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning.
- d. The owner/operator must submit a copy of the decommissioning plan to all property owners within the boundaries of the special use permit. Before issuance of a zoning certificate, the subject property owners must provide to the Zoning Administrator signed affidavits acknowledging receipt of the decommissioning plan and their respective responsibility for decommissioning costs.

(K) Monitoring and Maintenance. The owner/operator of the solar farm is responsible for keeping the facility in safe, sound and well-maintained condition, including painting, grounds keeping, structural repairs, internal access drives and the integrity of security measures.

(L) Avoidance and Mitigation of Damages to Public Infrastructure.

(1) Roads. The owner/operator must identify all roads to be used for the purpose of transporting components and equipment for construction, operation or maintenance of the solar farm and obtain applicable permits from the applicable highway authority prior to construction.

(2) Existing Road Conditions. The owner/operator must conduct a pre-construction survey, in coordination with the applicable highway authority to determine existing road conditions. The pre-construction survey must include photographs and a written agreement to document the condition of the roads and applicable public facilities. The owner/operator is responsible for on-going road maintenance and dust-control measures identified by the applicable highway authority during all phases of construction and installation.

(3) Drainage System. The owner/operator is responsible for identifying the location of all subsurface drainage systems and for immediately repairing damage to drain tiles and other drainage systems that result from construction, operation, or maintenance of the solar farm.

(M) Financial Assurance. The owner/operator must provide reasonable evidence of financial ability to construct the solar farm and all required improvements, as determined by the County Board at the time of special use permit approval.

(N) Notice of Development Letters. The owner/operator must mail letters to Will County Board representatives for the district in which the solar farm is to be built as well as to the respective township, Will/South Cook Soil and Water Conservation District, and to all municipalities located within 1.5 miles of the solar farm.

(O) Submittal Requirements. All applications for special use permit approval must include the following information in addition to the customary submittal requirements for special use permit applications.

(1) Site plan showing property lines and physical features, including roads, setbacks, floodplain (if applicable), buildings, solar panels, right of way, and zoning district designation for the subject property and all abutting properties.

(2) Pre-construction survey and proposed routes as defined in Section 155-9.245(K).

(3) Number, location, and spacing of solar panels/arrays.

(4) Product cut-sheets.

(5) Proposed locations of underground or overhead electric lines.

(6) Identification of access and traffic control of the project site, during construction and operation of the facility.

(7) Interconnection service agreement or evidence of filing required interconnection service applications with the electric utility.

(8) Operation and maintenance plan of the solar farm, including measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operation and maintenance of the installation.

(9) Proof of liability insurance.

(10) Emergency services plan, including but not limited to the project summary, electrical schematic and means of shutting down energy systems throughout the life of the installation.

(11) Decommissioning plan in accordance with 155-9.245(J).

(12) Redacted lease copy.

(13) Copy of notice of development letters to Will County Board representatives for the district in which the solar farm is to be built.

(14) Copy of the notice of development letters required by this section.

(P) Prohibited Systems. Concentrated solar power systems are prohibited.

§ 155-9.250 WHOLESALE POWER GENERATORS.

(A) No portion of any wholesale power generator structure may be located within 1,320 feet of R-zoned lots or residential dwelling units.

(B) Wholesale power generation facilities may not:

(1) Draw more than 1,000 gallons water from subsurface water aquifers for each megawatt of electricity generated;

(2) Use fuels other than natural gas; or

(3) Exceed 1,500 hours of operation per turbine, per year.

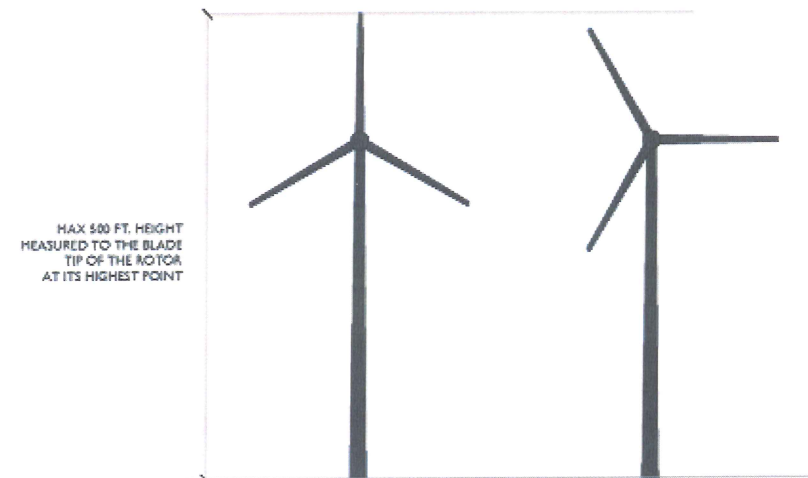
(Ord. effective 10-1-2012)

§ 155-9.260 WIND FARMS.

Wind farm facilities may be approved as a special use (See § 155-16.40) in the A-1 zoning district, subject to compliance with the following information.

(A) *Minimum lot area.* The minimum lot area requirement for a wind farm is 1,000 acres, which may include rented, owned, or leased property.

(B) *Maximum height.* Electric-generating wind devices may not exceed 500 feet in height, measured to the blade tip of the rotor at its highest point.



(C) Minimum setbacks.

(1) Electric-generating wind devices must be set back from all property lines a distance of at least 125% of the device height.

(2) No portion of a wind farm may be located within 1,320 feet of any R-zoned property or residential dwelling unit in existence at the time of the special use permit application for the wind farm is filed.

spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area.

CENTRAL WATER OR CENTRAL WATER SYSTEMS. All mains, pipes, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks, and appurtenances, collectively or separately, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use. **CENTRAL WATER OR CENTRAL WATER SYSTEMS** must comply fully with all rules and regulations promulgated or required by the Office of the State Fire Marshal concerning fire prevention and safety.

CERTIFY or CERTIFICATION. Formally attesting that the specific inspections and tests where required have been performed and that such tests comply with the applicable requirements of this zoning ordinance.

CHANNEL LETTER. A fabricated or formed three-dimensional letter, number or symbol.

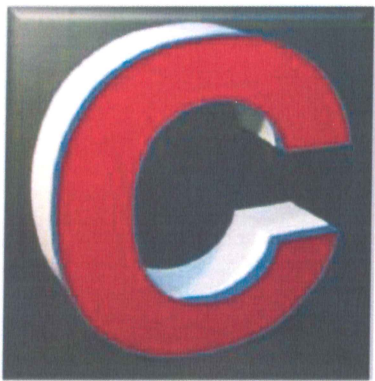


Figure 18-1: Channel Letter

CLEARING. Any activity, which removes vegetative ground cover.

COLD FRAME. An unheated structure no more than four feet in height used for protecting seedlings and plants from the cold.

CO-LOCATION. Locating wireless communications equipment from more than one provider on a single site, or the siting of two or more separate companies' wireless antennas on the same support structure.

COMMERCIAL MESSAGE. Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

COMMERCIAL MOTOR VEHICLE. A vehicle that is used or intended to be used primarily for commercial purposes.

COMMON OPEN SPACE. Land unoccupied by structures, buildings, streets, right-of-ways, and automobile parking lots designed and intended for the use or enjoyment of residents of a planned development. Common open space may include structures for recreational use.

CONCENTRATED SOLAR POWER SYSTEM. Solar energy generation systems that use mirrors to reflect and concentrate sunlight onto receivers that collect solar energy and convert it to heat. The thermal energy is then used to produce electricity via a steam turbine or heat engine that drives a generator.

CONSERVATION DESIGN SUBDIVISION. A subdivision that complies with Part 3 of the subdivision ordinance.

CONSTRUCTION OR DEMOLITION DEBRIS, CLEAN. Uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities. See also **GENERAL CONSTRUCTION OR DEMOLITION DEBRIS**.

CONSTRUCTION OR DEMOLITION DEBRIS, GENERAL. Non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following:

1.2. DEFINITIONS

SOLAR ENERGY DEVELOPMENT - Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity.

SMALL SCALE SOLAR ENERGY DEVELOPMENT: any solar energy system that has a primary purpose for collecting sunlight for generating electricity for use onsite only.

COMMUNITY SOLAR ENERGY DEVELOPMENT - A solar electric system that provides power and or financial benefit to, or is owned by, multiple community agencies.

UTILITY SOLAR ENERGY DEVELOPMENT - any solar energy system that has a primary purpose for wholesale or retail sales of generated electricity.

3.16 TABLE OF PERMITTED USES

Section 3.16.1 Table of Permitted Uses

	A-1	A-2	RE	R-1	RC	RC-2	RTN	B-1	B-2	I-1	I-2
<u>Solar Energy Development</u>	S	S	S	S	S	S	S	S	S	S	S
<u>Small Scale Solar Energy Development</u>	A	A	A	A	A	A	A	A	A	A	A
<u>Community Solar Energy Development</u>	S	S	S	S	S	S	S	S	S	S	S
<u>Utility Solar Energy Development</u>	S	S	S	S	S	S	S	S	S	S	S

KEY: P = Permitted Use S = Special Use T = Temporary Use A = Accessory Use

4.19 SOLAR ENERGY DEVELOPMENT

4.19.1. Intent: The purpose of this section is to protect public health and safety through establishing reasonable standards for the construction, installation, and operation of solar energy developments in Boone County.

4.19.2. DESIGN STANDARDS - The design standards and bulk regulations listed for all zoning districts for setbacks, lot size, lot coverage, lot area, height, and signage shall be suspended for all solar energy development and the following regulations shall apply instead. All other design standards and bulk regulations of the respective districts shall apply.

FOUNDATIONS - A qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

INSTALLATION AND DESIGN- Individual arrays/solar panels shall be designed and located in order to prevent glare toward any residential dwellings on adjacent properties as well as adjacent street rights-of-way. Solar energy development components must have a UL listing and must be designed with anti-reflective coating(s).

- a) All drainage tiles shall be repaired or restored to same or better condition as to when project began. There will be an inspection for compliance by an independent inspector chosen by Boone County Soil and Water Conservation District and paid for by the owner/operator.
- b) Boone County Soil and Water Conservation District shall be contacted prior to beginning development to locate drainage tiles.
- c) Electrical lines shall be inspected before burial.

HEIGHT- Systems, equipment and structures shall not exceed 30 feet in height when oriented at maximum tilt ground-mounted. Excluded from this height requirement, however, are electric transmission lines and utility poles.

SETBACKS -Ground mounted solar energy systems as part of a solar energy development shall have a setback for all equipment, excluding fences, a minimum of 75 feet on the front from right-of-way and 40 feet from all other property lines, with the exception of adjacent properties containing residential dwellings. The setback for all equipment, excluding fences, from the property line of adjacent properties containing residential dwellings shall be 150 feet. An adjacent residential property owner may waive this setback requirement; the waiver shall be recorded with the Boone County Recorder. No setback is required for contiguous parcels that both contain a part of any one solar energy development.

SCREENING AND FENCING- Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of 6 feet.

- a) A landscape plan in accordance with Section 5.4 of the Boone County Zoning Ordinance shall be submitted to the planning department for review. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the plantings, along with an evaluation of the soils.
- b) The landscape plan shall also incorporate native grasses, flowers, plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure. This shall not be part of the evergreen screen, but shall be for all other areas of the solar energy development that will not interfere with the solar arrays.
- c) Solar Energy Developments shall have a 25 foot wide buffer of which part shall be consisting of a compact evergreen hedge or other type of evergreen foliage which shall be along the road frontage and perimeter of any adjacent single family dwelling.
- d) The buffer shall be planted at a minimum of three (3) feet tall and with the expectation that this hedge shall reach the height of at least six (6) feet within five years and shall be maintained in good condition. Dead evergreen foliage shall be replaced.
- e) Topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements, if they conceal the use from public view and are maintained. Must be approved by the Planning Department.

LIGHTING- A photometric plan shall be submitted to and approved by the planning department prior to a building permit being issued. All free standing and wall mounted security light fixtures shall not exceed 30 feet in height. The lighting elements shall be shielded from view of adjacent properties and the foot candle measurement at the property line shall not exceed 0.5. ~~If the applicant chooses to apply safety lighting to the power plant stacks, said lighting can exceed the~~

~~30-foot height limit but shall not exceed a measurement of 0.5 foot-candles at the property line.~~ Applicant is responsible for hiring contractor to perform tests to confirm that lighting does not exceed 0.5 foot-candles at property line during construction and completion of construction. The Boone County Building Department has the right to approve firm to perform assessment.

NOISE- Noise levels when the solar energy development is in production shall not be detectable by the human ear measured at 500 feet from the property line when the solar energy development is located adjacent to an existing residence. This noise restriction applies to permanently installed solar equipment and excludes noise from routine maintenance, repair, and construction.

CONSTRUCTION HOURS-

Construction is allowed Monday through Saturday from 7 AM to 7 PM. On Sundays and holidays construction is allowed from 9 AM to 6 PM.

SIGNAGE - an appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar energy development project. The sign at the entrance to the facility shall include the facility's 911 address and a 24 hour emergency contact number.

4.19.3. PERMIT REQUIREMENTS

Solar Developers shall have a pre-application meeting with county staff and representatives prior to submitting a special use application.

1) A site plan with existing conditions showing the following:

- a) Existing property lines and property lines extending five hundred feet from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
- b) Existing public and private roads, showing widths of the roads and any associated easements.
- c) Location and size of any existing and abandoned wells and sewage treatments systems.
- d) Existing buildings and any impervious surfaces.
- e) A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
- f) Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas etc.)
- g) Waterways, watercourses, lakes and public water wetlands
- h) Any delineated wetland boundaries.
- i) A copy of the current FEMA FIRM map that shows the subject property. And, the one hundred year flood elevation and any regulated flood protection elevation, if available.

- j) Floodway, flood fringe and/or general flood plain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
 - k) Mapped soils according to the Boone County Soil Survey.
 - l) Surface water drainage patterns.
 - m) The location of any subsurface drainage tiles.
 - n) The location of any and all utilities.
- 2) Site Plan of Proposed Conditions:
- a) Location, number, and spacing of solar panels.
 - b) Location of access roads and access points.
 - c) Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - d) New electrical equipment other than at the existing building or substation that is to be the connection point for the solar energy development.
 - e) Certified drawings of elevation of the premises accurately depicting proposed solar energy conversion system.
 - f) Weed/Grass control- Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property that must be approved by the Boone County Conservation District. Site must maintained to prevent fire hazards and in compliance with State and Federal environmental regulations. No soil sterilant shall be permitted to be used on the solar site.

4.19.4. DECOMMISSIONING PLAN

A decommission plan shall be required for solar energy development projects and to ensure that facilities are properly removed after their useful life.

- a) Decommissioning of solar panels must occur in the event they are not in use for twelve consecutive months. The operating company and or land owner have six months to complete the decommission plan.
- b) The Boone County Board has authority by majority vote to extend the time frame to complete repairs causing inoperability upon written request outlining reasons why an extension is needed. Request for extension must be received no later than 60 days prior to the ~~deadline~~ anniversary date of the special use permit.
- c) The plan shall include provisions for removal of all structures (including equipment, fencing, methodology to manage any hazardous or special materials, roads, foundations, restoration of soil and vegetation.
- d) Prior to the issuance of a building permit, owner/developer shall submit bond(s) to cover the cost of Decommissioning. The prorated amount of the bond(s) shall be based

on an independent engineer's estimate and increased annually to reflect the building schedule so as to cover the additional improvements as they are constructed, starting with the issuance of the first building permit. At the completion of construction and prior to the issuance of a certificate of occupancy, the bond(s) must total 150% of the Engineer's estimate of the total decommission costs. It shall be the responsibility of owner/developer to maintain the bonds in sufficient amounts at all times after the completion of construction. Such responsibility to maintain the bond(s) shall include, but not be limited to, any necessary renewals or the issuance of new bond(s). All bonds shall be submitted to the Boone County Building Department. Boone County has the right to approve the individual or firm that conducts the independent Engineer's estimate for the total decommissioning bond costs.

- e) An update to this decommissioning plan shall be submitted to the Boone County Building Department every three years. In addition, decommissioning plans signed by the party responsible for decommissioning and the landowner (if different) shall be submitted with the application.
- f) The county reserves the right to require additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.
- g) Actual on site construction must commence within 2 years of application approval by the Boone County Board or permits will no longer be valid. The Boone County Board has authority by majority vote to extend the time frame. Requests for extensions must be received no later than 60 days prior to the 2nd anniversary date of the special use permit.
- h) In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar energy development, the strictest of the requirements between this ordinance and the state statute shall prevail.

4.19.5. FEES AND COSTS

The following fees shall apply for Solar Energy Development Permits.

Fees

No solar energy development special use permit application shall be accepted until the filing fee is paid and the following:

- a) Accompanied by a notarized statement of the appropriate corporate officials or official legal representative of the applicant that the applicant will pay to the county additional fees to reimburse the county for moneys expended in excess of \$500.00 in preparing for, processing, reviewing and evaluating the application to its final resolution.
- b) The applicant shall also agree in said notarized statement to stop all proceedings if an invoice for reimbursement to the county is not paid to the county treasurer within ten days after the invoice has been presented to the appropriate corporate officer or official legal representative of the applicant.

Remedial costs

- a) Liability Insurance- The owner or operator of the solar project shall maintain a current and general liability policy covering bodily injury and property damage with limits of at least two million dollars per occurrence and twenty million dollars in the aggregate. The owner or operator of the solar project shall maintain this policy for the lifetime of the solar project and submit a copy of the same to the Boone County Building Department at each renewal. The County of Boone and its officials shall be named as additional

insured's.

- b) Severability- If any section, clause, or provision of this ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.
- c) Indemnification- The applicant, owner and/or operator of the solar project shall defend, indemnify, and hold harmless the County of Boone and its officials from and against any and all claims, demands, losses, suites, class of action, damages, injuries, costs, expenses and liabilities whatsoever, including attorney's fees, without limitation arising out of acts of omissions of the applicant, owner and/or operator associated with the construction and/or operator associated with the construction and/or operation of the solar project.
- d) Public Nuisance- Any solar project declared to be unsafe by the Boone County Board by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage, or abandonment is hereby declared a Public Nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure set forth in this ordinance.

The zoning board of appeals may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way, if the owners of the adjoining properties agree to waive these setback requirements. All solar energy developments shall be in compliance with any applicable local, state and federal regulatory standards.

PUBLIC NOTICE
KENDALL COUNTY

****KENDALL COUNTY REGIONAL PLANNING COMMISSION****

Notice is hereby given that the Kendall County Regional Planning Commission will hold their annual meeting on Saturday, February 3, 2018 at 9:00 a.m. at the Kendall County Administration Building, Rooms 209 & 210 at 111 W Fox Street, Yorkville, IL. The purpose of this meeting is to receive public input and suggestions on amendments to the County's Land Resource Management Plan (LRMP), to provide a summary of completed planning related PBZ projects of 2017, to review initiatives for 2018, and to review the status of on-going planning projects. All interested persons may attend and be heard.

Written comments should be directed to the Planning, Building and Zoning Department, Room 203, 111 West Fox Street, Yorkville, IL 60560 but shall only be entered as part of the record at the discretion of the Kendall County Regional Planning Commission.

Questions can be directed to the same department, telephone number: (630) 553-4139 Fax: (630) 553- 4179.

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

Kendall County Planning, Building and Zoning Department

Zoning, Platting & Advisory Committee and Kendall
County Regional Planning Commission Amendments

Ref: Ordinance 66-4 (February 1966) RPC Powers

4.17.H Small Wind Energy Systems

Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the Planning, Building and Zoning Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County **Planning Commission Zoning Board of Appeals** to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County **Planning Commission Zoning Board of Appeals** will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the **Planning Commission Zoning Board of Appeals** may be appealed to the County Board.

7.01.D.53.b.vi Special Use in A-1-Wind Farm, Commercial-Performance Standards

Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County **Regional Plan Commission Zoning Board of Appeals**. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color.

8.08.B.2.h Special Use in R-3-Retail Shops or Office Use

Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the **plan commission Zoning Board of Appeals** for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.

10.01.C.27.b.vi Special Use in M-1 and M-2-Wind Farm, Commercial-Performance Standards

Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County **Regional Plan Commission Zoning Board of Appeals**. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each

turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color.

11.02.C Shared Parking Facilities

Shared parking may be permitted upon written documentation submitted to the ~~Plan~~ **Commission Zoning Board of Appeals** and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.) The Shared Parking report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed-use buildings and sites.

11.02.D Mixed Uses (Parking)

When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the ~~Regional Plan-Commission~~ **Zoning Board of Appeals** and approved by the County Board.

11.04 Schedule of Parking Requirements

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, ~~the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee. Applicants may also property owners may~~ file for a variation from ~~theses~~ requirements following the procedures outlined in Section 13.04 of this Zoning Ordinance. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

11.04 Schedule of Parking Requirements

Airports or aircraft landing field

Heliports

Convents and monasteries

Crematories and mausoleums

Fraternal institutions

Outdoor amusement establishments -

fairgrounds, permanent carnivals, kiddy

parks and other similar amusement centers

Municipal or privately owned recreation

buildings, community centers, club houses,

or other recreational uses such as ball fields

or golf courses

Penal and correctional institutions

Rectories and parish houses

Swimming pools

Parking spaces shall be provided in adequate number as determined by the **Regional Plan Commission Zoning Board of Appeals** and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public.

11.04.A Schedule of Parking Requirements-Other Uses

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. Such determination may be appealed to the **Regional Plan Commission Zoning Board of Appeals**.

13.01.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 1. To hold conferences in regard to proposed plan developments under this Ordinance **and the Kendall County Subdivision Control Ordinance** and submit a written report with its recommendations.

~~3 2.~~ To initiate, direct and review a study of the provisions of ~~this Ordinance and the zoning map attached hereto~~ **the Kendall County Land Resource Management Plan** and to make reports on its recommendation to the County Board not less frequently than annually.

3. To review and issue recommendations on text amendments to this Ordinance related to the powers and duties of the Kendall County Regional Planning Commission. The Kendall County Regional Planning Commission may also initiate text amendments to this Ordinance on matters impacting the duties and powers of the Kendall County Regional Planning Commission.

4. Those powers and duties assigned to the Kendall County Regional Planning Commission in Special Use Ordinances approved by the Kendall County Board prior to the approval of this text amendment.

5. Members of the Kendall County Regional Planning Commission shall receive application information for map amendments, text amendments not impacting the duties and powers of the Kendall County Regional Planning Commission, special use permits and major amendments to special use permits. However, the Kendall County Regional Planning Commission shall not meet on these applications. Individual members of the Kendall County Regional Planning Commission may submit comments on these applications to the Zoning Administrator.

13.07.B Amendments-Initiation of Amendments

Amendments may be proposed by the County Board, a Committee designated by the County Board, the Zoning Board of Appeals, ~~the Regional Plan Commission~~ or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment. **The Regional Planning Commission may initiate text amendments to this Ordinance on matters impacting the duties and powers of the Kendall County Regional Planning Commission.**

13.07.C Application for Amendment

1. An application for an amendment shall be filed with the Zoning Administrator.
2. A copy of such application shall thereafter be forwarded ~~to the Zoning, Platting & Advisory Committee (ZPAC), the Regional Plan Commission 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.
3. For all proposed map amendments, the Applicant will promptly forward via certified mail return receipt requested a copy of the complete application and notice of public hearing to the Township containing the subject parcel, and to any municipality within one and one-half (1½) miles of the subject parcel.
- 4. Applications for map amendments shall be forwarded to the Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission for review and comment. The Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission shall not meet to consider map amendments. Individual members of the Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission may forward comments on proposed map amendments to the Zoning Administrator prior to the date of the public hearing before the Kendall County Zoning Board of Appeals.**
- 5. Applications for text amendments not involving matters impacting the duties and powers of the Zoning, Platting & Advisory Committee or the Kendall County Regional Planning Commission shall follow the same procedure listed in 13.07.C.4 above.**
- 6. The Zoning, Platting & Advisory Committee shall meet and issue a recommendation on proposed text amendments impacting the duties and powers of the Zoning, Platting & Advisory Committee. Said recommendation shall be issued within sixty (60) days of date of application submittal. If no recommendation is issued, the Kendall County Board shall consider the recommendation to be a positive recommendation and the proposal shall be forwarded to the Kendall County Zoning Board of Appeals for a hearing.**
- 7. The Kendall County Regional Planning Commission shall meet and issue a recommendation on proposed text amendments impacting the duties and powers of the Kendall County Regional Planning Commission. Said recommendation shall be issued within sixty (60) days of date of application submittal. If no recommendation is issued, the Kendall County Board shall consider the recommendation to be a positive recommendation and the proposal shall be forwarded to the Kendall County Zoning Board of Appeals for a hearing.**

13.08.C Special Uses Processing

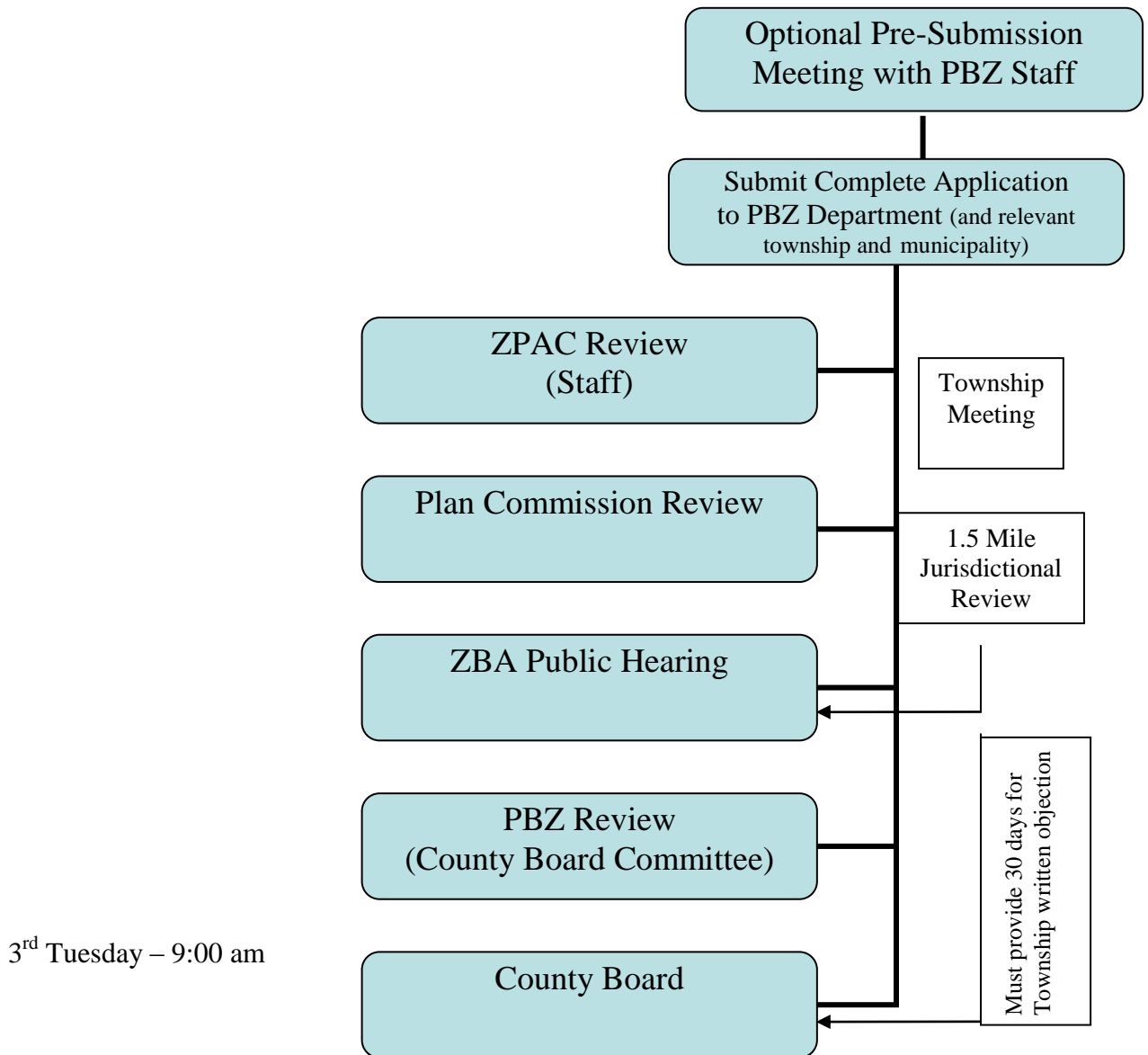
1. An application for a special use shall be filed with the Zoning Administrator.
2. A copy of such application shall be forwarded to ~~the members of~~ the Zoning, ~~and~~ Platting Advisory Committee (ZPAC) for review, ~~and~~ comment, ~~and recommendation~~. **The Zoning, Platting and Advisory Committee (ZPAC) shall not meet to consider the application. However, individual members may forward their comments to the Zoning Administrator prior to the public hearing on the application.**
- ~~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.~~
- 3. A copy of such application shall be forwarded to the members of the Kendall County Regional Planning Commission for review and comment. The Kendall County Regional**

Planning Commission shall not meet to consider the application. However, individual members may forward their comments to the Zoning Administrator prior to the public hearing on the application.

4. A copy of such application ~~and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission~~ and any comments submitted by individual members of the Zoning, Platting Advisory Committee (ZPAC) or the Kendall County Regional Planning Commission shall thereafter be forwarded to the Hearing Officer with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.

5. The recommendation and findings of the Hearing Officer shall be forwarded to the Planning, Building and Zoning (PBZ) Committee of the County Board for review and recommendation prior to final action by the County Board.

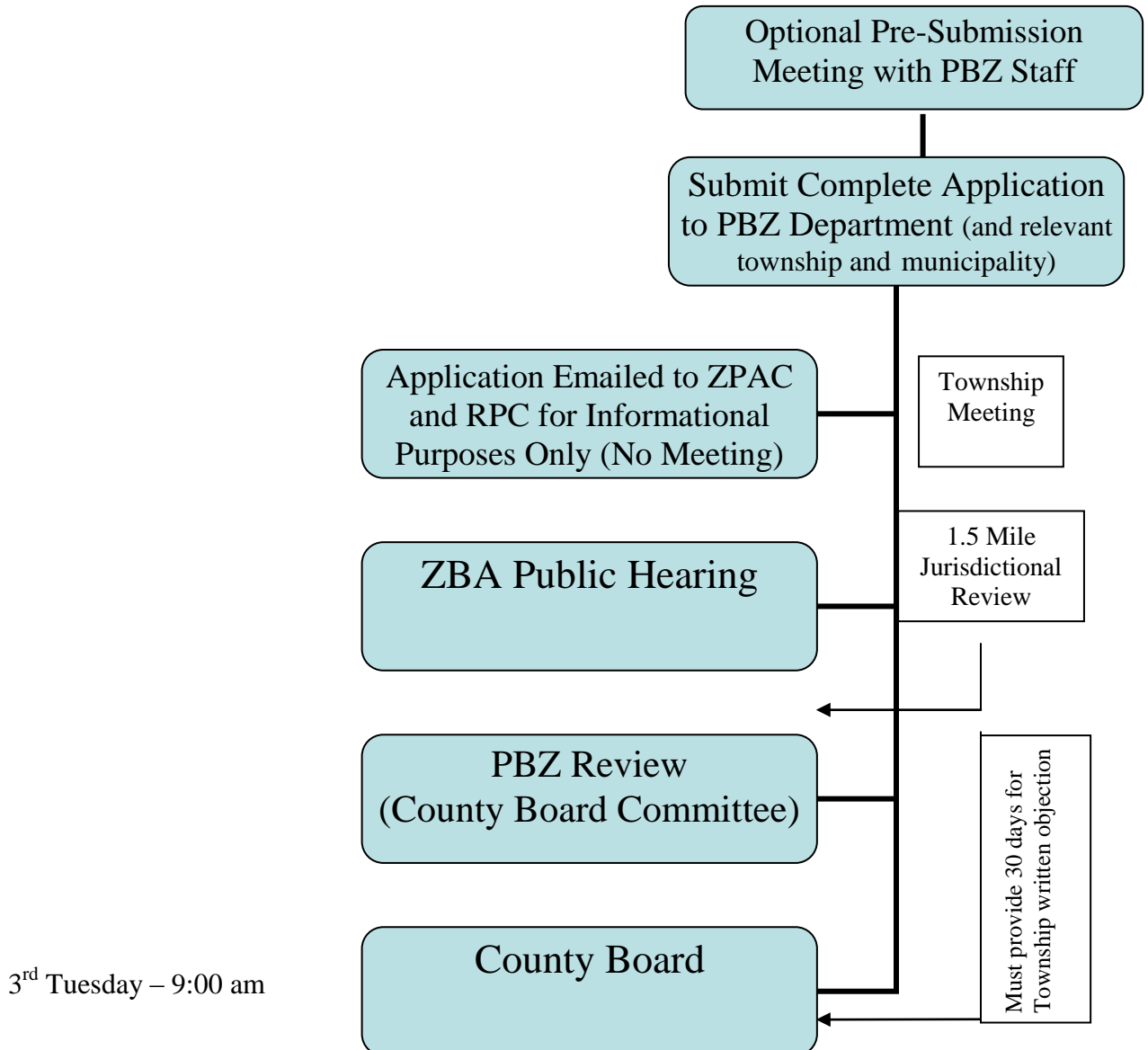
Existing Kendall County Rezoning Process (Map Amendment)



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the RPC agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the RPC or ZBA Hearing.

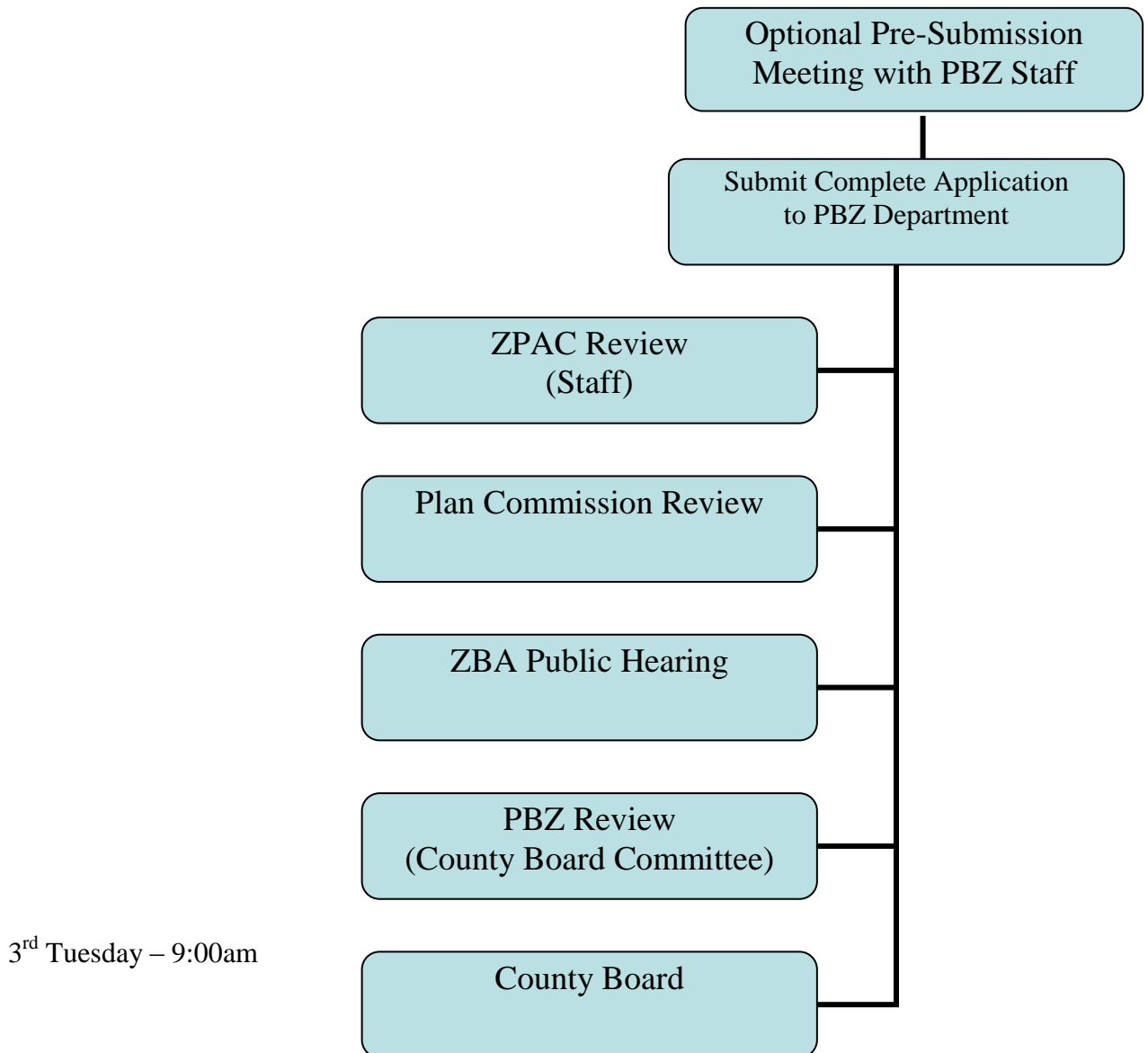
Proposed Amended Kendall County Rezoning Process (Map Amendment)



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** or ZBA Hearing.

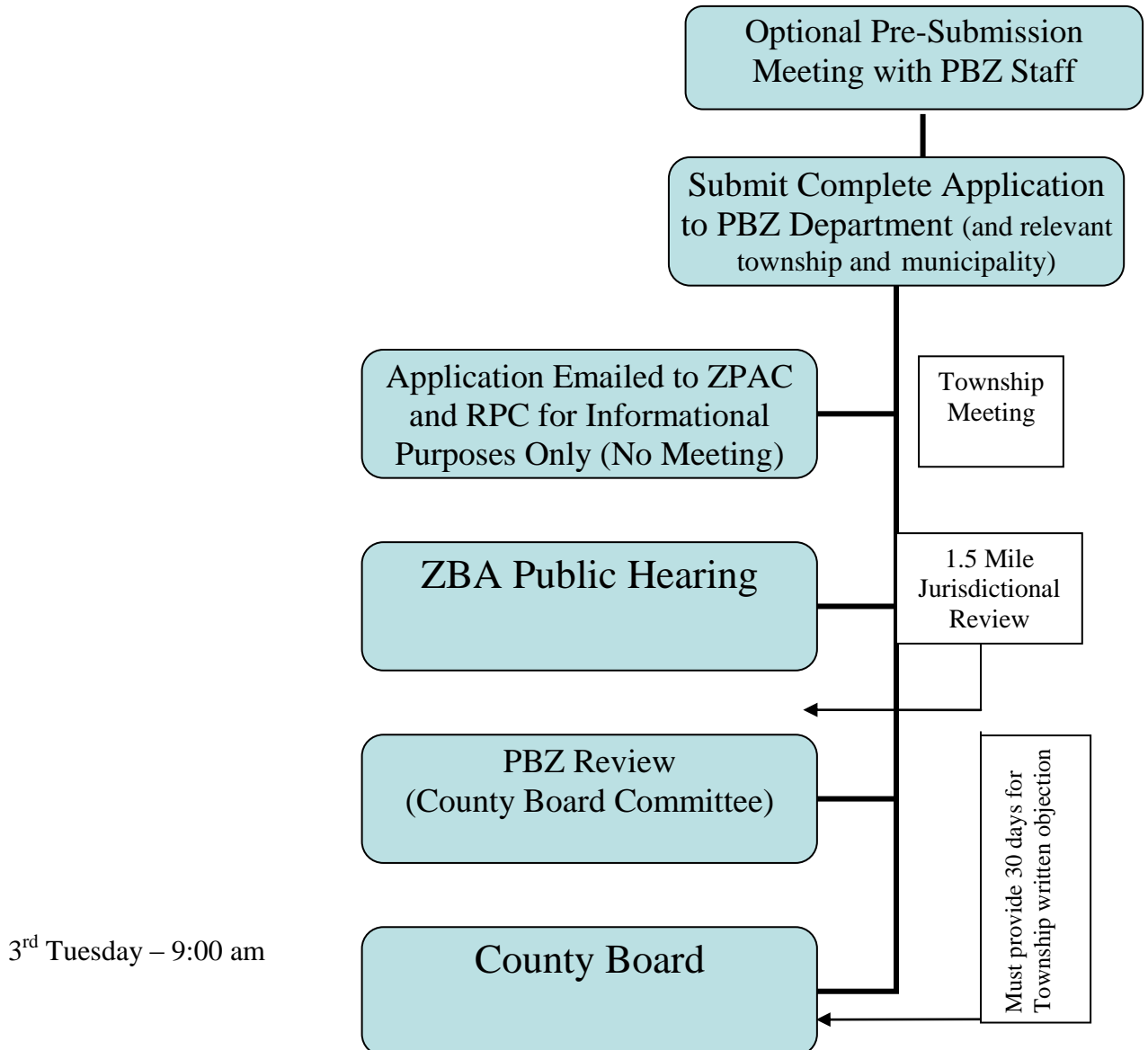
Existing Kendall County Text Amendment Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

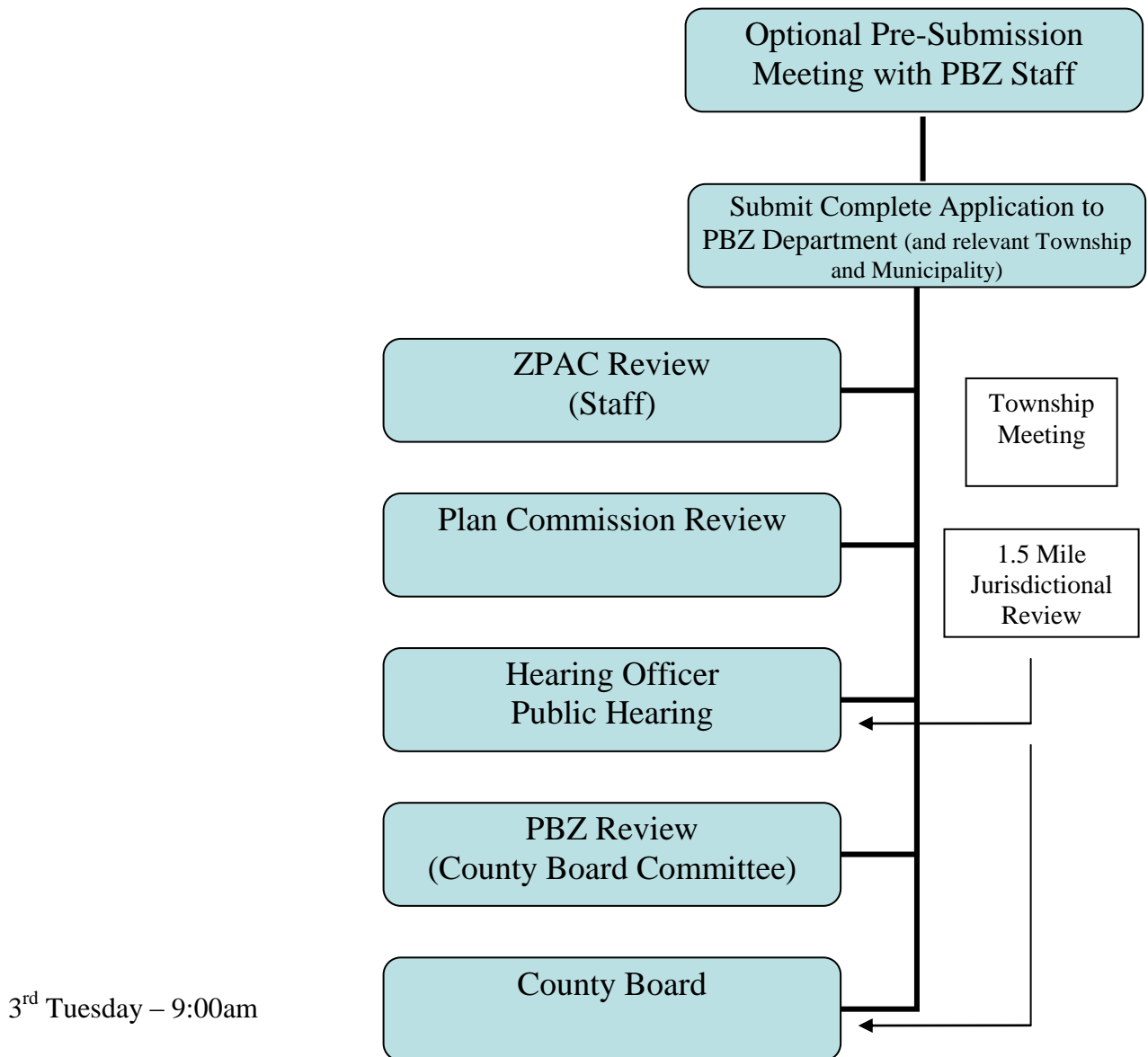
Proposed Amended Kendall County Text Amendment Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** or ZBA Hearing.
4. **The Plan Commission and ZPAC shall review all text amendments involving their powers and duties.**

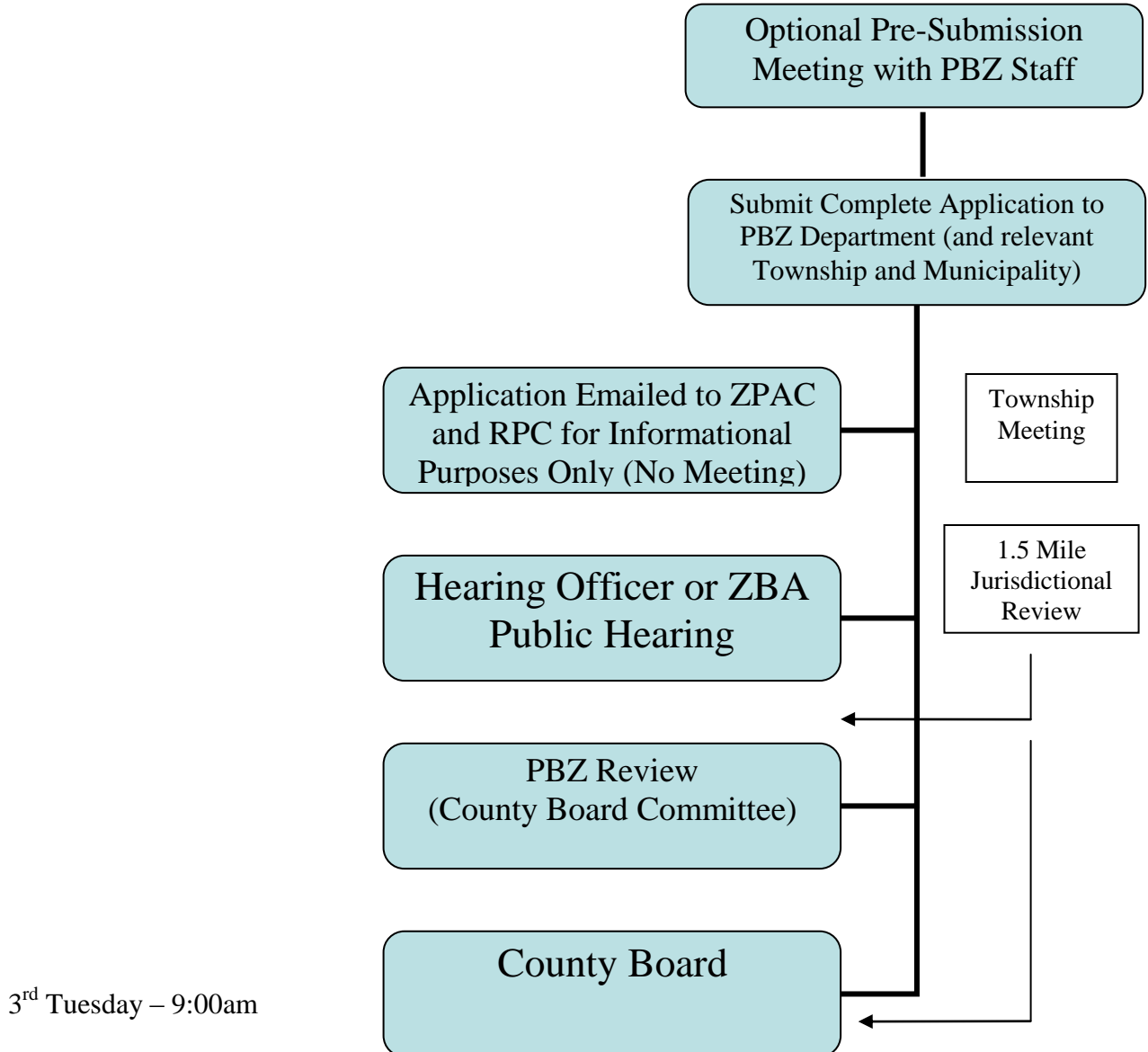
Existing Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Hearing Officer, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

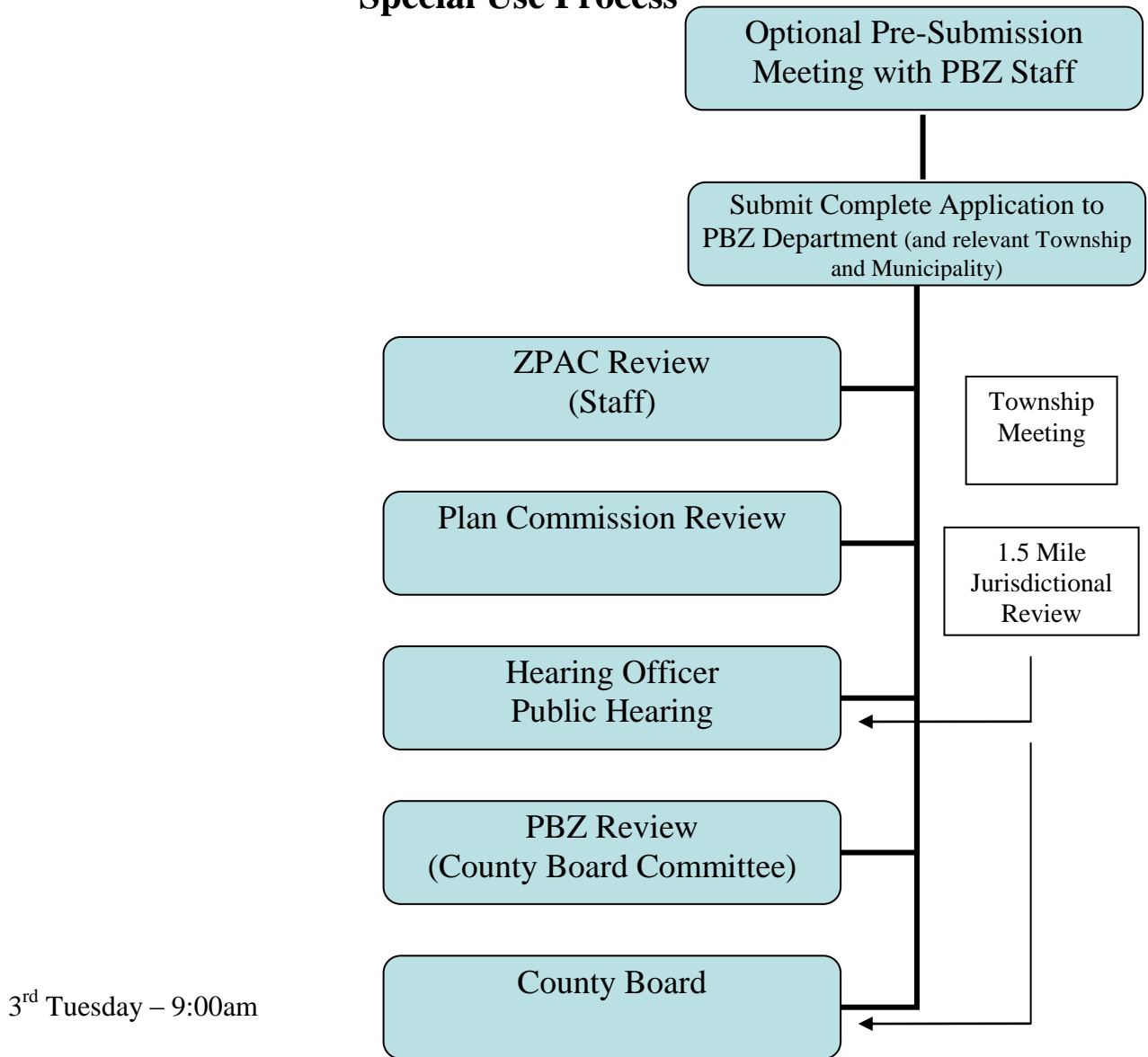
Proposed Amended Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Hearing Officer (**or Zoning Board of Appeals**), and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

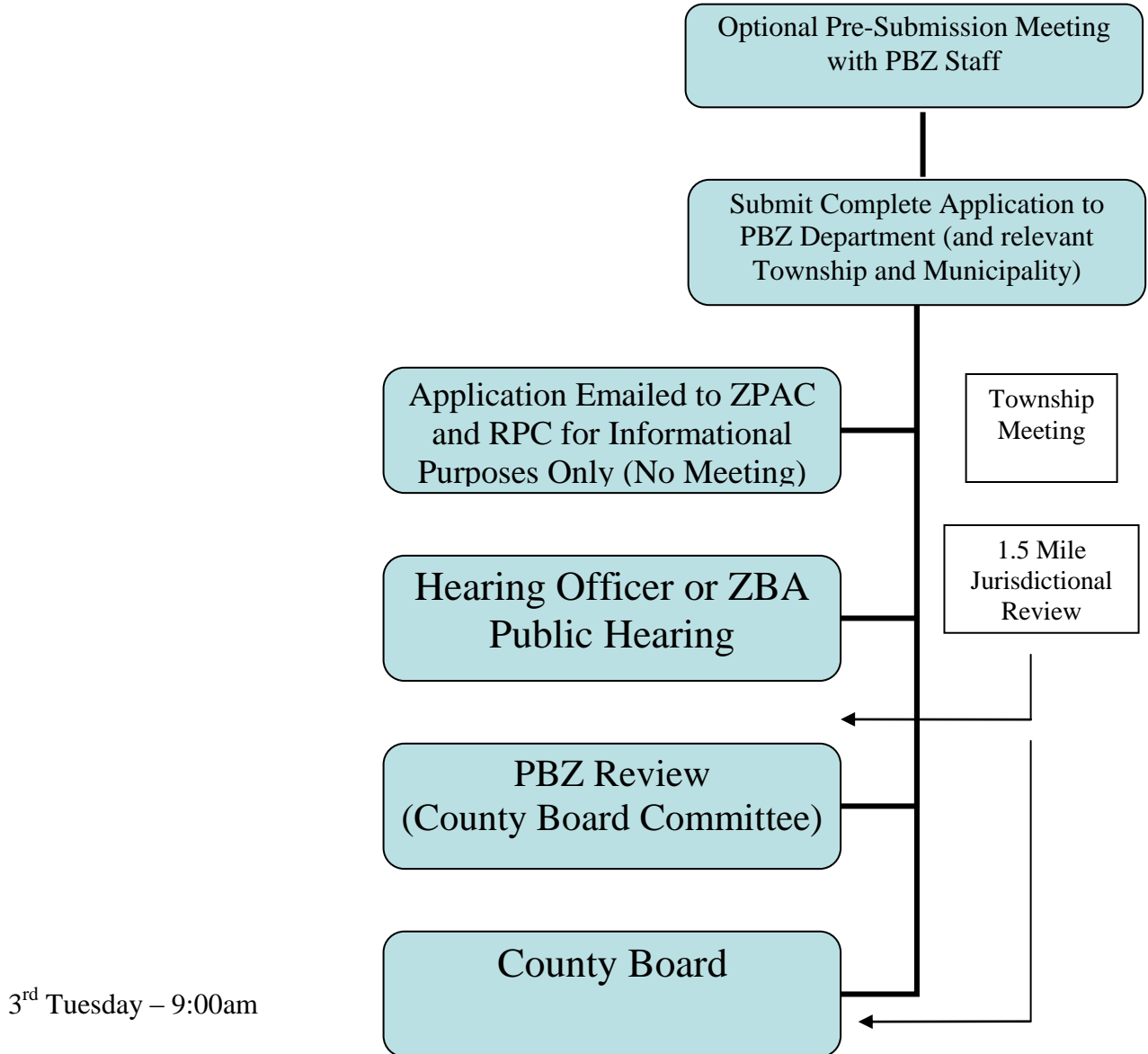
Existing Kendall County Major Amendment Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Hearing Officer, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

Proposed Amended Kendall County Major Amendment to an Existing Special Use Process

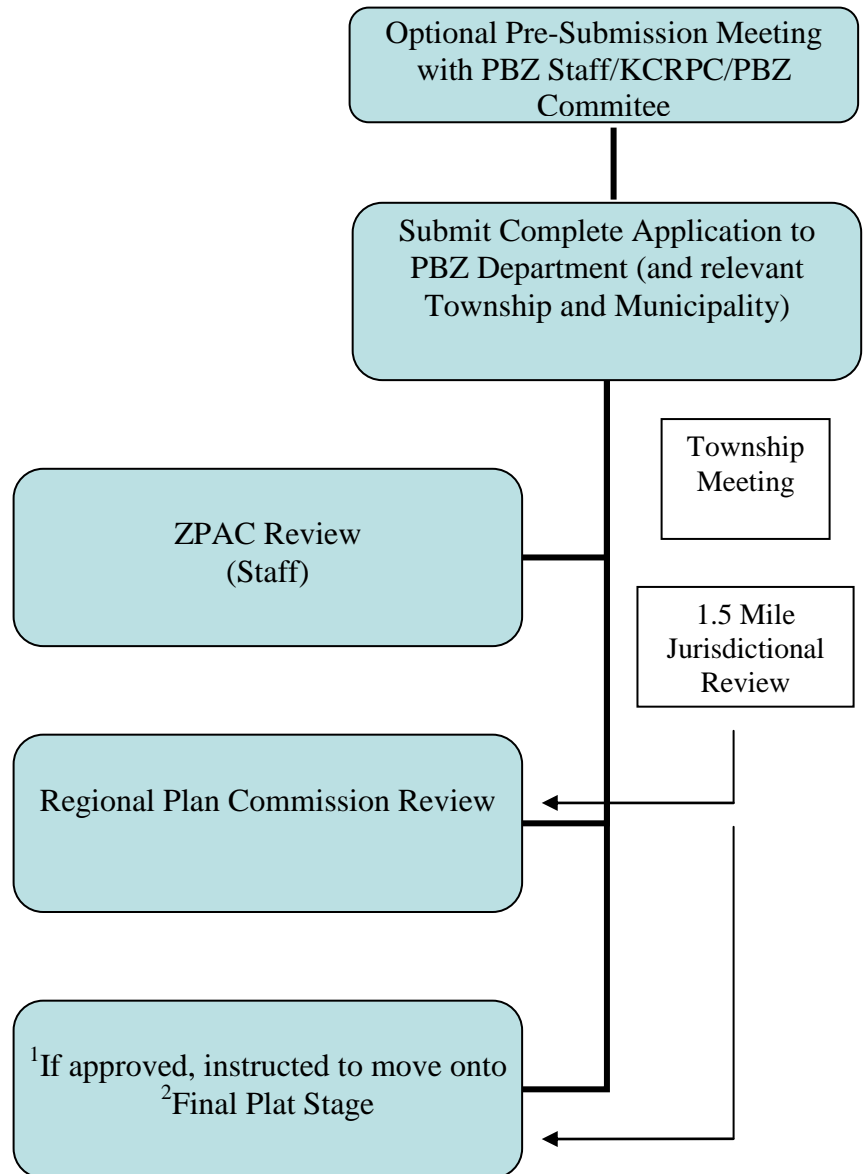


Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Hearing Officer (**or Zoning Board of Appeals**), and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.
4. Hearing Officer has typically conducted meetings on the same day as the ZBA meeting.

Existing-No Changes Proposed

Kendall County Preliminary Plat Process

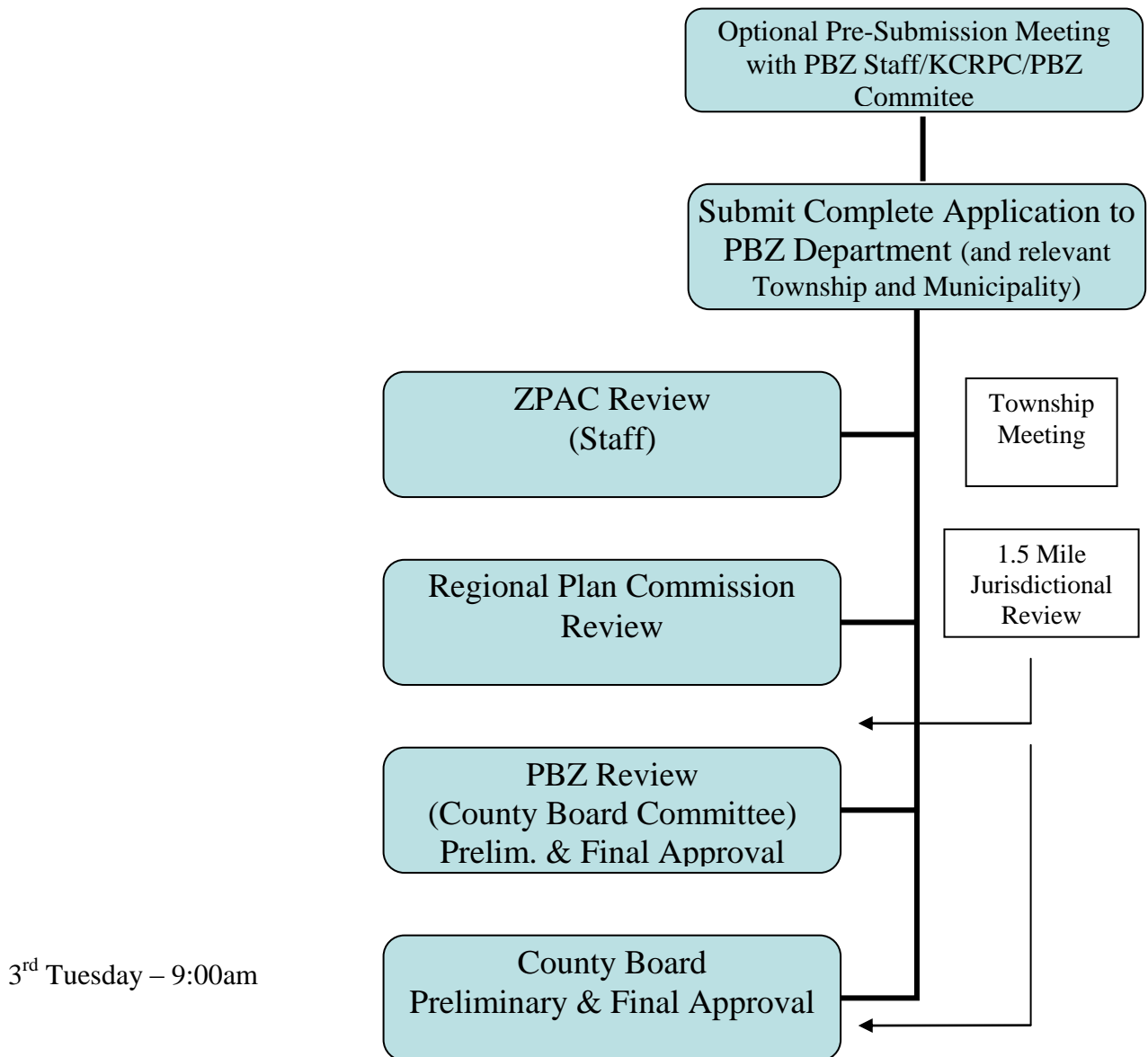


Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

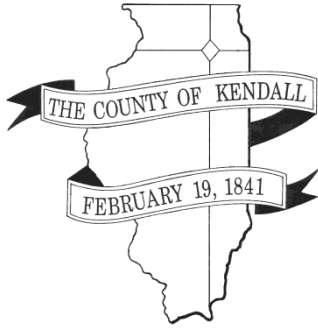
Existing-No Changes Proposed

Kendall County Final Plat Process



Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: December 28, 2017
Re: Code Hearing Unit Regulations

Per the Committee's request, Staff prepared a proposed update to the Kendall County Code Hearing Unit regulations. This proposal is based upon discussions that occurred at other meetings and changes to State law adopted since 2004. A copy of the existing Kendall County regulations, violation procedures, warning letter and hearing notice are also attached.

It is Staff's understanding that the Code Hearing Unit has only been used one (1) time since the County adopted the Code Hearing Unit regulations in 2004. Accordingly, the violation procedures, warning letter and hearing notice may require revisions.

In addition to above concern regarding revisions to various forms, Staff has the following concerns regarding the Code Hearing Unit:

1. Coordination With Other Departments-State law allows a hearing officer to review violations of other ordinances in addition to Planning, Building and Zoning related regulations. The current proposal focuses on Planning, Building and Zoning related regulations. Animal Control, among other departments, could have alleged violations heard by a hearing officer. In addition, if a property has multiple violations (i.e. a building violation and an animal control violation) it might be beneficial to have the same entity hearing all of the alleged violations at the same property.
2. Staffing-Under the current and proposed regulations, the Code Hearing Unit is a division of the Planning, Building and Zoning Department. The Hearing Officer would either need to write their findings themselves or the Planning, Building and Zoning Department would have to send additional Staff to the hearing to prepare the official findings. This task becomes difficult if the Senior Planner and/or Code Compliance Officer are acting as prosecutors or prosecutorial witnesses. The Senior Planner and/or Code Compliance Officer might not appear impartial in these cases.
3. Hearing Officer Conflict of Interest-Kendall County currently has one (1) Hearing Officer and this individual also serves as the Special Use Hearing Officer. In cases of violations of special use permits, this individual would have held the hearing and advised the County Board on the restrictions and conditions placed in special use permits. This individual would then hear and determine guilt or innocence in alleged violations of the restrictions and conditions of a special use permit. Also, if the violation warranted and the special permit allowed revocation, this individual would preside and issue a recommendation at the revocation hearing. Staff suggests that the County have an additional Hearing Officer and that the Special Use Hearing Officer not preside as the Hearing Officer in cases of alleged special use permit violations.
4. Costs-The Hearing Officer charges Three Hundred Fifty Dollars (\$350) per hearing plus One Hundred Dollars (\$100) per hour after the first hour. In cases where the defendant is acquitted or the case is dismissed, the County would pay these costs. In addition, the majority of the cases going to the Hearing Officer would be extreme cases where a defendant either was not able to comply or stated they would comply and did not complete compliance as they promised. Staff knows from experience that obtaining funds from

individuals in these cases in a timely manner can be difficult. The County Board needs to be aware that expenses related from the hearings might not be recovered in the same fiscal year as the hearing. In addition, guilty parties could appeal decisions to the courts; this process may not expedite the resolution of violation.

A revised Planning, Building and Zoning Department organizational chart is also attached.

If you have any questions, please let me know.

MHA

ENC: Code Hearing Unit Amendment 12-26-17 Version
Revised Organizational Chart
Ordinance 04-28
Violation Procedure
10 Day Warning Letter
20 Day Hearing Notice

AMENDED 12-26-17
ORDINANCE# 2018-XX

AN ORDINANCE OF THE KENDALL COUNTY CODE AMENDING A CODE HEARING UNIT

WHEREAS, Kendall County has adopted rules and regulations intended to protect and enhance the public health, safety, and welfare, and these rules and regulations are set forth in the Kendall County Code; and

WHEREAS, enforcement of the rules and regulations of the Kendall County Code sometimes requires County staff to notify a property owner or other person of a violation of the duly adopted rules and regulations; and

WHEREAS, failure by a property owner or other person to correct an identified violation of the Kendall County Code currently requires staff to take further action through the circuit court; and

WHEREAS, it is desirable to have an alternative procedure for the abatement of Kendall County Code violations which is less complex and less time consuming; and

WHEREAS, Chapter 55, Section 5/5-41 of the Illinois State Statutes allows counties to create Code Hearing Units for the administrative adjudication of code violations; and

WHEREAS, Kendall County staff and the Kendall County State's Attorney have reviewed the enabling legislation and have drafted rules, regulations and procedures for a Code Hearing Unit for Kendall County, attached hereto as Exhibit "A"; and

WHEREAS, the Planning, Building and Zoning Committee of the Kendall County Board has reviewed the drafted rules, regulations and procedures for the Code Hearing Unit and has determined that such a Unit will expedite the adjudication of Code violations and improve the administration of the Kendall County Code, and has forwarded a recommendation **to the County Board the Code Hearing Unit regulations for Kendall County be amended**; and

WHEREAS, the Kendall County Board previously established a Code Hearing Unit through Ordinance 2004-28 adopted August 17, 2004; and

WHEREAS, the County Board of Kendall County has determined that it is in the best interest of its citizens of the County to amend the Kendall County Code to **establish amend** the Code Hearing Unit in order to better protect the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

SECTION ONE: The conclusions set forth above and the recommendation of the Planning, Building and Zoning Committee of the Kendall County Board are hereby adopted as the conclusions of the Kendall County Board.

SECTION TWO: The Kendall County Code is hereby amended to **create amend** a Code Hearing Unit, as set forth in Exhibit "A" attached hereto.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Kendall County, Illinois.

IN WITNESS OF, this Ordinance was approved by the Kendall County Board on **Month Day, 20XX**

Add Signatures

EXHIBIT "A"

CODE HEARING UNIT

Section 1. Definitions (Re-lettered)

- a) **"Citation" means the official notification of a violation of a provision of the Kendall County Ordinances. Said citations shall require a correction of the violation and/or imposition of a fine.**
- b) "Code" means any County ordinance that pertains to or regulates any of the following: animal control; the definition, identification, and abatement of public nuisances; the accumulation, disposal, and transportation of garbage, refuse, and other forms of solid waste; the construction and maintenance of buildings and structures including improvements; sanitation practices; or ~~subdivision~~ zoning. (State law)
- c) "Code Enforcement Officer" means a County employee or independent contractor or investigator authorized to issue citations for County Code violations **and to conduct inspections of public or private real property to determine whether code violations exist.** (State law)
- d) "Hearing Officer" means a person other than a Code Enforcement Officer or law enforcement officer having the following powers and duties:
 - 1) To preside at an administrative hearing called to determine whether a Code violation exists;
 - 2) To hear testimony and accept evidence from the Code Enforcement Officer, the respondent, and all interested parties relevant to the existence of a Code violation;
 - 3) To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
 - 4) To issue and sign written findings and a decision and order stating whether a Code violation exists;
 - 5) To impose penalties consistent with applicable Code provisions and to assess costs reasonably related to instituting the proceedings upon finding the respondent liable for the charged violation. In no event, however, shall the Hearing Officer have the authority to impose a penalty of incarceration.
- e) **"Person" means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, managing or otherwise using real property in unincorporated Kendall County.**
- f) **"Property" means any parcel of land whether residential, commercial, non-agricultural**

or industrial including land and that which is affixed, incidental, or appurtenant to land including, without limitation, any business or residence, parking area, loading area, landscaping, common areas, building or structure or any separate unit, or portion thereof, or any equipment, whether permanent or not permanent. For real property consisting of more than one (1) unit, property may be limited to the unit or portion of the property on which the code violation exists. Property used for agricultural purposes shall be excluded from the regulations of this Ordinance.

- g) "Property owner" means the legal or beneficial owner of an improved or unimproved parcel of real estate.
- h) "Respondent" means a property owner, waste hauler, or other person charged with liability for an alleged Code violation and the person to whom the notice of violation is directed.
- i) **"Responsible Person" means any person recognized by law as having control over, right to use, management rights and/or right of possession of property including, without limitation, legal title holders, lessees, property managers and other adult occupants of the property.**
- j) "Solid waste" means demolition materials, food and industrial processing wastes, garden trash, land cleaning waste, mixed refuse, non-combustible refuse, and trash as defined in the Illinois Solid Waste Disposal District Act.
- k) **"Violation" means any Kendall County building, zoning, subdivision, stormwater, junk and debris or other ordinances enforced by the Kendall County Planning, Building and Zoning Department not being in compliance by a person. (Need to Discuss)**
- l) "Waste hauler" means any person owning or controlling any vehicle used to carry or transport garbage, refuse, or other forms of solid waste.

Section 2. Code Hearing Unit - Establishment and Jurisdiction.

There is hereby established a Code Hearing Unit as a division of the County Planning and Zoning Department which is authorized to conduct administrative adjudication proceedings for the County, its departments and officers. The function of the Code Hearing Unit shall be to expedite the prosecution and correction of code violations. The Code Hearing Unit is authorized to establish a system of administrative adjudications for the enforcement of all provisions of Kendall County Code, except those pre-empted by State law or County ordinance.

Section 3. Hearing Officer - Appointment.

The Chairman of the County Board, with the advice and consent of the County Board, **may** appoint one or more Hearing Officers for the purposes of this Section. A Hearing Officer may not be a Code Enforcement Officer or other law enforcement officer.

Section 4. Hearing Officer - Powers and Duties.

The Hearing Officer shall have the following powers and duties:

- a) All powers and duties set forth in Sections **1 and 2**, above.
- b) The authority to call and preside at conferences for the settlement or simplification of issues.
- c) The power to administer oaths and affirmations.
- d) The authority to rule on motions, objections and the admissibility of evidence.
- e) Subject to the provisions of this Section, the authority to subpoena relevant witnesses and the production of relevant documents, records or other information.
- f) The authority to exercise all powers and duties necessary and proper to the administration of fair hearings.
- g) Any other powers authorized by State statute.**

Section 5. Code Enforcement Officers - Appointment.

The County Planning, Building, and Zoning Director and County Environmental Health Director (or their designees) are hereby authorized to serve as County Code Enforcement Officers. In the event that the County Planning, Building, and Zoning Director or the County Environmental Health Director positions are vacant, the County Administrator shall appoint an interim Code Enforcement Officer.

Section 6. Issuance of Citation.

- a) Any responsible person allowing, causing, committing, continuing to permit or maintain a violation pertaining to any, zoning, building, plumbing, electrical, or other similar matter regulated by the Kendall County, Planning, Building and Zoning Department may be issued a citation.**
- b) Each citation shall contain the following information:**
 - 1. The date of the violation;**
 - 2. The address or description of the location where the violation occurred including parcel identification number;**
 - 3. The specific section of the code or ordinance violated and a description of the nature of the violation;**
 - 4. The amount of fine for said violation;**
 - 5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;**
 - 6. A statement that the violation must be corrected and the time within which it must be corrected and that failure to correct will result in further legal proceedings;**
 - 7. A description of the administrative hearing process, including the time within which the administrative citation may be contested and the place to which to submit a written request for a hearing;**
 - 8. The name and signature of the citing code enforcement officer; and**

9. Other such information as may be deemed necessary from time to time.

Section 7. Service of Citation.

Citations issued pursuant to this Ordinance may be served by any one or more of the following methods:

- a) Service by Mail. A citation may be served by certified, return receipt mail executed by the person mailing the citation. The citation will be addressed to the responsible person at the address shown on the last tax assessment rolls or to any address known for the responsible person. For purposes of this Ordinance, if the citation is served via certified, return receipt mail, service shall be deemed effective on the date the citation is mailed and shall not affect the validity of the citation or of any subsequent proceedings.**
- b) Service by Posting. A citation may be served by posting or affixing a copy of the citation on the front door of the property or in some other conspicuous place on the real property where the violation is located. Such posting shall be done at least ten (10) calendar days before a hearing date along with a declaration of service by posting executed by the person posting the citation. For the purposes of this Ordinance, if the citation is served by posting, service shall be deemed effective on the date the citation is posted on the property and shall not affect the validity of the citation or of any subsequent proceedings.**
- c) Personal Service. If needed, enforcement may attempt to locate and personally serve the responsible person and obtain the signature of such person on the citation. If the responsible person refuses to sign the citation, the failure or refusal to sign shall not affect the validity of the citation or any subsequent proceedings.**

Section 8. Compliance with a Citation

Upon receipt of a citation, the responsible person must immediately do the following:

- a) Contact the Code Enforcement Officer within ten (10) business days from the date of service with a plan to remedy or correct the violation referenced in the citation. The Code Enforcement Officer may approve the plan, approve the plan with changes or deny the plan.**
- b) Remedy the violation(s) on or before the correction date noted in the citation.**
- c) Schedule an appointment with the code enforcement officer to verify violation(s) have been corrected not to exceed ten (10) business days from the date of service.**
- d) Pay the fine to Kendall County within the allotted time. All fines assessed shall be payable to the "Kendall County Treasurer". Payment of the fine will not excuse or discharge the cited violation(s) nor shall it bar further enforcement by the County. The fine can be forgiven if the responsible person corrects the violation(s) before the hearing.**

Section 9. Instituting Administrative Adjudication Proceedings.

- a) Any Code Enforcement Officer or designee of the County may institute an administrative adjudication proceeding with the Code Hearing Unit by forwarding a copy of the complaint and all relevant supporting materials to the Code Hearing Unit.
- b) When a Code Enforcement Officer observes a Code violation, the Officer may file a formal complaint by noting the violations on a violation notice and report on a form approved by the Code Hearing Unit.
- c) The written complaint shall contain, at a minimum, facts sufficient to inform the respondent of the violations alleged, including the order allegedly violated **and any other information required by State law. (Added 12/26/17)**
- d) The violation notice and report form shall contain a file number and a hearing date noted by the Code Enforcement Officer in the blank spaces provided for that purpose on the form. The violation notice and report shall state that failure to appear at the hearing on the date indicated may result in determination of liability for the cited violation and the imposition of fines and assessment of costs as provided by the applicable County ordinance. The violation notice and report shall also state that upon a determination of liability and the exhaustion of or failure to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to the County. **The respondent must pay the determinate fine at least 5 days before the hearing date indicated on the violation notice and report form. (Added 12/26/17) (State Law)**
- e) A copy of the violation notice and report form shall be served on the respondent either personally or by certified mail with return receipt, postage prepaid, sent to the address of the respondent. If the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than twenty (20) days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found.
- f) **In lieu of a personal appearance at the hearing, the Kendall County Board may provide for the voluntary payment of a determinate fine in accordance with a schedule of fines approved by ordinance as permitted by State statute.**
- g) **No case may be forwarded to the Code Hearing Unit without following the notification procedures outlined in the applicable ordinance. (Added 12/26/17)**
- h) **No case may be forwarded to the Code Hearing Unit without prior authorization of the Zoning Administrator. The Zoning Administrator may consult with the Kendall County Planning, Building and Zoning Committee for guidance before forwarding a case to the Code Hearing Unit. (Added 12/26/17)**

Section 10. Subpoenas.

- a) At any time prior to the hearing date at the request of the Code Enforcement Officer, the attorney for the County, the respondent, or the attorney for the respondent, the Hearing Officer may issue subpoenas directing witnesses to appear and give testimony at the hearing.
- b) A subpoena issued under this Ordinance shall identify:**
 - 1. The person to whom it is directed.**
 - 2. The documents or other items sought by the subpoena, if any.**
 - 3. The date for appearance of the witness and the production of the documents or other items described in the subpoena.**
 - 4. The time for the appearance of the witnesses and the production of the documents or other items described in the subpoena.**
 - 5. The place for the appearance of the witnesses and the production of the documents or items described in the subpoena.**
- c) In no event shall the date identified for the appearance of the witness or the production of the documents or other items be less than seven (7) business days after the service of the subpoena.**
- d) If the respondent or the respondent's attorney fails to appear on the date set for the hearing, the Hearing Officer may find the respondent in default and shall proceed with the hearing and accept evidence relating to the existence of a Code violation.

Section 11. Representation At Hearings.

The case for the County may be presented by a Code Enforcement Officer or by the State's Attorney or his/her designee. In no event, however, may the case for the County be presented by an employee of the Code Hearing Unit. The case for the respondent may be presented by the respondent or the respondent's attorney. If the respondent is a corporation, it may appear through any officer, manager, or supervisor of the corporation. **An attorney who appears on behalf of any person shall file with the Hearing Officer a written appearance on a form provided by the County for that purpose.**

Section 12. Hearing Procedure.

- a) The Hearing Officer will begin the Officer's call by introducing himself or herself to the respondents and other attendees. Opening remarks should include informing the citizens as to the nature and manner of the proceedings. Opening remarks may include information about the order that cases will be called, the need to maintain proper decorum, continuances, acceptable and unacceptable defenses, and the fees and range of potential fines.
- b) The Hearing Officer may grant continuances only upon a finding of good cause. Continuances shall not be granted as a matter of course.
- c) All testimony shall be given under oath or affirmation.

- d) Upon the timely request of any party to a hearing, any person who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.
- e) The record of all hearings before the Hearing Officer shall include: all documents admitted into evidence at the hearing; a copy of the notice of violation and hearing; and a copy of the findings and decision of the Hearing Officer.
- f) The record of a hearing before the Hearing Officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription or other appropriate means. The Code Hearing Unit shall not be responsible for providing recording services or equipment. Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber, or recorders at that party's own expense. **Kendall County shall record the audio of the hearing.** The Hearing Officer may reasonably limit where the court reporter, transcriber, or recorder may be placed in the hearing room. **If the party or the court reporter, transcriber or recorder is unwilling to follow reasonable limitations, then the Hearing Officer may remove the court reporter, transcriber or recorder.**

Section 13. Evidence At Hearings.

The Hearing Officer shall preside at the hearing, shall hear testimony, and shall accept any evidence relevant to the existence or non-existence of a Code violation on the property indicated. The Code Enforcement Officer's signed violation notice and report form shall be prima facie evidence of the existence of the Code violation described in the form. The strict rules of evidence applicable to judicial proceedings do not apply to hearings authorized under this **Section Ordinance**. The Hearing Officer can take notice of all orders and regulations enacted by Kendall County.

Section 14. Findings, Decision, and Order.

At the conclusion of the hearing ~~or any reasonable time thereafter within five (5) business days after the conclusion of the hearing, (State Law)~~ the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether a Code violation exists. The determination shall be in writing and shall be designated as the Hearing Officer's findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a determination of whether a Code violation exists based on the findings of fact, and an order imposing a fine or other penalty, directing the respondent to correct the violation, or dismissing the case if the violation is not proved. If the Hearing Officer determines that the respondent is liable for the cited violation, the Hearing Officer shall enter an order imposing sanctions that are provided in the Code for the violations proved, including the imposition of fines and the recovery of the costs of the proceedings. Costs may be recovered in the same manner as fines and penalties. A copy of the findings, decision and order shall be served by personal service or by any method provided for service of the violation notice and report form under **Section 7 of this Ordinance**. The payment of any penalty or fine or costs of the proceedings and the disposition of that money shall be in the manner provided by this **Section Ordinance**. **In the issuance of a final determination of liability, a Hearing Officer shall inform the respondent of the respondent's right to seek judicial review or review by the Kendall**

County Board of the final determination.

Section 15. Payment of Penalties, Fines and Costs.

All fines and other monies paid to Kendall County in accordance with this **Article Ordinance** shall be remitted to the Kendall County Treasurer. In order to ensure that Code violations are remedied or fines are paid in a timely manner, the Hearing Officer, upon issuing a final determination of liability, may further require a respondent found to be in violation to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against property (per 55 ILCS 5/5-41050). Bonds and liens shall be approved by the State's Attorney as to form. Whenever it is necessary for the County to make repairs or otherwise expend funds to mitigate a Code violation for which a bond was posted, or whenever fines or costs remain unpaid after a respondent has exhausted or failed to exhaust judicial review procedures, the Hearing Officer may, after giving the respondent notice and an opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose the lien. The Hearing Officer shall order the bond or the property or proceeds from the property, less the costs incurred by the County, returned to the respondent upon proof of compliance with the applicable Code provisions and the payment of the assessed fines or costs.

Section 16. Violation of Findings, Decision and Order.

Any respondent, having received notice and an opportunity for a hearing as provided in this Article, who fails to subsequently comply with the findings, decision and order of the Hearing Officer, including failure to respond to the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine of not less than Two Hundred Dollars (\$200) and not more than Five Hundred Dollars (\$500) for each offense, with each day that the violation continues being considered a separate and distinct offense. **The fine shall increase Twenty-Five Dollars (\$25) per violation until the maximum amount is reached.** In a prosecution under this **Article Ordinance**, it shall not be a defense that a person came into compliance with an order, sought judicial review of the order, or made efforts to comply with an order subsequent to its effective date.

Section 17. Election of Remedies.

In no case may the Code Hearing Unit conduct an administrative adjudication proceeding for alleged violations of the Code where the requested remedy is a punishment of imprisonment. However, the provisions of this **Article Ordinance** shall not preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of the Hearing Officer.

Section 18. Administrative Hearing Not Exclusive.

Notwithstanding any other provisions of this Article, neither the authority of the Code Hearing Unit to conduct administrative adjudication procedures nor the institution of such procedures under this **Article Ordinance** shall preclude the County from seeking remedies for Code violations through the use of any other administrative procedure or court proceeding.

Section 19. Review by the County Board

All decisions of the Hearing Officer may be appealed to the Kendall County Board, including all applicable applications and documents, by the responsible person within ten (10) business days of the decision of the Hearing Officer. In filing the appeal, the responsible person shall state the reason(s) of defects in the Hearing Officer's decision and outline an alternative remedy to violations from the ruling of the Hearing Officer. The Kendall County Board may request additional documentation after the application deadline. The responsible person shall be responsible for paying any costs, including, but not limited to, publication of notice costs. Within forty-six (46) business days of receiving a request for review, the Kendall County Board shall review and issue a ruling on the appeal. During the review period, the Kendall County Board may forward the appeal request to the Planning, Building and Zoning Committee for comment. If the Kendall County Board fails to issue a ruling on the appeal within forty-six (46) business days, the request of the responsible person shall be automatically granted. In issuing an order, the Kendall County Board may agree, in whole or in part, with the decision of the Hearing Officer, or overturn the ruling of the Hearing Officer. In issuing the order, the Kendall County Board shall not impose a fine greater than the fine imposed by the Hearing Officer or reduce the time to remedy a violation set by the Hearing Officer.

Section 20. Administrative Review.

The findings, decision and order of the Hearing Officer **and/or the Kendall County Board** shall be subject to review in the Circuit Court of the County. The Administrative Review Law and the rules adopted pursuant thereto shall apply to and govern every action for the judicial review of the final findings, decision and order of the Hearing Officer. Where the Circuit Court upholds the findings, decision and order of the Hearing Officer following administrative review, the County may request and the Circuit Court may require that the respondent pay all costs incurred by the County in the administrative review process.

Section 21. Sanctions, Transfer or Conveyance of Property.

The order to correct a code violation and the sanctions imposed by a County against a respondent property owner as the result of a findings or a Code violation under this **Section Ordinance** shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision and order of the Hearing Officer under this Section if a notice consisting of a copy of the order to correct a Code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the office of the Recorder by the County prior to the transfer or conveyance to the subsequent transferee or owner.

Section 22. Collection of Unpaid Fines or Other Sanctions.

- a) Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the State Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been

filed pursuant to Section ~~11~~ 14, above.

- b) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the Circuit Court of the County for purposes of obtaining a judgment on the Hearing Officer's findings, decision and order. Nothing in this Section prevents the County from consolidating multiple findings, decisions and orders against a person or property in such a proceeding.
- c) Upon commencement of the action, the County shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with State Statutes (55 ILCS 5/5-41005 to 41060) and this **Article Ordinance**. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision and order does not exceed Five Thousand Dollars (\$5,000).
- d) If the court is satisfied that the findings, decision and order were entered within the requirements of the applicable State Statute and this Article and that the respondent had an opportunity for a hearing under this **Article Ordinance** and for judicial review as provided in this Article:
 - 1) The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.
 - 2) The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the Hearing Officer or to correct a Code violation.

1. Building Code (B)
2. Historic Preservation Ordinance (H)
3. Inoperable Motor Vehicle Ordinance (IMV)
4. Junk and Other Waste Matter Ordinance (J&WM)
5. Stormwater Management Ordinance (Storm)
6. Subdivision Control Ordinance (Sub)
7. Zoning Ordinance (Z)

Enforcement Procedure

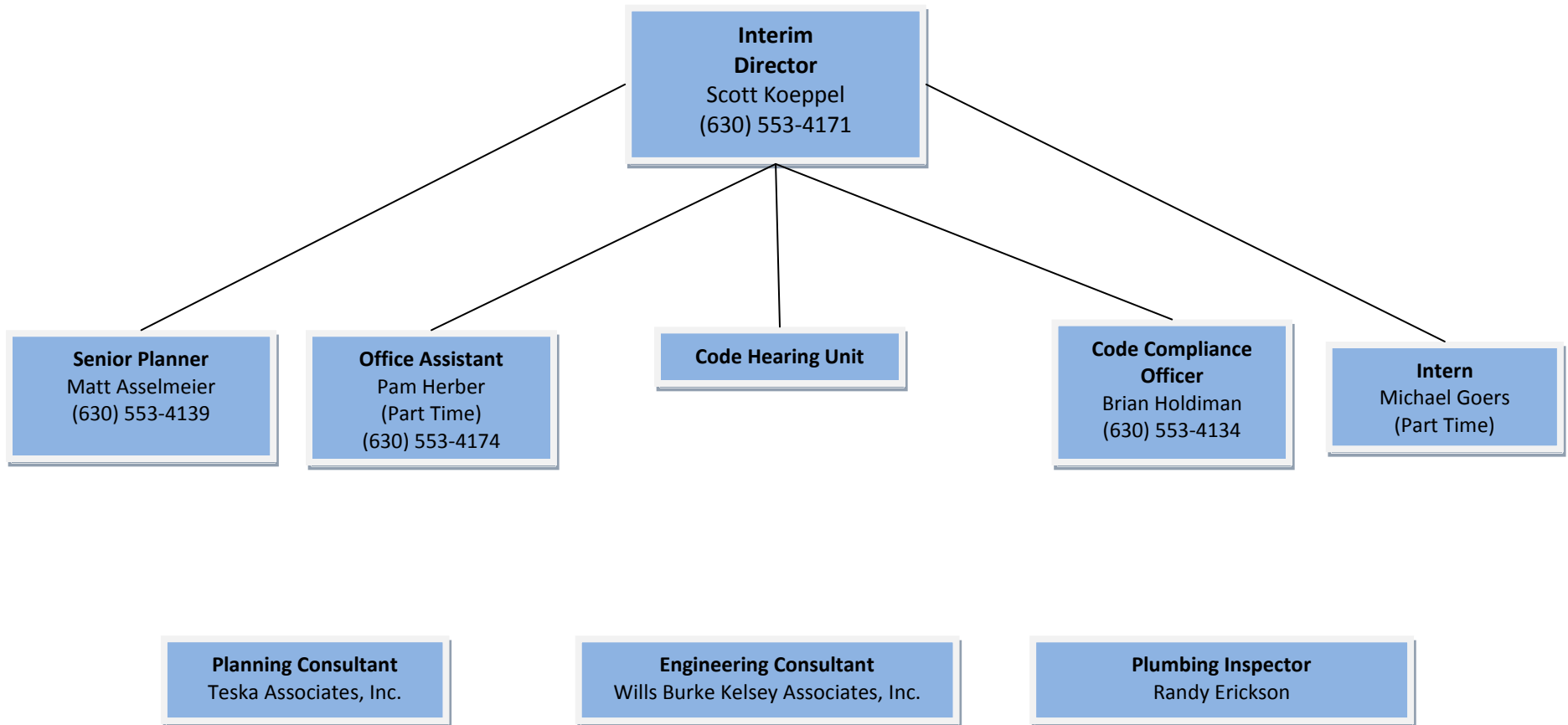
B	H	IMV	J&WM	Storm	Sub	Z
Step 1. Processed in Matter Prescribed for Ordinance Violations	Step 1. PBZ Department Sends 30 Day Notice to Owner of Record by Certified Mail, Return Receipt, and Postage Prepaid Request; 30 Days is Measured from Date of Receipt.	Step 1. 7 Day Notice Given to Owner	Step 1. Notice of Between 2 and 10 Days Given to Owner, Occupant or Both.	Step 1. Provide 30 Day Notice to Enter Property for Inspection	Step 1. Processed in Matter Prescribed for Ordinance Violations	Step 1. File Copy of Complaint with SAO or Code Hearing Unit
Step 2a. Case Turned over to SAO	Step 2. Historic Preservation Commission Files a Petition in the Circuit Court for Kendall County to Remedy the Issue.	Step 2. Sheriff's Office Removes Vehicle and Parts	Step 2. Follow-Up Investigation	Step 2. Maximum 10 Day Notice to Enter Property for Re- inspection		Step 2. Serve Notice of Hearing to Property Owner at Least 20 Days Prior to Hearing
Step 2b. PBZ Sub- Committee Reviews the Matter			Step 3. Complaint of Violation Filed in the Circuit Court of the 16 Judicial Circuit			

Fine Schedule

B	H	IMV	J&WM	Storm	Sub	Z
Min \$50 Max \$1,000	Min \$25 Max \$500	Min N/A Max \$200	Min \$10 Max \$500	Min \$25 Max \$750	Min \$50 Max \$500	Min N/A Max \$500
Each Day is a Separate Violation	Each Day is a Separate Offense Unauthorized Demolition-No Building Permit for the Subject Property can be Issued for 5 years. Owner, Tenant, Architect, Planner, Surveyor, Engineer, Realtor, Attorney, Builder, Contractor or Agent Involved with a Violation could be Guilty of a Separate Offense County May Take Other Action Including Requiring Restoration of a Structure to Pre-Violation Conditions	Each Day is a Separate Violation	Each 24 Hour Period is a Separate Offense	Each Calendar Day is a Separate Violation Stormwater Management Permit May Be Revoked. Stop-Work Order May be Issued. Injunctive Relief	Each Day is a Separate Violation	Each Week is a Separate Offense Compliance Bonds and Liens Can be Imposed if Approved by SAO Contempt of Hearing Min \$200 Max \$500 Each Day is Separate Violation Hearing Decision Can Be Appealed to Circuit Court Site Plan Offenses-First Offense Min \$100 Max \$1,000 Site Plan Offenses-After First Offense Min \$500 Max \$1,000 Each Day is a Separate Offense County May File Lien for Site Plan Violations, Revoke all Permits, and Seek

						Injunctive Relief
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Organizational Chart
Kendall County Planning Building and Zoning Department



ORDINANCE # 2004- 28

AN ORDINANCE OF THE KENDALL COUNTY CODE CREATING A CODE HEARING UNIT

WHEREAS, Kendall County has adopted rules and regulations intended to protect and enhance the public health, safety, and welfare, and these rules and regulations are set forth in the Kendall County Code; and

WHEREAS, enforcement of the rules and regulations of the Kendall County Code sometimes requires County staff to notify a property owner or other person of a violation of the duly adopted rules and regulations; and

WHEREAS, failure by a property owner or other person to correct an identified violation of the Kendall County Code currently requires staff to take further action through the circuit court; and

WHEREAS, it is desirable to have an alternative procedure for the abatement of Kendall County Code violations which is less complex and less time consuming; and

WHEREAS, Chapter 55, Section 5/5-41 of the Illinois State Statutes allows counties to create Code Hearing Units for the administrative adjudication of code violations; and

WHEREAS, Kendall County staff and the Kendall County State's Attorney have reviewed the enabling legislation and have drafted rules, regulations and procedures for a Code Hearing Unit for Kendall County, attached hereto as Exhibit "A"; and

WHEREAS, the Planning, Building and Zoning Committee of the Kendall County Board has reviewed the drafted rules, regulations and procedures for the Code Hearing Unit and has determined that such a Unit will expedite the adjudication of Code violations and improve the administration of the Kendall County Code, and has forwarded a recommendation to the County Board that a Code Hearing Unit be created for Kendall County; and

WHEREAS, the County Board of Kendall County has determined that it is in the best interest of its citizens of the County to amend the Kendall County Code to establish the Code Hearing Unit in order to better protect the public health, safety, and welfare;

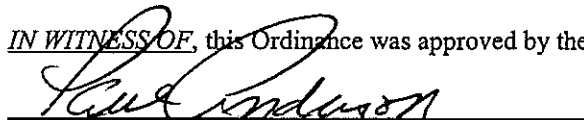
NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

SECTION ONE: The conclusions set forth above and the recommendation of the Planning, Building and Zoning Committee of the Kendall County Board are hereby adopted as the conclusions of the Kendall County Board.

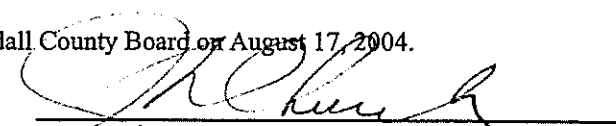
SECTION TWO: The Kendall County Code is hereby amended to create a Code Hearing Unit, as set forth in Exhibit "A" attached hereto.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Kendall County, Illinois.

IN WITNESS OF, this Ordinance was approved by the Kendall County Board on August 17, 2004.



Attest:


John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk

EXHIBIT "A"

CODE HEARING UNIT

Section 1. Definitions

- a) "Code" means any County ordinance that pertains to or regulates any of the following: animal control; the definition, identification, and abatement of public nuisances; the accumulation, disposal, and transportation of garbage, refuse, and other forms of solid waste; the construction and maintenance of buildings and structures including improvements; sanitation practices; or subdivision zoning.
- b) "Code Enforcement Officer" means a County employee or independent contractor or investigator authorized to issue citations for County Code violations.
- c) "Hearing Officer" means a person other than a Code Enforcement Officer or law enforcement officer having the following powers and duties:
 - 1) To preside at an administrative hearing called to determine whether a Code violation exists;
 - 2) To hear testimony and accept evidence from the Code Enforcement Officer, the respondent, and all interested parties relevant to the existence of a Code violation;
 - 3) To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
 - 4) To issue and sign written findings and a decision and order stating whether a Code violation exists;
 - 5) To impose penalties consistent with applicable Code provisions and to assess costs reasonably related to instituting the proceedings upon finding the respondent liable for the charged violation. In no event, however, shall the Hearing Officer have the authority to impose a penalty of incarceration.
- c) "Property owner" means the legal or beneficial owner of an improved or unimproved parcel of real estate.
- d) "Respondent" means a property owner, waste hauler, or other person charged with liability for an alleged Code violation and the person to whom the notice of violation is directed.
- e) "Solid waste" means demolition materials, food and industrial processing wastes, garden trash, land cleaning waste, mixed refuse, non-combustible refuse, and trash as defined in the Illinois Solid Waste Disposal District Act.
- f) "Waste hauler" means any person owning or controlling any vehicle used to carry or transport garbage, refuse, or other forms of solid waste.

Section 2. Code Hearing Unit – Establishment and Jurisdiction.

There is hereby established a Code Hearing Unit as a division of the County Planning and Zoning Department which is authorized to conduct administrative adjudication proceedings for the County, its departments and officers. The function of the Code Hearing Unit shall be to expedite the prosecution and correction of code violations. The Code Hearing Unit is authorized to establish a system of administrative adjudications for the enforcement of all provisions of Kendall County Code, except those pre-empted by State law or County ordinance.

Section 3. Hearing Officer – Appointment.

The Chairman of the County Board, with the advice and consent of the County Board, shall appoint one or more Hearing Officers for the purposes of this Section. A Hearing Officer may not be a Code Enforcement Officer or other law enforcement officer.

Section 4. Hearing Officer – Powers and Duties.

The Hearing Officer shall have the following powers and duties:

- a) All powers and duties set forth in Section 2, above.
- b) The authority to call and preside at conferences for the settlement or simplification of issues.
- c) The power to administer oaths and affirmations.
- d) The authority to rule on motions, objections and the admissibility of evidence.
- e) Subject to the provisions of this Section, the authority to subpoena relevant witnesses and the production of relevant documents, records or other information.
- f) The authority to exercise all powers and duties necessary and proper to the administration of fair hearings.

Section 5. Code Enforcement Officers – Appointment.

The County Planning, Building, and Zoning Director and County Environmental Health Director (or their designees) are hereby authorized to serve as County Code Enforcement Officers. In the event that the County Planning, Building, and Zoning Director or the County Environmental Health Director positions are vacant, the County Administrator shall appoint an interim Code Enforcement Officer.

Section 6. Instituting Administrative Adjudication Proceedings.

- a) Any Code Enforcement Officer or designee of the County may institute an administrative adjudication proceeding with the Code Hearing Unit by forwarding a copy of the complaint and all relevant supporting materials to the Code Hearing Unit.
- b) When a Code Enforcement Officer observes a Code violation, the Officer may file a formal complaint by noting the violations on a violation notice and report on a form approved by the Code Hearing Unit.
- c) The written complaint shall contain, at a minimum, facts sufficient to inform the respondent of the violations alleged, including the order allegedly violated.

- d) The violation notice and report form shall contain a file number and a hearing date noted by the Code Enforcement Officer in the blank spaces provided for that purpose on the form. The violation notice and report shall state that failure to appear at the hearing on the date indicated may result in determination of liability for the cited violation and the imposition of fines and assessment of costs as provided by the applicable County ordinance. The violation notice and report shall also state that upon a determination of liability and the exhaustion of or failure to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to the County.
- e) A copy of the violation notice and report form shall be served on the respondent either personally or by certified mail with return receipt, postage prepaid, sent to the address of the respondent. If the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than twenty (20) days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found.

Section 7. Subpoenas.

- a) At any time prior to the hearing date at the request of the Code Enforcement Officer, the attorney for the County, the respondent, or the attorney for the respondent, the Hearing Officer may issue subpoenas directing witnesses to appear and give testimony at the hearing.
- b) If the respondent or the respondent's attorney fails to appear on the date set for the hearing, the Hearing Officer may find the respondent in default and shall proceed with the hearing and accept evidence relating to the existence of a Code violation.

Section 8. Representation At Hearings.

The case for the County may be presented by a Code Enforcement Officer or by the State's Attorney or his/her designee. In no event, however, may the case for the County be presented by an employee of the Code Hearing Unit. The case for the respondent may be presented by the respondent or the respondent's attorney. If the respondent is a corporation, it may appear through any officer, manager, or supervisor of the corporation.

Section 9. Hearing Procedure.

- a) The Hearing Officer will begin the Officer's call by introducing himself or herself to the respondents and other attendees. Opening remarks should include informing the citizens as to the nature and manner of the proceedings. Opening remarks may include information about the order that cases will be called, the need to maintain proper decorum, continuances, acceptable and unacceptable defenses, and the fees and range of potential fines.
- b) The Hearing Officer may grant continuances only upon a finding of good cause. Continuances shall not be granted as a matter of course.
- c) All testimony shall be given under oath or affirmation.
- d) Upon the timely request of any party to a hearing, any person who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

- e) The record of all hearings before the Hearing Officer shall include: all documents admitted into evidence at the hearing; a copy of the notice of violation and hearing; and a copy of the findings and decision of the Hearing Officer.
- f) The record of a hearing before the Hearing Officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription or other appropriate means. The Code Hearing Unit shall not be responsible for providing recording services or equipment. Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber, or recorders at that party's own expense regardless of the decision of the Hearing Officer. The Hearing Officer may reasonably limit where the court reporter, transcriber, or recorder may be placed in the hearing room.

Section 10. Evidence At Hearings.

The Hearing Officer shall preside at the hearing, shall hear testimony, and shall accept any evidence relevant to the existence or non-existence of a Code violation on the property indicated. The Code Enforcement Officer's signed violation notice and report form shall be prima facie evidence of the existence of the Code violation described in the form. The strict rules of evidence applicable to judicial proceedings do not apply to hearings authorized under this Section. The Hearing Officer can take notice of all orders and regulations enacted by Kendall County.

Section 11. Findings, Decision, and Order.

At the conclusion of the hearing or any reasonable time thereafter, the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether a Code violation exists. The determination shall be in writing and shall be designated as the Hearing Officer's findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a determination of whether a Code violation exists based on the findings of fact, and an order imposing a fine or other penalty, directing the respondent to correct the violation, or dismissing the case if the violation is not proved. If the Hearing Officer determines that the respondent is liable for the cited violation, the Hearing Officer shall enter an order imposing sanctions that are provided in the Code for the violations proved, including the imposition of fines and the recovery of the costs of the proceedings. Costs may be recovered in the same manner as fines and penalties. A copy of the findings, decision and order shall be served by personal service or by any method provided for service of the violation notice and report form under Section 6. The payment of any penalty or fine or costs of the proceedings and the disposition of that money shall be in the manner provided in this Section.

Section 12. Payment of Penalties, Fines and Costs.

All fines and other monies paid to Kendall County in accordance with this Article shall be remitted to the Kendall County Treasurer. In order to ensure that Code violations are remedied or fines are paid in a timely manner, the Hearing Officer, upon issuing a final determination of liability, may further require a respondent found to be in violation to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against property (per 55 ILCS 5/5-41050). Bonds and liens shall be approved by the State's Attorney as to form. Whenever it is necessary for the County to make repairs or otherwise expend funds to mitigate a Code violation for which a bond was posted, or whenever fines or costs remain unpaid after a respondent has exhausted or failed to exhaust judicial review procedures, the Hearing Officer may, after giving the respondent notice and an opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose the lien. The Hearing Officer shall order the bond or the property or proceeds from the property, less the

costs incurred by the County, returned to the respondent upon proof of compliance with the applicable Code provisions and the payment of the assessed fines or costs.

Section 13. Violation of Findings, Decision and Order.

Any respondent, having received notice and an opportunity for a hearing as provided in this Article, who fails to subsequently comply with the findings, decision and order of the Hearing Officer, including failure to respond to the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine of not less than \$200.00 and not more than \$500.00 for each offense, with each day that the violation continues being considered a separate and distinct offense. In a prosecution under this Article, it shall not be a defense that a person came into compliance with an order, sought judicial review of the order, or made efforts to comply with an order subsequent to its effective date.

Section 14. Election of Remedies.

In no case may the Code Hearing Unit conduct an administrative adjudication proceeding for alleged violations of the Code where the requested remedy is a punishment of imprisonment. However, the provisions of this Article shall not preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of the Hearing Officer.

Section 15. Administrative Hearing Not Exclusive.

Notwithstanding any other provisions of this Article, neither the authority of the Code Hearing Unit to conduct administrative adjudication procedures nor the institution of such procedures under this Article shall preclude the County from seeking remedies for Code violations through the use of any other administrative procedure or court proceeding.

Section 16. Administrative Review.

The findings, decision and order of the Hearing Officer shall be subject to review in the Circuit Court of the County. The Administrative Review Law and the rules adopted pursuant thereto shall apply to and govern every action for the judicial review of the final findings, decision and order of the Hearing Officer. Where the Circuit Court upholds the findings, decision and order of the Hearing Officer following administrative review, the County may request and the Circuit Court may require that the respondent pay all costs incurred by the County in the administrative review process.

Section 17. Sanctions, Transfer or Conveyance of Property.

The order to correct a Code violation and the sanctions imposed by a County against a respondent property owner as the result of a findings or a Code violation under this Section shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a Code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision and order of the Hearing Officer under this Section if a notice consisting of a copy of the order to correct a Code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the office of the Recorder by the County prior to the transfer or conveyance to the subsequent transferee or owner.

Section 18. Collection of Unpaid Fines or Other Sanctions.

- a) Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the State Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been filed pursuant to Section 11, above.
- b) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the Circuit Court of the County for purposes of obtaining a judgment on the Hearing Officer's findings, decision and order. Nothing in this Section prevents the County from consolidating multiple findings, decisions and orders against a person or property in such a proceeding.
- c) Upon commencement of the action, the County shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with State Statutes (55 ILCS 5/5-41005 to 41060) and this Article. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision and order does not exceed \$5,000.00.
- d) If the court is satisfied that the findings, decision and order were entered within the requirements of the applicable State Statute and this Article and that the respondent had an opportunity for a hearing under this Article and for judicial review as provided in this Article:
 - 1) The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.
 - 2) The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the Hearing Officer or to correct a Code violation.

Code Hearing Unit –Violation Procedures

(Prepared 12/09/04, last revised 08/04/06)

INITIATION OF A VIOLATION

A violation can be initiated as a result of the following situations:

- a. Phone-in complaint from the public. (caller must provide follow up contact information];
- b. By any member of the Code Hearing Unit who observes a violation;
- c. By any other agents or employees of the County who have knowledge or reason to believe a violation exists.

Information received shall be recorded in one or more of the following manners:

1. Shall be recorded on the Kendall County Violation Complaint form; or
2. Shall be directly entered into the PBZ department CIDNET “Red Tag” records or Health Department tracking system depending upon the type of code violated.

Assignment of violation files to staff:

Violations involving the County’s Building Codes shall be referred to the Building Code Officials for disposition.

Violations involving site development and or zoning issues will be referred to the Senior Planner for assignment to the appropriate individual(s).

Violations involving the Health & Sanitation Codes will be referred to the Department of Environmental Health for investigation and action by appropriate staff.

Documentation and Assignment of Case Numbers:

All cases shall be assigned a Case number by the corresponding department responsible for enforcing the affected code(s). Each department will be responsible for developing a system for tracking the status of the violation and the details associated with each case. Information concerning PBZ violations entered directly into CIDNET will automatically be assigned a reference number to the entry. Make sure the information and CIDNET number are entered into the violation spreadsheet found in “*G: Forms/Code Hearing Unit/(file name to be determined if and when created)*” and the information concerning the entry is forwarded to the appropriate individuals responsible for assigning or investigating the complaint. For violations involving the Department of Environmental health, a case number will be assigned in accordance with the department’s policies and tracking guidelines.

Investigation of complaint:

When a case is assigned to a member of the Code Hearing Unit for investigation, the individual assigned shall conduct a site visit to determine if a violation exists. Information concerning the date, time and details concerning the conditions of the

property on the date of inspection shall be duly noted and a copy of such information shall be included in the case file. Photographs documenting the conditions found shall also be taken for inclusion in the file and shall be date stamped to verify the date on which they were taken.

If the inspection reveals a violation exists and the owner or contractor is present on the premises, staff should make an effort to alert them to the existence and nature of the violation and advise and encourage them to address the violation promptly to avoid further action by the code hearing unit. Staff should further advise them that a letter confirming our findings will be sent to the owner as a follow-up requesting a response or demonstration of compliance within 10 day from the date of the letter. In the event no one is present and a violation is determined to exist, the individual conducting the inspection should leave a business card in the door with instructions to contact our office.

If the inspection reveals no violation exists, Code Hearing staff shall return to the office after documenting their findings, record them in the file and the appropriate tracking system and close out the file. If the violation was generated by a phone-in complaint and the file contains contact information regarding the caller, a follow-up call shall be placed to the individual listed verifying the outcome of our investigation. The date and time on which the details were supplied to the complainant shall be noted in the case file records and the file shall be closed.

Issuance of Warning Letter:

Within 2 business days of determining the existence of a violation, the staff person assigned to the case will prepare a warning notice advising the property owner of our findings using the departments form notice. The form notice can be accessed in the computer under “G: Forms/ Code Hearing Unit/Current Violation Forms/Hearing Unit Letter#1 - 10 day Warning Notice”. The notice shall be sent via certified mail return receipt requested. The individual assigned to the file shall schedule the matter for follow up within two weeks from the date the notice is mailed.

Follow-up:

If no response is received within the specified two week time frame, a follow-up inspection shall be conducted and the date, time and details concerning the conditions of the property shall be duly noted in the case file. Photographs documenting the conditions found shall again be taken for inclusion in the file and shall be date stamped to verify the date on which they were taken.

If a response is received and the alleged violator is diligently pursuing corrective action or coordinating with staff to remedy the violation, further action will be stayed unless a determination is made that efforts have ceased. If such a determination is made or no response is received as indicated above, a 2nd Notice of Violation shall be issued in accordance with the applicable procedures contained herein.

2nd Notice of Violation and Scheduling of a Hearing Date:

If no response has been received within two weeks and the follow-up inspection reveals that the violation remains uncured, a Violation Letter and Notice of Hearing shall be prepared by the staff assigned to this case and forwarded to the owner of the property. The letter shall inform the owner that the violation(s) have gone uncured and shall identify the relevant sections of the County Code violated and shall further inform the owner that the matter has been scheduled for hearing and administrative adjudication before the Code Hearing Officer. The letter shall indicate the date, time and location the hearing shall be conducted and shall be prepared using the format stored in the computer under “*G:Forms/Code Hearing Unit/Current Violation Forms/Hearing Unit Letter#2 - Hearing Notice*”. When possible, not less than four cases should be scheduled for hearing at one time with the maximum number of cases limited to not more than eight. Coordination between Health Department PBZ staff will be critical to prevent the over scheduling of items.

The Notice shall be forwarded via certified mail, return receipt requested not less than 30 days prior to the date of the hearing. Verification that the letter has been received must be provided at least 20 days prior to the hearing. If verification has not been received within ten days or if the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent by the appropriate Code Hearing staff or a representative of the Kendall County Sheriff’s Department. If no one is present on the property when such service is attempted, service can be made by posting, not less than twenty (20) days before the scheduled hearing date, a copy of the violation notice and report form in a prominent place on the property where the violation is found. Documentation regarding how notice was served including the date, time, and recipient of the notice shall be included in the file.

PRE-HEARING PREPARATION**Hearing Packet:**

At least one week prior to the date of the scheduled hearing, a combined packet shall be prepared by PBZ and Health Department staff containing a listing of all cases scheduled to be heard on that date. The packet shall contain copies of the complaint letters and notices along with copies of the background documentation contained in each file. The packet shall be mailed to the Hearing Officer in preparation for the meeting at least one week prior to the hearing.

Pre-Hearing Inspection:

An additional inspection of the premises shall be performed either the day before or the day of the hearing to verify if the violation still exists. Again, information concerning the date, time and details concerning the conditions of the property on the date of the inspection shall be duly noted and a copy of such information shall be included in the case file. Photographs documenting the conditions found shall also be taken for inclusion in the file and shall be date stamped to verify the date on which they were taken.

If the inspection reveals the violation remains uncured, the matter will proceed to hearing.

If the inspection reveals the violation has been cured, the hearing for that item will be cancelled. After documenting their findings, staff will record the information in the file corresponding tracking system and close out the file. If the violation was generated by a phone-in complaint and the file contains contact information regarding the caller, a follow-up call shall be placed to the individual listed verifying the outcome of our investigation. A letter shall also be sent to the property owner accused of the violation advising them of our findings and informing them that the file has been closed.

HEARING PROCEDURES

General:

The hearings shall be conducted in accordance with the procedures as outlined in the relevant Sections of Ordinance #2004-28 establishing a Code Hearing Unit. All individuals called upon to provide testimony shall be sworn in. This includes staff, attorneys, experts and any witness called who wish to provide testimony.

The record of a hearing before the Hearing Officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription or other appropriate means. The Code Hearing Unit shall not be responsible for providing recording services or equipment. Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber, or recorders at that party's own expense regardless of the decision of the Hearing Officer. The Hearing Officer may reasonably limit where the court reporter, transcriber, or recorder may be placed in the hearing room.

All attorneys representing either a petitioner, witnesses or others involved in the conduct, investigation or initiation of the alleged violation shall be identified and acknowledged at the beginning of the proceedings.

Any additional exhibits, photographs, video tapes or similar materials submitted in addition to materials received prior to the hearing, shall be copied and included as supporting documentation for inclusion in the case file.

The cost for the conduct of the hearing on each case shall be \$85.50 and shall be paid for by the defendant(s) if found to be guilty of any or all violations for which they have been cited. In the event the Hearing Officer determines no violation exists, the County shall be responsible for paying the cost of the hearing.

County Staff Responsibilities:

At the hearing, the appropriate Code Hearing staff assigned to each case will provide a brief summary regarding the nature of the violation referencing the applicable sections of the Code alleged to have been violated and corresponding documentation compiled to date. Other County staff may also attend to provide additional testimony as required. When required due to the nature of the case, a representative of the Kendall County States Attorney's Office may be present to observe or assist in presenting the matter.

Defendant Responsibilities:

The accused property owner(s) shall be available to provide input and information refuting the County's claims and to respond to the alleged violations contained in the formal complaint.

Witnesses:

Witnesses who are called upon to provide testimony concerning the matter, shall be sworn in to provide testimony regarding the alleged violations.

Continuances:

As stated in Section 9.b of Ordinance #2004-28, a continuance may be granted at the discretion of the Hearing Officer for showing of good cause. Examples of good cause include one or more of the following circumstances:

- a) The length of the hearing and the amount of testimony presented requires that the meeting be continued to another day in order to complete the process.
- b) The petitioner supplies just cause to the hearing officer that the hearing cannot proceed (death in family, illness, defective notice, etc.).
- c) A request for additional information that cannot be supplied the night of the hearing.
- d) When the Hearing Officer determines there is "good cause" for postponement (i.e. adverse weather conditions, etc.)

If a continuance is granted, the date, time, and location at which the hearing will be continued shall be announced to all individuals present prior to adjourning the meeting. Every effort shall be made to re-convene the hearing within one to two weeks of its originally scheduled date.

Findings, Decision and Order by the Code Hearing Officer:

After considering all of the testimony presented, the Code hearing Officer shall render a decision on the matter and shall determine whether or not the violations alleged are supported by the facts as outlined in Section 11 of Ordinance #2004-28. If the Hearing Officer determines the individual(s) accused are in fact guilty, he shall identify the relevant sections of the code that have been violated. In the event of a violation, the PBZ

staff shall make a recommendation to the Hearing Officer as to the amount and extent of the fine to be assessed against the property owner. Fines shall accumulate from the date the alleged violation was determined to have existed up to and including the date of the hearing. The Hearing Officer may accept or modify the recommendation regarding the fine and shall further set a date by which the fines and cost of the hearing shall be due and owing to the County.

Copies of the Hearing Officer's findings and order regarding correction of the violations and assessment of fines, shall be forwarded to the individuals found to be guilty of the violation(s) a copy of which shall be included in the case file and forwarded to the Kendall County States Attorney. All fines assessed shall be collected in accordance with Section 12 of Ordinance #2004-28.

Appeals:

The findings, decision and order of the Hearing Officer shall be subject to review in the Circuit Court of the County as provided for under Section 16 of Ordinance #2004-28.

Collection of Unpaid Fines and Follow-up Inspections:

In those instances in which the fines assessed by the Hearing Officer remain unpaid after the exhaustion of or failure to exhaust procedures for judicial review, the appropriate Code Hearing staff member shall refer the matter to the State's Attorney to commence collection proceedings in accordance with the collection procedures as outlined in Section 18 of Ordinance #2004-28.

In addition, the site shall be re-inspected by the individual assigned to the case to determine if compliance has been achieved by the date specified in the Hearing Officer's findings and order. If the violation(s) has not been corrected, a new violation will be initiated.

(DATE)

Property Owners Name
Property Owners Address

NOTICE OF VIOLATION

According to the records of the Kendall County Tax Assessors's Office, you are the owner of property located at _____ in _____ Township (P.I.N.: ____-____-____). The current zoning of the property is _____.

An inspection of the property was performed by the Kendall County Planning, Building, and Zoning Office on _____ at which time the following conditions were found: **(specific conditions)**. Based on the inspection results, it appears that you are in violation of the following ordinance(s) **(include applicable ordinance/code and section numbers)**.

You have 10 days upon receipt of this letter to comply with the above listed ordinance or to provide us with a plan outlining your anticipated time frame for correcting the violation and bringing the property into compliance. **Failure to respond to this notice within 10 days will result in this matter being forwarded to the Kendall County Code Hearing Unit. Upon a finding of a violation, you may be assessed a fee of \$350 and a fine of up to \$5,000.** We can be reached from 8:00 a.m. to 4:30 p.m., Monday through Friday at (630) 553-4141, or in writing at the address indicated above.

Respectfully,

(Inspector)
(Inspectors Title)
C: V File

(DATE)

(Property Owner)
(Address)
(Address)

NOTICE OF HEARING

RE: Specific Violation, Specific Property, (Violation Number)

Mr./Ms. (Name)

According to the records of the Kendall County Tax Assessors's Office, you are the owner of property located at _____ in _____ Township (P.I.N.: ____-____-____-____). The current zoning of the property is _____.

A registered letter return receipt indicates that you received a letter from this Department on _____, regarding an apparent violation. In that letter it was noted that on (DATE), the Kendall County Planning, Building, and Zoning Department made an inspection of your property and found the above referenced condition(s) involving...**(Describe specific conditions)**. This is in direct violation of **(Ordinance Number)**. On (DATE) you were informed in writing by this department that **(specific corrective action)** was required by (DATE) (see attached copy). A re-inspection of the property was conducted on (DATE). At that re-inspection, it was determined that you were/are not in compliance.

Therefore, your presence is required for a hearing scheduled with the Kendall County code Hearing Unit. This hearing will take place **(Time , Date , Location)**.

If the Hearing Officer finds you in violation of the cited County regulation(s), you will be assessed a fee of \$350, to be paid on the day of the Hearing. In addition, the Hearing Officer may impose a fine as a penalty of up to \$(Enter appropriate amount as dictate by the Code based on the violation cited) a day for each day the violation is in place. Failure to appear at the hearing on the date indicated above may result in a determination of liability for this violation and the imposition of fines and assessment of costs. Upon a determination of liability for the violation and the exhaustion of or failure

to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to Kendall County.

If you have any questions please call (630) 553-4141 between 8:00 a.m. to 4:30 p.m., Monday through Friday or in writing at the address indicated above.

Respectfully,

(Inspectors Name)

(Inspectors Title)

ORDINANCE #8815
INOPERABLE MOTOR VEHICLES

BE IT HEREBY ORDAINED AS FOLLOWS:

1. That all inoperable motor vehicles located in the unincorporated areas of the County, whether on public or private property are hereby declared to be a nuisance.
2. That "inoperable motor vehicle" means any motor vehicle from which for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.
3. That any person having an inoperable motor vehicle under his or her control shall dispose of said vehicle within 7 days after receipt by said person from the County or notice thereof.
4. That the Building and Zoning Office of Kendall County is hereby authorized to enforce the notice provision under the terms of this ordinance.
5. That any person failing to dispose of an inoperable motor vehicle after notice shall be in violation of this ordinance and shall be fined not to exceed \$200.00 for each day that such a violation continues.
6. This Ordinance is expressly declared not to apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
7. That the Sheriff's Office of Kendall County is authorized to remove after 7 days from the issuance of the Notice as provided in § 3 herein , any inoperable motor vehicle or parts thereof.

ADOPTED this 10th day of May, 1988

AN ORDINANCE DECLARING THE STORING
OF JUNK AND OTHER WASTE MATTER
ON PRIVATE PROPERTY TO BE A NUISANCE*

BE IT ORDAINED by the Board of Supervisors of the County of Kendall, State of Illinois, as follows:

SECTION 1. The storing of junk trash and refuse on private property within the County of Kendall, is hereby declared a nuisance.

SECTION 2. Junk, trash and refuse are defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety or to the esthetics of the neighborhood, and is specifically intended to include, but not be limited to, worn out, wrecked and/or abandoned automobiles, trucks, tractors, machinery of any kind, any parts thereof, old ice boxes, refrigerators and stoves.

SECTION 3. The storage of trucks, tractors, and related machinery used for agricultural purposes is exempt from the provisions of this Ordinance, providing:

- (a) The zoning lot on which said storage exists is rezoned Agriculture District-A and,
- (b) Said zoning lot is used principally for agricultural purposes, and
- (c) Said machinery, or the like, is used principally for agricultural purposes.

SECTION 4. Any property owner or any occupant of property who allows such storage on the property owned or occupied by him shall be guilty of a misdemeanor punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00); and any person who shall neglect, fail or refuse to abate and remove such nuisance after notice thereof, shall for each 24 hours thereafter during which said nuisance continues, be subject to a like penalty as that originally incurred.

SECTION 5. Any county law enforcement officer or building and zoning officer upon observing any violation of this Ordinance shall issue a Notice directed to the owner of record of the property on which said nuisance occurs, as shown in the records of the Recorder of Deeds of Kendall County, or to the occupant of said property, or both, which said Notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant, which time shall be not less than two (2) days nor more than the ten (10) days after service of such Notice.

SECTION 6. Any citizen of Kendall County who observes a violation of this Ordinance may file an affidavit setting forth in detail the violation, its location and the name of the owner and/or occupant of the property on which such nuisance is alleged, and may file said affidavit with the Sheriff of Kendall County, who shall assign to the building and zoning officer the duty to investigate such charge, and if such nuisance exists, to issue a Notice to the owner of occupant of the property as provided in Section 5 of this Ordinance.

SECTION 7. Any county law enforcement officer or building and zoning officer of the County of Kendall shall serve the Notice here in provided for upon the owner or occupant of the property where such nuisance exists, or upon both of them, and shall make his return upon a copy of such Notice, showing the time of service, the person upon whom it was served, or the manner in which it was served.

SECTION 8. Immediately upon the termination of the time allowed in any such Notice for the abatement of such nuisance, the law enforcement officer or building and zoning officer who served such Notice or any other law enforcement officer or inspector who shall be assigned by the Sheriff shall investigate to determine whether or not such nuisance has been abated.

SECTION 9. In the event the owner or occupant of the property where such nuisance exists has failed within the prescribed time to abate such nuisance then the law enforcement officer or building or zoning officer who served such Notice, or the citizen of the County of Kendall who filed the said affidavit, or the officer who investigated whether such nuisance has been abated, shall file a complaint charging violation of this Ordinance with the Circuit Court for the Sixteenth Judicial circuit, charging violation of this Ordinance and demanding that the Owner of the property or the Occupant thereof, or both be punished as herein provided.

SECTION 10. The County of Kendall shall prosecute all complaints of violation of this Ordinance.

SECTION 11. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 12. This Ordinance shall take effect and be in full force and effect from and after the date of its passage, approval and publication as provided by law.

PASSED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF KENDALL, STATE OF ILLINOIS, THIS 9TH DAY OF JULY, A.D., 1968.

*A signed copy of this ordinance is available at the Planning, Building and Zoning office.

Eric C. Weis
State's Attorney



Office of the
State's Attorney
Kendall County, Illinois

Kendall County Courthouse
807 W. John St.
Yorkville, IL 60560

(630) 553-4157
Fax (630) 553-4204

VIA U.S. MAIL

December 15, 2017

Mark Antos
13360 McKanna Road
Minooka, Illinois 60447

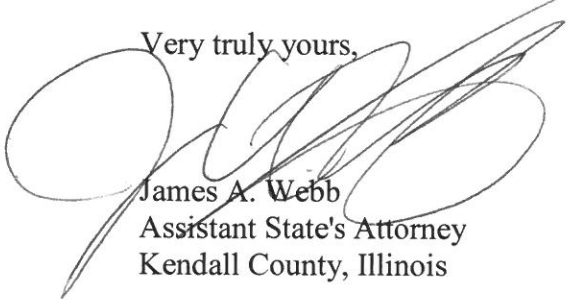
RE: Notice of Violation – 13360 McKanna Road, Minooka, Illinois 60447

Dear Mr. Antos:

As you know, the Kendall County Planning, Building and Zoning Department ("PBZ") has on numerous occasions notified you about violations existing on the above-referenced property. You have failed to comply with the requirements of the Kendall County's Floodplain Ordinance and the Illinois Rivers, Lakes, and Streams Act in that your culvert crossing of Aux Sable Creek has increased flood heights and threatens public health and safety. At the present time, this violation continues to exist on your property despite repeated requests from the PBZ and the State of Illinois for the crossing's removal.

Because you have not corrected this violation, PBZ requested the Kendall County State's Attorney's Office prosecute you for this violation. Before commencing legal proceedings, we are giving you thirty (30) days from the date of this letter to correct the violation. PBZ will conduct a site visit after thirty (30) days to confirm compliance. If the culvert crossing has not been removed, we will begin legal proceedings against you. Should you have any question in this matter, please contact Brian Holdiman, Code Compliance Officer, PBZ at (630) 553-4141.

Very truly yours,



James A. Webb
Assistant State's Attorney
Kendall County, Illinois

cc: Brian Holdiman, PBZ

Memo

To: PBZ Committee
From: Brian Holdiman (Code Official) *BH*
Re: Antos Property

The Kendall County State's Attorney's Office at the request of the County Planning, Building & Zoning Committee sent a Notice of Violation to Mark Antos for an existing culvert crossing on December 21, 2017. Mr. Antos contacted me as the letter directed him to do, should he have any questions. I met with him on December 29, 2017 and took the attached photos. It does not appear the culverts are holding back the flow of water. The bridge deck has been prepped to place concrete as soon as the weather is appropriate. Mr. Antos advised me as soon as the deck is poured, he will move forward with completing his access and then remove the existing culvert crossing. If he removes the culvert crossing at this time, he will not have access to his property or home.

Depending on the weather this spring, he indicated May 1, 2018 as a goal for completion. He also indicated he explained this to the committee at the October 10, 2017 committee meeting and he thought this was acceptable. He advised that if you want him to attend another committee meeting, please contact him.

Please let me know if you have any questions.

- Existing Culvert Crossing
looking East, only
access to home

12/29/2017 09:04

- South side of culvert crossing

12/29/2017 09:03

-North side of Culvert crossing

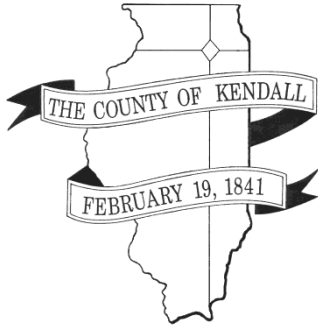
12/29/2017 09:03

- East Side of Creek
Bridge pier and deck

12/29/2017 09:03

- West Side of Creek
- Bridge Piers and Deck

12/29/2017 09:03



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: January 3, 2018
Re: Conditional Uses

The State's Attorney's Office has been reviewing the standard template ordinances of the Planning, Building and Zoning Department. Upon review of the conditional use permit form, the State's Attorney's Office advised the Planning, Building and Zoning Department to reclassify all conditional uses as either permitted or special uses.

The list of conditional uses by zoning district is attached.

If you have any questions, please let me know.

MHA

ENC: Conditional Use List

Conditional Uses

A-1

a. **Special Use**-Accessory agricultural services such as a Black smith; Sale of farm supplies by farmers as agents, where grain elevators or similar commercial facilities are not maintained on the farm premises; or similar accessory use to a farm residence provided:

- i. The applicant shall send notice to all owners of property within five hundred (500) feet of the subject site by certified mail within five (5) days of filing the applications of the intent and location of the service. If any owner receiving notice as described above shall, within ten (10) days after the date of the notice, file a written objection with the Zoning Administrator thereto, the question of whether such application shall be granted shall be referred to the Zoning Board of Appeals which shall consider the matter at its next regular or special meeting. A report summarizing the findings of fact and a recommendation of the Zoning Board of Appeals shall be forwarded to the County Board for a determination.
- ii. Such use shall be operated and storage maintained entirely within an enclosed building or screened on all sides by a solid fence not less than six (6) feet in height.
- iii. Such use shall not utilize more that twenty-five (25%) percent of the lot area or two (2) acres, whichever is less.
- iv. On-site employees shall consist of immediate family members, and not more that three (3) other persons.
- v. Said business shall be owned by the owner of the residence.
- vi. Such businesses shall provide a parking area to accommodate at least two (2) cars in addition to one parking space for each on-site employee. Such off-street parking area shall be appropriately landscaped so that it does not detract from the residential character of the property or its surroundings.
- vii. No more than one business shall be permitted on a site.
- viii. Such businesses shall produce no offensive noise, vibration, smoke, electrical interference, dust, odors, or heat on or off the premises of such use.

b. **Permitted Use**-Agricultural Labor Housing or living quarters for a groomsman or an employee-watchman, provided that the following conditions and restrictions are met:

- i. Shall be used in connection with an agricultural purpose as defined in State Statute 55ILCS 5/5-12001 as here after amended.
- ii. Shall meet all requirements of the Kendall County Health Department.
- iii. Shall be used for agricultural labor housing or living quarters for a groomsman, an employee watchman and immediate family.
- iv. Shall meet all required setbacks and minimum lot size.

c. **Permitted Use**-Elderly Cottage Housing Opportunities (ECHO Housing), provided:

- i One manufactured home is permitted on a separate ground area of not less than five acres in an A-1 District. Current health codes must be met.
- ii. The following purpose is served:
 - To permit adult offspring to provide small temporary residences for their aging parents who are in need of support while maintaining independence.
 - To permit families to provide security and support for non-elderly relatives with serious health problems or physical disabilities.

- To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
- To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
- To permit E.C.H.O. housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.

iii A conditional use permit must meet the following requirements for Temporary E.C.H.O.:

- There can only be one (1) E.C.H.O. housing unit located on each parcel.
- The E.C.H.O. housing unit must comply with all setbacks within the respective zoning districts.
- The E.C.H.O. housing unit must not exceed one thousand-two hundred (1,200) square feet of living space with not more than two (2) bedrooms.
- The E.C.H.O. housing unit must be compatible with the surrounding area.
- The E.C.H.O. housing unit must be an attached or detached pre-manufactured home with a removable foundation or a mobile home.
- Each E.C.H.O. housing unit may have one (1) parking space.
- The owner of the principal residence and at least one occupant of the E.C.H.O. unit must be related by blood, marriage or adoption.
- The owner(s) of the principal residence and lot must live in one of the dwelling units on the lot. No more than two occupants shall reside in an E.C.H.O. unit.
- In order to be eligible for E.C.H.O. housing, at least one of the occupants of the E.C.H.O. unit must be over sixty-two (62), or unable to live independently because of mental or physical disabilities. All disabled occupants must submit a letter from a physician verifying the disability and stating the projected duration of the disability.
- The principal owner of the property must annually submit an affidavit to the Zoning Administrator, verifying that the unit is still occupied by the eligible resident(s). Once the unit is no longer occupied by the eligible resident(s), the principal owner has six (6) months to remove the unit from the property. If the unit is not removed within six (6) months, the Kendall County Zoning Department may remove the structure. The principal owner of the property will be held financially liable for the cost. If the principal owner has not cleared debts within thirty (30) days of notification, a lien may be placed against the property.

d. **Permitted Use**-Feed yards provided that the lot is not located nearer than one thousand (1,000) feet from a Residence District.

e. **Permitted Use**-Guest house with kitchen facilities provided it meets the following conditions:

- i. The parcel must be 3.0 acres or greater in size and must be able to demonstrate the ability to provide adequate water and sanitary wastewater treatment facilities to service both the principle residence and guest house in accordance with all applicable Health Department regulations and guidelines in effect at the time of application.
- ii. The guest house shall comply with the building setbacks of the Agricultural district and shall be a minimum of 20 feet from the principle structure.
- iii. All guest houses shall not exceed the height of the main dwelling.

- iv. Adequate off-street parking shall be available for the guest house.
- v. **Covenant or Deed Restrictions:** As a condition of securing a Building Permit for construction of a guest house being added to an existing parcel containing a single-family home, the property owner shall record against the deed to the subject property, a covenant or deed restriction which shall prohibit the rental, lease or sale of the guest house separately from the rental, lease or sale of the main dwelling unit. Proof that such a covenant or deed restriction has been recorded shall be provided to the Kendall County Planning, Building and Zoning Department prior to the issuance of the Building Permit for the guest house.
- vi. The materials, colors, and architectural style of the guest house shall be similar to the principal residence.
- vii. The livable floor area of the guest house shall not exceed 50% (fifty percent) of the livable floor area of the principal residence.
- viii. Construction of all guest houses shall meet applicable building codes.

f. **Permitted Use**-Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

g. **Special Use**-Livestock sales and purchasing, but not a stockyard or a slaughter house. Such uses may not be located nearer than one thousand (1,000) feet from a Residence District.

h. **Permitted Use**-Public 911 safety towers provided:

- i. The height cannot exceed 200' if it is located within 1.5 miles from the corporate limits of any municipality with a population of 25,000 or more. If it is further than 1.5 of a municipality with a population of 25,000 or more, it can be 350'.
- iii. No building or tower that is part of a public 911 safety tower should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
- iv. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries or a facility.
- v. No public 911 safety tower should encroach onto an existing septic field.
- vi. Except as provided in this section, no yard or setback regulation shall apply to or be required for a public 911 safety tower.
- vii. No minimum lot area, width, or depth shall be required for a public 911 safety tower and unless the tower is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a public 911 safety tower. If the tower is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the site. No loading facilities are required.
- viii. No portion of a tower's supporting structure or equipment housing shall be less than 15 feet from the front lot line or less than 10 feet from any other lot line.
- ix. Fencing should be installed around a public 911 safety tower. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.

i. **Special Use**-Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses, provided:

- i. The lot is not located nearer than five hundred (500) feet from an existing dwelling other than the owners residence or a Residential District.
 - ii. All such facilities shall meet all State Animal Management Statutes.
 - iii. Not more than twenty-four (24) horses can be housed in said stable or on the premises at any one time.
 - iv. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - v. Except for security lighting at low wattage, there shall be no outside lighting of the riding arena. All lighting shall be directed away from surrounding properties to prevent glare or the migration of light onto adjoining or surrounding properties.
 - vi. Submission of a manure management plan for review and approval by the Kendall County Health Department.
 - vii. Hours of operation for the indoor arenas shall be restricted to 6:00 am – 10:00 pm daily. Outdoor use of the property for riding horses shall be permitted from dawn to dusk daily.
 - viii. Off-street parking and loading at a ratio of not less than one parking space per stall. Additional parking may be required as determined by the Zoning Administrator for employees and any related accessory or special uses (i.e. storage of horse trailers used in conjunction with the stable operation, blacksmith shop, on-site stable manager, tack shop, etc.)
 - ix. Provision of handicapped accessible bathroom facilities for customers and employees.
 - x. Compliance with basic life safety requirements for building ingress and egress.
- (Amended 6/20/2006)*

j. Permitted Use-Seasonal Festivals provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*

- i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary
- ii. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office
- iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services
- iv. No alcohol shall be sold on the premises
- v. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services
- vi. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- vii. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property
- viii. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- ix. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday

- x. Events shall be permitted once a year unless otherwise approved by the PBZ Committee
- xi. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year
- xii. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
- xiii. All signage shall comply with Section 12.00 of the Zoning Ordinance
- xiv. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line
- xv. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.

k. Permitted Use-Single Family Dwellings may be authorized under the following conditions:

- i. Each such dwelling shall be located on a zoning lot that meets the standards of single-family residential lots, one hundred and thirty thousand (130,000) sq. ft. minimum.
- ii. Septic suitability is approved by the Health Department.
- iii. It is the intent to limit such usage, and if, in the judgment of the County Board, contiguous parcels requesting approval hereunder represent an unwarranted expansion of this usage, then denial is warranted.
- iv. That application shall be made on forms provided by the Zoning Administrator and shall include specific written and graphic statements and illustrations establishing evidence that the site meets the standards as follows:

That the site for the proposed use must be incompatible with agricultural use that may be evidenced by establishment of one or more of the following criteria:

- 1) Existing woodland coverage of a substantial portion of the site containing trees in excess of 6" in diameter measured at breast height;
- 2) Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less;
- 3) Excessive slopes;
- 4) Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, flood-prone areas or buildings.

- v. That such application shall be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the application to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action.

It is the policy that allowance of dwellings under this section shall not change the general character of agricultural use in the surrounding area.

l. Permitted Use-Small Wind Energy Systems subject to the conditions of Section 4.17

m. **Special Use-Truck and Tractor Amusement Competition Events**, provided that the following conditions and restrictions are met: *(Amended 5/18/2010)*

- i. Event tracks, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 500 feet of a residential district, or residential structure located off the subject property unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
- ii. The operator shall provide adequate parking on the site, such that no on-street parking will be required.
- iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
- iv. No alcohol shall be sold on the premises without a Kendall County liquor license.
- v. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
- vi. Events shall not exceed six (6) consecutive days in duration.
- vii. Events shall not exceed two (2) times per calendar year on any particular property.
- viii. Noise levels shall not exceed 90 dB as measured at the nearest property line, not including any residences located on the subject property.
- ix. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
- x. Any event activities shall start no earlier than 9:00 A.M., and shall end no later than 9:00 P.M., any day of the week.
- xi. Any truck and tractor amusement competition event which cannot meet these standards may still be permitted via a special use.

R-1 and R-2

1. **Permitted Use-Beekeeping** with the following conditions:

- i. Beekeeping and the honey produced from beekeeping shall be for personal use only
- ii. Annual permit required with fee of \$50 the first year the permit is issued and \$25 each year after
- iii. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
- iv. No colony shall be permitted within a front yard setback
- v. All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).
- vi. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height
- vii. All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
- viii. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.
- ix. During the application submittal there must be documentation from the Homeowners

Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.

x. Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.

xi. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse affect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.

xii. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.

xiii. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.

xiv. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.

xv. All approved permits shall comply with the *Bees and Apiaries Act* of Illinois (510 ILCS 20)

2. Permitted Use-Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

3. Permitted Use-Model homes, with the following restrictions:

(i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.

(ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.

(iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.

(iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.

4. Permitted Use-Small Wind Energy Systems subject to the conditions of Section 4.17

RPD-1, 2 and 3

Permitted Uses Conditional Uses. In residential planned developments containing over fifty (50) dwelling units, the following uses shall be allowed, provided that the general conditions and use-specific conditions are met.

1. General Conditions.

a. Conditional uses shall not occupy more than fifteen percent of the buildable acreage of the development.

b. Conditional uses, shall front arterial or major collector level streets, as defined in the County Transportation Plan. Model homes shall be excluded from this provision.

2. Specific Conditions

- a. Home based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.
- b. Model homes, with the following restrictions:
 - (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.
 - (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
 - (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
 - (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.
- c. Places of Worship subject to the following:
 - (i) The maximum lot coverage of structures may not exceed 35%; total impervious surfaces may not exceed 70% of the lot area.
 - (ii) Buildings shall maintain a minimum setback of eighty (80) feet from the center of the road and 30' from all other property lines
 - (iii) The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - v) Off-street parking, lighting and loading facilities shall be provided as required or permitted in Section 11.00.
 - vi. Other related uses, such as schools, child day care services, kindergartens shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
- d. Schools: Elementary, junior high, and high school, including playgrounds, garages for school buses, and athletic fields auxiliary thereto, subject to the following:
 - (i) The minimum lot area shall be one (1) acre.
 - (ii) The minimum lot width requirement shall be one hundred and twenty (120) feet.
 - (iii) A front setback of eighty (80) feet from the center of the road shall be required.
 - (iv) Side and rear yards of no less than twenty-five (25) feet shall be provided. Where any outdoor activity area, swimming pool, ball field or court adjoins a residential land uses, such yards shall be buffered with landscaping across 50% of the lot width.
 - (v) Off-street parking and loading facilities shall be provided as required or permitted in section 11.00.
 - (vi) Hours of operation shall be limited to the following:
 - (1) Outdoor group activities shall not be allowed after 10 PM.
 - (2) The facility may not be used as a regular overnight domicile or shelter. This provision does not limit the school from being used for overnight retreats or events for school members and guests.
 - (3) Lighted outdoor recreation facilities, parking lots and lighting shall be designed to avoid excessive light and glare impacts on adjacent properties. Restrictions on light pole height and types, deflectors and other such measures may be required as necessary to prevent overspill and excessive intensity of light.

R-3

1. Permitted Use-Beekeeping with the following conditions:

- i. Beekeeping and the honey produced from beekeeping shall be for personal use only
- ii. Annual permit required with fee of \$50 the first year the permit is issued and \$25 each year after
- iii. Minimum lot size of 1 acre (43,560 square feet) with a maximum of 2 colonies.
- iv. No colony shall be permitted within a front yard setback
- v. All colonies must be setback at least 30' from any rear or side yard lot line except when abutting a right of way of a street or railroad the colony must be a minimum of 5' from the rear or side yard lot line (as long as there is no sidewalk or pathway).
- vi. All colonies within 100' of an adjoining home shall require a flyway barrier with a 6' minimum height
- vii. All colonies shall require a minimum 4' fence surrounding the perimeter of the colonies or surrounding the perimeter of the entire property. Fencing must have a locking gate with caution signage on each gate.
- viii. Notification shall be sent by permit applicant to all adjacent property owners. Notification shall be sent via certified mail or certificate of mail and proof of mailing shall be submitted to the PBZ Department. Any property owner who receives notification shall have 14 calendar days from the postmarked date to send written objection to the Planning, Building, and Zoning Department. If any such objection is received, no colony shall be located within 100' of the adjoining home of objecting property owner.
- ix. During the application submittal there must be documentation from the Homeowners Association (HOA) stating they approve or deny the proposal. If there is no HOA that must be submitted in writing and signed by the applicant.
- x. Prior to submitting a renewal application, an applicant is permitted to resend notification to a property that has previously objected. If the property owner does not object within 14 calendar days after receiving the resent notification, the applicant may locate a colony within 100' of the residence of the previously objecting property but shall maintain a distance of at least 30' from all property lines at all times unless abutting a right of way in which the colony can be placed with 5' of the property line.
- xi. The Zoning Administrator has authority to approve all new and renewal permits. If the Zoning Administrator receives information that a renewal applicant has violated any of these requirements, caused injury to the public, impacted the safety and health of the public, or has had an adverse affect on surrounding properties as a result of keeping bees on the subject property, the Zoning Administrator may, at his or her discretion, deny the renewal application.
- xii. Any decision made by the Zoning Administrator may be appealed in writing to the Planning, Building, and Zoning Committee, with the appropriate administrative appeal fee.
- xiii. A site plan indicating the location and distance to property lines and adjacent residences shall be submitted to the PBZ Department with the application.
- xiv. Proof of Apiary Registration with the Illinois Department of Agriculture shall be submitted to the PBZ Department within 30 days of the application submittal.

xv. All approved permits shall comply with the *Bees and Apiaries Act* of Illinois (510 ILCS 20)

2. **Permitted Use**-Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

3. **Permitted Use**-Model homes, with the following restrictions:

- (i) Limited to one (1) year duration, with annual one (1) year renewal periods at the discretion of the Planning, Building and Zoning Department.
- (ii) Must have ownership of a minimum of four (4) lots which are being sold in the subdivision where the model home is located.
- (iii) Cannot advertise or sell lots or homes exclusively in other subdivisions with this model home.
- (iv) All signs must conform to the standards set forth in Section 12.00 of this ordinance.

R-4, R-5, R-6 and R-7

1. **Permitted Use**-Home-based retail and/or wholesale food operation providing it meets all applicable county, state and federal public health requirements.

B-1

1. **Permitted Use**-Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.

2. **Permitted Use**-Electrical Appliance Stores and Repair with a size limit of 10,000 square feet.

3. **Permitted Use**-Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.

4. **Permitted Use**-Small Wind Energy Systems subject to the conditions of Section 4.18

B-2 and B-3

1. **Special Use**-Contractor or construction Services such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating.

2. **Permitted Use**-Contractors' offices and shops, where no fabrication is done on the premises and where all storage of material and equipment is within a building.

3. **Permitted Use**-Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.

4. **Permitted Use**-Enclosed self-service storage facility, provided that:
- a. Each self-service storage facility shall be governed by the provisions of the Illinois Self-Service Storage Facility Act, 770 ILCS 95/1 et seq.
 - b. A fence and landscaping shall be provided which completely encloses the facility and screens it from view of residential structures and residentially zoned property
5. **Special Use**-Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place
6. **Permitted Use**-Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
8. **Permitted Use**-Outdoor Display may be permitted subject to the following:
- a. **TEMPORARY SEASONAL DISPLAYS**
 - (i) Seasonal displays not exceeding 60 days per calendar year may be conducted on the same zoning lot as the principal business.
 - (ii) A site plan must be submitted by the applicant and approved by the Zoning Administrator showing the location of the seasonal display, the items to be displayed and the duration of the display.
 - (iii) Seasonal display areas shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.All signage for seasonal display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.
 - b. **PERMANENT OUTDOOR DISPLAYS**
 - (i) Shall only be permitted on the same zoning lot as the principal business, and shall only display merchandise which is sold at the subject premises. Items which are not sold on the premises or which are general outdoor storage are not permitted.
 - (ii) Shall not exceed 10% of the subject area or 1,000 square feet in area, whichever is smaller.
 - (iii) Shall be subject to site plan review and approval by the Zoning Administrator.
 - (iv) Shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.
 - (v) Displays shall not be higher than 15 feet in height.
 - (vi) All signage for outdoor display areas shall conform with Section 12.00 of the Kendall County Zoning Ordinance.
 - (vii) A zoning certificate and fee are required for approval of an outdoor display area.
 - (viii) Any outdoor display area shall be subject to review by the Planning, Building and Zoning Committee and may be rescinded if deemed necessary.
 - (ix) Any outdoor display area which does not meet these requirements may be permitted as a special use.

9. **Permitted Use**-Processing or assembly, provided that space occupied in a building does not exceed six thousand square feet of total floor space and basement space, not including stairwells or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other conditions which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding six thousand square feet, they shall then be located in the M-1 Manufacturing District.

10. **Permitted Use**-Small Wind Energy Systems subject to the conditions of Section 4.18

B-4 and B-6

1. **Permitted Use**-Small Wind Energy Systems subject to the conditions of Section 4.18

M-1, M-2 and M-3

1. **Permitted Use**-Small Wind Energy Systems subject to the conditions of Section 4.18

2017 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Closed	SAO
V17-002	Randy Fowler	01-28-252-001	1203 W. South Street	Caquelin's Sub	Abandoned Structures	12/7/2016		
V17-003	March & Lisa Schulz	03-04-278-041	146 Heathgate Rd	Boulder Hill	Inoperable Vehicle	1/25/2017	2/7/2017	
V17-004	Meyers/Presnell	03-04-255-010	119 Heathgate Rd	Boulder Hill	Inoperable Vehicle	12/7/2016	11/18/2017	
V17-005	Stevenson	02-13-429-004	15 Clark Avenue	Owner's	Occupied Rec. Vehicle	12/19/2016	1/4/2017	
V17-006	Ramiro Guzman	09-04-300-002	Mckenna Rd		Fill in Floodplain Violation	1/10/2017	8/17/2017	
V17-007	Maria Ramirez	03-07-276-002	15 Snell Court	Marina Terrace	Inop Vehicles & Parking on Grass	1/17/2017	8/17/2017	
V17-008	Steven Odermatt	03-04-255-012	123 Heathgate Rd	Boulder Hill	Inoperable Vehicle	1/25/2017	2/6/2017	
V17-009	George Olmstead	06-02-201-002	27 Oswego Plains Dr	Oswego Plains Sub	Remodeling w/o Permit	1/31/2017	4/18/2017	
V17-010	Fed Home Ln Morg	01-03-353-010	35 Earl Street	Stainfield	Junk & Debris/ Inop Vehicle	2/7/2017	3/21/2017	
V17-012	Gomez Salvador	09-27-200-004	2511 Wildy Rd		Bus w/o Prop Zoning/Stormwater Permit/Sign Ord Violation/ Poss. Zoning Ordinance Violation	3/1/2017	8/17/2017	
V17-013	Leroy Richmond	02-10-227-004	61 W. Larkspur	Willowbrook	Unsecured structure	3/1/2017	3/21/2017	
V17-014	Two Star Enterp., LLC	02-06-400-006			Stormwater Violation	3/13/2017	8/17/2017	
V17-016	Aguirre, Marciana	03-12-203-001	12 Council Ave		Remodeling w/o Permit	3/10/2017	8/17/2017	
V17-017	Daugherty, Richard	03-27-401-001	4520 Douglas Rd	Ring Neck	Inoperable Vehicle/Illegal sign	3/13/2017	5/7/2017	
V17-018	Wargo, Craig & Susan	03-04-477-038	80 Springdale Ln	Boulder Hill	Junk & Debris	3/14/2017	3/30/2017	
V17-019	Fitzgerald, Richard	03-08-326-008	75 Century Dr	Wormley Estates	Inoperable Vehicle - Motor Home	3/20/2017	4/12/2017	
V17-020	Ballinas, Noe	03-08-227-008	54 Codorus Rd	Boulder Hill	Junk & Debris	3/24/2017	4/12/2017	
V17-021	Coyne	09-24-100-001	15200 Ridge Road	Clark's	Operating Bus. w/o Proper Zoning	3/20/2017	4/10/2017	
V17-022	Montano	03-15-251-002	2450 Wolf Road		Operating Bus. w/o Proper Zoning	3/31/2017	8/29/2017	
V17-023	Lasalle Nat Bank	02-19-400-006	11443 Route 34		Junk & Debris/Unsecured Structures	3/20/2017		
V17-024	Jlmenez	03-08-280-006	12 Ceboid Drive	Boulder Hill	Non-Permitted Animals	4/10/2017	5/12/2017	
V17-025	Murray	03-31-427-001	38 Eagle View Lane	Reservation Heights	Remodeling w/o Permit	4/27/2017	5/2/2017	
V17-027	Kelley, Craig & Renee	09-22-400-003	2100 Bell Road		Junk & Debris/Inoperable Vehicles	4/11/2017	8/17/2017	
V17-028	Pugsley, Mary	03-04-380-001	106 Circle Drive East	Boulder Hill	Trailer parked in front area	5/11/2017	5/23/2017	
V17-029	Mattie, Dennis	03-09-152-006	230 Boulder Hill Pass	Boulder Hill	Trailer parked in front area	5/11/2017	6/6/2017	
V17-030	Daum, Andrew	05-02-201-005	6111 Audrey Ave	Rose Hill	Inoperable Vehicle/Junk & Debris	5/15/2017	6/6/2017	
V17-031	Garcia, Luis	03-04-478-005	51 Springdale Rd	Boulder Hill	Repair Bus. / Vehicles not permitted	5/31/2017	6/20/2017	
V17-032	SL Enterprises	03-04-430-008	164 Tealwood Rd	Boulder Hill	RV Parked in Front yard	6/1/2017	8/29/2017	
V17-034	Berger, Richard	04-08-200-015	7428 Oakbrook Rd		2 homes on R-1 zoned lot	6/1/2017		
V17-035	Pepple	03-04-431-004	57 Sonora Dr	Boulder Hill	Bus Operating in R6 Residential District	6/9/2017	8/17/2017	
V17-037	Temes	02-35-382-008	5812 Danielle Lane	Fields Of Farm Colony	RV Parked in Front yard	6/9/2017	8/17/2017	
V17-038	Memming	03-32-328-005	8 Crestview Drive	Crestview Woods	RV Parked in Front yard	6/9/2017	8/17/2017	
V17-039	Ramon Ramirez	03-08-277-031	33 Fieldpoint Rd	Boulder Hill	Garage/Shed built w/o Permit	6/20/2017	8/4/2017	
V17-040	McDonald	08-14-200-003	14207 Church Rd		Pos. Op. Indoor Shooting Range	6/23/2017	7/17/2017	
V17-041	Hernandez	03-05-476-012	10 Clay Street	Boulder Hill	Prohibited Parking on non-apprvd surface	7/12/2017	8/4/2017	
V17-042	Hrvatn, Arthur	01-19-476-006		Hrvatn	Violation of Stormwater Management	7/12/2017	8/10/2017	
V17-043	First American Bank	05-18-226-002	8115 E. Highpoint Rd	Truck-Oak Grove	Op. Trucking Bus in a Res Zoned parcel	8/7/2017	11/13/2017	
V17-044	Davis, Carlos & Tracy	09-23-400-006	15875 Ridge Road		Dumping Dirt/Stormwater Violation	8/9/2017		
V17-045	Greenslade	03-09-152-021	18 Ridgeland Rd	Boulder Hill	Prohibited Parking of Trailer in Front area	8/9/2017		
V17-046	Scull, Enoch	01-16-427-001	20 Ashlawn	Meierbrook	Ill. Parking - Limit 2 Rec Veh/or Trailers	8/14/2017	8/29/2017	
V17-047	Friel, Steven	03-05-428-015	10 Hampton Rd	Boulder Hill	Accessory Building w/o Permit	8/14/2017	9/29/2017	
V17-048	Evans, Eun	03-05-428-015	10 Hampton Rd	Boulder Hill	Junk&Debris & Illegal Parking of Commercial Vehicles	8/9/2017	8/29/2017	
V17-049	Shockerland Co.	02-28-252-027	9316 Route 34		Illegal Banners, Inoperable Vehicles, Junk & Debris	8/14/2017	12/7/2017	
V17-050	Beery	01-35-284-001	13040 River Road	Minnetonka Springs	Accessory Building w/o Permit	8/17/2017	9/26/2017	
V17-051	Villesenor, Emmanuel	03-08-230-003	34 Old Post Road	Boulder Hill	Inoperable Vehicle	9/8/2017	10/18/2017	
V17-052	Schanz	03-04-454-017	67 Saugatuck Rd	Boulder Hill	Prohibited Parking of Commercial Vehicle	9/11/2017	11/14/2017	
V17-053	Pakton	03-04-455-001	56 Saugatuck Rd	Boulder Hill	Trailer parked in front area	9/18/2017	10/10/2017	
V17-054	Szchinski	03-04-355-004	8 Saugatuck Rd	Boulder Hill	VOID			
V17-055	Nataly Perez	03-35-376-005	1481 Plainfield Rd		Running Landscaping Business in R2-zoning & Farm Animals n	9/27/2017		
V17-056	Moran	03-04-476-019	93 Longbeach Rd	Boulder Hill	Inoperable Vehicle	10/11/2017		
V17-057	Larsen	03-08-276-002	6 Old Post Rd	Boulder Hill	Prohibited Parking	10/18/2017	11/14/2017	

2017 VIOLATIONS

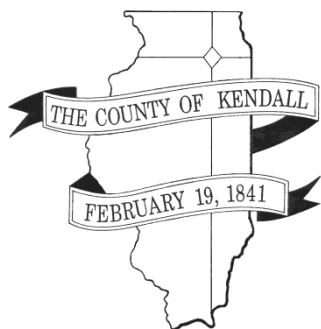
V17-058	Hernandez	05-16-300-005	9850 Ament Rd		Structure Built without Permit	10/24/2017		
V17-059	Christensen	04-16-204-007	8255 Fox River Rd	Millbrook	Remodeling without a Permit	10/30/2017	11/14/2017	
V17-060	Walper	04-16-126-001	8025 Whitfield Rd	Millbrook	Possible occupied Mobile Home	10/30/2017	11/13/2017	
V17-061	Hernandez	03-12-203-011	29 Gastville Rd	Gastville Acreage	Running a Landscaping business in R-3 Zoning District	10/30/2017	11/13/2017	
V17-062	Bernister	05-09-152-001	33 Bonnie Lane	Williams	Fence placed in township right of way	11/13/2017	11/27/2017	
V17-063	Amstadt	02-35-380-001	7796 Madeline Dr	Fields Of Farm Colony	Prohibited Parking Rec Vehicle	11/17/2017	12/15/2017	
V17-064	Alvarez	02-35-431-010	5748 Audrey Ave	Fields Of Farm Colony	Inoperable Vehicle	11/17/2017	12/7/2017	
V17-065	Biestefeld	05-06-127-001	42 W. Fox Glen Drive	Fox Glen	Shed being built without Permit	11/24/2017	11/30/2017	
V17-066	Merchants Ntl Bank	03-18-403-015	5375 Route 34		Occupying B-2 commercial building as living space	11/27/2017		
V17-067	Karen Coonley	03-04-428-001	162 Heathgate Rd	Boulder Hill	Shed being built without Permit- "Stop Work order"	11/29/2017	12/14/2017	
V17-068	Johnson	05-02-101-002	324 Austin	Fields of Farm Colony	Illegal Trailer Parking in Front Yard	11/28/2017	12/7/2017	
V17-069	Commonwealth Edison	03-07-251-001	Commerce Drive		Illegal Dumping / Junk & Debris	11/30/2017		
V17-070	Melrose Holdings 1 LLC	03-07-177-004	Commerce Drive		Shipping container used as storage R-3 Zoned Prop. Violation	11/30/2017		
V17-071	Stephens	04-16-251-009	7 Sherman St.	Village of Millbrook		11/30/2017		
V17-072	Alcala	03-04-355-001	190 Boulder Hill Pass	Boulder Hill	Inoperable Vehicles	11/20/2017		

NON-VIOLATION COMPLAINTS

Date	Name	Address	Subdivision	PIN #	Description	Date Inspected
1/11/2017	Migliorini	15975 O'Brien Road		09-20-400-005	Possible Remodel w/o permit	1/24/2017
1/26/2017	Hummel	2507 Douglas Rd		03-15-300-002	Drainage - Stormwater	1/30/2017
2/2/2016	Vasquez	1 Knollwood Drive	Boulder Hill	03-05-278-028	Unregistered Trailer home	2/7/2017
2/6/2017	Harbor Drive Apts	113 Harbor Drive		03-08-105-004	Junk & Debris/Trash	2/6/2017
1/30/2017	Romero/Rios	20 Fernwood Rd	Boulder Hill	03-05-229-002	Lanscaping/ Junk & Debris	1/31/2017
2/15/2017	Juan Vargas	54 Sonora		03-04-479-003	Building w/o permit	2/17/2017
3/15/2017	Don Rees	6725 Minkler Rd		05-02-300-005	Dog Kennel Facility	3/20/2017
3/22/2017	Garcia	51 Springdale	Boulder Hill	03-04-478-005	Business / vehicles parked	3/24/2017
4/18/2017	Campos	117 Dolores St	Shore Heights	03-08-323-001	Junk & Debris	4/18/2017
4/21/2017	Haff	6799 Oakbrook Rd		04-05-400-004	Junk & Debris/Inoperable Veh	4/24/2017
3/30/2017	Benes	2575 Wolf Road		03-15-126-004	Runoff Manuer / Environmental	4/7/2017
4/11/2017	Meirose Holdings 1 LLC	Commerce Road		03-07-177-007	Junk & Debris	4/26/2017
4/3/2017	Vasquez	1 Knollwood Drive	Boulder Hill	03-05-278-028	Trailer parked in front yard	4/7/2017
4/11/2017	RWC Properties	126 Heathgate Road	Boulder Hill	03-04-278-031	Junk & Debris/Remodel w/o Permit	4/11 & 5/1/17
4/24/2017	Sherman R. Cook Scout Pk	Little Rock Creek Rd			People camping/Port a potty at entrance	5/11/2017
4/28/2017	New Vista Prop. Solutions	25 North Street		02-16-276-012	Remodel w/o Permit	5/1/2017
4/7/2017	Eun Evans	10 Hampton Ct	Boulder Hill	03-05-428-015	Junk/Debris/ Trailer/Remodel	4/11 & 5/1/17
5/9/2017	Baka Properties	8940 C Route 34	Bakers	02-27-177-002	Pos Rental/Multipe occupancy	7/18/2017
5/11/2017	Pecel	2410 Collins Rd	Quail Run	03-27-401-024	Pos Stormwater/dischage	5/12/2017
5/3/2017	Escalante	7953 Van Ermonon Rd	Wendling	02-35-103-007	Pos Landscaping Bus/Escavating Pond	5/4/2017
5/18/2017	Staniskewski	141 Riverview Ct. Oswego	Riverview Heights	03-18-451-009	Occupied Accessory Structure	7/31/2017
5/22/2017	Fennell	8 W. Cedar Ct	Fox Lawn	05-06-226-009	Fencing - Pool	5/23/2017
5/20/2017	Minton	63 Hampton Rd	Boulder Hill	03-04-352-031	Mechanic Business	6/6/2017
5/30/2017	Gonzales	17 Wyndham Dr	Boulder Hill	03-04-307-005	Junk & Debris - Vacant home	6/6/2017
5/30/2017	Tuymer	121 Poplar Drive	Fox Lawn	05-05-151-007	Trailer parked on street	6/1/2017
6/2/2017	Velaquez	16421 Galena Rd Plano		01-05-201-004	Structures built w/o Permit	6/14/2017
6/8/2017	Cave	6 Chally Dr	Pavillion Heights	05-06-351-012	Daming near creek	6/9/2017
6/9/2017	Macias	3610 Van Dyke Rd		09-04-300-005	Building w/o permit	6/14/2017
6/13/2017	First American Bank	8115 E. Highpoint Rd	Tucek-Oak Grove	05-18-226-002	Semi Trucks/ Multi Family	6/14/2017
6/23/2017	Donnelly	16 Shore Drive Oswego	Marina Village	03-08-154-003	Flooding/Poss. Stormwater issue	7/7/2017
7/6/2017	Erwin	146 Long Beach Rd	Boulder Hill	03-04-430-016	Weeds	7/6/2017
7/17/2017	Woodson	15826 Stonewall	Estates Of Millbrook	04-21-103-004	Possible Boarding Home	7/31/2017
7/17/2017	Leifheit	12 Woodland Dr. Plano	Sugar Brook	01-20-351-003	Conversion of Garage to living space	8/30/2017
7/24/2017	Hurley	218 Foxtail Lane	Farm Colony	02-35-426-003	Fencing - Pool	7/31/2017
7/31/2017	Sleem	767 Route 31 Oswego	Sledz	03-05-351-007	Junk & Debris	8/2/2017
8/8/2017	548 Monarrez Prop. LLC	548 Rance Rd. Oswego		03-24-100-006	Poss. Landscaping Business in R-1 District	8/14/2017
8/29/2017	Seeler	8mi E of Schlapp Rd on Cherry Road			Possible Dog Kennel	9/8/2017
9/15/2017	Anderson	near Route 126		06-13-176-003	Possible gun range	9/18/2017
10/3/2017	Glashagel	2830 Cherry Rd	Williams	06-03-300-009	Statue in possible easement or ROW	10/10/2017
10/16/2017	Bernister	33 Bonnie Lane		05-09-152-001	Possible Fence in easement	10/17/2017
10/18/2017	Henning	3 Dolphin Ct.	Marina Terrace	03-07-230-007	Junk & Debris/Inop Vehicle/ Camper in back	10/30/2017
10/19/2017	Middleton	75 Garden Drive	Gardens of Boulder Hill	03-04-452-025	Multiple Families living in single farm residence	10/30/2017
11/3/2017	Almeraz	43 N. Bereman Rd	Boulder Hill	03-05-253-012	Inoperable Vehicle & Junk & Debris	11/7/2017
11/6/2017	Hansen	5360 Whitewillow Rd		09-31-200-001	Possible business operation	11/7/2017
11/17/2017	Kavulich	5755 Fields Drive	Fields of Farm	02-35-380-002	Boat parked in front yard	11/17/2017

NON VIOLATION COMPLAINTS

Date	Name	Address	Subdivision	PIN #	Description	Date Inspected
12/7/2017	Machado	31 Whitney Way	Boulder Hill	03-04-329-012	Inoperable Vehicles and parked illegally	12/12/2017
12/28/2017	Beyer	140 Circle Drive East	Boulder Hill	03-09-108-007	Junk & Debris/Boat in front yard	

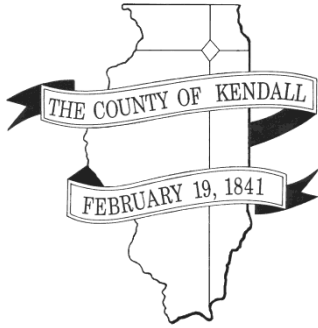


**KENDALL COUNTY
HISTORIC PRESERVATION COMMISSION
HISTORIC PRESERVATION ORGANIZATION MEETING**
110 W. Madison St • Historic Courthouse
• East Wing Conference Room • Yorkville, IL • 60560
AGENDA

February 21, 2018 – 7:00 p.m.

- I. Call to Order**
- II. KCHPC Roll Call and Introductions**
Kristine Heiman (Chairwoman), Jeff Wehrli (Vice-Chairman), Elizabeth Flowers (County Board Liaison), Melissa Maye, One KCHPC Vacancy and Non-KCHPC Attendees
- III. Welcoming Remarks**
Kristine Heiman, Kendall County Historic Preservation Commission Chairwoman
- IV. Presentation by the Village of Plainfield on Their Historic Preservation Efforts**
Michael Bortel and Jonathan Proulx, AICP
- V. Update on Federal and State Historic Incentives**
- VI. Round Table Discussion**
What Activities Have Your Organizations Been Doing?
Successes?
Challenges?
Strategies for Encouraging Historic Property Owners to Have Open Houses?
Opportunities for Collaboration?
- VII. Discussion of Future Meeting(s)**
- VIII. Other Business**
- IX. Public Comment**
- X. Adjournment**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: December 6, 2017
Re: Historic Tax Credit Resolution

At their meeting on November 20th, the Historic Preservation Commission recommended approval of the attached resolution.

The Chairwoman of the Historic Preservation Commission sent the attached letter to our elected officials in Washington, D.C. expressing support for the Historic Tax Credit Program.

If you have any questions regarding this memo, please let me know.

MHA

ENC: Proposed Resolution
11.21.17 Letter to Elected Officials

KENDALL COUNTY
Resolution No. _____

*A Resolution to Urge the President of the United States and the
Congress of the United States to Continue the Federal Historic Tax Credit Program*

WHEREAS, the federal Historic Tax Credit program (HTC), as we know it today, was put in place by Congress and the Reagan Administration to attract capital to historic rehabilitation projects that help stimulate local economies; and

WHEREAS, since the inception of the HTC, it has created over 2.4 million jobs, rehabilitated more than 42,293 buildings, and leveraged \$131 billion in private investment; and

WHEREAS, recognizing the importance of this successful federal economic development program, more than 35 states have enacted complementary state historic tax credit programs to help revitalize the commercial downtowns of their cities and Main Street Communities; and

WHEREAS, federal HTC projects have a 99 percent success rate, leverage four private dollars for every dollar of federal support, and are catalytic, building neighborhood confidence and generating follow-on projects for blocks around; and

WHEREAS, over the life of this program, the HTC has generated \$29.8 billion in federal tax revenues compared to \$25.2 billion in credits allocated-more than paying for itself; and

THEREFORE, BE IT RESOLVED, that Kendall County Board hereby supports the federal Historic Tax Credit program and urges the President of the United States and the United States Congress to continue the federal Historic Tax Credit program.

ADOPTED and APPROVED this 19th Day of December, 2017.

Scott R. Gryder, County Board Chairman

STATE OF ILLINOIS)

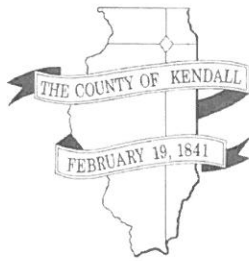
) SS

COUNTY OF KENDALL)

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a Resolution adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the _____ day of _____, A.D. 2017.

Debbie Gillette, County Clerk and Recorder

(Seal)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

November 21, 2017

The Honorable Dick Durbin
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

The Honorable Bill Foster
United States House of Representatives
1224 Longworth House Office Building
Washington, DC 20515

The Honorable Tammy Duckworth
United States Senate
524 Hart Senate Office Building
Washington, DC 20510

The Honorable Randy Hultgren
United States House of Representatives
2455 Rayburn House Office Building
Washington, DC 20515

Dear Senator Durbin, Senator Duckworth, Rep. Foster and Rep. Hultgren:

In light of Congress' strong interest in reforming our nation's tax code, we would like to convey our strong support for the federal historic tax credit (HTC) which has helped preserve and revitalize our community.

The HTC is the cornerstone of a long-standing and successful national policy of promoting the reuse of historic buildings to catalyze economic development and create jobs.

Weakening or eliminating the federal credit, as has been proposed by some in Washington, would endanger the economic feasibility of nearly all historic rehabilitation projects in Illinois. If Congress repeals or diminishes the HTC, communities across our state will lose an important tool to counter market forces that direct investment away from our main streets and downtown areas due to the higher cost of rehabilitating historic buildings.

Research conducted for the National Park Service by Rutgers University's Center for Urban Policy Research shows that since the HTC was enacted in 1981, it has leveraged \$131 Billion in investment in historic rehabilitation across the nation. It has also created 2.4 million jobs and rehabilitated over 42,293 historic buildings. For every dollar of public expenditure, investors contribute four dollars toward the rehabilitation of historic properties. Since the credits are not approved until the building is placed in service, many of the economic benefits from construction jobs, materials purchased and payroll taxes are generated before the tax credit is awarded.

The HTC is an efficient and effective use of taxpayer dollars. Over the 36 years this incentive has been in place, the federal government has allocated about \$23.1 Billion in tax credits. According to the same Rutgers study, these credits, in turn, have generated \$28.1 Billion in federal income taxes. So, under the dynamic scoring, the Treasury would lose revenue by eliminating the HTC.

The historic tax credit has created a chance to preserve Illinois' history while fitting the needs of communities across the state.

Eliminating the federal HTC would consign historic rehabilitation projects across the state to uncertain futures and would harm Illinois' credit by vastly diminishing the effectiveness of our state's investments. As Congress works to reform our nation's tax code, I ask that you protect and enhance this federal incentive that uses the historic assets of the past to meet the needs of Illinois' 21st century economy.

The Kendall County, Illinois Historic Preservation Commission would unanimously like to express our support for the HTC.

If you have any questions regarding this letter, please contact me at 630-553-4139.

Sincerely,

A handwritten signature in cursive script, reading "Kristine Heiman". The signature is written in dark ink and is positioned above the printed name and title.

Kristine Heiman, Chairwoman
Kendall County Historic Preservation Commission



Congress passes tax reform bill, retains Federal Historic Tax Credit

Dear Landmarks Illinois friends and supporters,

After months of advocating to save the Federal Historic Tax Credit (FHTC), we are happy to share the news with you that Congress has retained the FHTC in its comprehensive tax reform bill, which has officially passed both the House & Senate and heads to the President's desk. The tax bill keeps the 20% FHTC, but with provisions that require it be claimed over a 5-year recapture period. This changes the current roll-out period of the credit, which could have been claimed in a single year. The bill does, however, eliminate the 10% pre-1936, non-historic "old building" credit. More information is to come about how the new rules effects the timing of existing FHTC projects.

Throughout the recent tax reform process in Congress, we have called on you to be an advocate for saving the FHTC and helping others understand the vital role it has in saving Illinois' historic places and neighborhoods. I want to thank you for your continued efforts in voicing concerns as elimination of the FHTC loomed. LI supporters, community advocates, board members and beyond - your voices were heard! Congress has chosen to continue to invest in preserving the places that tell your community's unique story.

Once again, thank you for your support for this vital historic preservation incentive, and for your ongoing support for Landmarks Illinois and its work. We will continue to advocate for the federal and state historic tax credits that make it feasible for reinvestment and reuse of historic places.

Many thanks,

Bonnie McDonald

President & CEO
Landmarks Illinois

Permit Summary by Category by Month

Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	32	1	2	2	3	3	2	3	9	4	0	2	1
Garage	13	0	0	1	1	2	4	0	2	2	1	0	0
Accessory Buildings	52	0	8	4	4	10	1	7	8	4	2	3	1
Additions	10	0	0	1	2	2	1	2	2	0	0	0	0
Remodeling	23	0	2	1	1	3	3	2	2	3	3	3	0
Commercial - B Zone	2	0	0	0	0	0	0	0	0	0	2	0	0
Barns/Farm Buildings	17	0	2	0	1	0	0	1	0	3	5	2	3
Signs	4	1	0	0	0	0	0	0	1	0	0	0	2
Other	2	0	0	0	0	1	0	0	1	0	0	0	0
Swimming Pools	26	0	0	5	1	2	4	8	3	1	0	1	1
Decks	19	0	0	0	3	4	4	3	3	2	0	0	0
Demolitions	7	1	1	0	0	0	1	0	1	1	0	0	2
Electrical Upgrades	7	0	1	1	0	0	0	0	0	1	1	2	1
Change in Occupancy	4	0	0	0	0	1	0	0	0	0	0	0	3
Driveway	6	0	0	1	1	1	1	2	0	0	0	0	0
Fire Restoration	3	1	0	1	1	0	0	0	0	0	0	0	0
Patio	2	0	0	1	0	0	0	0	1	0	0	0	0
Wind Turbine	1	0	1	0	0	0	0	0	0	0	0	0	0
Generator	5	0	0	0	1	0	0	0	0	0	2	1	1
	235	4	17	18	19	29	21	28	33	21	16	14	15

**Permit Summary by Category
Kendall County**

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	1	\$325,000	\$0	\$0
Accessory Buildings	1	\$4,000	\$200	\$0
Barns/Farm Buildings	3	\$65,990	\$50	\$0
Signs	2	\$100	\$321	\$0
Swimming Pools	1	\$80,000	\$0	\$0
Demolitions	2	\$35,000	\$0	\$0
Electrical Upgrades	1	\$1,900	\$150	\$0
Change in Occupancy	3	\$75,000	\$3,841	\$3,441
Generator	1	\$7,800	\$110	\$0
	15	\$594,790	\$4,672	\$3,441

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
12/8/2017	012017241	01 House	0135477010 NELSON WILLIAM D & MARCIA Z	5900 F RED GATE LN YORKVILLE, IL 60560-	THE BLUFFS AT SILVER SPINGS	Ed Saloga Design Build
12/14/2017	032018009	03 Accessory Buildings	0304428001 COONLEY KAREN	162 HEATHGATE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 26	SELF
12/12/2017	032017239	03 Accessory Buildings	0327401011 BRUMMEL MARTIN K & JULIE A	14 ROYCE DR OSWEGO, IL 60543-	RING-NECK SUB UNIT 2	SELF
12/27/2017	082018016	08 Barns/Farm Buildings	0425100001 BOND ROBERT R & SHARON A	12944 WALKER RD YORKVILLE, IL 60560-		
12/14/2017	082018010	08 Barns/Farm Buildings	0529200016 HIRSCH DON M & CAROL A	10400 IMMANUEL ROAD YORKVILLE, IL. 60560		
12/7/2017	082018004	08 Barns/Farm Buildings	0920400009 HANSEN SABRINA M	4250 BELL ROAD MINOOKA, IL 60447		
12/19/2017	092018012	09 Signs	0305401003 BOULDER HILL PROPERTY LLC	69 BOULDER HILL PASS MONTGOMERY, IL 60538-		
12/27/2017	092018014	09 Signs	0318403015 THE ACTION CO.	5375 ROUTE 34 OSWEGO, IL 60543-	SILVER WHEEL SUB	BEHAVIORIAL PERSPECTIVE, INC.
12/19/2017	122018011	12 Swimming Pools	0932300004 GUZMAN JOSE J & MARIA G	17840 GROVE RD MINOOKA, IL 60447-		ALEX NAVARRO
12/6/2017	142018003	14 Demolitions	0111300001 HENNING FAMILY FARM LLC	1952 ROCK CREEK RD PLANO, IL 60545-		
12/11/2017	152018005	15 Electrical Upgrades	0304454003 MOYER JEFFREY N & HERZOG HEATHER L	12 POMEROY RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 19	Electrical Concepts, Inc.

Permit Approval Date Report **Kendall County**

Permit		Parcel Number		Property Address	Subdivision	Contractor Name
Issue Date	ID Permit Category	Owner Name				
12/27/2017	172018015	0318403015		5375 ROUTE 34 OSWEGO, IL 60543-	SILVER WHEEL SUB	BEHAVIORAL PERSPECTIVE, INC.
	17	Change in Occupancy	THE ACTION GROUP			
12/12/2017	172018008	0426100005		13550 WALKER RD YORKVILLE, IL 60560-		
	17	Change in Occupancy	MARTIN JEFFREY R & SILVIA			
12/12/2017	172018006	0305401003		69 BOULDER HILL PASS MONTGOMERY, IL 60538-		DOMINIQUE CASTILLO
	17	Change in Occupancy	BOULDER HILL PROPERTY LLC			
12/12/2017	232018007	0221179010		28 E LEXINGTON CIR YORKVILLE, IL 60560-	BLACKBERRY CREEK	LEE LEGLER CONSTRUCTION & PROJECT MGMT
	23	Generator	STEVE PERRY			

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
5/17/2017	012017070	01 House	0811100029	AUSTIN NANCY	13090 ASHLEY ROAD PLATTVILLE, IL. 60560		TIM GREYER BUILDERS
8/4/2017	012017156	01 House	0526400007	JEAN FREEMAN	7149 CATON FARM RD YORKVILLE, IL 60560-		
5/10/2017	012017067	01 House	0932300004	GUZMAN MARIA	17840 GROVE RD MINOOKA, IL 60447-		
3/3/2017	012017032	01 House	0420226005	GOODLET TIMOTHY J	16077 S STONEWALL DR NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 4	Self
9/18/2017	012017191	01 House	0607402004	GRAHAM GREGORY K & PATRICIA J	7672 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	KURE CONSTRUCTION, IN.C
6/29/2017	012017101	01 House	0607402002	MCCUE BUILDERS INC	7620 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	Same
8/15/2017	012017163	01 House	0607129006	MCCUE BUILDERS INC	5781 WHITETAIL RIDGE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	MCCUE BUILDERS INC
5/31/2017	012017074	01 House	0236102003	HENCZEL DAVID C DECL OF TRUST & PATRICIA MAEZA DEHANCE	385 COUNTRY ROAD YORKVILLE, IL. 60560	FARM COLONY	SELF
1/18/2017	012017015	01 House	0135100012	MESSER OLETH JR & ROSE L	13524 D HALE ROAD PLANO, IL. 60545		
3/24/2017	012017036	01 House	0417300002	DICKSON VALLEY MINISTRIES	8250 FINNIE RD NEWARK, IL 60541-		Same
1/3/2017	012017009	01 House	0513300003	GATES ROBERT A & PATRICIAL	8813 "B" HOPKINS RD YORKVILLE, IL. 60560		

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Property Address	Subdivision	Contractor Name
3/3/2017	012017028	01 House	0605300011 BAILEY CHRISTOPHER & LORI	4811 CHERRY RD OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 4	CL DESIGN/CHERYL LEE
12/8/2017	012017241	01 House	0135477010 NELSON WILLIAM D & MARCIA Z	5900 F RED GATE LN YORKVILLE, IL 60560-	THE BLUFFS AT SILVER SPINGS	Ed Saloga Design Build
8/31/2017	012017183	01 House	0235432005 MCCUE BUILDERS INC	5672 SCHMIDT LANE YORKVILLE, IL. 60560	FIELDS OF FARM COLONY UNIT 4	MCCUE BUILDERS INC
4/5/2017	012017050	01 House	0720200005 BROMELAND ANDREW J & JENNIFER L	15375 ROODS RD NEWARK, IL 60541-		CL Design-Build, Inc. (Cheryl Lee)
8/1/2017	012017158	01 House	0924100001 MATTHEW D. WEHRLI	915 BELL ROAD MINOOKA, IL 60447-		
8/16/2017	012017165	01 House	0607402001 MCCUE BUILDERS INC	7594 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	MCCUE BUILDERS INC
9/28/2017	012017205	01 House	0605393014 ZOLLINGER PENNY S	4643 Waakesha Drive Oswego, IL. 60543	HENNEBERRY WOODS UNIT 2	Owner
8/15/2017	012017164	01 House	0607226015 MCCUE BUILDERS INC	7335 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	MCCUE BUILDERS INC
8/31/2017	012017172	01 House	0918100003 KNUDSON BRUCE	5765 ROUTE 52 MINOOKA, IL 60447-		
8/2/2017	012017140	01 House	0421105003 D'ARCY CHRISTOPHER O & ASHLEY N	15980 STONEWALL DRIVE NEWARK, IL. 60541	ESTATES OF MILLBROOK UNIT 4	Robert Soholl/American Built Systems
6/22/2017	012017119	01 House	0535200010 SLEEZER CONNIE K & SETH C	7214 CATON FARM RD YORKVILLE, IL 60560-		

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
10/4/2017	012017211	01 House	0512227001 OBRIEN STEVEN & AGATHA	6256 WHITETAIL RIDGE CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	CL DESIGN-BUILD, INC.
7/19/2017	012017144	01 House	0735300008 ZABEL BRIAN & TRACY	13986 HILL ROAD NEWARK, IL. 60541		
9/18/2017	012017198	01 House	0408200026 FRIEDERS MARK & TRACY	7425 OAKBROOK ROAD NEWARK, IL. 60541		CFR Builders - Charles F. Ruh
11/14/2017	012017233	01 House	0315251014 PAGEL JOHN & SHARON LIVING TRUST	35 BURKHARDT DRIVE OSWEGO, IL. 60543		JPM Custom Homes
8/30/2017	012017167	01 House	0233402009 WITT DAWN	38 WOODLAND DRIVE YORKVILLE, IL. 60560	THE WOODLANDS	CL DESIGN-BUILD INC.
9/28/2017	012017206	01 House	0517103002 PETERSON LUKE & HEATHER	10848 TANGLEWOOD TRAILS DR YORKVILLE, IL 60560-	TANGLEWOOD TRAILS	Tim Greyer Builders
8/15/2017	012017162	01 House	0607402010 MCCUE DEVELOPMENT INC	7828 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	McCue Builders
5/31/2017	012017099	01 House	0430200003 DIPPOLD JEREMY & SAMANTHA	10135 FOX RIVER DRIVE NEWARK, IL		
5/2/2017	012017062	01 House	0421125027 TIM & JESSICA SCHOFIELD	15781 S STONEWALL DR NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 3	TJS BUILDERS, INC.
6/28/2017	022017123	02 Garage	0304476015 GAMBOA ALEJANDRO	79 SHEFFIELD RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 22	DANLEY'S GARAGE WORLD
8/21/2017	022017178	02 Garage	0128252003 NILES JEFFREY R & TRACEY J	216 KINSEL ST PLANO, IL 60545-		Same

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10/4/2017	022017207	02 Garage	0517102001	JENSEN DAVID P & KARI L	7990 TANGLEWOOD TRAILS DR YORKVILLE, IL 60560-	TANGLEWOOD TRAILS	Jensen Construction
6/20/2017	022017121	02 Garage	0235227011	WAYDA JEFFERY & SUSAN	283 FARM CT YORKVILLE, IL 60560-	FARM COLONY	
4/26/2017	022017063	02 Garage	0116427010	FRIEDERS FRANK D & JULIE L	30 MEYER RD PLANO, IL 60545-	MEYERBROOK UNIT 3	Self
8/21/2017	022017177	02 Garage	0235380010	MCNAMARA THOMAS	5627 FIELDS DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 3	THE RANDA GROUP, INC.
6/7/2017	022017108	02 Garage	0402226006	SVOBODA JAROMIR & JODI A	6147 POLO CLUB DR YORKVILLE, IL 60560-	THE WOODS OF SILVER SPRINGS PHASE 3	Self
6/9/2017	022017111	02 Garage	0332352003	MERSMAN RYAN D & JENIFER L	4862 RESERVATION RD OSWEGO, IL 60543-	ARROWHEAD HILLS	
5/23/2017	022017089	02 Garage	0602177006	SMITH CHERYL	143 OSWEGO PLAINS DR OSWEGO, IL 60543-		Upscale Remodel
6/26/2017	022017045	02 Garage	0234151010	JOHNSON GREGORY J & SHELLEY	66 QUINSEY RD YORKVILLE, IL 60560-	QUINSEY SUB	
10/17/2017	022017217	02 Garage	0132226005	DALTON, LARRY AND MARY	16073 BURR OAK RD PLANO, IL 60545-	DEER RIDGE PUD	SELF
7/17/2017	022017102	02 Garage	0406300002	WEISBROOK JOSEPH R	6874 MILLINGTON RD SANDWICH, IL 60548-		
2/16/2017	022016192	02 Garage	0304479042	TERRAZAS JUAN	72 SONORA DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 23	Self

Permit Approval Date Report Kendall County

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10/4/2017	022017201	02 Garage	0226377001	SIMMERS KURT	7609 D RIVER OAKS DR YORKVILLE, IL 60560-	RIVER OAKS SUB	
4/27/2017	032017069	03 Accessory Buildings	0435300006	LEGGETT BRANDON D & JULIE A	13600 HUGHES RD NEWARK, IL 60541-		
4/11/2017	032017056	03 Accessory Buildings	0308154002	KAYER TODD M & JEANNA D	10 SHORE DR OSWEGO, IL 60543-	MARINA VILLAGE	SAME
3/14/2017	032017043	03 Accessory Buildings	0615100008	ODONOVAN-MAYA SUSAN	2884 ROUTE 126 PLAINFIELD, IL 60544-		
7/14/2017	032017076	03 Accessory Buildings	0419100002	CLANCY GERALD E & ROBIN R	9517 FINNIE RD NEWARK, IL 60541-		DIY
3/13/2017	032017042	03 Accessory Buildings	0508176008	BASTIAN JOHN C & DONNA K	86 MAPLE LN YORKVILLE, IL 60560-	WOODLAND ACRES	WILLMAN & GROESCH G.C.
3/9/2017	032017039	03 Accessory Buildings	0502102003	SIOK CLIFFORD & KIMBERLY	322 EMILY CT YORKVILLE, IL 60560-		Everlast Portable Buildings
3/8/2017	032017038	03 Accessory Buildings	0416129001	ANDERSON BRUCE	8 N HUDSON ST MILLBROOK, IL 60536-		
5/22/2017	032017083	03 Accessory Buildings	0905400018	QUIROZ, TEOFILO	4080 VAN DYKE ROAD MINOOKA, IL		
3/3/2017	032017035	03 Accessory Buildings	0216228007	SCHOON RICHARD W & BARBARA A	43 HUNTER LN BRISTOL, IL 60512-	BRISTOL WOODS UNIT 2	WILLMAN & GROESCH
3/2/2017	032017034	03 Accessory Buildings	0508101004	STOCCHERO ENTERPRISES LLC	10925 ROUTE 71 YORKVILLE, IL 60560-		

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Property Address	Subdivision	Contractor Name
3/1/2017	032017027	03 Accessory Buildings	0219100003	11728 FAXON RD PLANO, IL 60545-		FBI BUILDINGS INC.
12/12/2017	032017239	03 Accessory Buildings	0327401011	14 ROYCE DR OSWEGO, IL 60543-	RING-NECK SUB UNIT 2	SELF
4/19/2017	032017060	03 Accessory Buildings	0304255013	125 HEATHGATE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 23	Backyard Buildings and More
2/21/2017	032017025	03 Accessory Buildings	0105251002	16318 GALENA ROAD PLANO, IL. 60545		SELF
5/16/2017	032017081	03 Accessory Buildings	0122282005	3340 OLD MILL RD PLANO, IL 60545-		Self
11/30/2017	032017242	03 Accessory Buildings	0506127001	42 W FOX GLEN DR YORKVILLE, IL 60560-	FOX GLEN	
8/4/2017	032017159	03 Accessory Buildings	0917100002	4819 ROUTE 52 MINOOKA, IL 60447-		
2/8/2017	032017018	03 Accessory Buildings	0926400007	16801 RIDGE RD MINOOKA, IL 60447-		
11/9/2017	032017232	03 Accessory Buildings	0508176010	57 NAWAKWA LN YORKVILLE, IL 60560-	NAWAKWA SUB	
10/17/2017	032017216	03 Accessory Buildings	0507403002	11480 B LEGION RD YORKVILLE, IL 60560-		WISE CONSTRUCTION
10/16/2017	032017214	03 Accessory Buildings	0227151002	8940 A ROUTE 34 YORKVILLE, IL 60560-	BAKERS SUB	
			BOLARD CHRISTOPHER JAMES			

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
9/20/2017	032017202	03 Accessory Buildings	0331452007	JEFF HIGHLAND	11 OTTAWA CT OSWEGO, IL 60543-	NA-AU-SAY WOODS	
9/13/2017	032017199	03 Accessory Buildings	0235280004	ADAMOVICH MICHAEL R & ALGRIM RACHEL W	201 FOXTAIL LN YORKVILLE, IL 60560-	FARM COLONY UNIT 2	Tom Rooney
9/5/2017	032017188	03 Accessory Buildings	0135284001	BEERY CAROL A	13040 RIVER RD PLANO, IL 60545-	MINNETONKA SPRINGS SUB	
9/12/2017	032017193	03 Accessory Buildings	0309155027	SHEDOR SUSAN REV LVG TRUST	315 BOULDER HILL PASS MONTGOMERY, IL 60538-	BOULDER HILL UNIT 21	
8/8/2017	032017166	03 Accessory Buildings	0214276005	NOLTE ROBERT M	153 E RICKARD DR OSWEGO, IL 60543-	LYNWOOD EXTENSION 4	
8/4/2017	032017160	03 Accessory Buildings	0917100002	HEAP GARY & LINDA	4819 ROUTE 52 MINOOKA, IL 60447-		
8/31/2017	032017189	03 Accessory Buildings	0228153004	ADAMS GARY L & KATHLEEN P	204 PLEASURE DR YORKVILLE, IL 60560-	COUNTRYSIDE SUB UNIT 7	EVERLAST PORTABLE BUILDINGS
2/28/2017	032017020	03 Accessory Buildings	0105176005	BOND MICHAEL E & CHERIE L	232 CREEK RD PLANO, IL 60545-		Cleary Building Corp.
8/2/2017	032017157	03 Accessory Buildings	0308277031	RAMIREZ RAMON	33 FIELDPOINT RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 25	SELF
7/27/2017	032017152	03 Accessory Buildings	0308154018	CURCIO SAMUEL J	1432 ROUTE 31 OSWEGO, IL 60543-	SARTAIN SUB	
7/20/2017	032017145	03 Accessory Buildings	0735300008	ZABEL BRIAN & TRACY	13986 HILL ROAD NEWARK, IL. 60541		

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Property Address	Subdivision	Contractor Name
11/2/2017	032017209	03 Accessory Buildings	0509103001 MARCINIAK RICHARD & LEOKADIA	29 WALNUT DRIVE YORKVILLE, IL 60560	WALNUT RIDGE	Bob Lee
7/18/2017	032017141	03 Accessory Buildings	0305404003 HEIMER MICHAEL W & NICKOLETTE	106 BOULDER HILL PASS MONTGOMERY, IL 60538-	BOULDER HILL UNIT 6	
8/15/2017	032017138	03 Accessory Buildings	0136100028 SNYDER ERIC M	12630 B RIVER RD PLANO, IL 60545-	DOCKSTADERS SUB	
10/25/2017	032017173	03 Accessory Buildings	0526400008 JENSEN CHRISTOPHER & MARGAN	7225 CATON FARM RD YORKVILLE, IL 60560-		JENSEN LAND SERVICES
8/31/2017	032017186	03 Accessory Buildings	0916200012 NELSEN WILLIAM H & JESSICA	3147 ROUTE 52 MINOOKA, IL 60447-		Cleary Building Corp
7/17/2017	032017135	03 Accessory Buildings	0507403001 FRENCH LARRY & SHARON	11480 A LEGION RD YORKVILLE, IL 60560-		
6/16/2017	032017113	03 Accessory Buildings	0909100002 GUZMAN RAMIRO A JR	13039 MCKANNA ROAD MINOOKA, IL 60447		SELF
5/31/2017	032017105	03 Accessory Buildings	0235130003 LOIKETS WILLIAM & TERESA	46 COUNTRY RD YORKVILLE, IL 60560-	HITEMAND SUB	
7/12/2017	032017103	03 Accessory Buildings	0222126004 LEIFHEIT ELMER B & NANCY	26 LAKEVIEW DR YORKVILLE, IL 60560-		Doug Leifheit
7/19/2017	032017100	03 Accessory Buildings	0307177011 JOE GRIFFIN	5400 LIGHT RD OSWEGO, IL 60543-		CLEARY BUILDING CORP.
7/11/2017	032017137	03 Accessory Buildings	0235310002 DAVIES WILLIAM & KATHI	7779 MADELINE DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 3	

Permit Approval Date Report

Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
6/1/2017	032017096	03 Accessory Buildings	0905400018	QUIROZ, TEOFILO	4080 VAN DYKE ROAD MINOOKA, IL 60447		SELF
6/1/2017	032017095	03 Accessory Buildings	0905400018	QUIROZ, TEOFILO	4080 VAN DYKE ROAD MINOOKA, IL		SELF
5/25/2017	032017090	03 Accessory Buildings	0924300007	MARECI GREGORY L & NATALIE M	532 BELL RD MINOOKA, IL 60447-		
2/9/2017	032017023	03 Accessory Buildings	0116402010	MIESZALA RONALD	40 S LINDEN DR PLANO, IL 60545-	MEYERBROOK UNIT 4	
2/9/2017	032017022	03 Accessory Buildings	0214426006	ENTILE MATTHEW R	86 W RICKARD DR OSWEGO, IL 60543-	LYNWOOD EXTENSION 5	
12/14/2017	032018009	03 Accessory Buildings	0304428001	COONLEY KAREN	162 HEATHGATE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 26	SELF
5/16/2017	032017085	03 Accessory Buildings	0909100014	HOLZ LIVING TRUST	13270 MCKANNA RD MINOOKA, IL 60447-		Self
10/18/2017	042017187	04 Additions	0416204004	ANDERSON BETTY L	14 SHERMAN ST MILLBROOK, IL 60536-		J & R Construction Services
8/24/2017	042017182	04 Additions	0136100023	MCCELROY JOSHUA L & ANNIE JOY	12881 RIVER RD PLANO, IL 60545-		
7/31/2017	042017146	04 Additions	0216226006	JENNINGS WILLIAM L & MONICA	9180 CORNELIS RD BRISTOL, IL 60512-	BRISTOL WOODS UNIT 2	OWNER
7/11/2017	042017132	04 Additions	0223328002	HALL ROD	7736 ROUTE 34 YORKVILLE, IL 60560-	TIMBER RIDGE SUB UNIT 1	

Permit Approval Date Report Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
6/8/2017	0420177109	04 Additions	0904100002	CRESCENTI JEAN	12070 MCKANNA RD MINOOKA, IL 60447-		
6/13/2017	042017098	04 Additions	0226101006	LAMANNA, ANDREW & SIWAK, PAULINA	58 KINGMOOR LN YORKVILLE, IL 60560-	KING MOOR ON THE FOX	Artisan Enterprises, Inc.
5/16/2017	042017084	04 Additions	0602126003	PIAZZA-RAFDAHL ANNA	10 NAVAJO CT OSWEGO, IL 60543-		Self
4/4/2017	042017052	04 Additions	0712400003	SIEVERS KATHERYNN E & RYAN	13825 LISBON RD NEWARK, IL 60541-		
1/18/2017	042016216	04 Additions	0213428001	GUERRERO LORENA	6163 ROUTE 34 OSWEGO, IL 60543-		Homeowner
4/18/2017	042017058	04 Additions	0226452009	GRAHOVEC EDWARD J & LINDA	49 WINDING CREEK RD YORKVILLE, IL 60560-	OAK CREEK SUB	Brady Construction, LLC
4/27/2017	042017064	04 Additions	0931100002	MONTELLO JOHN J JR & MURRAY MAUREEN J	17280 BRISBIN RD MINOOKA, IL 60447-		
11/2/2017	052017228	05 Remodeling	0235414010	GAY ROBERT L & PHYLLIS A	7542 THORNHILL CT YORKVILLE, IL 60560-	ROSEHILL	CL DESIGN-BUILD, INC.
10/26/2017	052017226	05 Remodeling	0116428003	SLEEZER MICHAEL	2776 LITTLE ROCK RD PLANO, IL 60545-		SELF
10/18/2017	052017219	05 Remodeling	0235381010	FIRST MIDWEST BANK NA GUARDIAN ESTATE CORPORATION	5810 FIELDS DR YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 2	EXTENDED HOME LIVING SERVICES, INC.
10/4/2017	052017210	05 Remodeling	0308105003	DANIEL ROSU	110 HARBOR DR OSWEGO, IL 60543-	MARINA TERRACE APARTMENTS	SAME

Permit Summary by Category

Kendall County

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	32	\$12,276,924	\$126,967	\$76,971
Garage	13	\$266,950	\$3,985	\$0
Accessory Buildings	54	\$1,148,030	\$9,602	\$0
Additions	11	\$587,000	\$2,707	\$0
Remodeling	23	\$1,309,085	\$9,346	\$0
Commercial - B Zone	2	\$130,000	\$1,014	\$0
Barns/Farm Buildings	14	\$556,620	\$339	\$0
Signs	3	\$950	\$748	\$0
Other	2	\$3,270	\$360	\$0
Swimming Pools	25	\$585,353	\$4,350	\$0
Decks	20	\$168,483	\$3,800	\$0
Demolitions	6	\$104,100	\$300	\$0
Electrical Upgrades	6	\$19,509	\$810	\$0
Change in Occupancy	1	\$500	\$0	\$0
Driveway	6	\$35,000	\$1,200	\$0
Fire Restoration	3	\$261,450	\$1,576	\$0
Patio	2	\$17,520	\$100	\$0
Wind Turbine	1	\$40,000	\$0	\$0
Generator	4	\$26,995	\$440	\$0
	228	\$17,537,739	\$167,645	\$76,971

Fiscal Year 2017 Detailed Inspection Report

Site Visit	302
Footing	68
Backfill	22
Wall	15
Slab	37
Electric Service	7
Frame/Wire	77
Insulation	27
Final	134
Red Tag	2
Hearing Signs	4
Meetings in Field	93
Violation Investigations	85
Yorkville Back Up for County	11
Zoning Issues	4
NPDES	0

Total Field Visits and Inspections	911	
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Total Permits Reviewed and Issued	228	14 Void
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Contracted Plumbing Inspections	99	
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Inspections - County Back up for Yorkville per IGA	23	
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Fiscal Year 2016 Detailed Inspection Report

Site Visit	141	
Footing	63	
Backfill	12	
Wall	6	
Slab	34	
Electric Service	10	
Frame/Wire	57	
Insulation	19	
Final	128	
Red Tag	1	
Hearing Signs	25	
Meetings in Field	124	
Violation Investigations	90	
Yorkville Back Up for County	8	
Zoning Issues	5	
NPDES	0	
Total Field Visits and Inspections	723	
Total Permits Reviewed and Issued	247	
Contracted Plumbing Inspections	89	
Inspections - County Back up for Yorkville per IGA	4	

Fiscal Year 2015 Detailed Inspection Report

Site Visit	122
Footing	68
Backfill	11
Wall	9
Slab	17
Electric Service	17
Frame/Wire	58
Insulation	26
Final	137
Red Tag	0
Hearing Signs	33
Meetings in Field	95
Violation Investigations	97
Yorkville Back Up	14
Zoning Issues	6
NPDES	0

Total Field Visits and Inspections	710
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Total Permits Reviewed and Issued	216
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Contracted Plumbing Inspections	85
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Inspections for Yorkville per IGA	14
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Fiscal Year 2014 Detailed Inspection Report

Site Visit	133
Footing	79
Backfill	18
Wall	14
Slab	30
Electric Service	15
Frame/Wire	59
Insulation	23
Final	120
Red Tag	4
Hearing Signs	56
Meetings in Field	71
Packet Delivery	0
Violation Investigations	111
Zoning Issues	0
NPDES	7
Yorkville Back Up	52

Total Field Visits and Inspections 792

Total Permits Reviewed and Issued 237

Contracted Plumbing Inspections 83

Inspections for Yorkville per IGA 29

Fiscal Year 2013 Detailed Inspection Report

Site Visit	137
Footing	57
Backfill	9
Wall	22
Slab	24
Electric Service	13
Frame/Wire	64
Insulation	29
Final	101
Red Tag	1
Hearing Signs	21
Meetings in Field	78
Packet Delivery	0
Violation Investigations	67
Zoning Issues	7

Total Field Visits and Inspections 707

Total Permits Reviewed and Issued 220

PLANNING BUILDING & ZONING RECEIPTS 2018

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 18	TOTAL FY18	MONTHLY FY 17	TOTAL FY17
December	\$2,288.40				\$2,288.40	\$2,288.40	\$3,044.28	\$3,044.28
January							\$3,791.34	\$6,835.62
February							\$10,989.52	\$17,825.14
March							\$8,130.89	\$25,956.03
April							\$7,598.93	\$33,554.96
May							\$16,086.31	\$49,641.27
June							\$14,174.98	\$63,816.25
July							\$21,087.73	\$84,903.98
August							\$25,401.68	\$110,305.66
September							\$36,883.57	\$147,189.23
October							\$18,678.40	\$165,867.63
November							\$14,088.97	\$179,956.60
TOTAL	\$2,288.40				\$2,288.40	\$2,288.40	\$179,956.60	

Matt Asselmeier

From: Jenny Holloway [REDACTED]
Sent: Wednesday, December 13, 2017 10:45 AM
To: Matt Asselmeier
Cc: Patty Deering; Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: Re: Churchill Club Stormwater Issue

Hi Matt,

I'm glad to hear you are working on properties outside of the Village of Oswego, because that is exactly where the horse farm property is located (outside the village of Oswego). With that being said, can you give us an update on what you are doing to make sure this problem is fixed? Should I come to the next board meeting and ask the panel or will your department be handling this? Please let me know as soon as possible. This problem has been going on for years, but more recently brought to your specific attention about 8 months ago. That seems like a very long time to be waiting for a solution to a huge problem, that is getting worse by the month.

Thank You,

Jennifer Holloway

On Wed, Dec 13, 2017 at 7:57 AM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Patty:

The Village of Oswego is the lead investigating agency for any stormwater issues inside the subdivision. The County is working with Oswego Township on stormwater issues on properties outside of the Village of Oswego.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

From: Patty Deering [mailto:p[REDACTED]]
Sent: Tuesday, December 12, 2017 5:13 PM
To: Matt Asselmeier; Jenny Holloway
Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Matt,

Have you heard anything more with this? I have copied Dave Markowski on this e-mail as his is the name on the letter sent by the Village on 7/17/17. The owner at 420 Fayette behind this horse farm is still having issues from the run off at this horse farm.

Patty Deering, CMCA, AMS

Community Association Manager



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From: Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]

Sent: Monday, November 20, 2017 2:01 PM

To: Jenny Holloway; Patty Deering

Cc: Scott Koeppel; Robert Davidson

Subject: RE: Churchill Club Stormwater Issue

Jenny:

The Village of Oswego is the lead investigative agency on this matter.

I know that earlier this month they were trying to get water samples, but I have not heard anything since that time.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179

Matt Asselmeier

From: Patty Deering; [REDACTED]
Sent: Thursday, December 14, 2017 11:06 AM
To: Matt Asselmeier; Jenny Holloway
Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Thank you. Please let me know what they find.

Patty Deering, CMCA, AMS

Community Association Manager
[REDACTED]

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From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Thursday, December 14, 2017 7:52 AM
To: Patty Deering; Jenny Holloway
Cc: Scott Koeppel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Patty:

I spoke with PBZ Chairman Davidson yesterday and he is going to evaluate the situation with the Oswego Township Highway Commissioner.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning

111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Patty Deering [mailto: [REDACTED]]
Sent: Wednesday, December 13, 2017 12:43 PM
To: Matt Asselmeier; Jenny Holloway
Cc: Scott Koepfel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

This has been dragging on for such a long time. A resolution needs to be found to stop all of this water from going into our residents back yards.

Patty Deering, CMCA, AMS

Community Association Manager
[REDACTED]

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From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, December 13, 2017 7:58 AM
To: Patty Deering; Jenny Holloway
Cc: Scott Koepfel; Robert Davidson; dmarkowski@oswegoil.org
Subject: RE: Churchill Club Stormwater Issue

Patty:

The Village of Oswego is the lead investigating agency for any stormwater issues inside the subdivision. The County is working with Oswego Township on stormwater issues on properties outside of the Village of Oswego.

If you have any questions, please let me know.

Matt Asselmeier

From: Dave Markowski [DMarkowski@oswegoil.org]
Sent: Tuesday, December 05, 2017 7:54 AM
To: Matt Asselmeier
Subject: RE: Churchill Club Subdivision

Morning Matt,

Not much going on. The work he committed to do I do not believe is being done, not much we can do about that. We are trying to get a "dirty" sample of water leaving his property and entering our storm system, to have it tested in a Lab. That is really our only course of action at this time. Right now with no water going into the storm drain he is doing nothing wrong. This is a long ongoing process due to the timing of rain and the lab being open.

Wish I had more to report.

Dave Markowski
Village of Oswego
Public Works Dept.

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Monday, December 04, 2017 11:34 AM
To: Dave Markowski; Jennifer Hughes
Subject: Churchill Club Subdivision

Dave and Jennifer:

Do you have any update regarding the Churchill Club stormwater issue?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Dave Markowski [mailto:DMarkowski@oswegoil.org]
Sent: Wednesday, November 08, 2017 12:44 PM
To: Matt Asselmeier
Subject: RE: manure pile

Afternoon Matt,

Not much happening, we took upstream and downstream samples back on the 14th of October when we had the heavy rains but unfortunately they are only good for testing 6

Matt Asselmeier

From: Jenny Holloway
Sent: Monday, November 20, 2017 11:45 AM
To: Patty Deering; Dave Markowski; Matt Asselmeier
Cc: Scott Koepfel; Robert Davidson
Subject: Re: Churchill Club Stormwater Issue

Hi Matt & Dave,

I was just wondering if any progress has been made at the horse farm? My yard is completely saturated again and there is a steady stream still coming in under the fence where there isn't a drain to catch it. Please let me know when you get a chance.

Thanks,

Jennifer Holloway

On Mon, Oct 2, 2017 at 3:53 PM, Patty Deering <[REDACTED]> wrote:

Thank you Matt for staying on top of this.

Patty Deering, CMCA, AMS

Community Association Manager

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Matt Asselmeier

From: Bob Rogerson [brogerson@oswegotownship.org]
Sent: Friday, October 27, 2017 9:42 AM
To: Jennifer Hughes; Dave Markowski (dmarkowski@oswegoil.org); Matt Asselmeier
Subject: RE: Churchill Club Stormwater Issue

Hello, just an FYI update. Mr. Pat Benes called me on 10/24/17 at 3:49 pm raising his voice at me about the water on his property and threatening to sue all of the Governmental agencies. So after hearing him out, I called him yesterday to explain to him that we have been trying to acquire a Gradall company to help us with the right of way drainage. I told him that we were unable to contract that out this year due to all the companies full schedules and that he will be first on our list ASAP in the spring. That being said, until we get out there and shoot grade, I don't know if there will be enough pitch to drain the ditch line in either direction. He said he has been trying to get this fixed for the last three years, and then threatened to sand bag the culvert under the road. I told him that I wouldn't advise that.

Bob Rogerson

*Highway Commissioner
Oswego Township Road District
1150 Rt. 25
Oswego, IL 60543
Phone: (630) 264-4587
Fax: (630) 264-6695*

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From: Jennifer Hughes [mailto:JHughes@oswegoil.org]
Sent: Wednesday, July 5, 2017 8:02 AM
To: Bob Rogerson <bob@oswegotownship.org>
Subject: RE: Churchill Club Stormwater Issue

Sure.

Jennifer Hughes, P.E., CFM
Public Works Director/Village Engineer



PH: 630.551.2366
Email: jhughes@oswegoil.org

From: Bob Rogerson [mailto:bob@oswegotownship.org]
Sent: Wednesday, July 05, 2017 7:36 AM
To: Jennifer Hughes
Subject: RE: Churchill Club Stormwater Issue

Matt Asselmeier

From: [REDACTED]
Sent: Monday, October 02, 2017 10:43 AM
To: Matt Asselmeier; Patty Deering
Subject: Fwd: meeting follow-up
Attachments: manure.jpg

Hi Matt,

Below is the response I received from the village. It looks like they haven't done anything yet. I have attached a photo that I took this weekend as well to show how out of hand the maure situation is getting. It is up over the fence and wider than I have ever seen it. If we have one good rain, our drains will be plugged with this again. You might want to forward this on to your environmental department. Please let me know if there is anything that can be done.

Thanks,
[REDACTED]

----- Forwarded message -----

From: Dave Markowski <DMarkowski@oswegoil.org>
Date: Mon, Oct 2, 2017 at 9:19 AM
Subject: RE: meeting follow-up
To: [REDACTED]

Morning [REDACTED]

No response from the farm owner. We did send a 2nd letter to him making him aware if any contaminated water enters the storm system he will be in violation of Village and County Ordinances. With that he will begin to be fined for every occurrence until the issue is corrected to our satisfaction.

Dave Markowski

Village of Oswego

Public Works Dept.

From: [REDACTED]
Sent: Friday, September 29, 2017 11:19 AM
To: Dave Markowski
Cc: [REDACTED]
Subject: Re: meeting follow-up



Matt Asselmeier

From: Dave Markowski [DMarkowski@oswegoil.org]
Sent: Monday, October 02, 2017 9:12 AM
To: Matt Asselmeier
Subject: 2575 wolf road 2nd letter.doc
Attachments: 2575 wolf road 2nd letter.doc

Morning Matt,

As of September 13th we have not been back to inspect his property, nor have we heard from him. Going forward we will be monitoring and sampling any rainfall amount that could cause contaminated water to enter the storm system. He will then start receiving fines for every occurrence until the issue has be resolved to our satisfaction.

Dave Markowski
Village of Oswego
Public Works Dept.

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Website: <http://www.oswego-il.org>

9/15/2017

Patrick Benes
2575 Wolfs Crossing
Oswego Illinois 60543

RE: Code Violation at 2575 Wolfs Crossing

Dear Mr. Benes:

This letter is to inform you the Village of Oswego inspected 2575 Wolfs Crossing on September 5, 2017 and again on September 13, 2017. The following items that we agreed upon at our meeting on July 12, 2017 have not been completed and need to be addressed. We anticipate that runoff from your property will violate the provisions of the Village of Oswego Discharge Detection and Elimination Ordinance and the Kendall County Storm Water Management Ordinance due to the discharge of non-storm water namely fecal matter from your property into the Village storm sewer system.

Again your commitments as discussed at our meeting on July 12, 2017 were as follows:

1. The manure pile is to be removed weekly and storm water shall be diverted around the pile at all times.
2. You committed to constructing a gravel trough east of the manure pile in the low area just west of the horse stable to slow and filter some of the water run-off from the stable areas.
3. You will conduct exploratory excavation east and west between the horse pens to search for existing field tiles.

The Village of Oswego will inspect the site after rainfall events to confirm that all non-compliant items have been remediated.

If there are any questions or objections to the information contained in this letter feel free to contact me by phone at 630-551-2161 or by email at dmarkowski@oswego-il.org. If no objections are received within 5 business days, the Village will consider this letter to be accepted with no alterations.

Sincerely,

Dave Markowski
Village of Oswego
Public Works Department

Summary of Violation Notification Procedure

1st Notice: Oswego furnish a Violation Notification to applicant and/or representative via fax and Certified Mail outlining necessary corrective measures to be completed and re-inspected within 5-working days of said notification. After which time, if violations are still not corrected, a *Red Tag* will be issued for the site (i.e. all work to stop except for activities related to correcting violations). Note: The Village may issue an immediate Red Tag if the Village determines the nature of the violation to be an immediate hazard to the health, safety, or welfare of the public.

2nd Notice: Oswego issues a *Red-Tag* for the site along with a Conditional Stop Work Order (allowing only remediation activities) via fax and Certified Mail granting an additional 5-working day deadline to complete remedial work to cure said WDO violation(s). Fines continue to accrue.

3rd and Final Notice: If corrective measures have not been completed within the period allowed by 2nd Notice, the Oswego shall meet with the applicant/developer to discuss the Village's additional punitive actions and the plan and schedule within which the necessary remedial measures will be completed. Fines continue to accrue and the Conditional Stop Work Order remains in effect.

NOTE: Building and/or Occupancy Permits and surety reduction requests will be withheld until all violations are resolved and levied fines are paid.

Matt Asselmeier

From: Dave Markowski [DMarkowski@oswegoil.org]
Sent: Tuesday, September 12, 2017 7:55 AM
To: Matt Asselmeier
Subject: RE: Churchill Club Stormwater Issue

Morning,

Matt we have not received any response from the property owner at this time. I did have a phone conversation with him to check progress and was informed that his tractor was in need of repairs and he was hoping to do some work over the Labor Day holiday. I did stop by on September 5th to inspect the property and nothing has been done. We will be sending a non-compliance letter with possible fines forthcoming.

Dave Markowski
Village of Oswego
Public Works Dept.

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Tuesday, September 05, 2017 9:46 AM
To: Jennifer Hughes
Cc: Dave Markowski; Scott Koeppel; Robert Davidson
Subject: RE: Churchill Club Stormwater Issue

Jennifer:

Did you receive any response from the owner at 2575 Wolf Crossing regarding the stormwater issues?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Jennifer Hughes [mailto:JHughes@oswegoil.org]
Sent: Thursday, July 27, 2017 2:55 PM
To: Matt Asselmeier
Cc: Dave Markowski; Scott Koeppel; Robert Davidson
Subject: Re: Churchill Club Stormwater Issue

It's a FOIA'ble document. It should be released.

Jennifer Hughes, P.E., CFM
Public Works Director

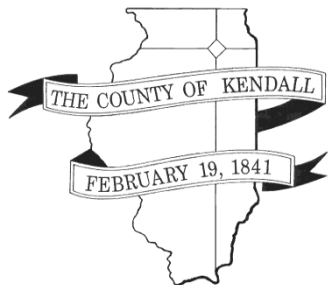


PH: 630.551.2366

Matt Asselmeier

From: Michael Denyko
Sent: Tuesday, January 02, 2018 7:41 PM
To: Health & Human Service
Cc: Building & Zoning

The residents at 2600 Light Road unit 207 made a complaint about bugs coming in their apartment. It is believed the bugs are coming from unit 208, which that apartment is apparently in unhealthy and dirty conditions. The resident at 208 was transported to the hospital for health conditions, and is currently staying at a rehab center. The residents at 207 have made complaints to their association and building manager, and apparently nothing has been done. The two reports taken with information regarding the resident and the apartment are 2017-4066, and 2018-0015. Thank you.



KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
SPECIAL MEETING AGENDA

Tuesday, January 30, 2018 – 6:00 p.m.

CALL TO ORDER:

ROLL CALL: Lynn Cullick, Bob Davidson (Chair), Scott Gryder, Judy Gilmour and Matt Kellogg (Vice Chair)

APPROVAL OF AGENDA:

PUBLIC COMMENT:

PETITIONS:

1. **17-28**

Request:

Kendall County Planning, Building and Zoning Committee

Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Purpose:

Amendments to Regulations of Outdoor Target Practice or Shooting Ranges for Non-Profit and For-Profit Shooting Ranges

Committee May Approve Amendments to the Petition

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

ADJOURNMENT:

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.