

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, November 29, 2017 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko, and One Vacancy (Big Grove Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from October 25, 2017 Meeting (Pages 2-6)

PETITIONS

1. **17-33 – Kendall County Planning, Building and Zoning Committee (Pages 7-20)**
Request: Text Amendments to Sections 4.19, 5.08, 6.7.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.

OLD BUSINESS

1. Update on Petition 17-28 Pertaining to Text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard) (Page 21)
2. 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 (Pages 22-41)
3. Land Resource Management Plan Amendments for Properties Along Route 47 in Kendall and Lisbon Townships (Pages 42-67)
 - a. Approval of Draft Map (Page 48)
 - b. Approval of Amendment Timetable (Page 42)
 - c. Approval to Authorize the Kendall County Regional Planning Commission Chairman to Call a Special Meeting of the Kendall County Regional Planning Commission in Lisbon Township for the Purpose of Obtaining Feedback from the Community Impacted by the Proposed Changes to the Future Land Use Map (Specific Location, Date and Time of Meeting Shall be Determined by the Chairman) (Page 67)

NEW BUSINESS

1. Reorganization of Ad-Hoc Zoning Ordinance Committee

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD: None

OTHER BUSINESS/ANNOUNCEMENTS

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, January 24, 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.

**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.

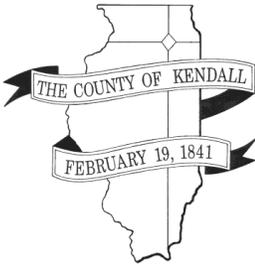
CITIZENS TO BE HEARD/ PUBLIC COMMENT

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 Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: November 16, 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.

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

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 13.007) 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 13.007, 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 13.007 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 13.007:

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 13.0~~87~~.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.

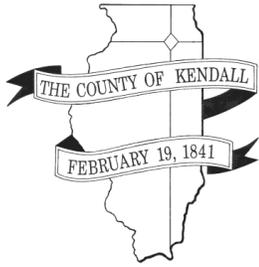
PUBLIC COMMENT

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



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 Regional Planning Commission

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: November 17, 2017

Re: Update on 17-28 Proposed Text Amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

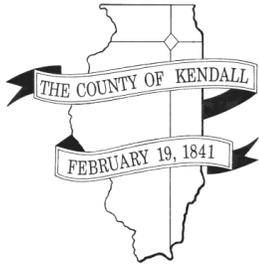
At their meeting on November 13th, the Kendall County Planning, Building and Zoning Committee decided to have a special meeting regarding Petition 17-28 in January 2018.

The specific date and time of this special meeting will be voted on by the PBZ Committee at the December 11th meeting. The Regional Planning Commission and all of the existing gun ranges/clubs will be notified of the date and time of this special meeting.

If you have any questions, please let me know.

Thanks,

MHA



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 Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: November 17, 2017
Re: Proposed Amendments to Code Hearing Unit Regulations

At their November 13th meeting, the Planning, Building and Zoning Committee favored leaving the Code Hearing Unit regulations "as is" because of the lack of cases sent to the State's Attorney's Office over the last five years and because defendants have the right to appeal the decision of the Hearing Officer to the courts. In the last five years, zero cases have been sent to the State's Attorney's Office.

The Hearing Code Unit regulations still exist; the Planning, Building and Zoning Committee can still refer cases to the Hearing Officer, if they so choose.

If the Regional Planning Commission still desires to amend the Code Hearing Unit regulations, a draft proposal and the existing regulations are attached.

Staff still has several concerns regarding placing the Code Hearing Unit regulations inside the Zoning Ordinance:

1. Kendall County, unlike several of its neighboring Counties, does not have a Unified Development Ordinance. The various codes that the Planning, Building and Zoning Department administer are stand-alone ordinance; the Building Code is separate from the Zoning Ordinance. Placing the Code Hearing Unit inside one (1) code or another code presents difficulties in enforcement and applicability. By leaving it separate, the Code Hearing Unit can more easily apply to all of the ordinances the Department administers.
2. The proposed ordinance has specific definitions for "Code", "Person", "Property", "Solid Waste" and other terms. When applied narrowly to Code Hearing Unit Ordinance, these terms make sense. When applied to the entire Zoning Ordinance, the risk of unforeseen consequences is great because these terms may have different meaning for different portions of the Zoning Ordinance.
3. Placing the Code Hearing Unit regulations inside the Zoning Ordinance requires that any amendments to the Code Hearing Unit regulations be reviewed by ZPAC, the Kendall County Regional Planning Commission, Kendall County Zoning Board of Appeals, each township, the Planning, Building and Zoning Committee and County Board. If the Code Hearing Unit regulations remain outside the Zoning Ordinance, only the Planning, Building and Zoning Committee and County Board would be required to review proposed changes.

If the Kendall County Regional Planning Commission favors placing the Code Hearing Unit regulations in the Zoning Ordinance, Staff recommends that the definitions portion of the Code Hearing Unit regulations be removed and the duties of the Hearing Officer be transferred from the Definitions Section to the Powers and Duties Section.

KCRPC Memo
November 17, 2017

If you have any questions regarding this memo, please let me know.

MHA

ENCS

ORDINANCE # 2004- 28

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

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

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

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

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

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

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

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

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

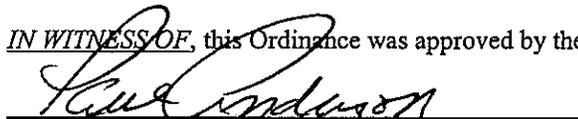
NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

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

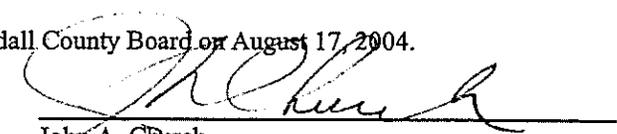
SECTION TWO: The Kendall County Code is hereby amended to create a Code Hearing Unit, as set forth in Exhibit "A" attached hereto.

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

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



Attest:



John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk

EXHIBIT "A"

CODE HEARING UNIT

Section 1. Definitions

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

Section 2. Code Hearing Unit – Establishment and Jurisdiction.

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

Section 3. Hearing Officer – Appointment.

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

Section 4. Hearing Officer – Powers and Duties.

The Hearing Officer shall have the following powers and duties:

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

Section 5. Code Enforcement Officers – Appointment.

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

Section 6. Instituting Administrative Adjudication Proceedings.

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

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

Section 7. Subpoenas.

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

Section 8. Representation At Hearings.

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

Section 9. Hearing Procedure.

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

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

Section 10. Evidence At Hearings.

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

Section 11. Findings, Decision, and Order.

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

Section 12. Payment of Penalties, Fines and Costs.

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

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

Section 13. Violation of Findings, Decision and Order.

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

Section 14. Election of Remedies.

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

Section 15. Administrative Hearing Not Exclusive.

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

Section 16. Administrative Review.

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

Section 17. Sanctions, Transfer or Conveyance of Property.

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

Section 18. Collection of Unpaid Fines or Other Sanctions.

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

Code Hearing Unit Amendments

Section 3.02

CITATION means the official notification of a violation of a provision of the Kendall County Ordinances. Said citations shall require a correction of the violation and/or imposition of a fine.

CODE means any County ordinance that pertains to or regulates any of the following: animal control; the definition, identification, and abatement of public nuisances; the accumulation, disposal, and transportation of garbage, refuse, and other forms of solid waste; the construction and maintenance of buildings and structures including improvements; sanitation practices; or subdivision zoning.

CODE ENFORCEMENT OFFICER means a County employee or independent contractor or investigator authorized to issue citations for County Code violations.

HEARING OFFICER means a person other than a Code Enforcement Officer or law enforcement officer having the following powers and duties:

1. To preside at an administrative hearing called to determine whether a Code violation exists;
2. To hear testimony and accept evidence from the Code Enforcement Officer, the respondent, and all interested parties relevant to the existence of a Code violation;
3. To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
4. To issue and sign written findings and a decision and order stating whether a Code violation exists;
5. To impose penalties consistent with applicable Code provisions and to assess costs reasonably related to instituting the proceedings upon finding the respondent liable for the charged violation. In no event, however, shall the Hearing Officer have the authority to impose a penalty of incarceration.

PERSON means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, managing or otherwise using real property in unincorporated Kendall County.

PROPERTY means any parcel of land whether residential, commercial, non-agricultural or industrial including land and that which is affixed, incidental, or

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

PROPERTY OWNER means the legal or beneficial owner of an improved or unimproved parcel of real estate.

RESPONDENT means a property owner, waste hauler, or other person charged with liability for an alleged Code violation and the person to whom the notice of violation is directed.

RESPONSIBLE PERSON means any person recognized by law as having control over, right to use, management rights and/or right of possession of property including, without limitation, legal title holders, lessees, property managers and other adult occupants of the property.

SOLID WASTE means demolition materials, food and industrial processing wastes, garden trash, land cleaning waste, mixed refuse, non-combustible refuse, and trash as defined in the Illinois Solid Waste Disposal District Act.

VIOLATION means any Kendall County building, zoning, subdivision, stormwater, junk and debris or other ordinances enforced by the Kendall County Planning, Building and Zoning Department not being in compliance by a person.

WASTE HAULER means any person owning or controlling any vehicle used to carry or transport garbage, refuse, or other forms of solid waste.

Amendments to Section 13.09

13.09 **ENFORCEMENT AND PENALTIES.**

- A. CODE HEARING UNIT – ESTABLISHMENT AND JURISDICTION.** There is hereby established a Code Hearing Unit as a division of the County Planning and Zoning Department which is authorized to conduct administrative adjudication proceedings for the County, its departments and officers. The function of the Code Hearing Unit shall be to expedite the prosecution and correction of code violations. The Code Hearing Unit is authorized to establish a system of administrative adjudications for the enforcement of all provisions of Kendall County Code, except those pre-empted by State law or County ordinance.
- B. HEARING OFFICER- APPOINTMENT.** The Chairman of the County Board, with the advice and consent of the County Board, **shall may** appoint one or more Hearing Officers for the purposes of this Section. A Hearing Officer may not be a Code Enforcement Officer or other law enforcement officer.

C. HEARING OFFICER – POWERS AND DUTIES. The Hearing Officer shall have the following powers and duties:

1. All powers and duties set forth in Sections **3.02 and 13.09.A.**
2. The authority to call and preside at conferences for the settlement or simplification of issues.
3. The power to administer oaths and affirmations.
4. The authority to rule on motions, objections and the admissibility of evidence.
5. Subject to the provisions of this Section, the authority to subpoena relevant witnesses and the production of relevant documents, records or other information.
6. The authority to exercise all powers and duties necessary and proper to the administration of fair hearings.
- 7. Any other powers authorized by State statute.**

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

E. ISSUANCE OF CITATION.

- 1. Any responsible person allowing, causing, committing, continuing to permit or maintain a violation pertaining to any, zoning, building, plumbing, electrical, or other similar matter regulated by the Kendall County, Planning, Building and Zoning Department may be issued a citation.**
- 2. Each citation shall contain the following information:**
 - a. The date of the violation;**
 - b. The address or description of the location where the violation occurred including parcel identification number;**
 - c. The specific section of the code or ordinance violated and a description of the nature of the violation;**
 - d. The amount of fine for said violation;**
 - e. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be**

paid;

- f. A statement that the violation must be corrected and the time within which it must be corrected and that failure to correct will result in further legal proceedings;
- g. A description of the administrative hearing process, including the time within which the administrative citation may be contested and the place to which to submit a written request for a hearing;
- h. The name and signature of the citing code enforcement officer; and
- i. Other such information as may be deemed necessary from time to time.

F. SERVICE OF CITATION. Citations issued pursuant to this ordinance may be served by any one or more of the following methods:

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

G. COMPLIANCE WITH A CITATION. Upon receipt of a citation, the responsible person must immediately do the following:

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

H. INSTITUTING ADMINISTRATIVE ADJUDICATION PROCEEDINGS.

1. Any Code Enforcement Officer or designee of the County may institute an administrative adjudication proceeding with the Code Hearing Unit by forwarding a copy of the complaint and all relevant supporting materials to the Code Hearing Unit.
2. When a Code Enforcement Officer observes a Code violation, the Officer may file a formal complaint by noting the violations on a violation notice and report on a form approved by the Code Hearing Unit.
3. The written complaint shall contain, at a minimum, facts sufficient to inform the respondent of the violations alleged, including the order allegedly violated.
4. The violation notice and report form shall contain a file number and a hearing date noted by the Code Enforcement Officer in the blank spaces provided for that purpose on the form. The violation notice and report shall state that failure to appear at the hearing on the date indicated may result in determination of liability for the cited violation and the imposition of fines and assessment of costs as provided by the applicable County ordinance. The violation notice and report shall also state that upon a determination of liability and the exhaustion of or failure to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to the County.
5. A copy of the violation notice and report form shall be served on the

respondent either personally or by certified mail with return receipt, postage prepaid, sent to the address of the respondent. If the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than twenty (20) days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found.

6. **In lieu of a personal appearance at the hearing, the Kendall County Board may provide for the voluntary payment of a determinate fine in accordance with a schedule of fines approved by ordinance as permitted by State statute.**

I. SUBPOENAS.

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

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

on behalf of any person shall file with the Hearing Officer a written appearance on a form provided by the County for that purpose.

K. HEARING PROCEDURE.

1. The Hearing Officer will begin the Officer's call by introducing himself or herself to the respondents and other attendees. Opening remarks should include informing the citizens as to the nature and manner of the proceedings. Opening remarks may include information about the order that cases will be called, the need to maintain proper decorum, continuances, acceptable and unacceptable defenses, and the fees and range of potential fines.
2. The Hearing Officer may grant continuances only upon a finding of good cause. Continuances shall not be granted as a matter of course.
3. All testimony shall be given under oath or affirmation.
4. Upon the timely request of any party to a hearing, any person who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.
5. The record of all hearings before the Hearing Officer shall include: all documents admitted into evidence at the hearing; a copy of the notice of violation and hearing; and a copy of the findings and decision of the Hearing Officer.
6. The record of a hearing before the Hearing Officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription or other appropriate means. The Code Hearing Unit shall not be responsible for providing recording services or equipment. Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber, or recorders at that party's own expense. **Kendall County shall record the audio of the hearing.** The Hearing Officer may reasonably limit where the court reporter, transcriber, or recorder may be placed in the hearing room. **If the party or the court reporter, transcriber or recorder is unwilling to follow reasonable limitations, then the Hearing Officer may remove the court reporter, transcriber or recorder.**

- L. EVIDENCE AT HEARINGS.** The Hearing Officer shall preside at the hearing, shall hear testimony, and shall accept any evidence relevant to the existence or non-existence of a Code violation on the property indicated. The Code Enforcement Officer's signed violation notice and report form shall be prima facie evidence of the existence of the Code violation described in the form. The strict rules of evidence applicable to judicial proceedings do not apply to hearings authorized under this

Section Ordinance. The Hearing Officer can take notice of all orders and regulations enacted by Kendall County.

- M. FINDINGS, DECISION, AND ORDER.** At the conclusion of the hearing or ~~any reasonable time thereafter~~ **within five (5) business days after the conclusion of the hearing**, the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether a Code violation exists. The determination shall be in writing and shall be designated as the Hearing Officer's findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a determination of whether a Code violation exists based on the findings of fact, and an order imposing a fine or other penalty, directing the respondent to correct the violation, or dismissing the case if the violation is not proved. If the Hearing Officer determines that the respondent is liable for the cited violation, the Hearing Officer shall enter an order imposing sanctions that are provided in the Code for the violations proved, including the imposition of fines and the recovery of the costs of the proceedings. Costs may be recovered in the same manner as fines and penalties. A copy of the findings, decision and order shall be served by personal service or by any method provided for service of the violation notice and report form under Section **13.09.F of this Ordinance**. The payment of any penalty or fine or costs of the proceedings and the disposition of that money shall be in the manner provided by this ~~Section Ordinance~~. **In the issuance of a final determination of liability, a Hearing Officer shall inform the respondent of the respondent's right to seek judicial review or review by the Kendall County Board of the final determination.**
- N. PENALTIES – GENERAL.** Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense and shall be assessed in accordance with 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 unless otherwise provided by law. *(Amended 8/17/04)*
(EXISTING 13.09)
- O. PAYMENT OF PENALTIES, FINES AND COSTS.** All fines and other monies paid to Kendall County in accordance with this Article shall be remitted to the Kendall County Treasurer. In order to ensure that Code violations are remedied or fines are paid in a timely manner, the Hearing Officer, upon issuing a final determination of liability, may further require a respondent found to be in violation to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against property (per 55 ILCS 5/5-41050). Bonds and liens shall be approved by the State's Attorney as to form. Whenever it is necessary for the County to make repairs or otherwise expend funds to mitigate a Code violation for which a bond was posted, or whenever fines or costs remain unpaid after a respondent has exhausted or failed to exhaust judicial review procedures, the Hearing

Officer may, after giving the respondent notice and an opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose the lien. The Hearing Officer shall order the bond or the property or proceeds from the property, less the costs incurred by the County, returned to the respondent upon proof of compliance with the applicable Code provisions and the payment of the assessed fines or costs.

- P. VIOLATION OF FINDINGS, DECISION AND ORDER.** Any respondent, having received notice and an opportunity for a hearing as provided in this Article, who fails to subsequently comply with the findings, decision and order of the Hearing Officer, including failure to respond to the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine of not less than Two Hundred Dollars (\$200) and not more than Five Hundred Dollars (\$500) for each offense, with each day that the violation continues being considered a separate and distinct offense. **The fine shall increase Twenty-Five Dollars (\$25) per violation until the maximum amount is reached.** In a prosecution under this **Article Ordinance**, it shall not be a defense that a person came into compliance with an order, sought judicial review of the order, or made efforts to comply with an order subsequent to its effective date.
- Q. ELECTION OF REMEDIES.** In no case may the Code Hearing Unit conduct an administrative adjudication proceeding for alleged violations of the Code where the requested remedy is a punishment of imprisonment. However, the provisions of this **Article Ordinance** shall not preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of the Hearing Officer.
- R. ADMINISTRATIVE HEARING NOT EXCLUSIVE.** Notwithstanding any other provisions of this Article, neither the authority of the Code Hearing Unit to conduct administrative adjudication procedures nor the institution of such procedures under this **Article Ordinance** shall preclude the County from seeking remedies for Code violations through the use of any other administrative procedure or court proceeding.
- S. REVIEW BY THE COUNTY BOARD.** **All decisions of the Hearing Officer may be appealed to the Kendall County Board, including all applicable applications and documents, by the responsible person within ten (10) business days of the decision of the Hearing Officer. In filing the appeal, the responsible person shall state the reason(s) of defects in the Hearing Officer's decision and outline an alternative remedy to violations from the ruling of the Hearing Officer. The Kendall County Board may request additional documentation after the application deadline. The responsible person shall be responsible for paying any costs, including, but not limited to, publication of notice costs. Within forty-six (46) business days of receiving a request for review, the Kendall County Board shall review and issue a ruling on the appeal. During the review period, the Kendall County Board may forward the appeal request to the**

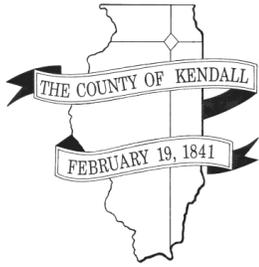
Planning, Building and Zoning Committee for comment. If the Kendall County Board fails to issue a ruling on the appeal within forty-six (46) business days, the request of the responsible person shall be automatically granted. In issuing an order, the Kendall County Board may agree, in whole or in part, with the decision of the Hearing Officer, or overturn the ruling of the Hearing Officer. In issuing the order, the Kendall County Board shall not impose a fine greater than the fine imposed by the Hearing Officer or reduce the time to remedy a violation set by the Hearing Officer.

- T. ADMINISTRATIVE REVIEW.** The findings, decision and order of the Hearing Officer **and/or the Kendall County Board** shall be subject to review in the Circuit Court of the County. The Administrative Review Law and the rules adopted pursuant thereto shall apply to and govern every action for the judicial review of the final findings, decision and order of the Hearing Officer. Where the Circuit Court upholds the findings, decision and order of the Hearing Officer following administrative review, the County may request and the Circuit Court may require that the respondent pay all costs incurred by the County in the administrative review process.
- U. SANCTIONS, TRANSFER OR CONVEYANCE OF PROPERTY.** The order to correct a code violation and the sanctions imposed by a County against a respondent property owner as the result of a findings or a Code violation under this **Section Ordinance** shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision and order of the Hearing Officer under this Section if a notice consisting of a copy of the order to correct a Code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the office of the Recorder by the County prior to the transfer or conveyance to the subsequent transferee or owner.
- V. COLLECTION OF UNPAID FINES OR OTHER SANCTIONS.**
1. Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the State Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been filed pursuant to **Section 13.09.M**.
 2. After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the Circuit Court

of the County for purposes of obtaining a judgment on the Hearing Officer's findings, decision and order. Nothing in this Section prevents the County from consolidating multiple findings, decisions and orders against a person or property in such a proceeding.

3. Upon commencement of the action, the County shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with State Statutes (55 ILCS 5/5-41005 to 41060) and this **Article Ordinance**. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision and order does not exceed Five Thousand Dollars (\$5,000).
4. If the court is satisfied that the findings, decision and order were entered within the requirements of the applicable State Statute and this Article and that the respondent had an opportunity for a hearing under this **Article Ordinance** and for judicial review as provided in this Article:
 - a. The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.
 - b. The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the Hearing Officer or to correct a Code violation.

Ordinance 2004-28 is repealed upon adoption of this Ordinance.



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 Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: November 20, 2017
Re: Future Land Use Along Illinois Route 47 in Lisbon Township

Attached please find Staff's proposed findings of fact and updated proposed Future Land Use Resource Management Map for Lisbon Township.

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 major changes from this version of the proposed Future Land Use Resource Management Map and the Map from the October meeting are the removal of the Mixed Use Business and Residential areas from Chicago Road and north of the Chicago Road. These proposed land uses are found in the Village of Lisbon's Comprehensive Plan.

The Village of Lisbon called for the land adjacent to Illinois Route 47 south of Lisbon Center Road to almost the County line to be either commercial or mixed use business. The Village's Future Land Use Map is attached.

If it is the desire of the Kendall County Regional Planning Commission to change the future land uses south of Helmar Road, Staff recommends the Commission approve a draft future land use map for the area, a timeline for approving changes and scheduling a meeting in Lisbon Township to obtain input from residents and property owners.

Staff offers the following timeline for adoption:

- | | |
|---------|---|
| Month 1 | Approval of Draft Map(s) and Approval of Public Input Meeting in Lisbon Township |
| Month 2 | Holding of Public Meeting in Lisbon Township (Draft Agenda Included) |
| Month 3 | Review of Comments from Public Meeting in Lisbon Township and Scheduling Public Hearing for Amendment |
| Month 4 | Public Hearing on Amendment and Recommendation to the County Board |

Depending on amount of comments and date of public meeting in Lisbon Township this proposed timeline could be altered.

RPC Memo
November 20, 2017

MHA

ENC: Proposed Findings of Fact and Draft Future Land Use Map
Current Future Land Use Map for Lisbon Township
Future Land Use Map, Village of Lisbon
Business and Manufacturing District Permitted and Special Uses
Draft Agenda for Public Input Meeting in Lisbon Township

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 Sherriff’s Department
13. The existing Kendall County Land Resource Management Plan calls for agricultural uses along most of the corridor. Source: Kendall County Land Resource Management Plan (2011)
14. The Village of Lisbon’s existing Comprehensive Plan calls for commercial, mixed uses and mining along and near the corridor. Source: Village of Lisbon Comprehensive Plan (2009)
15. The intersection of Routes 47 and 52 is the most likely area on the northeast side of an enlarged Village of Lisbon where sales tax producing businesses could locate. The northeast corner of the intersection is already zoned B-3 Highway Business.

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

Recommendations

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

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

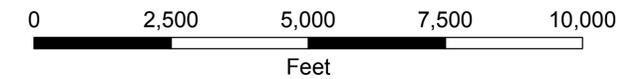
DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2017 -

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

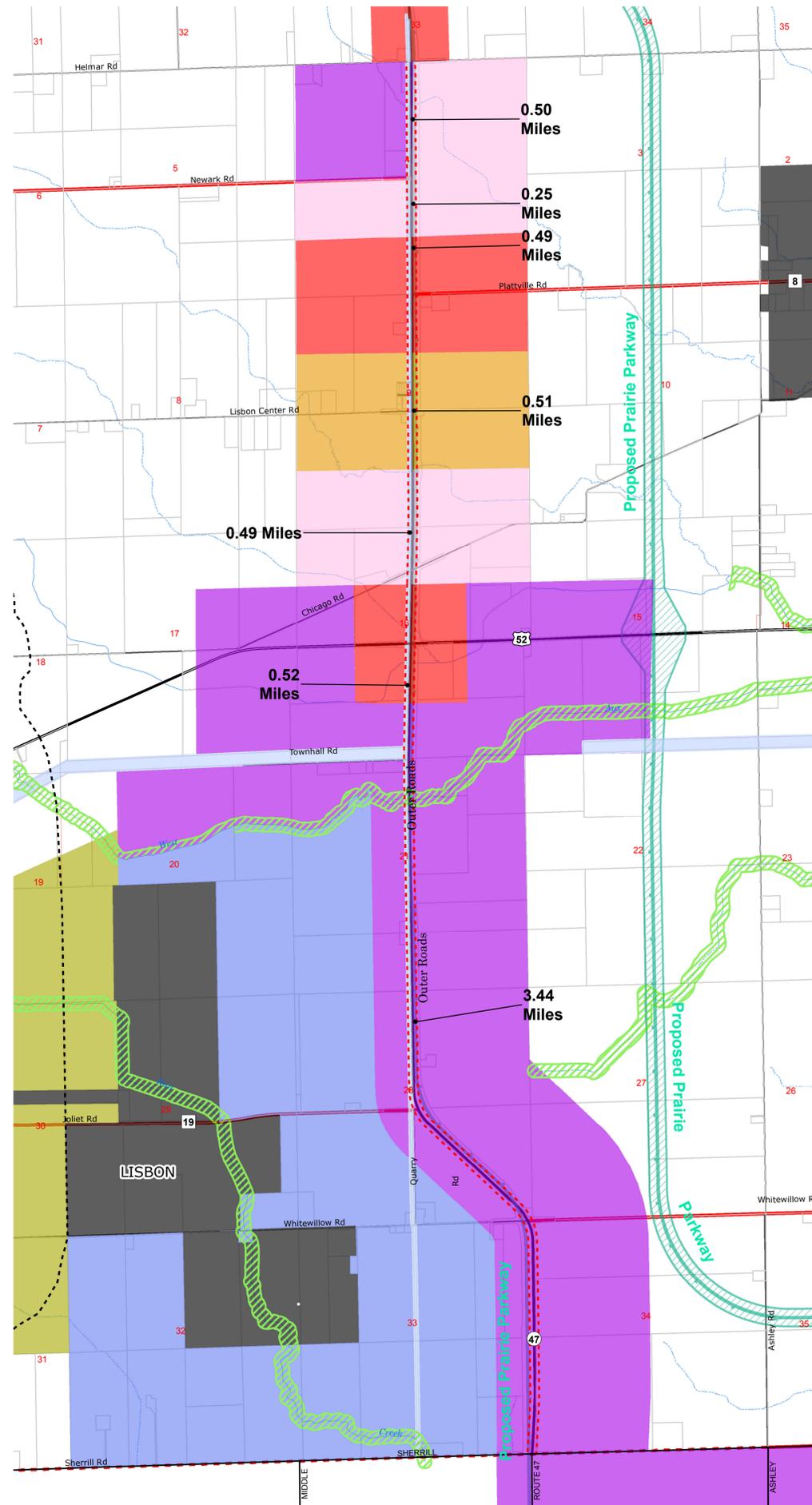


Scale: 1 in = 1,667 feet



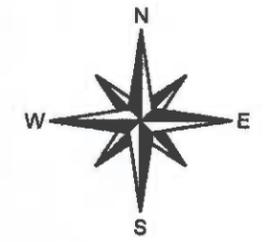
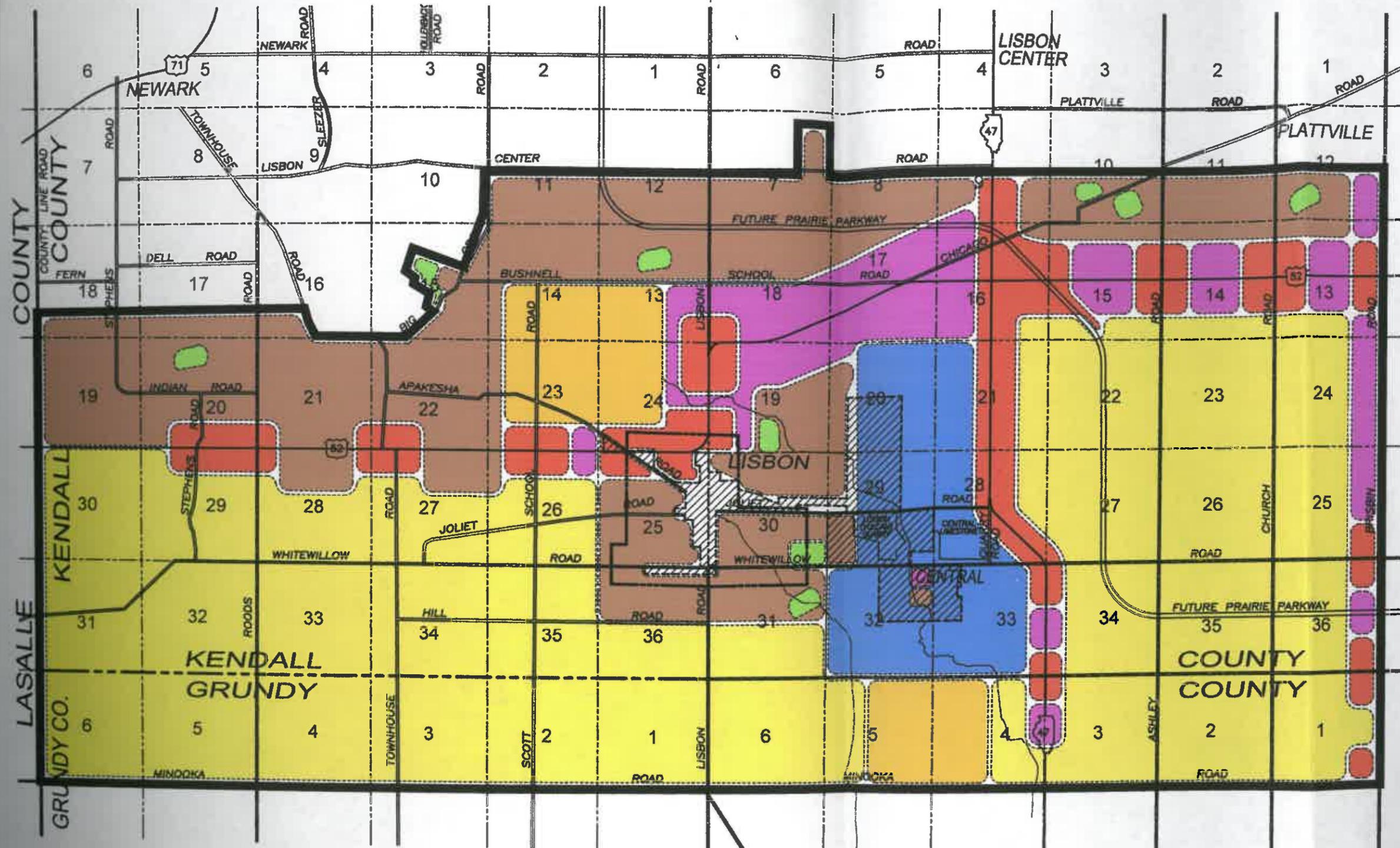
Legend

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

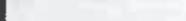


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

RANGE 6 EAST RANGE 7 EAST



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

RANGE 6 EAST RANGE 7 EAST

DRAWN BY: MAR	DATE: 8/14/07
CHECKED BY: GRC	

REVISIONS	
DATE	BY
10/25/06	MM
11/13/06	MM
11/20/06	MM

CHAMLIN ASSOCIATES
PERU MORRIS ILLINOIS

COMPREHENSIVE PLANNING MAP
VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

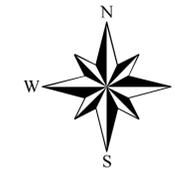
PLANNING AREAS

SCALE: 1 = 1700	SHEET
FILE NO.:	OF

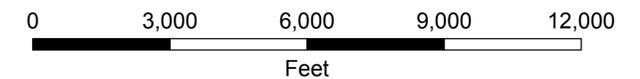
Future Land Use Lisbon Township KENDALL COUNTY

- 2017 -

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



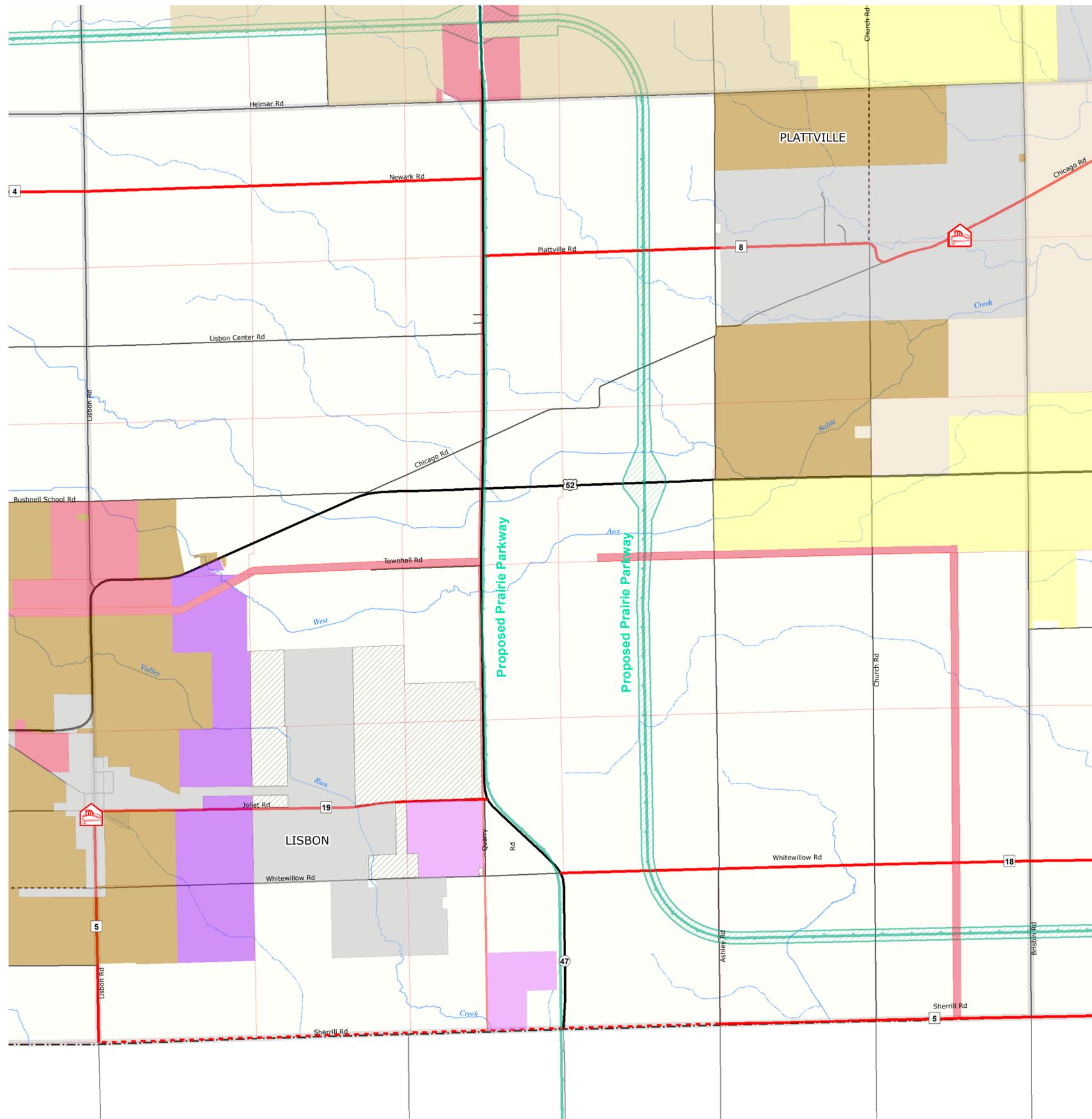
Scale: 1 in = 2,000 feet



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 Residential 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

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

9.04 B-3 HIGHWAY BUSINESS DISTRICT

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

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

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

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

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

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

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

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

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

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

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

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

9.06 B-5 BUSINESS PLANNED DEVELOPMENT

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

B-6
Permitted Uses

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

B-6
Special Uses

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

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

M-1
Permitted Uses

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

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

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

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

House trailer, manufacture.
Ice, dry and natural.
Ink mixing and packaging and inked ribbons.
Jewelry.
Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.
Laundries.
Leather products, including shoes and machine belting, but not including tanning and dyeing.
Luggage.
Machine shops for tool, die and pattern making.
Meat products.
Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.
Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
Musical instruments.
Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.
Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.
Perfumes and cosmetics.
Pharmaceutical products.
Plastic products, but not including the processing of the raw materials.
Poultry and rabbits - slaughtering.
Precision instruments - such as optical, medical and drafting.
Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.
Printing and newspaper publishing, including engraving and photoengraving.
Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.
Copying/Reproduction Stores & banner or sign supplies
Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.
Silverware, plate and sterling.
Soap and detergents, packaging only.
Soldering and welding.
Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.
Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.
Storage of household goods.
Storage and sale of trailers, farm implements and other similar equipment on an open lot.

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

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

Tool and die shops.

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

Toys.

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

Umbrellas.

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

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

Watches.

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

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

21. Retail and services as follows:

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

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

Banks and financial institutions

Carpet and Rug Stores

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

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

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

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

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

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

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

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

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

M-2
Permitted Uses

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

M-2
Special Uses

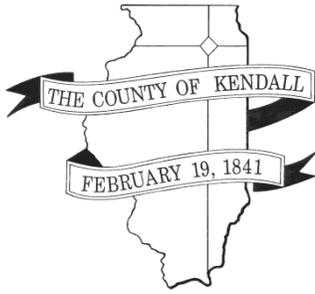
1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle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

M-3
Permitted Uses

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

M-3
Special Uses

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



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
Address TBD • Rooms • Town, IL • ZIP
SPECIAL MEETING AGENDA

Day of Week, Month Day, 2017 – Time p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko, and One Vacancy (Big Grove Township)

ITEM

1. **Kendall County Regional Planning Commission**
Public Comment and Suggestions Regarding Proposed Changes to the Future Land Use Maps of Kendall County and Lisbon Township for Property Adjoining Illinois Route 47 in Lisbon Township.
Commission Will Receive Public Input and Comment; No Action Will Be Taken on Any Matter

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Day of Week, Month Day, 2017

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.