

**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING**

111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

January 29, 2018 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson, Dick Whitfield and One Vacancy

MINUTES: Approval of Minutes from the October 30, 2017 Zoning Board of Appeals Hearing
(Pages 2-23)

PETITIONS:

1. **17-33 – Kendall County Planning, Building and Zoning Committee (Pages 24-40)**
Request: Text Amendments to Sections 4.19, 5.08, 6.07.G.2, 7.01, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Transferring the Authority to Hear Applications, Major Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments
Purpose: Transfers the Authority to Hear Applications, Amendments and Revocations of Special Use Permits from the Hearing Officer to the Zoning Board of Appeals. Also Makes Citation Changes to Various Sections of the Zoning Ordinance to Reflect this Transfer.
2. **Amended Petition 17-29 – Kendall County Planning, Building and Zoning Committee (Pages 41-56)**
Request: Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural
Purpose: Text Amendment Increases Notification Requirement from Five Hundred Feet (500') to One Thousand Feet (1,000') Instead of Two Thousand Six Hundred Feet (2,600') as Originally Proposed for Applications for Special Use Permits on Properties Zoned A-1 and Clarifying that Only Adjoining Properties must be Notified on Special Use Permit Applications for Properties not Zoned A-1.

NEW BUSINESS/ OLD BUSINESS

1. Selection of Member(s) for Comprehensive Land Plan and Ordinance Committee
2. Update on Proposed Changes to Future Land Use Map for Land Along Route 47 in Lisbon Township (Pages 57-82)
3. Kendall County Regional Planning Commission Annual Meeting-February 3, 2018 (Page 83)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petition 17-30-Medical Cannabis Related Zoning Regulations

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on March 5, 2018

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.

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
October 30, 2017 – 7:00 p.m.

CALL TO ORDER

At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members Present: Randy Mohr, Karen Clementi (Arrived at 7:02 p.m.), Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

Members Absent: Scott Cherry

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Robert Davidson

MINUTES

Mr. LeCuyer, seconded by Ms. McKay, moved to approve the August 28, 2017 meeting minutes. With a voice vote of all ayes, the motion was approved.

Ms. Clementi arrived at this time.

PETITIONS

Mr. Asselmeier announced that the Kendall County Regional Planning Commission requested that the Kendall County Planning, Building and Zoning Committee amend their proposed text amendment for outdoor shooting range regulations (Petition 17-28). This matter was referred to the November Planning, Building and Zoning Committee meeting.

Mr. Asselmeier also announced that ZPAC requested that the Kendall County Planning, Building and Zoning Committee amend their proposed text amendment related to notification requirements for special uses on A-1 zoned properties (Petition 17-29). This matter was referred to the November Planning, Building and Zoning Committee meeting.

Ms. McKay, seconded by Mr. LeCuyer, made a motion to layover Petitions 17-28 and 17-29 until the Kendall County Planning, Building and Zoning Committee had an opportunity to respond to the concerns of ZPAC and the Kendall County Regional Planning Commission.

The votes were as follows:

Ayes (6): Mohr, Clementi, LeCuyer, McKay, Thompson, Whitfield

Nays (0): None

Absent (1): Cherry

The motion passed.

17-30- Kendall County Planning, Building and Zoning Committee

Request: 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's Medical Cannabis Related Regulations

Purpose: Text Amendment Changes the Expiration Deadline For the County's Medical Cannabis Related Regulations from January 1, 2018 to July 1, 2020 to Corresponds to the Expiration Date of the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.)

Mr. Asselmeier summarized the request. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

This proposal was mailed to each township on September 25th. To date, no response or comments have been received.

ZPAC unanimously recommended approval of the request. The Kendall County Regional Planning Commission also unanimously recommended approval of this request.

Chairman Mohr opened the public hearing at 7:05 p.m.

No one from the public was in attendance.

Chairman Mohr adjourned the public hearing on this matter at 7:05 p.m.

Ms. Clementi, seconded by Mr. Whitfield, made a motion to recommend approval of the text amendments as proposed.

The votes were as follows:

Ayes (6): Mohr, Clementi, LeCuyer, McKay, Thompson, Whitfield
Nays (0): None
Absent (1): Cherry

The motion passed. The townships will be notified of the Board's recommendation. This matter will go to the Kendall County Planning, Building and Zoning Committee on December 11th.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 17-16 passed at the County Board. Petition 17-21, McNelis Map Amendment, also passed at the County Board.

NEW BUSINESS/OLD BUSINESS

Since Petition 17-15 and 17-16 passed, changes to the by-laws are required.

Mr. Whitfield, seconded by Ms. Clementi, made a motion to approve an amendment to Article VIII, Section 2 by Reducing the Number of Votes Required to Reverse any Order, Requirement, Decision or Determination of the Zoning Administrator or Zoning Administrator Deputies, or to Grant any Variation in the Ordinance or to Recommend any Variation or Modification in the Ordinance to the County Board from Five (5) to Four (4).

The votes were as follows:

Ayes (6): Mohr, Clementi, LeCuyer, McKay, Thompson, Whitfield
Nays (0): None
Absent (1): Cherry

The motion passed.

Mr. Whitfield, seconded by Ms. Clementi, made a motion to approve an amendment to Article IX, Section 2 by Requiring the Concurrent Vote of Four (4) Members of the Board to Recommend Approval of any Zoning Map or Text Amendment to the County Board.

The votes were as follows:

Ayes (6): Mohr, Clementi, LeCuyer, McKay, Thompson, Whitfield
Nays (0): None
Absent (1): Cherry

The motion passed.

Approval of Fiscal 2017-2018 Meeting Calendar

Ms. McKay, seconded by Mr. Whitfield, made a motion to approve the Fiscal Year 2017-2018 Meeting Calendar.

The votes were as follows:

Ayes (6): Mohr, Clementi, LeCuyer, McKay, Thompson, Whitfield
Nays (0): None
Absent (1): Cherry

The motion passed.

PUBLIC COMMENT

None

ANNOUNCEMENTS

Mr. Asselmeier stated that no applications for map amendments were filed before the October 24th deadline. The deadline for variance applications is November 3rd.

The Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Zoning Ordinance transferring the powers and duties of the Hearing Officer to hear applications

for special use permits, major amendments to special use permits and involuntary revocations of special use permits to the Kendall County Zoning Board of Appeals. The earliest that the Board would review this application is December 4th.

The consensus of the Board was to cancel the December 4th meeting unless a variance application was submitted. Planning, Building and Zoning Committee Chairman Davidson was agreeable to this suggestion.

Mr. Asselmeier announced that the Illinois Department of Transportation will be holding an open house regarding the Prairie Parkway on November 2nd from 4:00 p.m. until 7:00 p.m. at the Yorkville Public Library.

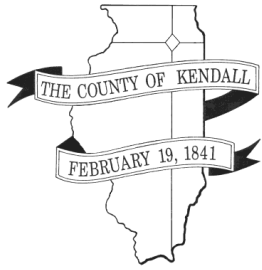
ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Mr. Whitfield, seconded by Mr. Thompson made a motion to adjourn. By voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:44 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits

1. Staff Report on Petition 17-30 Dated October 26, 2017
2. Certificate of Publication for Petition 17-30 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: October 26, 2017

Re: 17-30 Proposed Text Amendments to Sections 3.02 (Definitions), Section 10.01.C.10 (Special Uses in M-1 Limited Manufacturing District and M-2 Heavy Industrial District) and Section 10.01.C.11 (Special Uses in M-1 Limited Manufacturing District and M-2 Heavy Industrial District) Pertaining to Extending the Expiration Deadline of Kendall County's Medical Cannabis Regulations from January 1, 2018 to July 1, 2020

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. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

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 minutes of these meetings are attached.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Proposed Text Amendments

10.3.17 ZPAC Minutes

10.25.17 KCRPC Minutes

Amendments to Section 3.02 Definitions

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ **7.1.20**)

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ **7.1.20**)

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ **7.1.20**)

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ **7.1.20**)

Amendment to Section 10.01.C.10

10. Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on ~~January 1, 2018~~ **July 1, 2020**)

a. **Definitions:** All terms not defined in section 3.02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended

b. **Preliminary Requirements.** All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.

i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.

ii. *Registration.* Applicants must be registered with the Illinois Department of Agriculture

iii. *Location.* A Cultivation Center must be located more than 2,500 feet from the

property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130/105.

iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

v. *Code Compliance.* Cultivation Centers must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.

vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/105, as amended.

c. Required Permit Information. Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:

i. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130/105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.

ii. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.

iii. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

iv. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/105, as amended, and

v. Proof that applicant is registered with the Illinois Department of Agriculture.

d. Operational and Facility Requirements:

i. *Enclosed, Locked Facility.* All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.

ii. *Storage.* No outdoor storage of any kind will be permitted at Cultivation Centers.

iii. *Edibles.* Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130/80.

iv. *Waste.* Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with the requirements set forth in 410 ILCS 130/180 and 8 Ill. Admin. Code. 1000.460, as amended respectively.

October 26, 2017

v. *Signs*. All signage shall comply with Section 12 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.

vi. *Other Products*. It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.

vii. *Fence*. All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.

viii. *Registration*: The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.

e. Legal Protections.

i. *Limitation of Liability*. Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Cultivation Center's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.

ii. *Indemnification*. The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.

iii. *Violations of the Law*. The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

f. Revocation: Any special use permit granted under this Zoning Ordinance may be revoked for failure to comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Zoning Ordinance.

Amendment to Section 10.01.C.11

11. Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on **January 1, 2018 July 1, 2020**)

a. **Definitions:** All terms not defined in section 3.02 of this Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended.

b. **Preliminary Requirements.** All Medical Cannabis Dispensing Organization special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.

i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.

ii. *Location.* A Dispensing Organization may not be located within 1,000 feet of the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use, as required pursuant to 410 ILCS 130/130 and Section 1290.50 of the Department of Financial and Professional Regulation rules.

iii. *Images.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights of any similar lighting system.

iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

v. *Code Compliance.* Dispensing Organizations must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.

vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/130, as amended.

c. **Required Permit Information.** Upon applying for a Dispensing Organization special use permit, the applicant must provide the following information:

i. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

ii. A location map demonstrating the property meets location conditions identified in 410

ILCS 130/130 & Section 1290.50.19, as amended.

d. Operational and Facility Requirements:

i. *Enclosed, Loading/unloading bay.* All medical cannabis deliveries shall take place in an Enclosed, Locked Facility.

ii. *Storage.* No outdoor storage of any kind will be permitted at Dispensing Organizations.

iii. *Advertisement/Signs.*

1) All signage shall comply with Section 12 of the Kendall County Zoning Ordinance.

2) Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.

3) Electronic message boards and temporary signs are not permitted in connection with a Dispensing Organization.

4) Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.

5) No Advertisements shall be placed or maintained within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game arcade admission to which is not restricted to persons age 21 or older.

6) No advertisement shall be posted on publicly-owned or -operated property.

7) If the dispensing organization sells edible cannabis infused products, it must display a placard that states the following:

“Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens.” The placard shall be no smaller than 24” tall by 36” wide, with typed letters no smaller than 2”. The placard shall be clearly visible and readable by customers and shall be written in English.

iv. *Other Prohibitions.* A dispensing organization shall not:

1) produce or manufacture cannabis;

2) allow consumption of cannabis at the dispensary;

3) sell cannabis unless it is pre-packaged and labeled in accordance with Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946;

- 4) sell cannabis or cannabis-infused products to consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH;
- 5) enter into an exclusive agreement with any cultivation center;
- 6) operate drive through windows;
- 7) transport cannabis to residences of registered qualifying patients or designated caregivers;
- 8) operate if video surveillance equipment is inoperative;
- 9) operate if the point of sale equipment is inoperative;
- 10) operate if the State's medical cannabis electronic verification system is inoperative; or,
- 11) have fewer than two people working at any time while the dispensary is open.

v. *Landscaping.* All dispensing organizations shall ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight.

vi. *Lighting.* All dispensing organizations shall ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance.

vii. *Hours of operation:* A dispensary may operate between 6 a.m. and 8 p.m. local time.

e. Legal Protections.

i. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Dispensing Organization, the Dispensing Organization's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Dispensing Organization's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.

ii. *Indemnification.* The permitted Dispensing Organization, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and

October 26, 2017

future board members, elected officials and agents, through counsel of the County's own choosing, due in whole or in part to the Dispensing Organization's acts or omissions and/or for any illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.

iii. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

f. Revocation:

i. Any special use permit granted under this ordinance may be revoked for failure to comply with the terms of this ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Kendall County Zoning Ordinance.

ii. Applicants must be registered with the Illinois Department of Financial and Professional Regulation prior to commencing operations and shall remain registered at all times of operation. The Dispensing Organization must notify Kendall County within ten (10) days of its registration being suspended or revoked. Failure to register or timely notify Kendall County of the suspension or revocation will result in immediate revocation of the special use.

g. **Repeal.** This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on ~~January 1, 2018~~ **July 1, 2020**.

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 3, 2017 – Unapproved Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Don Clayton – GIS (Arrived at 9:01 a.m.)
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

Mr. Guritz made a motion, seconded by Ms. Andrews, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

Mr. Clayton arrived at this time (9:01 a.m.).

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the August 1, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-28 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)

Mr. Asselmeier provided a summary of this proposed text amendment. Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment. The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Mr. Guritz asked about the handling of lead management plan documents. Mr. Asselmeier stated that he was unsure how lead management plan documents were handled previously. The existing ranges were governed by their special use permit. If a Federal or State law existed that superseded the local law, then the gun range would have to follow those requirements.

Mr. Klaas asked how many outdoor gun ranges existed in Kendall County. The answer was five (5) not counting the State park.

Discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate.

Indoor shooting range regulations already exist in the Zoning Ordinance.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. The amendment would increase the notification requirement from five hundred feet (500') to two thousand six hundred feet (2,600') for applications for special use permits on properties zoned A-1 and clarifying that only adjoining properties must be notified on special use permit applications for properties not zoned A-1.

Mr. Clayton presented two (2) scenarios. One (1) property near Aurora would have to mail three hundred ninety-two (392) notices under the current rules and would have to mail notices to one thousand nine hundred one (1,901) parcels if the text amendment was approved. In the case of Hideaway Lakes, sixty-three (63) parcels would have to be notified presently. If the proposal was approved, five hundred thirty-seven (537) parcels would need to be notified.

The cost for return receipt is Two Dollars and Seventy-Five Cents (\$2.75). This cost is paid by the petitioner.

Will, LaSalle and Kane Counties notify adjacent property owners only. Grundy County notifies up to five hundred feet (500'). DeKalb County notifies up to two hundred fifty feet (250'). DuPage County notifies up to three hundred feet (300').

Neighbors beyond five hundred feet (500') express concerns that they were not notified when odor or noise impacts their property.

Several Committee members felt that the two thousand six hundred foot (2,600') requirement was arbitrary.

Mr. Asselmeier explained the application process. When someone submits an application for a special use permit on A-1 zoned property, the GIS Department prepares a list of addresses that need to be notified. Any applicable municipality and township are added to the list. Staff then checks off the address list when the applicant presents green cards.

Discussion occurred about having different distance requirements for different special uses. Mr. Asselmeier stated that Staff does not know when an application is submitted if that application will be controversial. The more specificity in the Ordinance, the less likely the decision of who received notification and who did not receive notification could be viewed as arbitrary.

Mr. Guritz made a motion, seconded by Mr. Langston, to request that the Planning, Building and Zoning Committee leave the notification requirement at five hundred feet (500').

Ayes: Langston, Rybski and Guritz (3)
Nays: Klaas (1)
Abstain: Andrews, Clayton and Asselmeier (3)
Absent: Chismark, Holdiman and Davidson (3)

The reasons members voted yes were because of the added expense to the petitioner, the added time for the applicant to mail the notices, added review time for Staff to process the green cards, the proposed regulations were

larger than the notification requirements of other Counties and regardless of the distance requirement no method exists to notify everyone that thinks they should be notified. Mr. Klaas stated that he would like the notification requirement to be set at one thousand feet (1,000') maximum. Several Committee members concurred with Mr. Klaas, but felt that one thousand feet (1,000') was arbitrary.

Mr. Asselmeier will inform the Planning, Building and Zoning Committee of ZPAC's request.

17-30 Kendall County Planning, Building and Zoning Committee – 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's Medical Cannabis Related Regulations

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State's Attorney's Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Mr. Asselmeier presented the fiscal year 2017-2018 meeting calendar.

Mr. Guritz made a motion, seconded by Mr. Clayton, to approve the meeting calendar. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

None

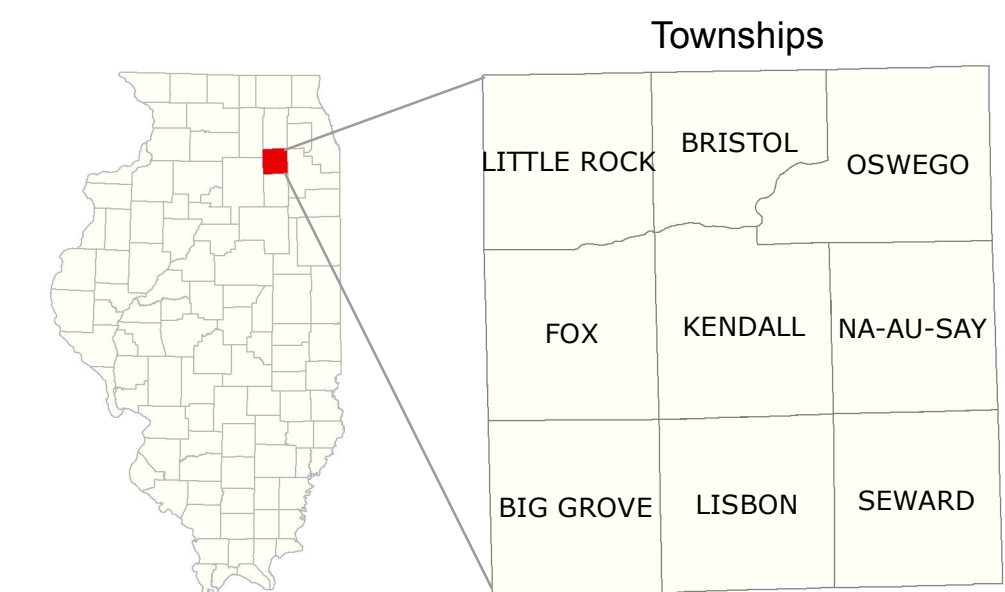
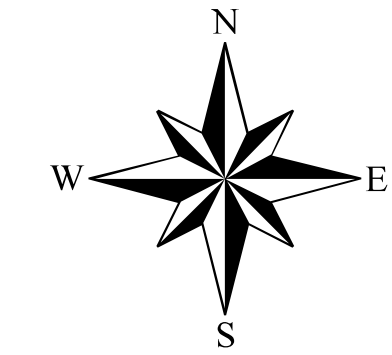
ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:08 a.m., adjourned.

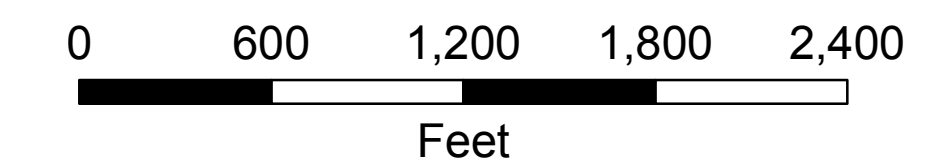
Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

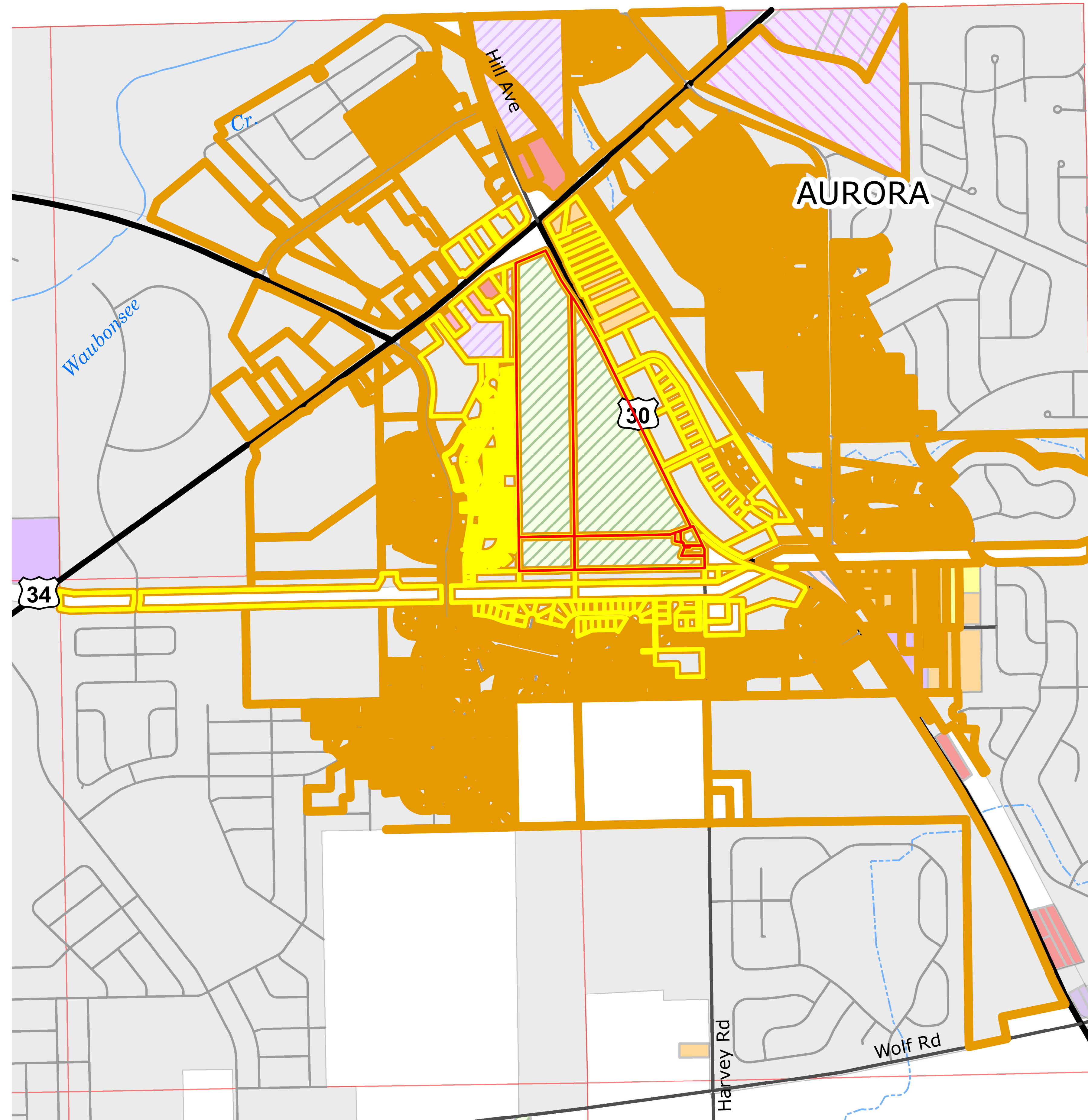


Scale: 1 in = 600 feet



Legend

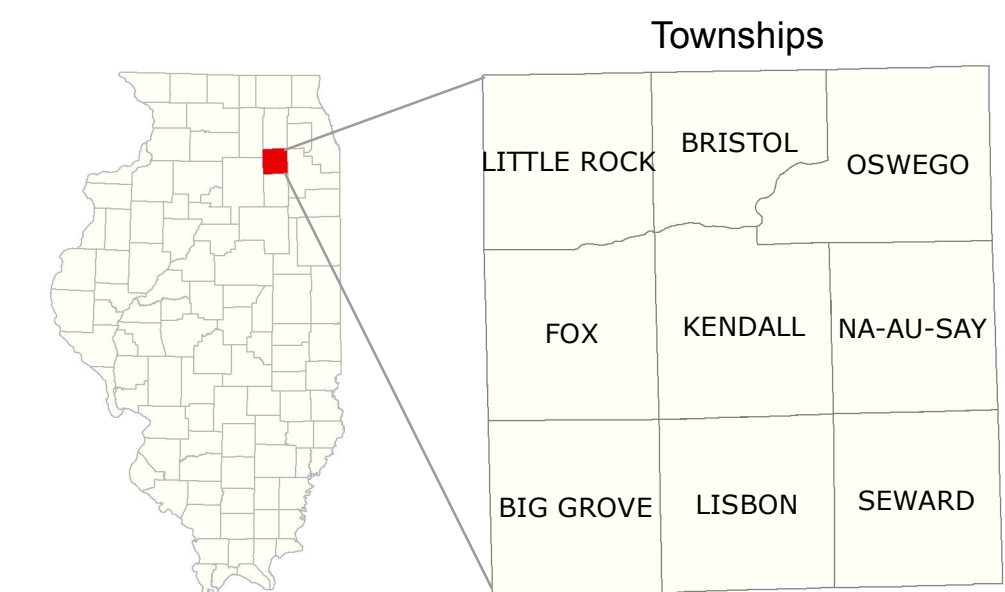
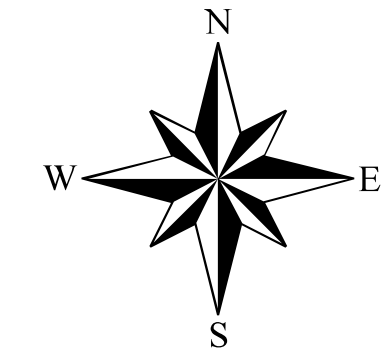
- 500 ft Buffer - 388 Parcels
- 2600 ft Buffer - 1892 Parcels
- Subject Property



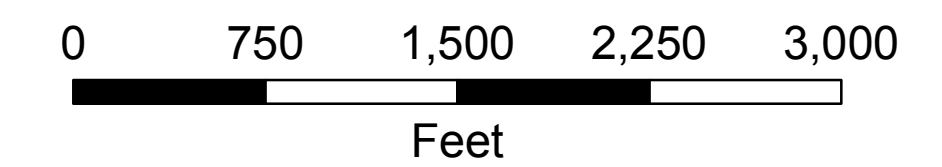
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

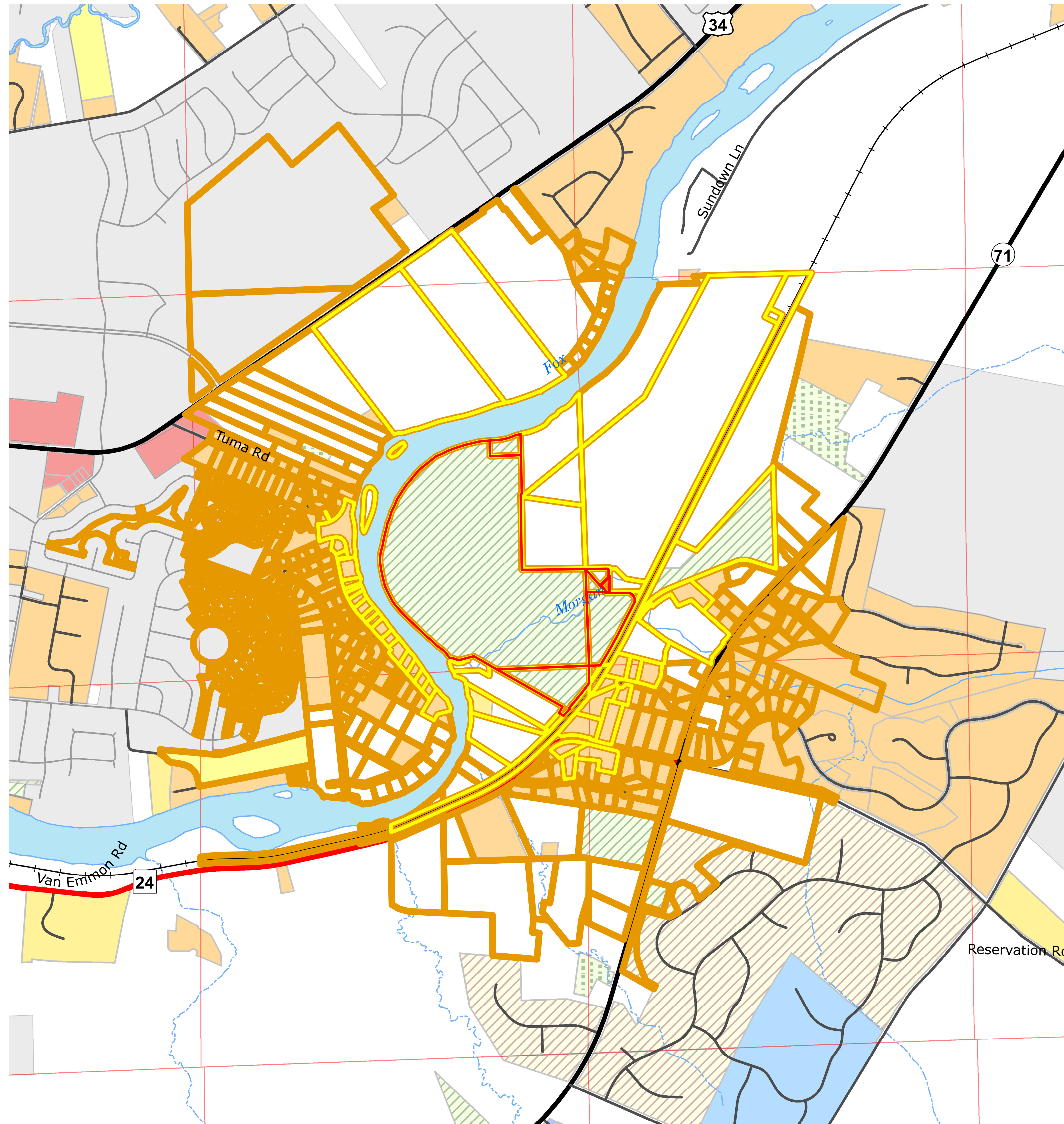


Scale: 1 in = 750 feet



Legend

- 500 ft Buffer - 59 Parcels
- 2600 ft Buffer - 533 Parcels
- Subject Property



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

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved Meeting Minutes of October 25, 2017

Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley and Angela Zubko

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson, Allison Hartman and Bob (?) Shooter at Knollwood Gun Club

APPROVAL OF AGENDA

Ms. Zubko made a motion, seconded by Mr. Shaw, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Shaw made a motion, seconded by Ms. Wilson, to approve the August 23, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

17-28 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. To date, no township or existing gun range has submitted comments. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment.

ZPAC unanimously recommended approval of this proposed text amendment.

The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks.

Ms. Zubko asked if the berming regulations were the same as the National Rifle Association's standards. Mr. Asselmeier responded that the berming requirements were copied from McHenry County's regulations. Mr. Nelson asked how the Planning, Building and Zoning Committee knew that these standards were appropriate. Mr. Asselmeier stated that he did not know how McHenry County calculated their regulations.

Discussion occurred regarding the exclusion of property owned by the Kendall County Forest Preserve. The consensus of the Commission was that, if the Forest Preserve was required to follow local zoning regulations, the Forest Preserve should not receive special treatment.

The proposed regulations shall not apply to private property owners' shooting on their own property and not operating a gun range as a business.

Regarding letter a, the word "with" shall be added between the words "capacity" and "a". This was a typographical error.

Discussion occurred regarding the requirements that properties be a minimum forty (40) acres in size and that the firing line must be at least one thousand five hundred feet (1,500') from property lines. The Commission believed that very few properties would meet this requirement and that the proposed language would effectively prevent any outdoor gun range from opening in the unincorporated areas.

Ms. Zubko asked why the amendment was proposed. Mr. Asselmeier responded that the Planning, Building and Zoning Committee wanted to tighten outdoor gun range restrictions.

The Commission expressed concerns that the proposal contradicted the National Rifle Association Handbook.

Mr. Wormley expressed objections to the insurance requirement of Ten Million Dollars (\$10,000,000).

Discussion occurred regarding the downrange safety area. The Commission felt that finding an area that met that requirement would be difficult. The Commission also expressed concerns that new houses could be constructed in the safety area after a special use permit was issued.

Ms. Zubko agreed gun ranges should have direct access to a public road.

Allison Hartman, Chicago, asked that the regulations exempt existing ranges. The Commission said that the proposal shall not apply to existing gun ranges.

Bob (?), shooter at Knollwood Gun Club, asked that the Commission adopt the National Rifle Association Standards. The County's regulations already incorporate the National Rifle Association Standards.

Mr. Davidson said that the intention of the proposal was to address noise and safety issues.

Ms. Zubko made a motion to ask that the Kendall County Planning, Building and Zoning Committee reconsider these proposed text amendments with the following concerns:

1. The Kendall County Regional Planning Commission would like more background/scientific information to explain the proposed regulations; they would like to see expert opinion on the proposal. Commissioners would like a more specific frame of reference as to how the proposal matches or contradicts the National Rifle Association Standards.
2. The proposed text amendments contradict the National Rifle Association Standards.
3. The size and control requirement of the downrange safety area will make it very difficult for ranges to locate in the unincorporated areas.
4. The requirement that the ranges have restrooms facilities is redundant because the Kendall County Health Department regulations require such facilities.
5. The minimum parcel size is proposed to be forty (40) acres. The requirement that the firing line must be at least one thousand five hundred feet (1,500') from the property lines of adjoining properties means that a parcel would need to be larger than forty (40) acres to meet the firing line distance requirements.

6. The exemption of land owned by the Kendall County Forest Preserve District is unneeded if the Forest Preserve District is meeting State law and not desired if the Forest Preserve District must meet local zoning regulations.
7. The insurance requirements seem excessive.
8. Commissioners would like to see “license” be grouped with easement regarding access to public roads.

Commissioners also expressed a desire to have a joint meeting with the Planning, Building and Zoning Committee to resolve these concerns.

The motion was seconded by Mr. Shaw.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Planning, Building and Zoning Committee on November 13, 2017 at 6:30 p.m.

17-30 Kendall County Planning, Building and Zoning

Mr. Asselmeier summarized the request. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

This proposal was mailed to each township on September 25th. To date, no response or comments have been received.

ZPAC unanimously recommended approval of the request.

Mr. Nelson asked, if the County did not have these regulations, could the medical cannabis facilities go anywhere. Mr. Asselmeier stated that Mr. Nelson was correct.

There have been no requests for these types of uses in the County.

Ms. Zubko made a motion to recommend approval of the text amendment as proposed, seconded by Mr. Nelson.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on October 30, 2017 at 7:00 p.m.

OLD BUSINESS

Land Resource Management Plan Amendments for Properties Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier read his memo on the subject, presented the draft maps discussed the timeline for the amendment and presented a draft agenda for a meeting in Lisbon Township.

Discussion occurred about studying the entire Route 47 corridor from Yorkville to the Grundy County Line.

Mr. Nelson would like greater examination of specific intersections along the corridor.

Chairman Ashton suggested showing mixed use business along Route 52 for half (1/2) mile east of the intersection of Route 47.

Discussion occurred regarding improvements to Sherrill and Brisbin Roads.

Commissioners requested data from the Illinois Department of Transportation, the Kendall County Highway Department, Economic Development Committee, Grundy County and Morris.

Ms. Zubko made a motion to continue this matter to the November meeting, seconded by Mr. Shaw. With a voice vote of all ayes the motion carried.

NEW BUSINESS

Approval to Initiate Text Amendments to Section 3.02 and Section 13.09 of the Kendall County Zoning Ordinance Pertaining to Code Hearing Unit Regulations

Mr. Asselmeier read his memo on the subject. He explained that the Planning, Building and Zoning Committee was considering whether or not this proposal should be included in the Zoning Ordinance.

Discussion occurred about the number of cases sent to the State's Attorney's Office. Mr. Asselmeier will research that information and provide it to the Commission at the November meeting.

Ms. Zubko made a motion to continue this matter to the November meeting, seconded by Mr. Shaw. With a voice vote of all ayes the motion carried.

Correspondence-August 16, 2017 Letter from Anna R. Kuperstein to Matthew Asselmeier RE: Sandwich Compressor (ANR Pipeline and Special Use Permit at 6650 Sandy Bluff Road (Ordinance 2002-06))

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State's Attorney's Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Approval of Fiscal Year 2017-2018 Meeting Calendar

Mr. Asselmeier presented the meeting calendar. The November meeting date is the Wednesday after Thanksgiving.

Mr. Wormley made a motion to approve the fiscal year 2017-2018 meeting calendar, seconded by Ms. Zubko. With a voice vote of all ayes the motion carried.

Recommendation of Ad-Hoc Zoning Ordinance Committee Members

Mr. Asselmeier explained that Chairman Gryder would like input from the Commission on members for the Ad-Hoc Zoning Ordinance Committee.

Mr. Nelson provided a history of the Committee. The Committee was created to update and implement the Land Resource Management Plan and to conduct zoning regulation related research. Membership included representatives from the Planning Commission, Zoning Board of Appeals, Soil and Water Conservation District, County Board, Planning, Building and Zoning Committee and past County Board Chairman, among

other people.

The consensus of the Commission was that Chairman Gryder should choose which Planning Commission members should serve on the Ad-Hoc Zoning Ordinance Committee.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Ms. Wilson expressed concerns regarding the Forest Preserve Business awarding agricultural related work without a bid. The consensus was that Ms. Wilson should investigate this matter as a concerned citizen.

Discussion occurred regarding a bridge over Aux Sable Creek owned by Mark Antos. Ms. Zubko suggested that Mr. Asselmeier should check his files for a history of this project.

Discussion occurred regarding another stormwater violation on Wildy Road; the address was not given. Mr. Asselmeier will investigate the matter.

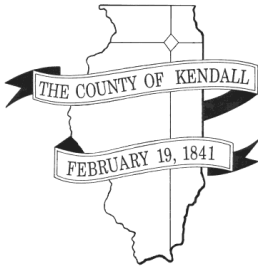
CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Ms. Zubko, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 9:16 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: December 4, 2017
Re: 17-33 Proposed Text Amendments Transferring Certain Powers and Duties from the Hearing Officer to the Zoning Board of Appeals

At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Office would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

A worksheet of proposed changes posed language is enclosed. Proposed changes are shown in red and are bolded.

ZPAC met on this matter on November 7th and unanimously recommended approval of this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their November 29th meeting and unanimously recommended approval of the proposal.

This proposal was mailed to each township on October 25th. To date, no township has submitted comments on the proposal.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENC: Proposed Text Amendments
11.7.17 ZPAC Minutes
11.29.17 KCRPC Minutes

Ref: Ordinance 2004-13 (Created Hearing Officer)

Ref: 55 ILCS 5/5-12009.5 (Gives ZBA Authority to Hear Special Uses)

4.19 TEMPORARY USES PERMITTED

An owner seeking an approval of a permitted temporary use shall submit an application for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use 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 or his/her deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.0~~07~~) if the stated time limit is to be exceeded.

5.08 CONVERSION TO SPECIAL USE

Any non-conforming use may be made a Special Use by the granting of a Special Use Permit as authorized by sub-section 13.0~~07~~, if the use meets the requirements and standards applicable to Special Use approval, and if the use is authorized by the provisions of the Kendall County Zoning Ordinance.

6.07 Pipelines

G.2 All pipelines which cross a regulatory floodplain must obtain a special use pursuant to Section 13.0~~07~~ of this Ordinance.

7.01 A-1 Agricultural District

D. The following special uses may be permitted only if specifically authorized by the County Board as allowed in Section 13.0~~07~~:

7.01 A-1 Agricultural District

D. SPECIAL USES PERMITTED

53 . Wind Farms, Commercial, subject to the following:

- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert

witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

8.02 R-1 ONE-FAMILY ESTATE RESIDENCE DISTRICT

- C. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.0**07**:

8.03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

- H.1. The following uses may be allowed by a special use permit in accordance with the provisions of Section 13.0**07** if approved with the Planned Development or as an amendment to a Planned Development.
- H.2. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.0**07** without inclusion in the Planned Development or a subsequent amendment.

10.01 M-1 LIMITED MANUFACTURING DISTRICT

C. SPECIAL USES.

27. Wind Farms, Commercial, subject to the following:
- d. Fees - All applications for a Commercial Wind Farm shall be accompanied by a fee for a Commercial Wind Farm Special use in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, attorney's fees, expert witnesses, scientific testing, records or other investigations, data

searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing-officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings up to and including the County Board decision. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any and all additional costs incurred by the County in the completion of their review and recommendation of the special use. Costs in excess of the application fee deposit are required to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

Wind Farming, Commercial is also a special use in M-2.

SECTION 10.03 M-3 AGGREGATE MATERIALS EXTRACTION, PROCESSING AND SITE RECLAMATION

I. FEES

All applications for an M-3 zoning designation shall be accompanied by a fee for map amendments in accordance with fee structure as established by the County Board and as amended from time to time. The County Board may, at its discretion, retain the services of attorneys and professional consultants to assist the Board and County staff in the amendment and zoning process. The application fee shall serve as an initial deposit from which any costs and expenses incurred by the county as a result of the application for amendment and the hearing process set forth herein shall be deducted. Such costs shall include, but not be limited to, the fees and costs of: County employees or staff review time, legal fees, expert witnesses, scientific testing, records or other investigations, data searches, notices, court reporters, transcription costs, consultants, the **Zoning Board of Appeals hearing-officer**, and other expenses incurred by the County in reviewing the application, the public hearing, and decision, or any issues raised at any time during any hearings. If the actual costs incurred by the County in conducting its review and recommendation of the requested map amendment exceed the amount of the application fee deposit, the applicant shall be billed and shall be required to pay any all additional costs incurred by the County in the completion of their review and recommendation of the zoning map amendment. Costs in excess of the application fee deposit will need to be paid in full by the applicant prior to scheduling the matter for action by the County Board.

13.01 ADMINISTRATIVE OFFICERS

A. THE ZONING ADMINISTRATOR

2. Powers and Duties. The Zoning Administrator shall administer and enforce this ordinance, and in addition thereto and in furtherance of said authority he shall:
 - e. Receive, file and forward applications for zoning map and text amendments, special uses, variances, planned developments and other matters which under this ordinance require referral to the Regional Plan Commission, the Zoning Board of Appeals, ~~the Hearing Officer as appointed by the County Board in subsection D of this Section 13.01~~, the Zoning, Platting Advisory Committee (ZPAC), the Planning, Building and Zoning Committee (PBZ), or the full County Board.

B. ZONING BOARD OF APPEALS

8. Rules and Procedures. The Zoning Board of Appeals shall adopt such rules concerning the filing of appeals and applications for amendments, and variances, **and special use permits**, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote on all actions taken. All minutes and records shall be filed in the Office of the Zoning Board of Appeals and shall be a public record.
10. Powers and Duties. The Zoning Board of Appeals shall:
 - e. **To hear all applications for special use permits, major amendments to special use permits and revocation of special use permits in the manner prescribed by, and subject to, the standards established herein, and report said findings and recommendations to the County Board.**
 - ef. Hold public hearings and submit to the County Board a report and recommendation on each proposed ordinance for the amendment, supplement, change or repeal of the Zoning Ordinance as set forth herein.
 - fg. No rehearing shall be held on a denied appeal or application for variance or special use or on a recommendation to deny a proposed amendment to the Zoning Ordinance for a period of twelve months from the date of said denial or recommendation to deny.

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

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

D. HEARING OFFICER.

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

- 1. Powers and Duties. Hearing Officer shall be responsible for:

- ~~a) Conducting hearings and making recommendations to the PBZ and County Board on all Special Use applications. The procedures for conducting such hearings and recommendations shall be as specified in Section 13.07. herein. (Amended 8/17/04)~~

- a) Conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County.

13.08 SPECIAL USES & PLANNED DEVELOPMENTS

- A. PURPOSE. The development and execution of this ordinance is based upon the division of the County which is subject to County Zoning into districts, within which districts the uses of land and structures and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are other uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of this particular location. **Special uses may include, but are not limited to, public and quasi-public uses affecting the public interest; uses that have a unique, special, or unusual impact upon the use or enjoyment of neighboring property; and uses that affect planned development. A use may be permitted in one or more zoning districts and may be a special use in one or more other zoning districts.**

C. 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 Zoning and Platting Advisory Committee (ZPAC) for review, comment, and recommendation
- 3. A copy of such application and the committee report from the Zoning and Platting

Advisory Committee (ZPAC) shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.

4. A copy of such application and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission shall thereafter be forwarded to the **Zoning Board of Appeals 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 **Zoning Board of Appeals 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.

- D. **CONDITIONS AND GUARANTEES.** Prior to or after the granting of a special use, the **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to protect the value, utilization and enjoyment of the neighboring properties, and to secure compliance with the standards and requirements specified in this section. In cases in which a special use is granted, the County Board may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be in compliance. Failure to comply with such conditions or restriction imposed shall constitute a violation of this ordinance.

E. **DECISIONS.**

1. **The Zoning Board of Appeals shall report to the County Board a finding of fact using the criteria listed in Section 13.08.J of this ordinance and a recommendation as to whether the County Board should deny, grant or grant subject to conditions the special use.**

24. The County Board, upon report of the **Zoning Board of Appeals Hearing Officer** and without further public hearing, may grant or deny a proposed special use, or may refer back to the **Zoning Board of Appeals Hearing Officer** for further consideration.

32. The County Board shall act to grant, deny, or amend the recommendations for every Special Use pertaining to a regulated use within 30 days of the date of those recommendations.

- F. **REVOCATION.** In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. If a revocation is proposed, the **Zoning Board of Appeals Hearing Officer** shall hold a public hearing (following procedures outlined in Section 13.087.H below) and submit to the County Board a report of **their his/her** findings and recommendations. The current property owner shall be provided notice at least 15 days in advance of the hearing.

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.

- H. **HEARING ON APPLICATION.** Upon receipt in proper form of the application and statement referred to in paragraph 13.08.G 7-2 of this **ordinance Section**, the **Zoning Board of Appeals Hearing Officer** shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the

township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing, notice of the time, ~~and~~ place ~~and~~ date of such hearing shall be published in a newspaper published ~~in the township or road district where the property is located. If there is no newspaper published in the township or road district where the property is located, the notice must be published in a newspaper of general circulation in Kendall County. The notice must also contain:~~

1. ~~The particular location of the property for which the special use is requested by legal description and by street address, or if there is no street address, by locating the property with reference to any well-known landmark, highway, road, thoroughfare, or intersection.~~
2. ~~Whether the petitioner or applicant is acting for himself or herself or as an agent, alter ego, or representative of a principal and the name and address of the principal.~~
3. ~~Whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation.~~
4. ~~Whether the petitioner or applicant, or his or her principal, is a business or entity doing business under an assumed name, and if so, the name and residence of all actual owners of the business or entity.~~
5. ~~Whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.~~
6. ~~A brief statement of the proposed special use. of general circulation in Kendall County.~~

~~In addition to any other notice required by this Section, the Zoning Board of Appeals must give at least fifteen (15) days notice before the hearing to any municipality whose boundaries are within 1-1/2 miles of any part of the property proposed as a special use and the owner or owners of any land adjacent to or immediately across any street, alley, or public right-of-way from the property proposed as a special use. The petitioner or applicant must pay the costs of the publication of the notice required by this Section.~~

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

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

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

- J. STANDARDS. No special use shall be recommended by the ~~Zoning Board of Appeals Hearing Officer~~ unless said ~~Zoning Board of Appeals Hearing Officer~~ shall make a written finding. The ~~Zoning Board of Appeals Hearing Officer~~ shall consider the following in rendering a decision, but is not required to make an affirmative finding on all items:

1. That the establishment, maintenance, or operation of the special use will not be

detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
3. That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
4. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer.
5. That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

K. CONDITIONS. The **Zoning Board of Appeals Hearing Officer** may recommend and the County Board may provide such conditions or restrictions **reasonably necessary to meet the standards listed in Section 13.08.J** upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, off-street parking and loading, as shall be deemed necessary to secure the general objectives of this amended ordinance and to reduce injury to the value of property in the neighborhood.

O. MAJOR AMENDMENTS: A change to a special use that alters the intent or substantially violates the terms of compliance as specified in the approving ordinance granting the Special Use and which is not otherwise defined above as a minor amendment shall constitute a major amendment to a Special Use. Major Amendments shall be processed in accordance with the provisions of 13.08.C (Processing of Special Uses) of this ordinance. Notice that a major change is being sought shall be provided by the applicant in the manner provided for in 55 ILCS 5/5-12009.5 and additional requirements as specified in the By-Laws of the Zoning Board of Appeals (ZBA).

P. PLANNED DEVELOPMENTS.

3. Procedure.

d. The formal petition for a Planned Development shall be filed with the Zoning Administrator. The Zoning Administrator or his/her deputies shall be responsible for distributing the complete application to the following at the appropriate time:

- i. Zoning, Platting and Advisory Committee (ZPAC)
- ii. Members of the Regional Planning Commission
- iii. **Zoning Board of Appeals The Hearing Officer**
- iv. The County Board

The applicant shall be responsible for providing copies via certified mail return receipt request to the following as soon as possible after filling the application with the County.

- i. Township(s) affected by the application
 - ii. All municipalities within 1½ miles of the subject property
- e. The **Zoning Board of Appeals Hearing Officer** shall set a hearing date and shall cause notice of the hearing to be published at least once ~~following the procedures set forth in Section 13.08.H of this ordinance no more than thirty days nor less than fifteen days before said hearing date in one or more newspaper of general circulation in the County. If the property is zoned A-1, the applicant shall provide notice of the public hearing at least 5 days prior to the hearing date by certified mail to the tax payer of record for all parcels within five hundred feet (500'), excluding road right-of-way, of the parcel to be rezoned. For all other zoning categories, only adjacent properties must be notified directly.~~
 - f. The petition shall be heard by the **Zoning Board of Appeals Hearing Officer** and reviewed by the Planning Commission and the report of each shall be submitted to the County Board. The Plan Commission shall submit its review to the **Zoning Board of Appeals Hearing Officer** prior to the public hearing. The report of the findings and recommendation shall be accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
 - g. The County Board may grant a special use for a Planned Development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the special use permit, including covenants and agreements, guarantees, performance bonds, plats, and the like.

Q. SPECIAL MANUFACTURING USES - M-1 DISTRICTS.

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

It is recognized, however, that among the uses first permitted in the M-2 Districts, there may be individual establishments having such high performance standards that they could safely be permitted in the M-1 District even though engaged in operations not listed as permitted in these M-1 Districts. It is consistent with the purposes of this amended ordinance and with the welfare of the community that provisions be made to allow such individual establishments of high performance to be located in the M-1 Districts.

The **Zoning Board of Appeals Hearing Officer** is hereby empowered, therefore, to authorize as a Special Use in the M-2 District, if the **Zoning Board of Appeals Hearing Officer** is satisfied beyond a reasonable doubt that all performance standards for the M-1 District, as well as all other regulations, will be complied with. In authorizing such Special Use, the **Zoning Board of Appeals Hearing Officer** may require the posting of a performance bond by the owners or operators of the proposed establishment, such bond to be subject to forfeiture and the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with the M -1 performance standards should the establishment in fact fail to so comply.

- 2. Preliminary to granting a Special Use permit as prescribed in Section 13.087.H, the **Zoning Board of Appeals Hearing Officer** shall require the applicant for a Special

Manufacturing use to furnish it with a certificate of an architect or structural engineer licensed by the State of Illinois, which certificate shall include the following: *[Amended 4/20/04]*

- a. A complete inventory of all machinery and fuel-burning equipment to be used in the conduct of the enterprise, together with any performance ratings for same which may be available from the manufacturers thereof.
- b. A statement that the proposed operation will conform with the performance standards for the M-1 Districts, and a description of the methods, structural and mechanical, which will be employed to keep any potential sources of nuisance in conformity with the said performance standards.
- c. Such other pertinent information as the **Zoning Board of Appeals Hearing Officer** shall deem necessary to assist it in making its findings and report.

Any application for a special use permit lawfully submitted prior to the date of the adoption of this text amendment shall be processed under the rules and regulations in place on the date of the application submittal.

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
November 7, 2017 – Unapproved Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:13 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Sgt Mark Bunting – Sheriff's Office
Aaron Rybski – Health Department
Don Clayton – GIS
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

David Guritz – Forest Preserve
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

Ms. Andrews made a motion, seconded by Mr. Klaas, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Klaas made a motion, seconded by Ms. Andrews, to approve the October 3, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-33 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 4.19, 5.08, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Pertaining to Transferring the Powers and Duties to Hear Applications, Major Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments

Mr. Asselmeier provided a summary of this proposed text amendment. At their meeting on October 10, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating text amendments to various sections of the Kendall County Zoning Ordinance transferring the duties and responsibilities for hearing applications for special use permits, major amendments to special use permits and involuntary revocation of special use permits from the Hearing Officer to the Kendall County Zoning Board of Appeals. The Hearing Officer would still conduct administrative adjudication hearings.

Kendall County established a Hearing Officer in 2004 following the *Klaeren v. Village of Lisle* court decision. This court decision declared that the issuance of special use permits was an administrative decision and not a legislative decision. In the intervening years, the General Assembly and Governor approved legislation declaring the issuance of special use permits were legislative decisions (55 ILCS 5/5-12012.1). The power to create a Hearing Officer is found in State law (55 ILCS 5/5-12015).

Currently, the Hearing Officer holds hearings on special use permit applications, major amendments to special use permits and non-owner initiated special use permit revocations. Within 30 days of the hearing, the Special Use Hearing Officer issues a recommendation to the County Board.

Prior to 2004, the Zoning Board of Appeals held hearings on special use permit applications.

The Hearing Officer is paid \$350 for the first hour of a hearing and \$100 per hour for subsequent hours. This fee is paid by the petitioner. The Hearing Officer meets on the same day and time as the Zoning Board of Appeals.

DuPage County and DeKalb County are the only neighboring counties that use a hearing officer; their hearing officers can also hear variance applications.

Staff mailed this proposal to each township on October 25th. To date, no township has submitted comments.

Mr. Rybski asked about the net effect of this proposal. Mr. Asselmeier responded that the proposed text amendments would not, on the surface, increase or decrease the amount of time required to adopt a special use permit. The proposal would give the Zoning Board of Appeals the right to approve findings of fact. The Zoning Board of Appeals consists of seven (7) members and each member could state why they supported or opposed a proposal. In the case of the Hearing Officer, there is no one to debate his decision or interpretation of findings.

Ms. Andrews asked about the professional qualifications of the Hearing Officer. Mr. Asselmeier responded that the current Hearing Officer is an attorney. The Hearing Officer is appointed by the County Board Chairman with the approval of the County Board.

Mr. Klaas asked if PBZ supported the proposal. Mr. Asselmeier stated that the Planning, Building and Zoning Committee is the applicant.

Mr. Rybski expressed concerns regarding potential delays in issuing recommendations. Mr. Asselmeier responded that the Zoning Board of Appeals or Hearing Officer could delay a proposal if they felt that the information provided was not adequate to make a decision.

Mr. Klaas made a motion, seconded by Ms. Andrews, to recommend approval of the text amendment as proposed.

Ayes (6): Klaas, Rybski, Andrews, Bunting, Clayton and Asselmeier
Nays (0): None
Abstain (0): None
Absent: (4) Davidson, Chismark, Guritz and Holdiman

The motion passed. This matter will go before the Kendall County Regional Planning Commission on November 29th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that the Kendall County Planning, Building and Zoning Committee is evaluating each use listed as special use to see if a larger (2,600') notification is required. This matter will be discussed at the November 13th Planning, Building and Zoning Committee meeting.

The Kendall County Regional Planning Commission requested that the PBZ Committee review the proposed outdoor shooting range regulations. This matter will also be discussed at the November 13th Planning, Building and Zoning Committee meeting.

The proposed text amendments related to medical marijuana regulations has been sent to the townships and is expected to go to the County Board in December.

Midwest Materials may submit an amendment to their special use permit.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Clayton, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:30 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved Meeting Minutes of November 29, 2017

Vice-Chairman Wormley called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton (arrived at 7:22 p.m.), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley and Angela Zubko (arrived at 7:04 p.m.)

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson

APPROVAL OF AGENDA

Mr. Nelson made a motion, seconded by Mr. Shaw, to amend the agenda by moving New Business to ahead of Old Business and to approve the agenda as amended. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Ms. Wilson made a motion, seconded by Mr. Bledsoe, to approve the October 25, 2017 minutes. With a voice vote of all ayes, the motion carried.

Ms. Zubko arrived at this time (7:04 p.m.)

PETITIONS

17-33 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request. The proposal transfers the authority of Hearing Officer to hear applications for special use permits, applications for major amendments to special use permits and applications for involuntary revocations of special use permits to the Kendall County Zoning Board of Appeals. The proposal also makes citation amendments throughout the Zoning Ordinance to reflect this transfer of review.

Mr. Asselmeier provided a history of the judicial and legislative decisions that occurred since 2004 on this topic.

The proposal does not abolish the Hearing Officer position. The Hearing Officer can still hear and rule on administrative adjudication cases.

ZPAC reviewed this proposal on November 7th and unanimously recommended approval.

This proposal was mailed to the townships on October 25th. To date, no township submitted comments on the proposal.

Mr. Nelson provided a history of how Kendall County created and used the Hearing Officer.

Ms. Wilson asked if this proposal streamlined the application and approval process. The proposal does not streamline the process; the proposal only changes which body hears the application.

The application fee would remain the same if the proposal passed.

Mr. Nelson asked if the criteria for the findings of fact would change with this proposal. Mr. Asselmeier indicated that the criteria for findings of fact would not change with this proposal.

Ms. Zubko expressed concerns about the notification requirement for special uses. Mr. Asselmeier will adjust the text to reflect the five hundred foot (500') notification requirement. A petition exists to increase the notification requirement to one thousand feet (1,000').

Chairman Ashton arrived at this time (7:22 p.m.).

Walter Werderich is the current Hearing Officer.

Ms. Zubko made a motion to recommend approval of the proposed text amendments as presented, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on January 29th.

NEW BUSINESS

Reorganization of Ad-Hoc Zoning Ordinance Committee

Mr. Nelson provided a history of the Ad-Hoc Zoning Ordinance Committee and how the Committee evolved from a Committee used to update and implement the Land Resource Management Plan to a Committee that examined other zoning related matters.

Pursuant to Article XI of the By-Laws of the Kendall County Regional Planning Commission, Chairman Ashton announced the creation of a Comprehensive Land Plan and Ordinance Committee. The members of the Committee are the Chairman of the Kendall County Regional Planning Commission, the Chairman of the Kendall County Zoning Board of Appeals or his designee, the Chairman of the Kendall County Board or his designee, a representative from the Kendall County Soil and Water Conservation District, the Chairman of the Planning, Building and Zoning Committee or his designee, Jeff Wehrli, John Shaw, the County Administrator and Larry Nelson. Larry Nelson will be the Chairman of the Comprehensive Land Plan and Ordinance Committee.

Chairman Ashton invited other members of the Commission to attend and participate in the meetings of the Comprehensive Land Plan and Ordinance Committee. If other members of the Commission would like to be on the new Committee, please let Chairman Ashton know.

Mr. Casey suggested that Commissioners rotate between meetings and attend the Comprehensive Land Plan and Ordinance Committee meeting whenever they see a topic that interests them.

Ms. Zubko expressed concerns about keeping the full Commission updated on the activities and projects of the Comprehensive Land Plan and Ordinance Committee.

Mr. Asselmeier will draft a letter for Chairman Ashton asking the individuals and organizations previously listed if they would like to be on the Comprehensive Land Plan and Ordinance Committee.

Appointments to the Comprehensive Land Plan and Ordinance Committee will be made annually.

OLD BUSINESS

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee will hold a special meeting in January 2018 on this topic. The specific date and time of this meeting shall be determined at the December Planning, Building and Zoning Committee meeting.

Commissioners will be informed of the date and time of this special meeting.

Approval to Initiate Text Amendments to Section 3.02 and Section 13.09 of the Kendall County Zoning Ordinance Pertaining to Code Hearing Unit Regulations

Mr. Asselmeier read his memo on the subject. He explained that the Planning, Building and Zoning Committee favored not making any changes to the Code Hearing Unit Regulations at this time because of the small number of cases sent to the State's Attorney's Office and because defendants can appeal the decision of the Hearing Officer to the courts. If no changes were made to the existing regulations, the Hearing Officer would remain on the books as an alternative to sending cases to the State's Attorney's Office.

Ms. Zubko requested clarification on the definition of "Code" found in the existing regulations. Mr. Asselmeier will check with the Planning, Building and Zoning Committee to see if they would like to update this definition.

The consensus of the Commission was that the Code Hearing Unit regulations remain "as is."

Land Resource Management Plan Amendments for Properties Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier provided an update on this project.

Discussion occurred about the location of the court ordered mining areas and the Prairie Parkway.

This matter was referred to the Comprehensive Land Plan and Ordinance Committee with the timeline of meeting in December and January in order to have draft document at the meeting on the first Saturday in February.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

No petitions went to the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

None

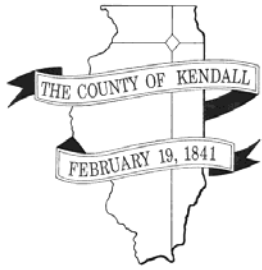
CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Bledsoe, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 8:43 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: January 25, 2018

Re: Amended Petition 17-29 Proposed Text Amendments to Section 13.08 Pertaining to Notification Requirements for Special Use Permit Applications

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 requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600').

At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Six Dollars and Seventy-Four Cents (\$6.74) per receipt (Corrected at RPC Meeting). One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.
3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.
5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.
6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

ZBA Memo
January 25, 2018

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman
Nays (0): None
Abstain (1): Asselmeier
Absent (4): Davidson, Chismark, Langston and Andrews

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. To date, no townships have submitted comments on this proposal.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on January 24, 2018, and unanimously recommended that the distance remain five hundred feet (500') and that notices be sent by certificate of mailing instead of certified return receipt. The cost of certificate of mailing is One Dollar and Thirty-Five Cents (\$1.35). Commissioners felt the change was not necessary and that certain uses allowed in the M districts had greater negative impacts than some A-1 special uses. A rezoning to from A-1 to another district would only require a five hundred foot (500') notification.

Staff would like to note that all of the zoning related notifications in the Kendall County Zoning Ordinance are by certified return receipt.

A copy of the October 3rd and December 5th ZPAC minutes and related notification maps are attached. A copy of the January 24, 2018 minutes of the Kendall County Regional Planning Commission are also attached.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENCS: Proposed Text Amendment
10-3-17 ZPAC Minutes
Updated Notification Maps
12-5-17 ZPAC Minutes
1-24-18 RPC Minutes

Section 13.08

H. HEARING ON APPLICATION. Upon receipt in proper form of the application and statement referred to in paragraph 13.07-2 of this Section, the Hearing Officer shall hold at least one public hearing in the township in which the property is located, or in the County Office Building. Provided, that if the owner of any property affected by such proposed special use so requests in writing, such hearing shall be held in the township affected by the terms of such proposed amendment. At least fifteen (15) days in advance of each hearing notice of the time and place of such hearing shall be published in a newspaper of general circulation in Kendall County. **In addition to the publication requirement, if the property is zoned A-1, the applicant shall provide notice of the public hearing at least fifteen (15) days prior to the hearing date by certified mail return receipt requested to the property owner of record for all parcels within one thousand feet (1000'), excluding road right-of-way, of the parcel subject to the special use permit application. For all other zoning categories, only adjacent properties must be notified via certified mail return receipt requested.**

**ZONING, PLATTING & ADVISORY COMMITTEE
(ZPAC) October 3, 2017 – Approved Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Don Clayton – GIS (Arrived at 9:01 a.m.)
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

Mr. Guritz made a motion, seconded by Ms. Andrews, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

Mr. Clayton arrived at this time (9:01 a.m.).

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the August 1, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-28 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)

Mr. Asselmeier provided a summary of this proposed text amendment. Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment. The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Mr. Guritz asked about the handling of lead management plan documents. Mr. Asselmeier stated that he was unsure how lead management plan documents were handled previously. The existing ranges were governed by their special use permit. If a Federal or State law existed that superseded the local law, then the gun range would have to follow those requirements.

Mr. Klaas asked how many outdoor gun ranges existed in Kendall County. The answer was five (5) not counting the State park.

Discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate.

Indoor shooting range regulations already exist in the Zoning Ordinance.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. The amendment would increase the notification requirement from five hundred feet (500') to two thousand six hundred feet (2,600') for applications for special use permits on properties zoned A-1 and clarifying that only adjoining properties must be notified on special use permit applications for properties not zoned A-1.

Mr. Clayton presented two (2) scenarios. One (1) property near Aurora would have to mail three hundred ninety-two (392) notices under the current rules and would have to mail notices to one thousand nine hundred one (1,901) parcels if the text amendment was approved. In the case of Hideaway Lakes, sixty-three (63) parcels would have to be notified presently. If the proposal was approved, five hundred thirty-seven (537) parcels would need to be notified.

The cost for return receipt is Two Dollars and Seventy-Five Cents (\$2.75). This cost is paid by the petitioner.

Will, LaSalle and Kane Counties notify adjacent property owners only. Grundy County notifies up to five hundred feet (500'). DeKalb County notifies up to two hundred fifty feet (250'). DuPage County notifies up to three hundred feet (300').

Neighbors beyond five hundred feet (500') express concerns that they were not notified when odor or noise impacts their property.

Several Committee members felt that the two thousand six hundred foot (2,600') requirement was arbitrary.

Mr. Asselmeier explained the application process. When someone submits an application for a special use permit on A-1 zoned property, the GIS Department prepares a list of addresses that need to be notified. Any applicable municipality and township are added to the list. Staff then checks off the address list when the applicant presents green cards.

Discussion occurred about having different distance requirements for different special uses. Mr. Asselmeier stated that Staff does not know when an application is submitted if that application will be controversial. The more specificity in the Ordinance, the less likely the decision of who received notification and who did not receive notification could be viewed as arbitrary.

Mr. Guritz made a motion, seconded by Mr. Langston, to request that the Planning, Building and Zoning Committee leave the notification requirement at five hundred feet (500').

Ayes:	Langston, Rybski and Guritz (3)
Nays:	Klaas (1)
Abstain:	Andrews, Clayton and Asselmeier (3)
Absent:	Chismark, Holdiman and Davidson (3)

The reasons members voted yes were because of the added expense to the petitioner, the added time for the applicant to mail the notices, added review time for Staff to process the green cards, the proposed regulations were

larger than the notification requirements of other Counties and regardless of the distance requirement no method exists to notify everyone that thinks they should be notified. Mr. Klaas stated that he would like the notification requirement to be set at one thousand feet (1,000') maximum. Several Committee members concurred with Mr. Klaas, but felt that one thousand feet (1,000') was arbitrary.

Mr. Asselmeier will inform the Planning, Building and Zoning Committee of ZPAC's request.

17-30 Kendall County Planning, Building and Zoning Committee – 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's Medical Cannabis Related Regulations

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State's Attorney's Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Mr. Asselmeier presented the fiscal year 2017-2018 meeting calendar.

Mr. Guritz made a motion, seconded by Mr. Clayton, to approve the meeting calendar. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:08 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 5, 2017 – Unapproved Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:04 a.m.

Present:

Aaron Rybski – Health Department
Don Clayton – GIS
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:

Megan Andrews – Soil and Water Conservation District
Deputy Commander Jason Langston
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience:

None

AGENDA

Mr. Guritz made a motion, seconded by Mr. Klaas, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the November 7, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

Amended 17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property from Five Hundred Feet (500') to One Thousand Feet (1,000') and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. At their meeting on November 13th, the Planning, Building and Zoning Committee voted to amend this petition by changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000') for A-1 zoned properties. Only adjoining properties would be notified for non-A-1 zoned properties.

Mr. Holdiman expressed his opposition to the increased notification requirement because he believes the existing requirements are adequate and that the increased requirements would be burdensome to Staff and the applicant. The increased cost of mailing could hamper some petitioners.

Mr. Rybski asked how the current system works. Mr. Asselmeier said that the address of the property in question is forwarded to GIS. GIS generates a listing of all of the properties within the radius. This list is given to the applicant. Roughly one (1) week before the Planning Commission meeting, Staff asks the petitioner for copies of the green cards. Staff then checks the addresses off the list of outstanding green cards.

Mr. Klaas asked the reason for this initiative. Mr. Asselmeier responded that the petition on Cannonball Trail caused part of the initiative, but a concern did exist among some Planning, Building and Zoning Committee members that neighbors were not being sufficiently noticed of petitions.

Mr. Clayton asked Mr. Asselmeier to read the statute on the matter. Mr. Asselmeier read the State statute on notification for special use applications.

Mr. Guritz suggested differentiating the notification requirement for various special uses. Mr. Asselmeier said that issue was discussed at the Planning, Building and Zoning Committee and there were concerns that Staff does not know which cases will be controversial until the case is finalized.

Mr. Rybski noted that the proposal will cost the petitioner more money and will require additional Staff time to gather and process the green cards.

Mr. Klaas asked about the notification process. Mr. Asselmeier said that neighboring property owners receive mailings, a sign is posted at the property, the notice is printed in the newspaper and each active petition is listed on the County's website.

Mr. Guritz made a motion, seconded by Mr. Klaas, to keeping the notification requirement at five hundred feet (500').

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman
Nays (0): None
Abstain (1): Asselmeier
Absent: (4) Davidson, Chismark, Langston and Andrews

The motion passed. This matter will go before the Kendall County Regional Planning Commission on January 24th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

Mr. Guritz asked for an update regarding forest preserves and exemption to the Stormwater Management Ordinance. Mr. Asselmeier responded that the City of Plano pursued and received a variance for their project at Foli Park. No additional discussions regarding parks/forest preserves and exemptions to the Stormwater Management Ordinance occurred.

PUBLIC COMMENT

None

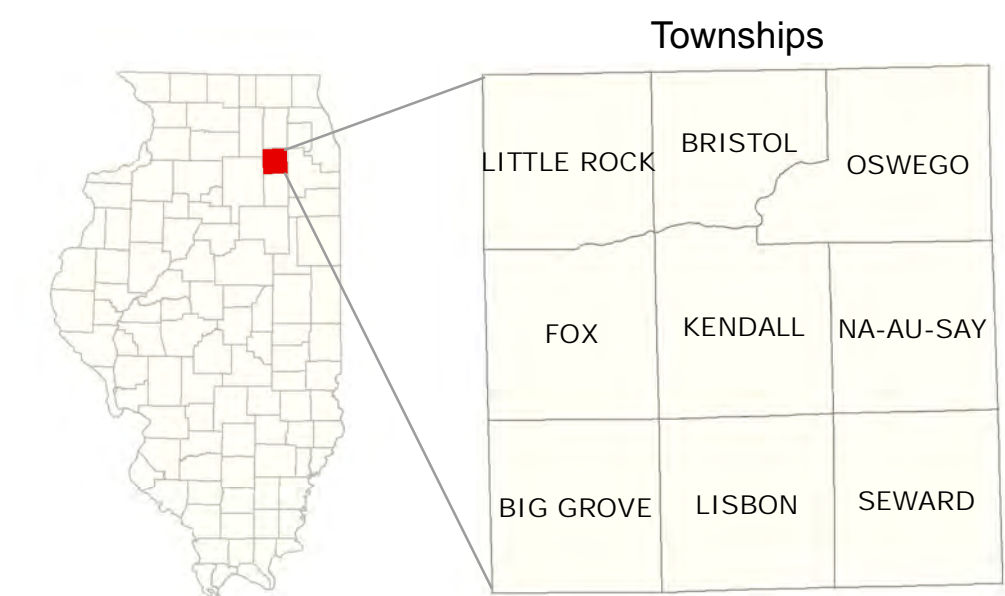
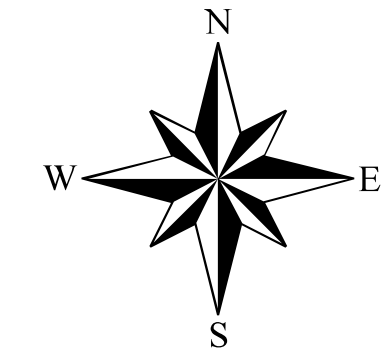
ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:35 a.m., adjourned.

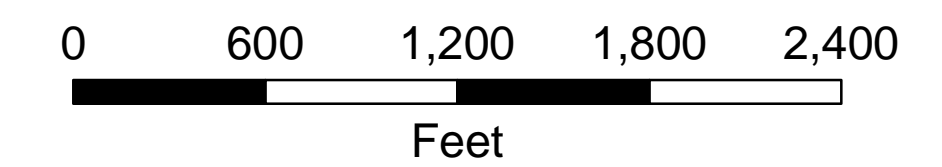
Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

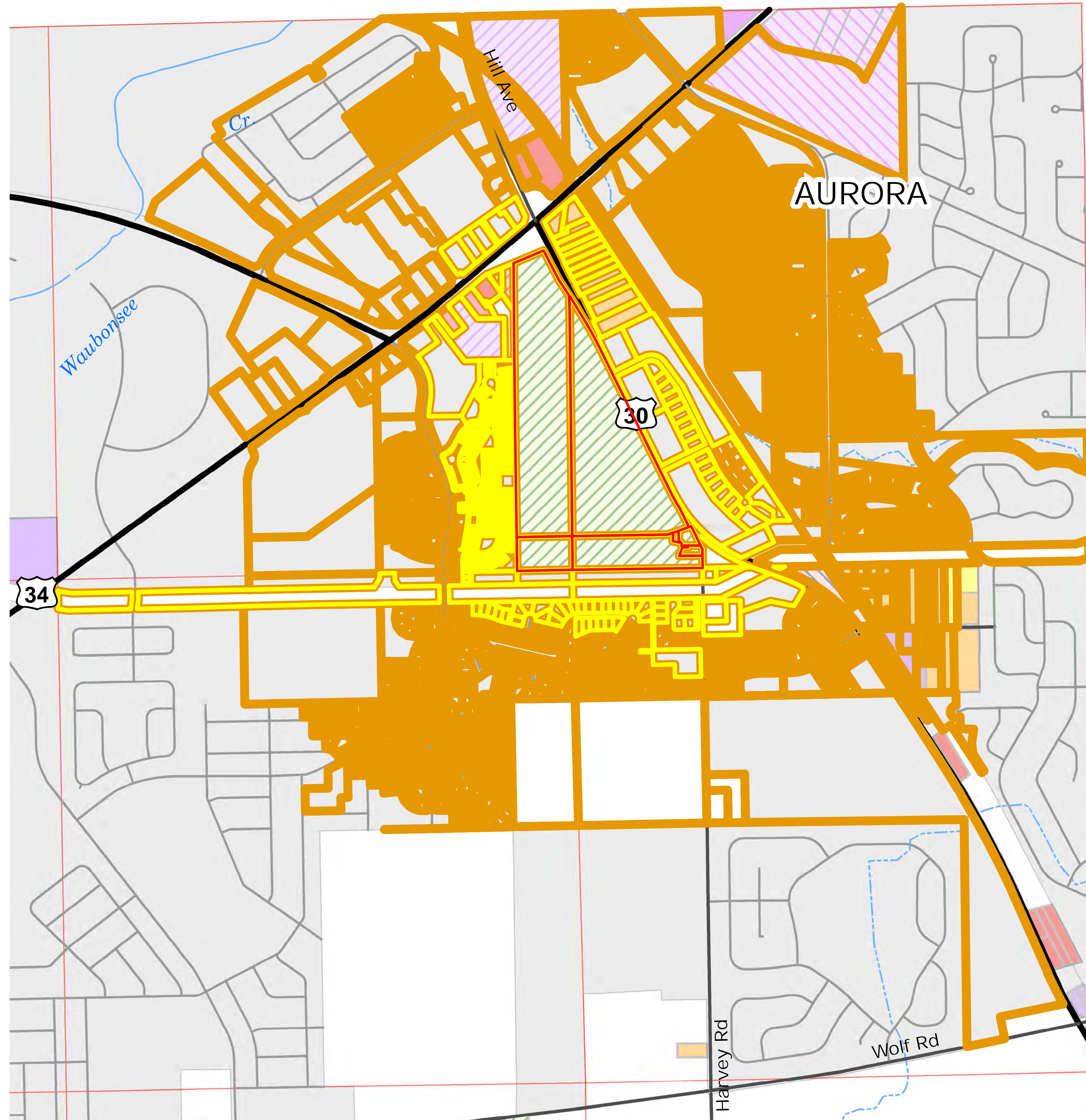


Scale: 1 in = 600 feet



Legend

- 500 ft Buffer - 388 Parcels
- 2600 ft Buffer - 1892 Parcels
- Subject Property

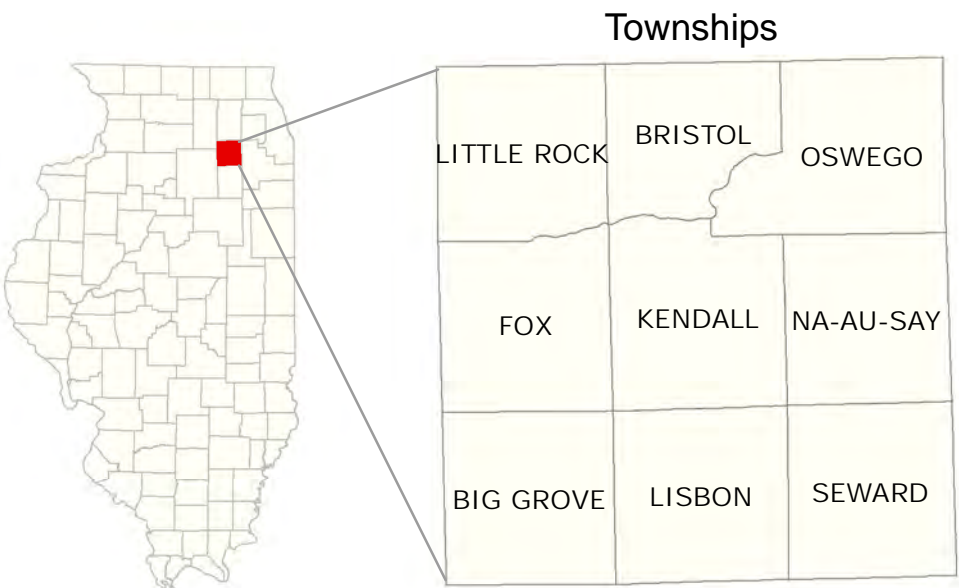
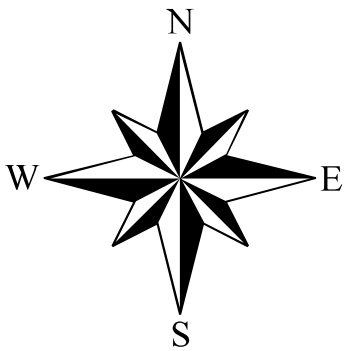


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

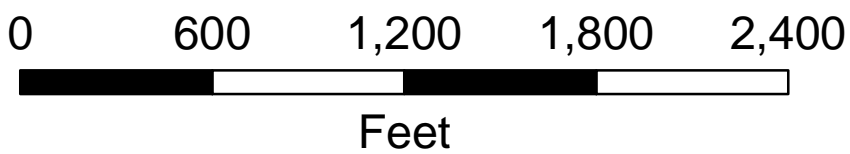
1000 ft Buffer Scenario
Oswego Twp

KENDALL COUNTY
- 2017 -

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

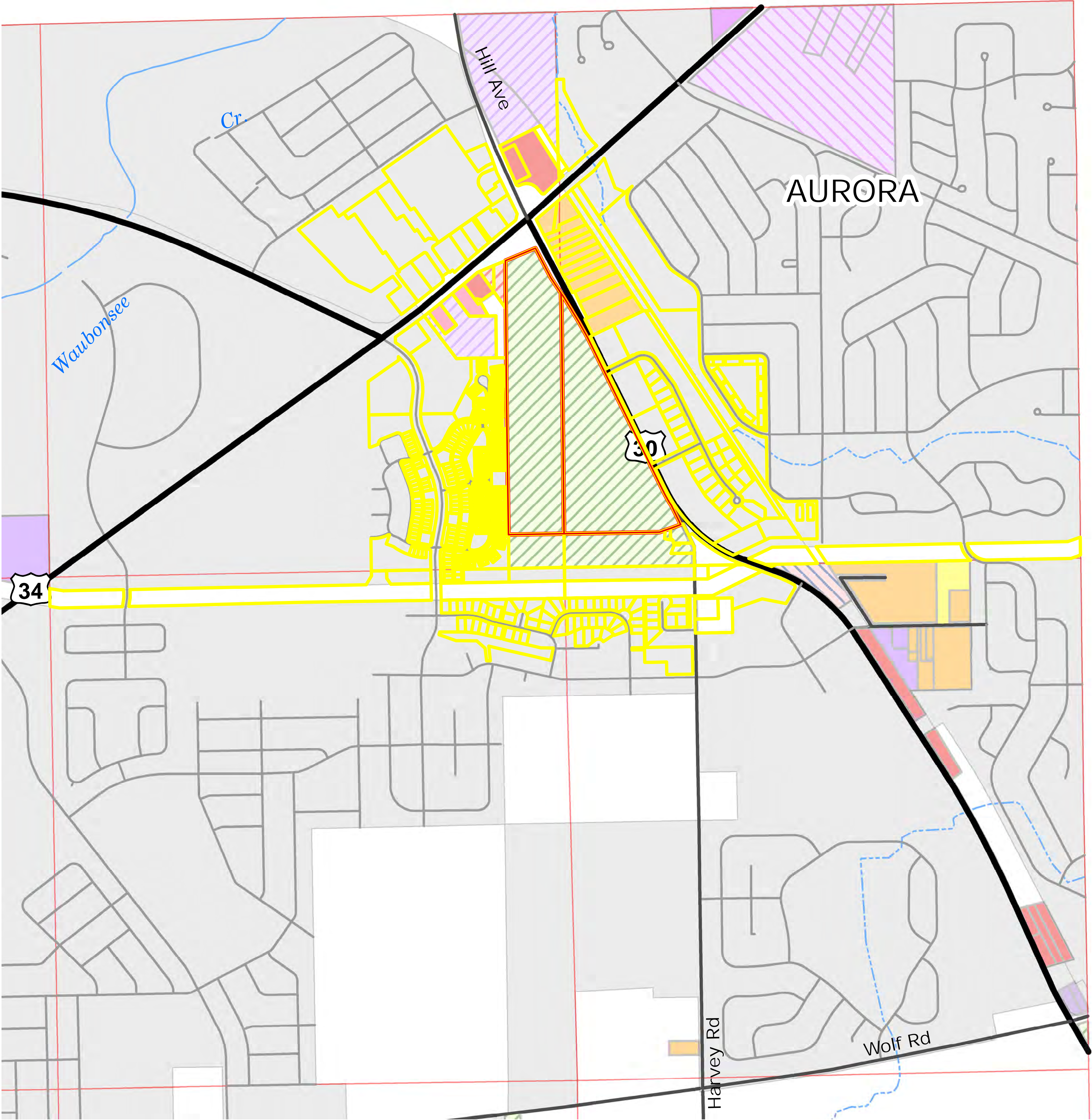


Scale: 1 in = 600 feet



Legend

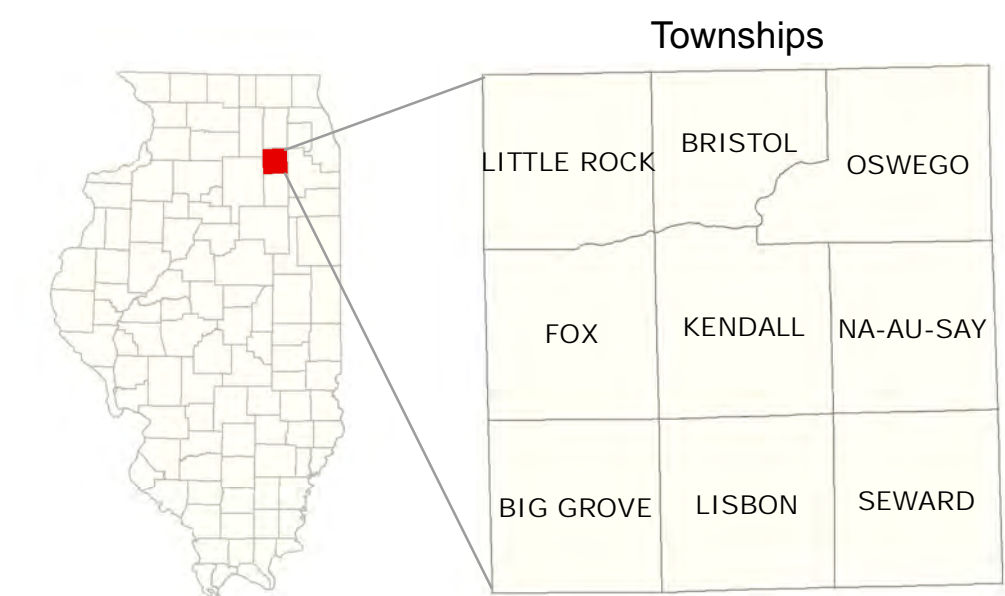
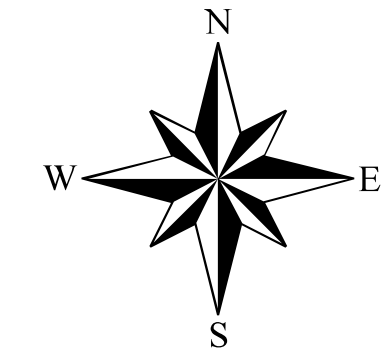
- Subject Property
- 1000 ft Buffer - 598 Parcels



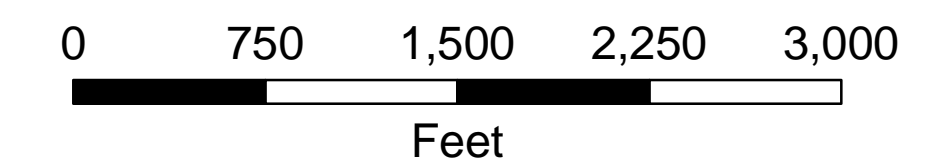
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

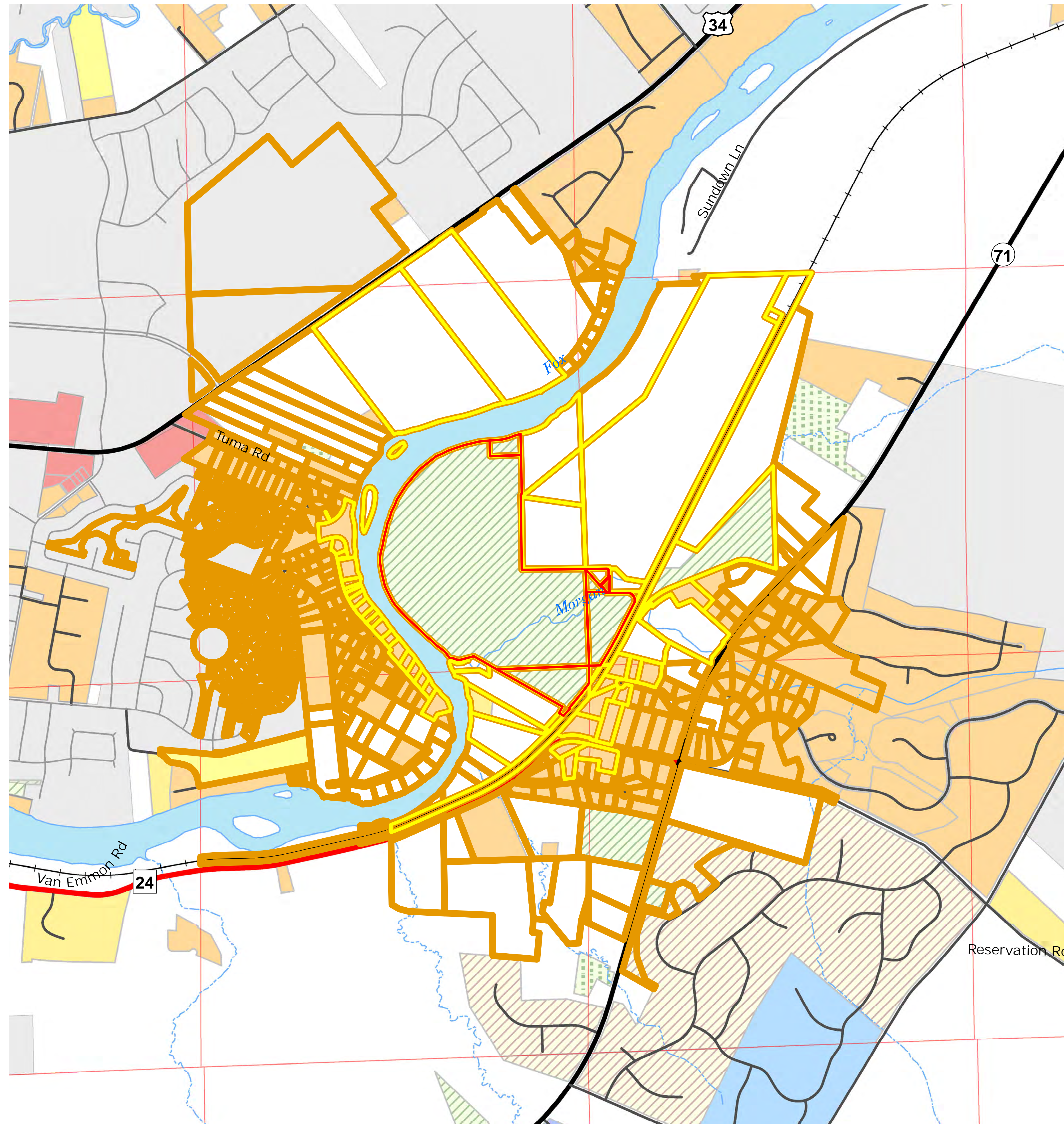


Scale: 1 in = 750 feet

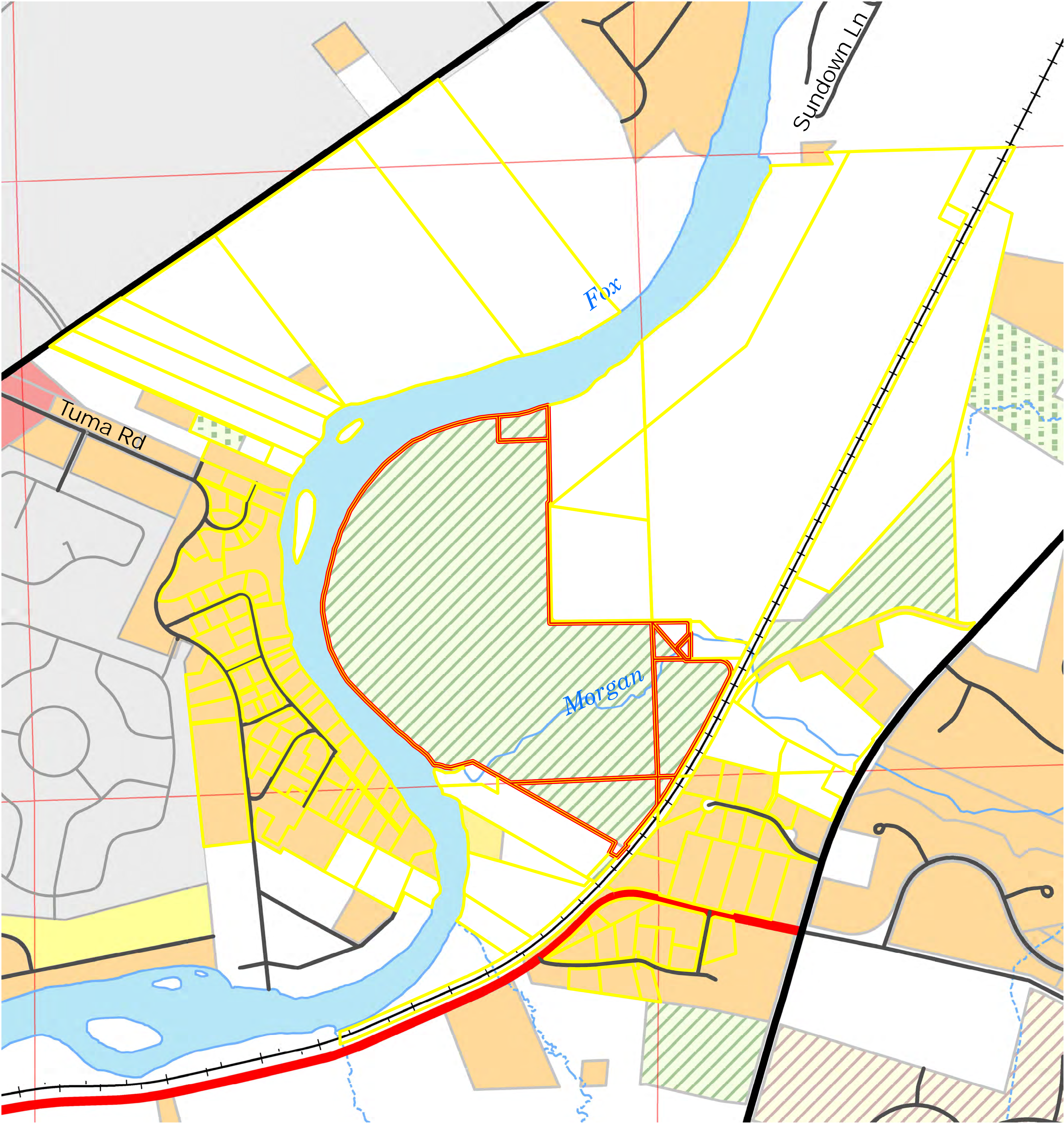


Legend

- 500 ft Buffer - 59 Parcels
- 2600 ft Buffer - 533 Parcels
- Subject Property



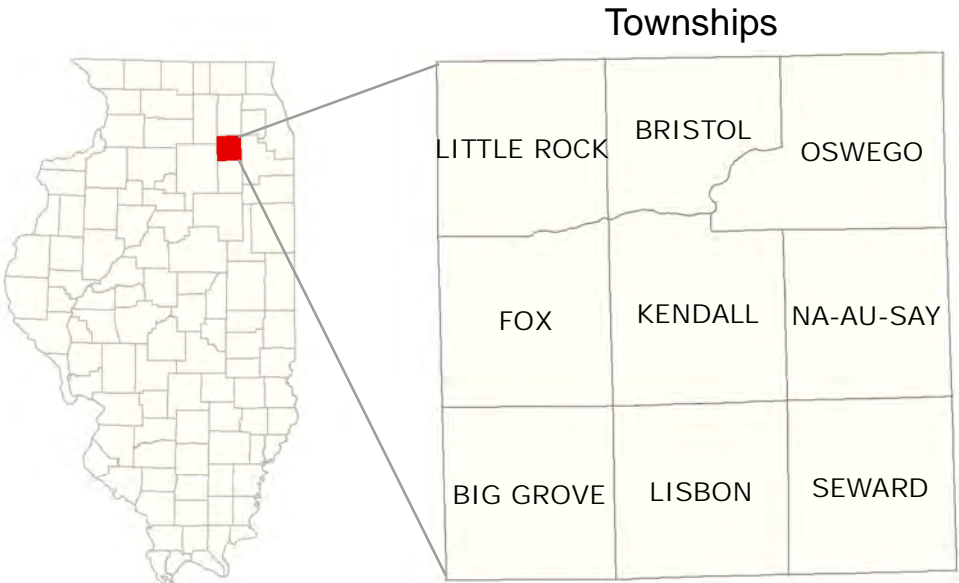
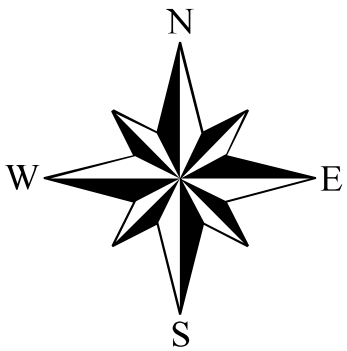
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030



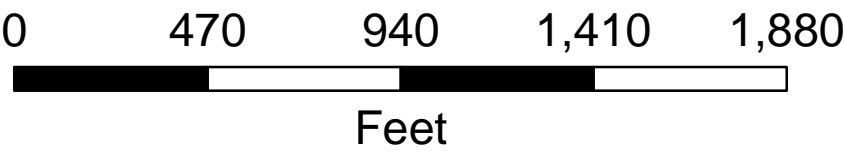
1000 ft Buffer Scenario
Bristol Twp

KENDALL COUNTY
- 2017 -

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



Scale: 1 in = 467 feet



Legend

- Subject Property
- 1000 ft Buffer - 155 Parcels



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

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved Meeting Minutes of January 24, 2018

Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: None

APPROVAL OF AGENDA

Ms. Zubko made a motion, seconded by Mr. Wormley, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Casey made a motion, seconded by Ms. Wilson, to approve the November 29, 2017 minutes as presented. With a voice vote of all ayes, the motion carried.

PETITION

Amended Petition 17-29 Kendall County Planning, Building and Zoning Committee

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 requiring additional notification of neighbors for applications for special use permits on A-1 Agricultural District zoned properties. The proposal increased notification requirements from five hundred feet (500') to two thousand six hundred feet (2,600'). At their meeting on October 3, 2017, ZPAC requested that the Kendall County Planning, Building and Zoning Committee reconsider this proposal for the following reasons:

1. The distance requirement of two thousand six hundred feet (2,600') seemed arbitrary.
2. The added expense to the petitioner. Return receipt mail costs Two Dollars and Seventy-Five Cents (\$2.75) per receipt. One (1) property near Aurora would go from mailing three hundred ninety-two (392) notices to mailing one thousand nine hundred one (1,901) notices. The petitioner at 1996 Cannonball Trail would go from nine (9) notices to four hundred fifty-three (453) notices. The notification requirement to change the special use permit at Hideaway Lakes would go from sixty-three (63) notices to five hundred thirty-seven (537) notices.
3. The added time for the applicant to mail the notices.
4. The added review time for Staff to process the green cards.
5. The proposed regulations were larger than the notification requirements of other Counties. Will, LaSalle and Kane Counties only require notifying adjoining property owners. Grundy County requires a five hundred foot (500') notification. DuPage County requires a three hundred foot (300') notification. DeKalb County requires a two hundred fifty foot (250') notification.

6. Regardless of the distance requirement, no method exists to notify everyone that thinks they should be notified.

At their meeting on November 13, 2017, the Kendall County Planning, Building and Zoning Committee approved an amendment to Petition 17-29 changing the proposed notification requirement from two thousand six hundred feet (2,600') to one thousand feet (1,000) for all applications for special use permits on A-1 Agricultural District zoned properties.

At their meeting on December 5, 2017, ZPAC voted to recommend that the notification requirements remain at five hundred feet (500'). The votes were as follows:

Ayes (5): Klaas, Rybski, Guritz, Clayton and Holdiman

Nays (0): None

Abstain (1): Asselmeier

Absent (4): Davidson, Chismark, Langston and Andrews

The townships were notified of the original proposal on September 25, 2017, and they were notified of the amendment on December 5, 2017. To date, no townships have submitted comments on this proposal.

Several Commissioners asked why the change was necessary. Mr. Asselmeier responded that the Planning, Building and Zoning Committee wanted to ensure all of the neighbors impacted by a special use permit application were notified. Mr. Asselmeier also noted that the distance requirement only applied to special use applications and not variances or other amendments.

Ms. Wilson asked how the measurement was calculated. Mr. Asselmeier responded that the GIS Department takes the description given to them and draws lines out the required notice requirement area.

Mr. Nelson noted that some manufacturing uses have more negative impacts than some A-1 special uses. The notification requirement for a rezoning from A-1 to any M district would remain five hundred feet (500').

The cost of certified return receipt was corrected to Six Dollars and Seventy-Four Cents (\$6.74). Commissioners expressed concerns about people not signing green cards and thus negatively impacting the ability of petitioners to receive hearings.

Ms. Zubko made a motion to recommend that the notification requirement be set at five hundred feet (500') and that the mailing be by certificate of mailing instead of certified return receipt, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The motion passed. This proposal will go to the Zoning Board of Appeals on January 29th.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Annual Meeting

Mr. Asselmeier reported that the Annual Meeting will be February 3, 2018, at 9:00 a.m. Commissioners reviewed the agenda for the meeting. Mr. Nelson made a motion to approve the agenda for the February 3, 2018 meeting, seconded by Mr. Shaw. The motion passed unanimously.

Discussion occurred regarding filling the vacancy from Big Grove Township. Efforts to find someone to fill that seat have been unsuccessful.

Election of Officers

Mr. Nelson made a motion to open the floor for nominations for officers and nominated Bill Ashton for Chairman, Budd Wormley for Vice-Chairman, Larry Nelson for Secretary, and Matt Asselmeier for Treasurer and Recording Secretary. Mr. Wormley seconded the motion. There were no additional nominees. Mr. Casey made a motion to close the call for nominations, seconded by Ms. Wilson. Without objection, the call for nominations was closed. The vote on the nominees was as follows:

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley and Zubko (9)

No – None (0)

Absent – None (0)

The nominees were approved.

OLD BUSINESS

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee will hold a special meeting on January 30, 2018 at 6:00 p.m. on this topic.

Update on Land Resource Management Plan Amendments for Properties Along Route 47 in Lisbon Townships

Mr. Asselmeier provided an updated map on the project. At their December meeting, the Comprehensive Land Plan and Ordinance Committee extended the Mining Area to Route 47 in the south, added a Commercial Area on the east side of Route 47 at the Grundy County Line, replaced the Rural Settlement Area with a Mixed Use Business Area and replaced all Transportation Corridor Areas with Mixed Use Business Areas. The Planning, Building and Zoning Committee reviewed the map at their January meeting and replaced the Commercial Area at the southeast corner of the intersection of Routes 47 and 52 and replaced the Mixed Use Business Area west of the intersection of Routes 47 and 52 with Commercial Area.

Ms. Wilson requested clarification on the types of uses allowed in each category. Mr. Asselmeier stated that the Mining Area allowed M-3 uses, Mixed Use Business allowed B-6, M-1, M-2, and M-3 uses, Transportation Corridor allowed B-3, B-5, and B-6 uses, and Commercial allowed B-1, B-2, and B-3 uses.

Mr. Nelson expressed his support for the map with the changes made by the Planning, Building and Zoning Committee; he would like the map displayed at the February 3rd meeting and then having a joint meeting of the Comprehensive Land Plan and Ordinance Committee and the Kendall County Regional Planning Commission in Lisbon Township. The tentative date for the joint meeting is February 28, 2018, at 7:00 p.m. at the Fire Barn. Chairman Ashton will confirm the meeting date and location.

Ms. Zubko made a motion to approve the map with the Planning, Building and Zoning Committee changes as the official draft map, seconded by Mr. Nelson. With a voice vote of all ayes, the motion passed unanimously.

Mr. Nelson made a motion to authorize the Chairman of the Kendall County Regional Planning Commission to call a special meeting of the Commission in Lisbon Township for the purpose of obtaining feedback from the community impacted by the proposed changes to the Future Land Use Map and to conduct normal monthly Commission business with the specific time, location, and date of the special meeting determined by Chairman, seconded by Ms. Zubko. With a voice vote of all ayes, the motion passed unanimously.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-30 extending the expiration deadline from January 1, 2018 to July 1, 2020 of Kendall County's medical cannabis related zoning regulations passed at the County Board.

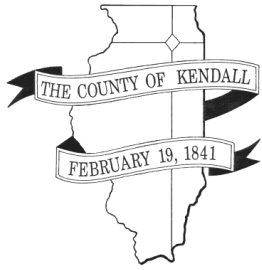
OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Mr. Wormley made a motion, seconded by Mr. Casey, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:44 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: January 25, 2018
Re: Future Land Use Along Illinois Route 47 in Lisbon Township

At the December meeting of the Comprehensive Land Plan and Ordinance Committee, the Committee approved several changes to the proposed Future Land Use Map in Lisbon Township from the Land Resource Management Plan.

At their meeting on January 8th, the Kendall County Planning, Building and Zoning Committee recommended several changes to the proposed map in the area of the Route 47/52 interchange. This map is also attached.

The following land use/zoning matrix should be kept in mind:

Mining=M-3

Mixed Use Business=B-6, M-1, M-2 and M-3

Transportation Corridor= B-3, B-5 and B-6

Commercial= B-1, B-2 and B-3

Rural Settlements=Areas with a maximum 2,000 residents with a combination of residential and support services.

The list of uses allowed in each zoning district is attached. The Village of Lisbon's Future Land Use Map is also attached.

At their meeting on January 24, 2018, the Kendall County Regional Planning Commission approved the proposed map with the Planning, Building and Zoning Committee's changes.

Additional discussion on the proposal will occur at the February 3, 2018 Kendall County Regional Planning Commission Annual Meeting. A meeting in Lisbon Township will occur sometime in February or March.

If the Zoning Board of Appeals would like to submit comments on the proposal, please let me know.

Thanks,

MHA

ZBA

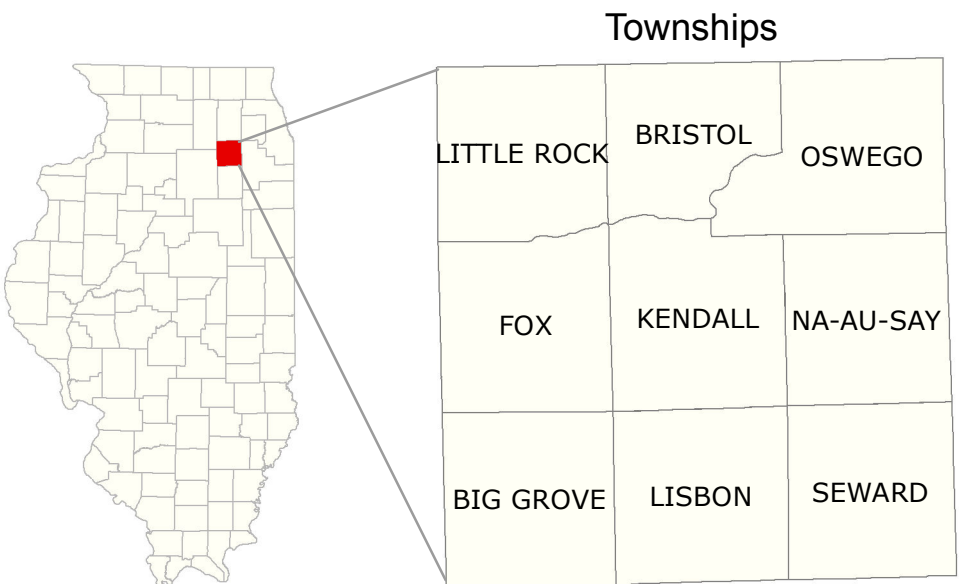
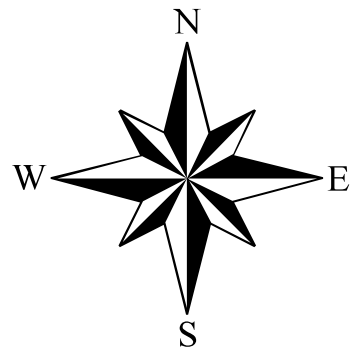
January 25, 2018

ENC: 1-9-18 Future Draft Lisbon Future LRMP
1-9-18 PBZ Future Lisbon Map
Current Future Land Use Map for Lisbon Township
Future Land Use Map, Village of Lisbon
Proposed Findings of Fact and Draft Future Land Use Map
Business and Manufacturing District Permitted and Special Uses

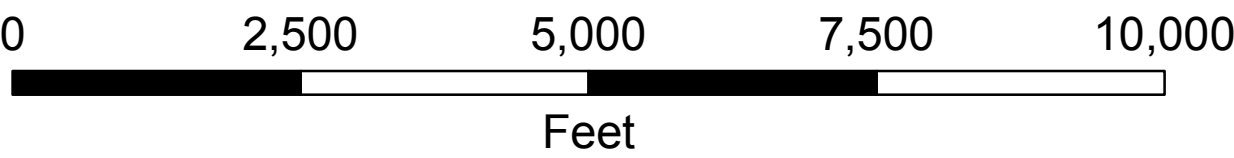
DRAFT Lisbon Future LRMP
Helmar Rd to Sherrill Rd
KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



Legend

- Outer Roads
- Proposed Roadways

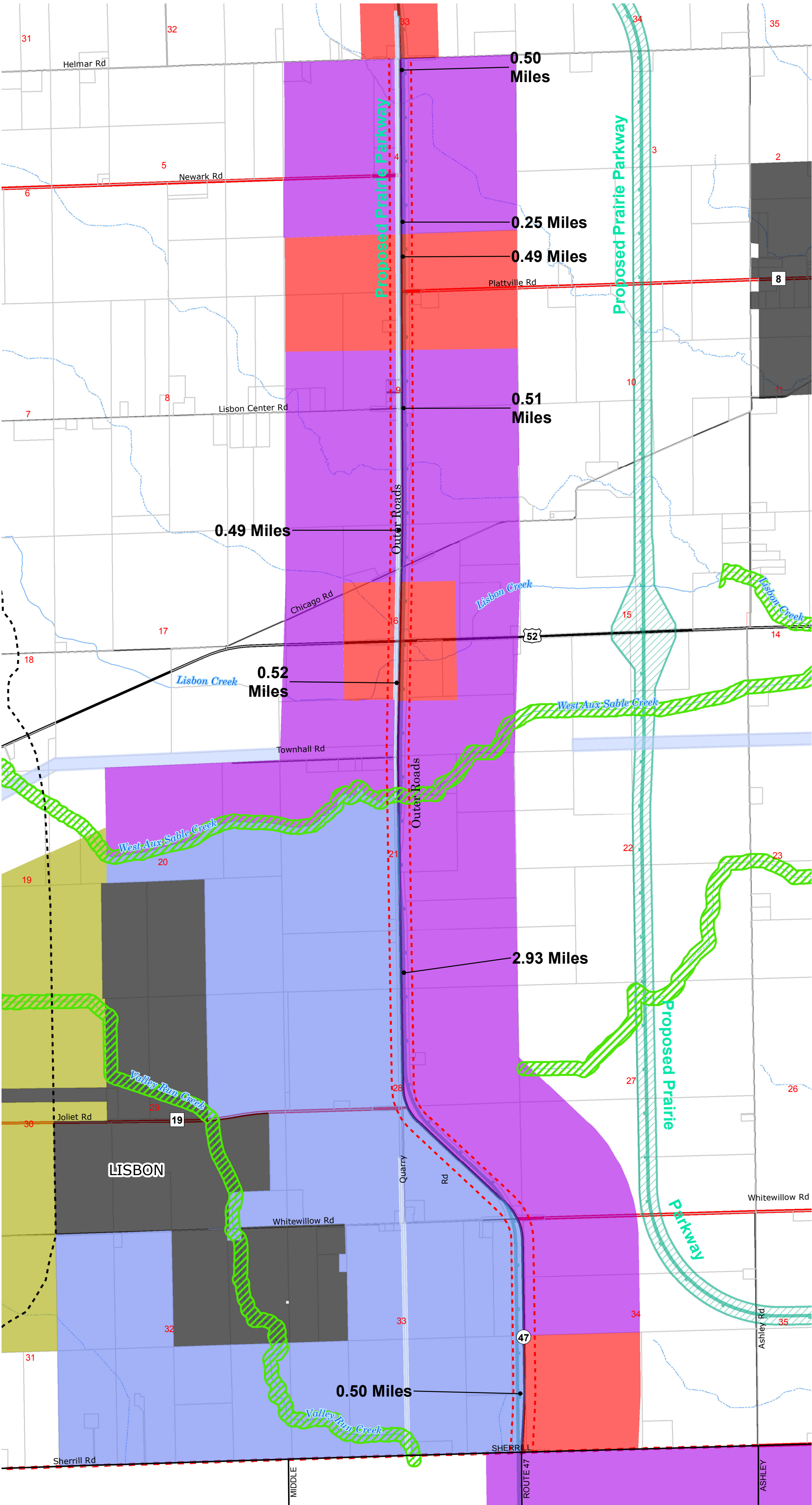
Future LRMP

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

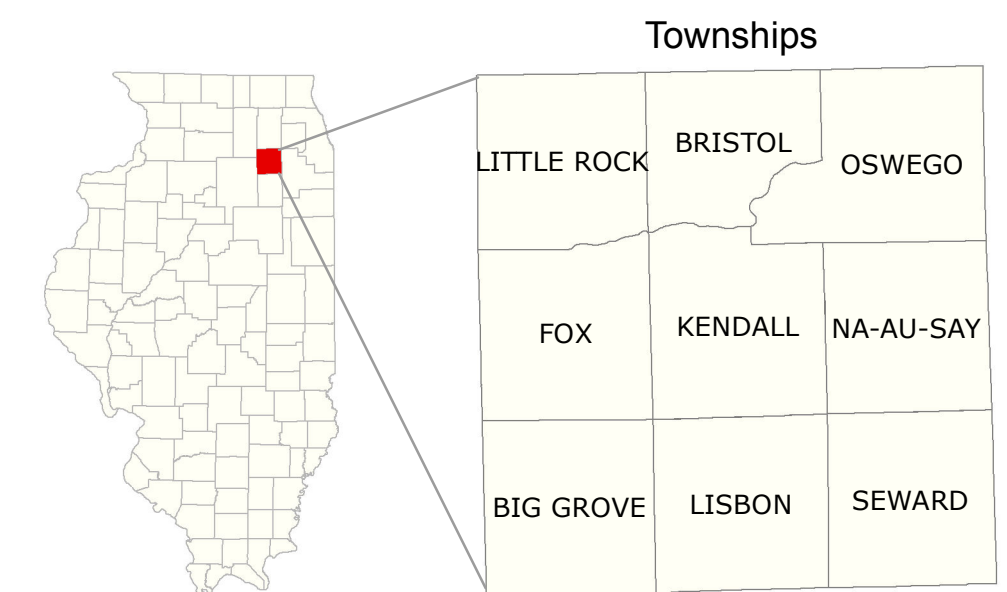
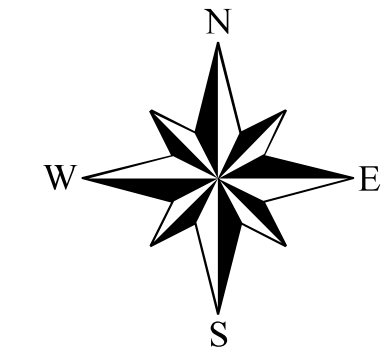


PBZ Lisbon Map

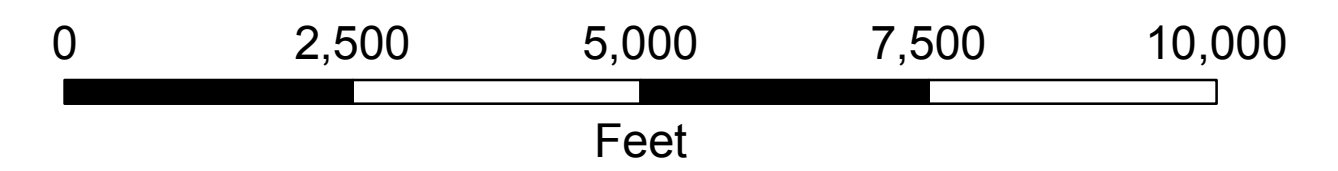
KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



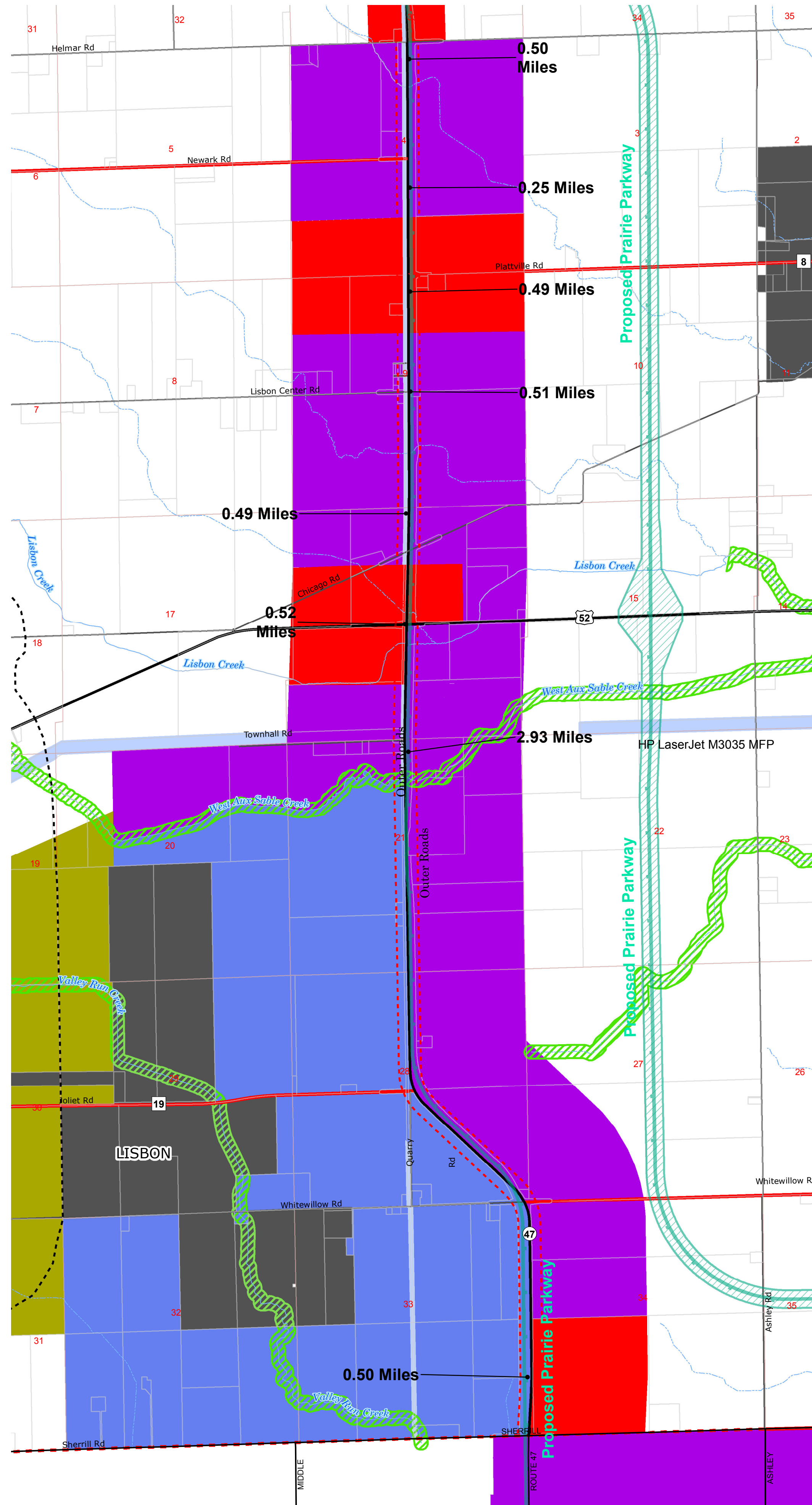
Legend

- Outer Roads
- Proposed Roadways

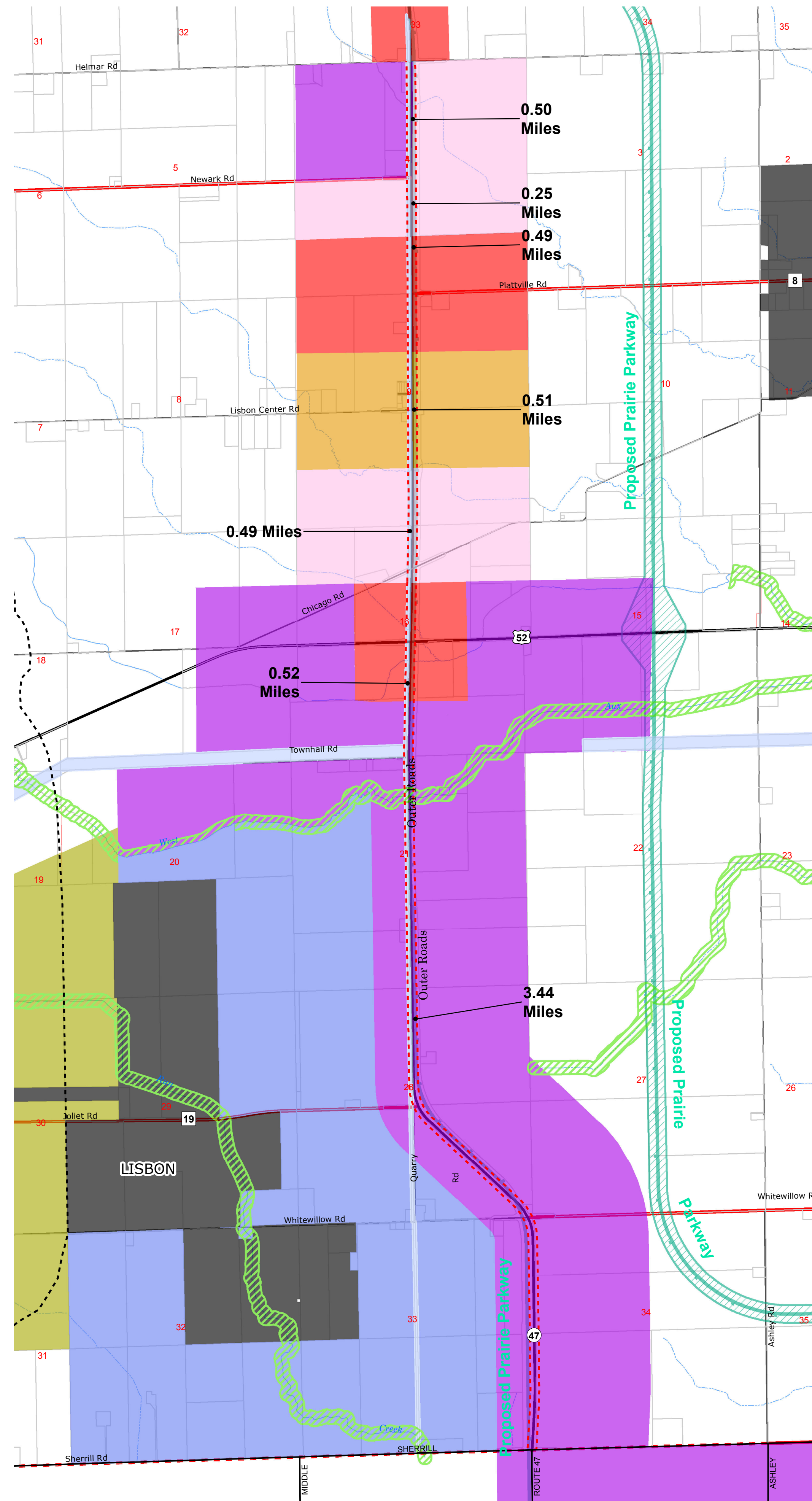
Future LRMP

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



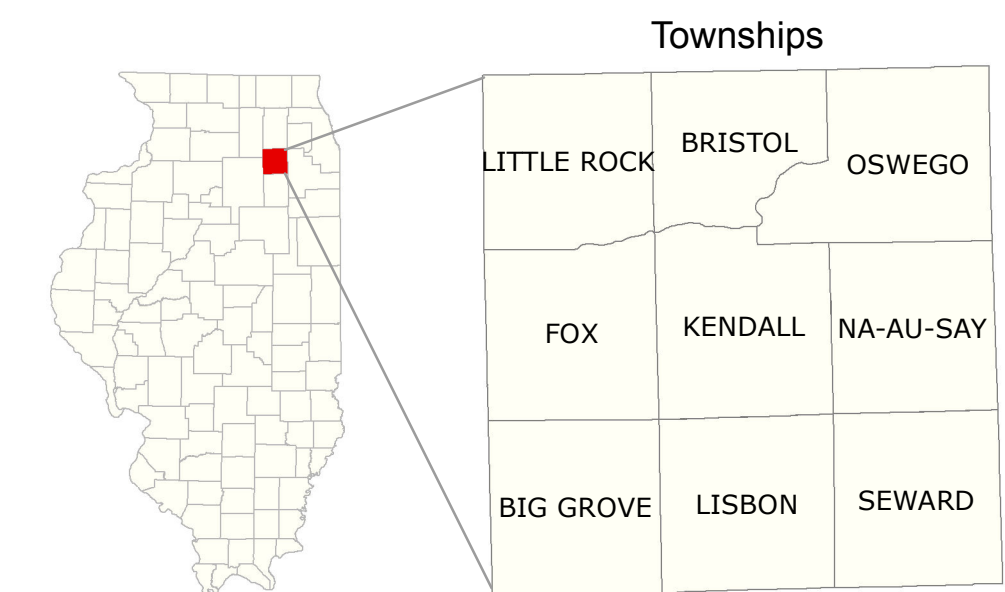
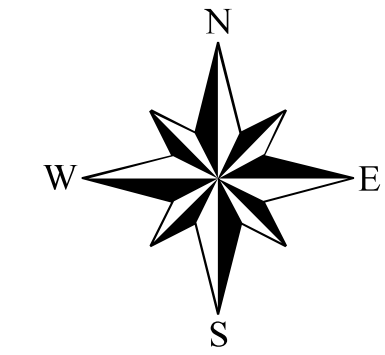
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111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030



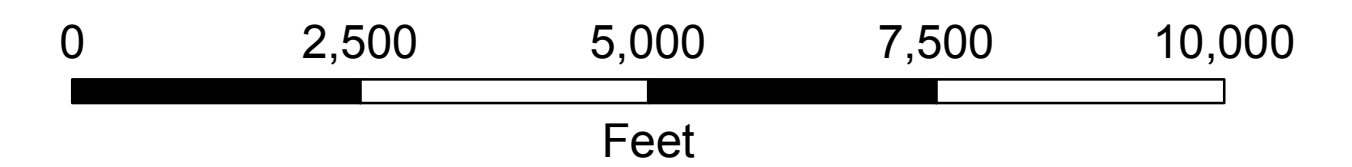
DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2017 -

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Scale: 1 in = 1,667 feet



Legend

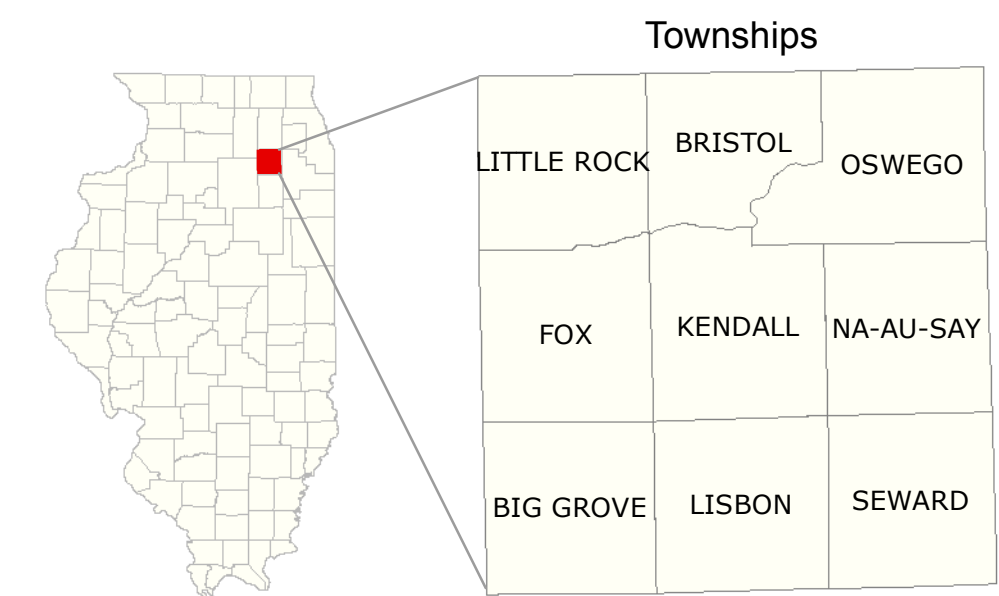
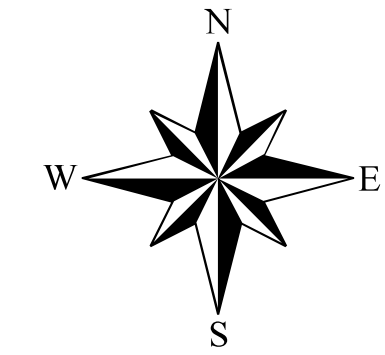
- Outer Roads
- Proposed Roadways
- Future LRMP**
- Abbreviation**
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- Grundy Mixed Use Business
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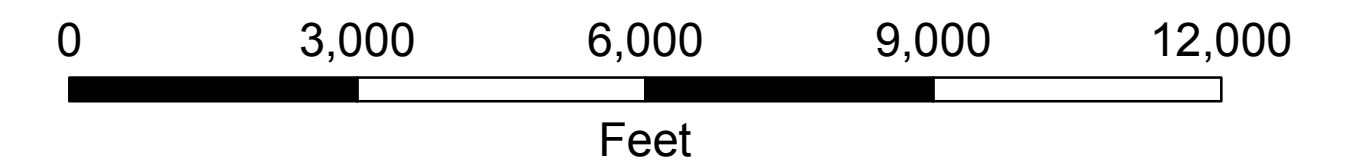
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Future Land Use Lisbon Township KENDALL COUNTY - 2017 -

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



Scale: 1 in = 2,000 feet

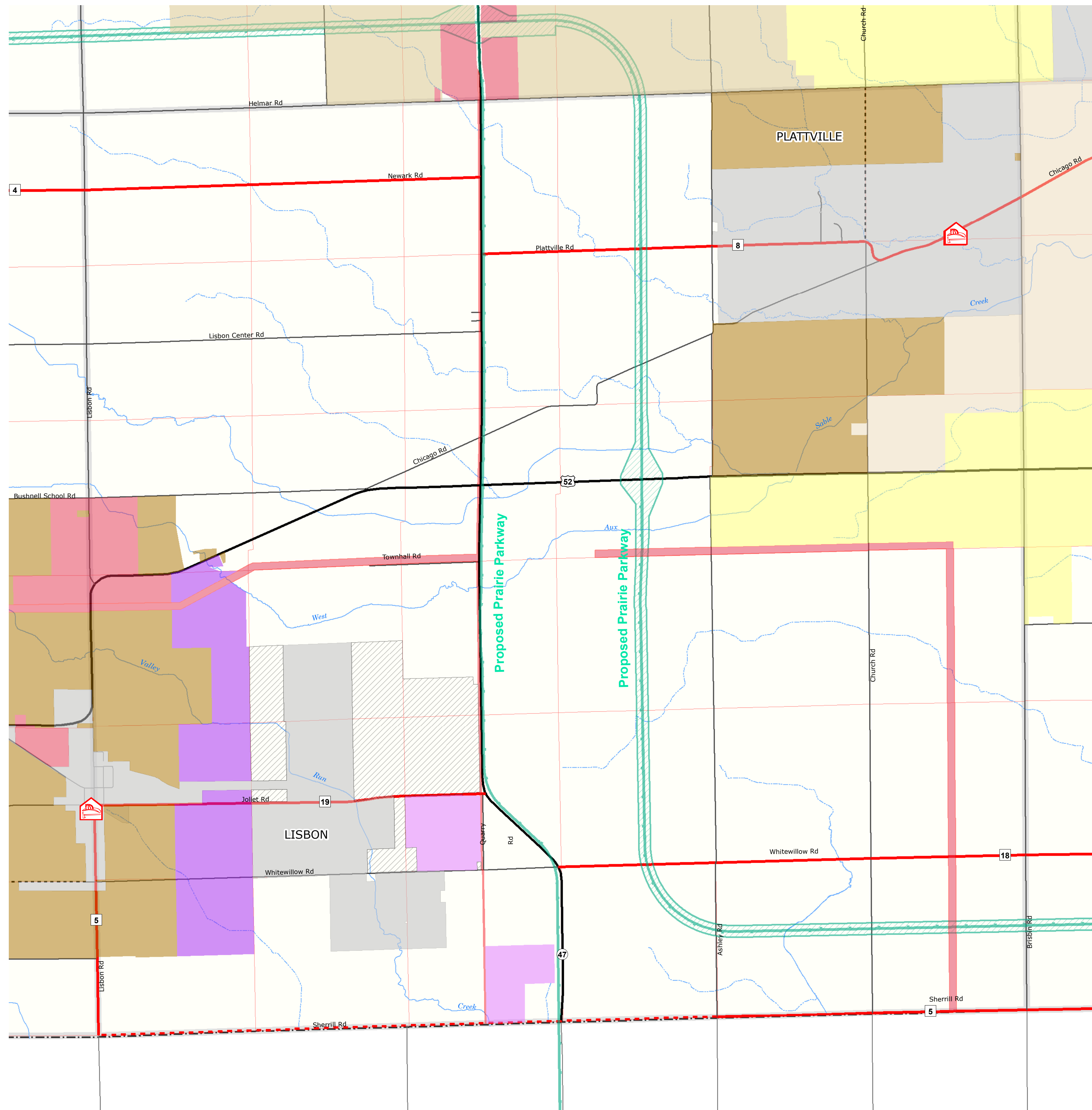


Legend

Future Land Use

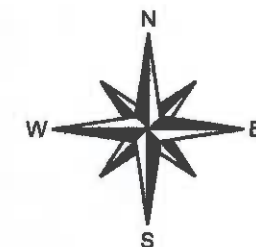
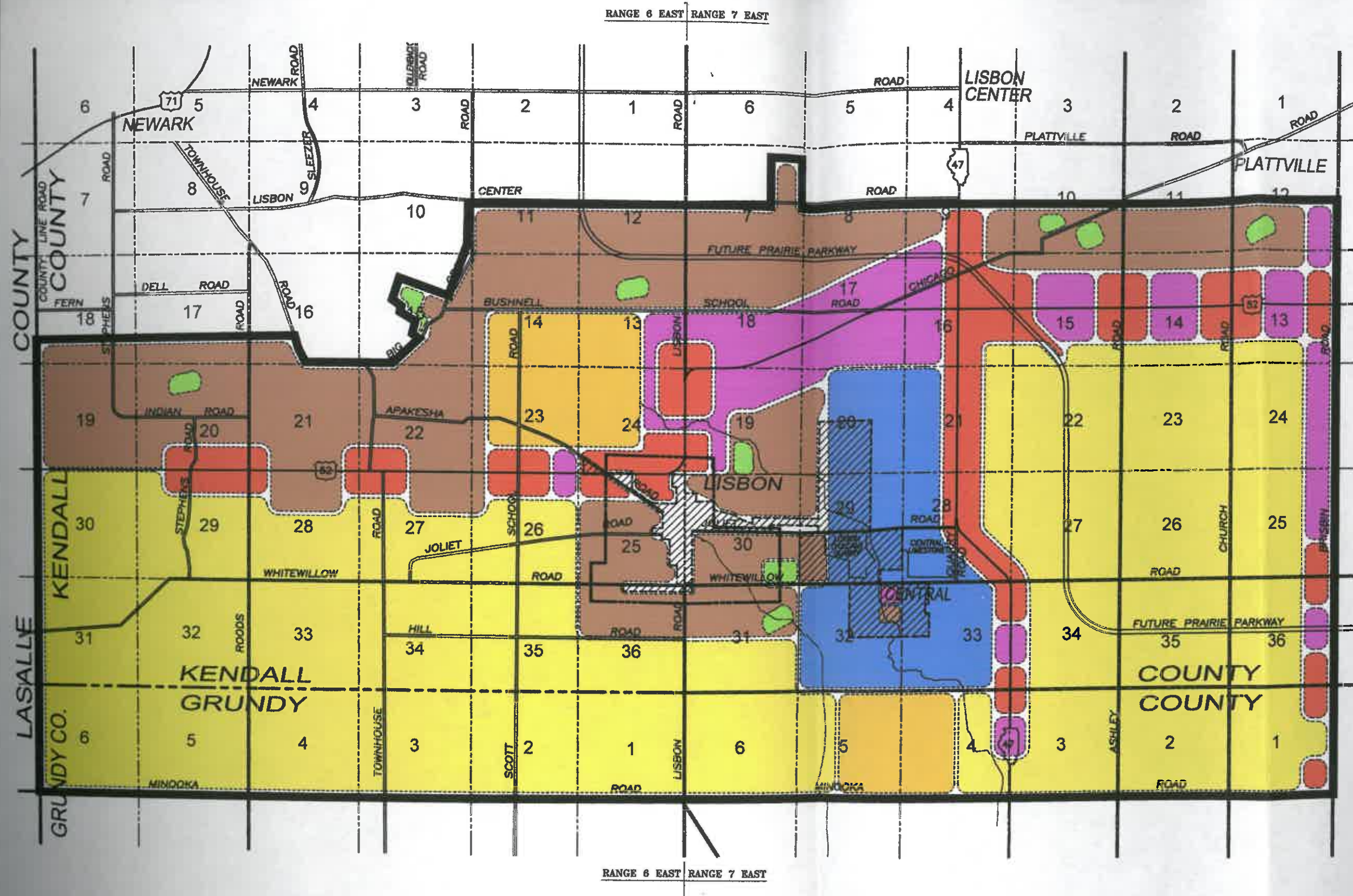
Land Use Type

- Urban Areas - Incorporated
- Suburban Residential - Max Density 1.00 DU Acres
- Rural Residential Max Density 0.65 DU Acres
- Rural Estate Resedential Max Density 0.45 DU Acre
- Countryside Residential Max Density 0.33 DU Acre
- Commercial
- Commonwealth Edison
- Mixed Use Business
- Transportation Corridors
- Mining
- Potential Mining District
- Public/Institutional
- Agriculture
- Open Space
- Forest Preserve/State Parks
- Unknown
- FEIS_centerline
- Protected Corridor - 2007



Kendall County GIS

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LEGEND

- LISBON COMPREHENSIVE BOUNDARY
- EXISTING LISBON VILLAGE LIMITS
- ORIGINAL LISBON VILLAGE LIMITS
- COMMERCIAL
- MIXED USE BUSINESS
- MINING
- OPEN SPACE
- 1 ACRE CITY LOTS
- INDUSTRIAL
- AGRICULTURAL

TOWNSHIP 34 NORTH
TOWNSHIP 33 NORTH

DRAWN BY: MAR	SCALE: 1" = 1700'	REVISIONS
CHECKED BY: GRC	DATE: 8/14/07	DATE BY
		10/25/08 MAR
		11/13/08 GRC
		11/20/08 GRC

CHAMLIN
ASSOCIATES

PERU MORRIS
ILLINOIS

COMPREHENSIVE PLANNING MAP VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

PLANNING AREAS

SCALE: 1" = 1700'

SHEET

FILE NO.:

OF

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).

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 previously 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

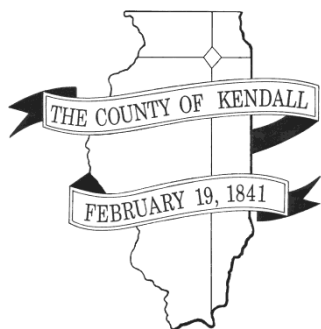
1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle 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)



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
ANNUAL MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560

AGENDA

February 3, 2018 – 9:00 a.m.

- I. Call to Order**
- II. KCRPC Roll Call**
Bill Ashton (Chairman), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley (Vice-Chair), Angela Zubko, and 1 vacancy (Big Grove Township)
- III. Welcoming Remarks**
Bill Ashton, Kendall County Regional Plan Commission Chairman
- IV. Approval of Agenda**
- V. Requests for Plan Amendments**
Residents of Kendall County & Staff
- VI. 2017 Projects Summary & 2018 Future Projects/Goals**
Matthew H. Asselmeier, Senior Planner & Others in Attendance
- VII. Old Business**
- VIII. New Business**
- IX. Other Business**
- X. Public Comment**
- XI. 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.