



# Kane County Development & Community Services

Kane County Government Center

719 S. Batavia Ave, Geneva, IL 60134 - Building A, 4<sup>th</sup> Floor | (630) 232-3485

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## APPENDIX A: ENTITLEMENT PROCESS

Typical Review Process & Timeline for a Special Use Permit:

### TECHNICAL STAFF

Attend a Pre-Application Meeting with the Technical Staff team (includes: Kane County Zoning Department, Kane County Water Resources Department, Kane County Division of Transportation / Highway Commissioner, Illinois Department of Transportation (if applicable), Fire Protection District, Municipality, Township). **Meetings held every Monday morning; petitions are scheduled as time permits.**

### ZONING ENFORCEMENT OFFICER

The Zoning Enforcement Officer shall review the application for completeness with the requirements of this division in a preliminary investigation. Incomplete applications will not be reviewed and shall be returned to applicant until all requirements are included in the submittal. **Please allow 5-10 business days for this initial completeness review.**

### REGIONAL PLANNING COMMISSION (RPC)

When applicable a rezoning/special use petition may be required to go before the Regional Planning Commission for review; the Commission would then forward their recommendation onto the Zoning Board of Appeals for consideration. **These meetings are only scheduled on an as-needed basis.**

### ZONING BOARD OF APPEALS (ZBA)

Upon completion of the preliminary investigation, the Zoning Enforcing Officer shall schedule a date for a public hearing before the Zoning Board of Appeals to be held within forty-five (45) days. ZBA will consider the Special Use request and make a recommendation to the County Board based on their findings. Hearing held as needed--published 15 days prior to hearing. **ZBA is typically scheduled for the first Tuesday of each month.**

### KANE COUNTY DEVELOPMENT COMMITTEE

Following the ZBA public hearing but before going to the County Board, the petition will be considered by the Kane County Development Committee. The Committee may or may not make a recommendation concerning the petition to the County Board. Any recommendation by the Committee is not binding on the County Board. **Meetings held third Tuesday of each month.**

### KANE COUNTY BOARD (KCB)

Finally, the petition will be put on an agenda for the Kane County Board to review and make an official decision on. **Meeting held second Tuesday of each month.** The County Board may approve a Commercial Solar Energy Facility Special Use Permit application, if it finds the evidence complies with state and federal law and regulations, and with the standards of the Kane County zoning code, and/or stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the Commercial Solar Energy Facility Project as deemed necessary.

**Total Time: 4 – 5 months**



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## PLEASE NOTE THE FOLLOWING

As of May 9, 2023, by order of Ordinance 23-178, Section 25-5-4-9 of the Kane County Zoning Ordinance provides the following stipulations regarding special use permits for a Commercial Solar Facility:

### EFFECTIVE DATE

The Special Use shall become effective upon approval of the ordinance by the County Board.

### REVOCATION

In any case where a Special Use has been approved for a Commercial Solar Energy Facility Project, the Applicant shall apply for a Commercial Solar Energy Facility Building Permit and a Stormwater Permit from the County and all other permits required by other government or regulatory agencies to commence construction, and commence and actively pursue construction of the Project within thirty-six (36) months from the date of the granting of the Special Use.

**If the Applicant fails to apply for a Commercial Solar Energy Facility Building Permit and a Stormwater Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the thirty-six (36) month period, then without further action by the County Board, the Special Use authorizing the construction and operation of the Commercial Solar Energy Facility Project shall be automatically revoked and void.**

Upon written request supported by evidence that the Applicant has diligently pursued issuance of all necessary government and regulatory permits for the Project required to commence construction and that any delay in commencement of construction of the Project is due to conditions out of his/her/its control, the County Board, in its sole discretion, may extend the above thirty-six (36) month period by passage of an ordinance that amends the Special Use.

The Special Use shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the Commercial Solar Energy Facility Project or the Commercial Solar Energy Facility ceases to operate for more than twelve (12) consecutive months for any reason.

Subject to the provisions of Article XI (Remedies), a Special Use may be revoked by the County Board if the Commercial Solar Energy Facility Project is not constructed, installed and/or operated in substantial conformance with the County-approved Project plans, the regulations of this division and the stipulated Special Use conditions and restrictions.

### TRANSFERABILITY

Owner or Commercial Solar Energy Facility Permittee. The Applicant shall provide written notification to the County Board at least thirty (30) days prior to any change in ownership of a Commercial Solar Energy Facility. The phrase "change in ownership of a Commercial Solar Energy Facility" includes any kind of assignment, sale; lease, transfer or other conveyance of ownership or operating control of the Applicant, the Commercial Solar Energy Facility or any portion thereof. The Applicant or successors-in-interest or assignees of the Special Use Permit, as applicable, shall remain liable for compliance with all conditions, restrictions, and obligations contained in the Special Use, the provisions of this section and applicable County, state, and federal laws.

### MODIFICATION

Any modification of a Commercial Solar Energy Facility that alters or changes the essential character or operation of the Commercial Solar Energy Facility in a way not intended at the time the Special Use was granted, or as subsequently amended, shall require a new Special Use. The Applicant or authorized representative, shall apply for an amended Special Use prior to any modification of the Commercial Solar Energy Facility.