

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
September 28, 2016

Call to Order: Mel Gratton called the meeting to order at 7:00 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Nick Tranel
- ✓ Laura Winter
- ✓ Ron Mapes
- ✓ Gary Diedrick
- Jody Carroll, Alternate

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- Matt Calvert, JDC Health Dept.
- John Hay, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ John O'Boyle, JDC Board Member

Approval of Minutes: A motion was made by Winter to accept the August 24, 2016 minutes. Seconded by Mapes. Voice Vote: All Ayes

Mel Gratton swore in all who might want to testify on any request this evening.

New Business

Harold D. Gilpin & Wendy L. Bade-Gilpin, owners, (address: 2752 W Cording Road, Galena), requesting a Special Use Permit to allow for replacement of existing Special Use Permits and continued use as a Bed & Breakfast/Inn, Licensed Guest Accommodations and all associated uses, including the barn structure to be used as a meeting/event area as well as future improvements to the property. Property is located in the AG Agricultural District. Common Location: 2752 W Cording Road, Galena.

Staff

- **Comprehensive Plan:** In the County's Comprehensive Plan it is stated that Jo Daviess County is strongly supportive of commercial and industrial growth. It recognizes existing businesses for the contribution they have made to the local economy and the tax base over the years. Existing business and industry have the greatest likelihood of new job creation. The County recognizes the need to stimulate and diversify the economy and is eager to support existing business and industry in the efforts to expand. The County also supports the tourism industry, of which this request is directly tied to. The county's tourism economy is strong, the agricultural economy, while still strong here, can expect increasing pressure from encroachment of development into the agricultural areas. The Comprehensive Plan goes on to indicate that the scenic beauty and pastoral appearance of the county have been identified among the most significant attributes and are the very underpinnings of the tourism economy. The residents support rural ambiance and at the same time value tourism. Careful land use

planning can allow for growth and development while preserving the natural beauty and rural character of the county. By managing development and directing it to areas best able to support it, the agricultural economy, rural character and scenic beauty of the county, valued by county residents, can be protected to a greater degree. The principles on which the Comprehensive Plan is based on are not anti-growth, but rather “smart growth”.

- Wastewater Treatment: This property has multiple septic systems to service the house & guest cottages. The following is on-file for the septic systems:
 - main house & barn (art studio) is sized for a 5 bedroom house without a garbage disposal
 - this septic system is located south & east of the house on the neighbor’s property; septic easement agreement #362196 is in place
 - cottage III is sized for a 1 bedroom house without a garbage disposal
 - this septic system is located south & west of cottage III
 - cottage IV is sized for a 2 bedroom house without a garbage disposal
 - this septic system is located south & east of cottage IV & south of the proposed location of future cottage V
 - future cottage V can be added to this system if desired
 - no information is on file for cottages I & II

There is one well on this property that services all buildings. This well is located south of the main house & does not meet the well – septic tank setback requirements. As part of the Guest Accommodations Ordinance annual water sampling is required, so this situation can be monitored.

If future improvements are pursued, or usage of buildings is changed (e.g. art studio [low water usage] changed to a gathering place housing receptions/large events [high water usage]), the septic systems may have to be upsized to accommodate for the increased wastewater flow. Also, if water samples shows signs of contamination indicative of septic failure, a new well meeting the required well – septic systems setbacks will have to be constructed & the existing well will have to be properly sealed.

- Access Considerations: The property has an access onto Guilford Township maintained Cording Road that will not be altered. Sight distance to the east is adequate. Sight distance to the west is 500’ which according to nationally accepted geometric design policies meets a 45 mile per hour design speed
- Other Considerations: This request is in Guilford Township and sits approximately 2 miles directly east of the Galena Territory. This parcel has three existing Special Use Permits. Special Use Permit 00-40 was issued in December of 2000 to allow for the addition of two cabins, Special Use Permit 01-49 was issued in March of 2002 to allow for the barn to be used as an art school and house public meetings and Special Use Permit 06-27 was issued to allow for an Inn establishment with additional cottages with a variance in the setback regulations. The applicant has been running the existing business under the three stated Special Use Permits and would like to have one Special Use Permit umbrella to continue his current operation under. Applicant has detailed his current and anticipated uses going forward on his application. The uses requested under the new Special Use Permit Umbrella remain consistent with the current uses and those uses customarily accessory.

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Hal Gilpin, owner

- Would like to clean up the special use permits so they are under one. The barn was the art school but is not being done and not in the plan. Would like the hours of 8-6pm removed just doesn't work when we rent the whole property to one group such as a family reunion. We would like to hold meetings/events up to about 50 people for the Best of Bed & Breakfasts event. We are looking to convert the barn to a dwelling and restoration of the barn area as the previous owner had in the special use permits. Would still like to be able to do the 5th cottage at some point.

Gratton states that you have not had any problems over the years and have had a good operation. I don't think you have any really close neighbors. How large are you looking for events?

- Hal indicates that my guests are told to face the music away from the neighbors. When we have weddings we tell the renters to face the music away from the hill, usually these are small elopements where they rent the whole property. We had one that had 70 people and that was more than enough.

Public Testimony

None

Public Testimony Closed

Diedrick asked if any neighbors contacted the office.

- Linda stated that we had one neighbor come in and ask questions, but had no issues or concerns.

Mapes asks if all the language in the three special uses will be incorporated into one.

- Linda states that Hal and I went through the list and he has put a list together under his proposed use of site.

Gratton asks about the existing special uses and variance.

- Linda states that he is asking for some things to be lifted such as time references, music references and things with the barn/art studio.
- Linda states that you would want to include the variance for the Guest Accommodation

Tranel asks what time would you like.

- Hal states he would like it lifted. If I rent the entire property, if you wanted to be in the barn till 11 pm at night playing games you could be. The barn is not used as a business it is just a barn with meeting/gathering place. If someone wants to hold a retreat in the evening I don't want to be restricted on time, but I don't think they will be there till 3am, I would be there overseeing it if it did. We only usually have outdoor music go until 11 pm then if they want to go in the barn they could after that.

Diedrick asks if we want to limit type of music.

Gratton asks what type of music you have and what do you anticipate.

- Hal indicates that it is usually CD's playing or hooking an iPad to sound system in barn with a couple speakers.

Diedrick asks if we need clarification for what type of music

Gratton states outdoor activities and music goes until 11 pm and then if they want to they can go indoors

- Hal states that would be reasonable.

A motion was made by Tranel to recommend approval of the request as presented for Special Use Permit with the following conditions:

1. Activities and uses of the entire property would be as follows but not limited to: Family Reunions, Business Retreats, Outdoor Intimate wedding venue, including tented events, that may include outside music operating until 11pm, single/multiple night accommodations, meeting venue, catered events.
2. Future improvements to the property could be but not limited to: Conversion of the barn to a private dwelling, continued restoration of the barn, conversion of the main house to a 4 bedroom rental along with the existing cottages, addition of a 5th cottage on the property as per the site plan 2006, application for a liquor license to serve, not sell, alcohol at events or establish a 'wine time' for B&B guests staying on the property, previous variance on the house and two outbuildings be retained from 2006 special use permit, maintain setback variance on house.
3. Variance on setbacks for existing structures
4. Outdoor activities and music cease at 11pm

Seconded by Diedrick

Gratton asks about septic and well concerns

Linda indicates that they have to have that well tested annually and the septic tank pumped every 4 years.

Standards for Special Use have been reviewed and met

Roll Call:	Ron Mapes – Aye	Nick Tranel – Aye
	Gary Diedrick – Aye	Mel Gratton – Aye
	Laura Winter – Aye	

Jo Daviess County, requesting amendments to the text of the Jo Daviess County Zoning Ordinance: Title 8, chapter 7-2; Title 8, Chapter 5, Article A; Title 8, Chapter 5, Article B

Linda Delvaux

The County Board has requested to add the following two Definitions

- We added the Solar Energy uses to our Zoning Ordinance the last time we made an amendment, but, neglected to add definitions. In front of you this evening are the proposed definitions for Solar Energy Systems, Commercial and Solar Energy Systems, Private.

Public Testimony

None

Public Testimony Closed

Gratton states this is just a cleanup from before.

A motion was made by Diedrick to recommend approval for Title 8, Chapter 7, Article 2: Defined Terms; Add the following definitions:

Solar Energy Systems, Commercial: Any device or combination of devices or elements which rely on power obtained by harnessing the energy of the sun's rays, intended primarily to be sold to wholesale or retail markets.

Solar Energy Systems, Private: Any device or combination of devices or elements which rely on power obtained by harnessing the energy of the sun's rays, intended primarily to be used as an

onsite power source, however, incidental energy output may be delivered to a power grid to offset the cost of energy on site

Seconded by Mapes

Roll Call: Gary Diedrick – Aye Mel Gratton – Aye
Laura Winter - Aye Ron Mapes – Aye
Nick Tranel – Aye

Linda Delvaux

- Part two of the County Board request is to add an accessory Dwelling use to the use table and attached a set of standards to the use. As stated in the draft the purpose of adding this is to provide an opportunity for cost effective independent accessory housing options at the same time keeping them in close proximity to the principal dwelling. The Board as drafted two types of detached accessory dwellings. One being a manufactured home, which is defined in our ordinance as a Manufactured Housing Unit, and the other would best be described as an on-site stick built type of dwelling. Both of these types of Detached Accessory Dwelling Units are being proposed as special uses in the Ag and R1 Districts. The set of standards are designed to help ensure that the DAD Units are compatible with the character of the area, that they share infrastructure and common spaces with the principal dwelling on the property and to help ensure that it will not be split from the parcel. A couple of these standards are directed directly at the manufactured unit only. The Manufactured home can be no older than 15 years old at the time of placement and the Special Use permit for the Manufactured Unit will expire in three years, it may be extended by applying for an extension as detailed in 8-2D-7 of this ordinance, which means an applicant will have to come back to the Zoning Board to achieve this. Once the Special Use Permit expires the Manufactured Dwelling must then be removed from the property. The Board has included a minimum and maximum square footage allowed. What the maximum square footage does is it disallows mobile homes sized 14x65 and greater. At the same time it will only allow as small as 400 square feet. This primarily comes into play when you are thinking in terms of “Tiny Houses”.

Gratton states that the current manufactured homes were previously called mobile homes. What about the classification of a Tiny House?

- Linda states that if they are self-contained and built on a frame they are classified as an RV. If they are not self-contained and placed on a permanent structure then they would be considered a dwelling unit. Currently if they were an RV they would not be able to be placed and lived in, if they are built to be on a foundation and hooked up to infrastructure they could be utilized in the county by getting a building permit.

Public Testimony

Swear in of Ron Lawfer

Ron Lawfer

- I lived in a mobile home and that is how my wife and I got started, that same mobile home had 4 different families over the years. I am concerned about the 3 year time frame. The mobile home I lived in was moved 3 different times. You need to live where your livestock are or have a hired hand. I would like to see the mobile homes for a longer period of time and not on a permanent foundation. The mobile home was sold and not sure where it went.

Public Testimony Closed

Linda Delvaux states that I am not sure where he is talking about it being required to be on a permanent foundation. You cannot set or connect these on a permanent foundation due to structure design, they do need to be tied down or placed on a floating slab. That was not the intent to be on a permanent foundation.

Mapes asks if I have a pasture and want to place a mobile home and rent to hunters can I do that.

- Linda states you cannot just do that, you have to meet the set of criteria. This is to be an accessory to the primary residence and within 150 feet of primary residence. There is nothing in here that states that you can't rent that to hunters as long as you meet criteria.

Mapes states that previously in the ordinance you could have placed a mobile home for family, but has been taken out.

- Linda states that you can currently place a Guest household unit that would allow for a small dwelling for guests to stay in when they visit. In 1995 we allowed by Special Use for a mobile home, then we took it out and now they are only allowed in a mobile home park.

Tranel states that if I have 5 acres and meet the criteria I can place a mobile home next to my existing home – that is your concern Mapes

Mapes states that is my concern all over the countryside

- Linda states that this would be in the AG and R-1 Districts, which is a large percentage of the county.

Linda states that we had a person approach the committee and wanted her mother to come live next to her, her mother still wants her own space, we gave her options, but she came to the Development & Planning Committee and talked to them about providing an opportunity for her to bring in a mobile home for her mother to live in. That may be why the 3 years was brought up; because once that was not needed it could be removed. This was something that she wanted to be affordable for her.

Mapes comments about the Comprehensive Plan and smart growth. I don't think mobile homes is smart growth.

Berlage asks would you agree with stick built versus the manufactured homes.

Gratton states that we do need to talk about that.

Tranel states I hear the need, but how can we address the concerns Ron Lawfer has.

- Linda states that you cannot zone based upon some ones lineage.

Winter states that I agree with Mapes and it will open up the door. If they put a 15 year old manufactured home then come back and ask for an extension, how long are we going to let that go being an 18 year old home?

Gratton states that I am in support of the intent and the need for it, but the implementation of it with 2 different style homes. I think we are asking for issues and trouble down the road. I think that creates zoning issues or concerns. I have mixed feelings about mobile homes over the years. I think as far as investment a stick built would be better than a manufactured home as far as depreciation.

Mapes asks about modular homes

- Linda states that they are built in a factory designed to be put on a foundation and attached to that foundation, they are not on a frame, but are also built to International Codes.
- Linda states we define the types in our ordinance, some of these definitions have nothing to do with this tonight.

Gratton asks how many requests for mobile homes over the years.

- Linda states that over the time a few not many.
- Melissa states that compared to other requests a few.

Gratton states that they do not enhance or increase the value and to monitor the time frame for these types of requests can be burdensome.

Tranel asks what complications could be in the monitoring of this.

- Linda states that it may create enforcement issues and if they will not remove the manufactured home we would need to get States Attorney involved. I don't know how many this would be if any.

Berlage asks what about domes, shipping containers, or treehouses.

- Linda states these can be placed as long as they meet construction codes and standards.

Berlage states that shipping containers are not much different than manufactured homes correct?

- Gratton states that shipping containers might be a little heavier.

Gratton asks how many employees you have.

- Ron Lawfer indicates not necessarily employees but family to live on the farm and see the work ethic.
- Gratton states that I hope they have that work ethic by 18 years old.

Linda states that this would also allow for rehabbing an existing structure for this use.

Diedrick states that we should remove the manufactured home portions from the request.

All agree with Diedrick

Gratton asks what about a permitted use in the AG District for the Detached Accessory Dwelling Unit.

A motion was made by Mapes to recommend approval with changes for Title 8, Chapter 5, Article A & B as indicated:

Use Type	Zoning Districts								Use Standards
	Residential				Nonresidential				
	AG	R-1	R-2	RP	CON	C	M	I	
<u>Detached Accessory Dwelling Unit</u>	<u>S</u>	<u>S</u>							<u>8-5B-52</u>

8-5B-52: Detached Accessory Dwelling Unit:

A. Purpose and Intent:

To provide an opportunity to offer cost effective independent accessory housing options in close

proximity to the principal dwelling.

The following standards are in place to ensure that the detached accessory dwelling units are compatible with the character of the area, share infrastructure and common spaces with the principal residence on the parcel and shall not be split from the parcel on which the principal residence sits.

B. Development Standards:

1. Generally, the development standards stated in this section are applicable to a detached accessory dwelling unit unless specifically stated otherwise. If not addressed in this section, the base zone development standards apply.
 - a. No more than one detached accessory dwelling unit shall be established on a parcel and shall only be allowed as an accessory to a principal residence on the property.
 - b. Home occupations are prohibited in a detached accessory dwelling unit.
 - c. A detached accessory dwelling unit shall only be allowed on a zoning lot of five (5) acres in size or more
 - d. The gross floor area of an accessory dwelling unit shall be no greater than nine hundred (900) square feet.
 - e. Detached accessory dwellings shall be located no more than one hundred fifty (150) feet from a principal dwelling (to be measured from outside of structure to outside of structure).
 - f. Detached accessory dwellings shall utilize the existing driveway that is serving the principal residence and shall be metered off of the existing electric and water supply.
 - g. Detached accessory dwellings shall not be used as guest accommodations.

8-7-2: Defined Terms

Definition:

Detached Accessory Dwelling Unit:

A Detached Accessory Dwelling Unit (DADU) is a self-contained housing unit that typically has their own kitchen, bedroom(s), bathroom(s) and living space, which is a freestanding structure on the same parcel as the principal dwelling unit.

Seconded by Diedrick

Roll Call: Laura Winter - Aye
 Nick Tranel – Aye
 Mel Gratton – Aye

Ron Mapes – Aye
Gary Diedrick – Aye

Linda Delvaux

- The third part of the text amendment request is to create an addition type of Temporary use. This is designed to allow for the opportunity of events and festivals to happen in the County and provides an event guideline in order to help make it a safe and successful event. We have drafted the events into three types. First those that are accessory to everyday use which are permitted as accessory use, second those events that are a little larger that would benefit from the event criteria and we would temporary use them, which also helps the County agencies such as the EMT, Fire, Police, Health Dept., Highway by giving them awareness of the type of event and anticipated occupancy, in case they are needed for emergency purposes. This can also help the event coordinator in advance of the event by giving the County CVB the details, so that they can spread awareness of the event. Lastly we have classified large scale events as Special Uses so

that they can be reviewed at public hearing. These are events that would exceed size and use expectation of a temporary use event or festival.

Public Testimony

Ron Lawfer

- I don't know how this affects this, but last year we held the Hay Forage Expo at our property. We provided for parking and exhibitors, but it rained every day except for the day of the event. We had approximately over 500 people that attended. No parking was available due to it being a mud hole and ended up parking along the road. How does this fall into that and farm sales with parking along the road.
 - Linda indicates that parking is addressed in the ordinance currently that is not new. Auctions fall under a small scale event and would be an accessory use. The event you held may qualify under Agri-Tourism.
- I called the Sheriff's Department that morning and they said to call the Highway Department and then the Highway Department directed me back to the Sheriff's Department.

Public Testimony Closed

Diedrick asks about the section of Other Conditions: talking specifically about if the event is too large the Zoning Administrator may refuse to permit. Should that wording be changed to acceptable safety standards? I think too large sounds too vague.

- Linda asks what the acceptable safety standards are. I think that is in here just as a fallback if something gets way out of hand.

Gratton asks about adding a section I. about cleanup and restoration of the site to previous conditions. 'The site shall be cleared of all event debris within 24 hours of the end of the activity and cleared of all temporary structures within seven (7) days after closing the activity.'

Gratton asks about C. Type 3 Temporary Uses, 1 – about the triggering factors for a temporary use for amusement events/festivals. Does the first one and the third one do the same thing for triggering?

- Linda states they talked about this and we didn't want it to trigger the small amount of people. With alcohol at a small event is not as much of a concern as in a larger group. They did not want alcohol to be an only trigger for a temporary use permit. The only thing was is if we had a smaller number such as 350 with the alcohol to trigger.

A motion was made by Tranel to recommend approval for Title 8, Chapter 5, Article A & B; Chapter 7, Article 2 as presented with the addition of 8-5B-37 Temporary Uses; B, 3, 1

8-5B-37: TEMPORARY USES:

Temporary Use Permit: The zoning administrator is authorized to issue a permit for a temporary use provided it meets the requirements of this section. The permit shall be issued for a specified period of time and may contain health, safety and traffic restrictions, and may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.

A Type 1 Temporary Uses:

- 1 The following temporary uses shall be allowed:
 - Seasonal sale of agricultural produce including, but not limited to, farmers' markets.

B Type 2 Temporary Uses:

- 1 Uses Allowed By Permit Only: The following uses shall be allowed by temporary use permit only:

Commercial sales events/activities, not conducted in an enclosed building or on the premises of a regular place of business. The total duration of event/activity shall not exceed fourteen (14) weeks.

WECS test towers subject to the following:

- a All test towers shall be eighty meters (80 m) or less in height.
 - b All test towers shall be set back from public roads, third party transmission lines, communication towers and primary structures a distance of 1.1 times the test tower height.
 - c All test towers shall be set back a distance of one and one-tenth (1.1) times the tower height from adjacent property lines.
 - d At the expiration of the temporary use permit, the test tower must be taken down and the area reclaimed if necessary.
 - e Temporary permit for a test tower may only be issued for no longer than a three (3) year time period.
 - f The provisions of items b and c of this use shall not apply to test towers if the applicant submits with the application for this temporary use, a statement wherein the applicant indicates what the actual setbacks will be from structures and property lines and such statement shall be duly acknowledged before a notary public by the applicant, owner and lessee (if applicable) of the primary structure referred to in item b of this use and the owner of the adjacent property referred to in item c of this use indicating that said owner(s) of the structure or property has no objections to the applicant having test towers located in the location set forth in the statement.
 - g WECS test towers that do not meet the above requirements may apply for a special use permit in accordance with chapter 2, article D of this title. (Ord. 2009-3, 5-12-2009)
- 2 Application And Review Procedures:
 - a Approval Of Type 2 And Type 3 Temporary Uses By The Zoning Administrator: The zoning administrator may approve type 2 and type 3 temporary use permits after determining that the use will comply with all of the standards of this subsection.
 - (1) Contents Of All Applications: An application for a temporary use permit shall be made to the zoning administrator on a form available from the zoning administrator and shall be accompanied by:
 - (a) A site plan or map showing the location of the structures, improvements, parking areas and other features that exist or are proposed on the site
 - (b) Owner authorization: When the applicant for a special event is not the owner of the property on which the event will occur, the applicant must submit proof of the owner's authorization which shall be in

writing, dated, signed by the owner and contain sufficient information so as to identify the property and the proposed special event.

(c) A fee as established by the county board.

(2) Review And Approval Process: A complete application shall be submitted to the zoning administrator at least thirty (30) days prior to the requested start, with the exception of Amusement Events/Festivals requiring at least sixty (60) days prior to the requested start date. The zoning administrator shall submit copies of the application to the Jo Daviess County Environmental Health Department, Sheriff Department, County Highway Department and emergency responders for review. The zoning administrator shall make a determination whether to approve, approve with conditions, or deny the permit within twenty (20) working days after the date of application. Any applicant denied a permit by the zoning administrator shall be notified in writing, of the reasons for the denial and of the opportunity to appeal the denial to the zoning board of appeals at their next regularly scheduled meeting.

- 3 Requirements: The following provisions shall apply to all type 2 and type 3 temporary uses:
- a Land Use Compatibility: The special event must be compatible with the purpose and intent of this section and the zoning district in which it will be located. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.
 - b Traffic Circulation: The special event, as determined by the county engineer, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls. The special event application shall be reviewed and agreed to by all affected road authorities, and by the sheriff's department for public safety.
 - c Off Street Parking: Off street parking shall be provided in a manner as determined by the zoning administrator to meet the needs of the requested special event.
 - d Setback From Road Right Of Way: Temporary Structures and equipment used in conjunction with a special event need not comply with the setback requirements of the applicable district in which the special event is located unless otherwise required by the zoning administrator for public safety reasons. However, structures or equipment shall not block the view of operators of motor vehicles on the public streets and shall conform to the requirements of the sight triangle as specified in section 8-4A-6, "Sight Triangle", of this title.
 - e Public convenience and litter control: Adequate portable sanitation stations, potable water and on site solid waste containers shall be provided.
 - f Event staff shall be provided by the applicant to provide for traffic coordination to protect the public health and safety.

- g If food will be served to the public or available for public purchase, food vendors must comply with Jo Daviess County Health Department food service regulations.
- h If alcohol will be served to the public or available for public purchase and consumption, all applicable licenses and permits shall be procured through the local/state and federal agencies.
- i All amusement events/activities shall begin activities after 9:00am and shall cease activities by midnight.
- j It shall be the responsibility of the applicant to see that the area used for the event is maintained in a condition that provides for the public health, safety, and welfare for event attendees and neighbors alike. In the event that authorized personnel from the Jo Daviess County Sheriff's Office determine that the activity is a threat to the public health, safety, and welfare, the Jo Daviess County Sheriff's Office shall have the right to close the event to ensure the health, safety, or general welfare of attendees or neighbors.
- k Other Conditions: The zoning administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses. The zoning administrator may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, roadway or other infrastructure. In the event that authorized personnel from the Jo Daviess County Sheriff's Office determine that the activity is a threat to the public health, safety and welfare, the Sheriff's Office shall have the right to close the event to ensure the health, safety or general welfare of attendees or neighbors.
- l The site shall be cleared of all event debris within 24 hours of the end of the activity and cleared of all temporary structures within seven (7) days after closing the activity.

C Type 3 Temporary Uses:

1. The following uses shall be allowed by temporary use permit only:

Amusement Events/Festivals:

A temporary use permit is required for Amusement Events/Festivals when one or more of the following are triggered:

- The event will have alcohol either served or brought on premise and have an anticipated attendance of 500 people or more
- The event is scheduled for more than one calendar day
- The event will have an anticipated attendance of 500 people or more

The purpose and intent of this Subsection is to allow short term use of land, that are not otherwise permitted in the Use Table of this Ordinance, for special amusement events/festivals, when not conducted on premise and associated with a permitted business, while protecting nearby property owners, residents and business from activities that may be disruptive, obnoxious or otherwise incompatible. No more than two (2) events in any calendar year with regard to any particular property and shall not last longer than four (4) consecutive days with the exception of a haunted house/barn/forest or similar seasonal activity,

which shall not last longer than a specific period of time not exceeding sixty (60) days.

Events/Festivals may be held either in an enclosed existing structure, not to exceed occupancy load as established in the adopted International Residential/Building Code or in an open area with or without temporary tent structures.

Garage sales, auctions and Private, non-commercial events on the sponsor's property such as private weddings, family reunions and graduation celebrations not intended to be open to the public are not considered activities intended for public amusement. Events/Festivals do not include gatherings at any regularly established permanent place of worship, fairgrounds or any permanent established place of business when held in conjunction with and at the site of business.

Agricultural themed public events:

Application and review process stated in subsections B2 and B3 of this section is applicable to all type 3 temporary uses. (Ord. 2011-8, 11-8-2011)

D. Type 4 Temporary Uses:

1. In the event of a fire or natural disaster which results in the partial or total demolition of a residence, making it unfit for human habitation, the zoning administrator may, upon application from the owner of such residence, issue a temporary emergency shelter permit for the use of a mobile home or recreational vehicle for use during rehabilitation of the original residence or construction of a new residence. The temporary emergency shelter permit shall be limited to a period of twelve (12) months. Upon expiration of the twelve (12) month period, an application may be presented to the zoning board of appeals requesting an extension of up to six (6) months. Extension application must show necessary cause of the requested extension. The zoning board of appeals may grant the extension for no longer than six (6) months.

All applications for a permit shall be accompanied by an affidavit, stating as follows:

- a. Name(s) and address (es) of occupants.
- b. Site plan showing location of proposed use.
- c. Description (make, model and year) of mobile home or recreational vehicle.
- d. Reason for application.
- e. Statement that a change in the usage, name or number of occupants, or location will be reported to the zoning administrator immediately.

f. Sign off from the environmental health department concerning septic and well.

Type 4 temporary use structure may be placed no closer than five feet (5') to a side and rear property line and maintain a setback of fifty three feet (53') from the centerline of the roadway or twenty feet (20') from the right of way line, whichever is greater.

Failure to comply with any of the above or any additional conditions placed on a permit by the zoning administrator shall be sufficient for the permit to be revoked.

The mobile home or recreational vehicle shall be removed by the permit holder on or before the date of the expiration of the permit. Failure to do so may result in a fine as established in sections 8-2G-1 and 8-2G-2 of this title. (Ord. 2015-7, 11-10-2015)

8-5B-1: ACCESSORY USES: 

Small scale events such as Garage sales, auctions and Private, non-commercial events on the sponsor's property such as private weddings, family reunions and graduation celebrations not intended to be open to the public and events such as gatherings at any regularly established permanent place of worship, fairgrounds or any permanent established place of business when held in conjunction with and at the site of business, when accessory to the permitted principal use on the property are permitted under 8-5B-1 Accessory uses.

DEFINITION

Amusement Events/Festivals:

Activities intended for public amusement which may or may not require some sort of remittance to enter the activity area or partake in the activity and is open to the general public where patron attend for social or pleasure rather than business reasons. Uses that fall under Agri-Tourism and Agricultural themed public events shall not be treated as Amusement Events/Festivals. For the purpose of this definition "Events/Festivals" includes but is not limited to: circus, carnival, fair, flea market, craft fair, trade show, concert, athletic competition, haunted house/barn, and any similar activity not involving the erection of any permanent structure or facility. Large Scale Events/Festivals when utilizing more than five (5) acres of land shall be considered Large Scale and are not permittable under Chapter 5 Article B, 37, with the exception of a Haunted forest and historical reenactments.

Amusement Events/Festivals, Large Scale:

Those uses identified under Amusement Event/Festivals when utilizing more than five (5) acres of land mass.

Use Type	Zoning Districts								Use
	Residential				Nonresidential				
	AG	R-1	R-2	RP	CON	C	M	I	

										Standards
Commercial uses:										
Adult entertainment establishment								S		8-5B-2
Agricultural processing	S						S	S	S	
Agricultural sales and service	S						P	P	P	
Animal care, general	S						S	P		
Animal care, limited	S						P	P		
Auction rooms	S						P			
Bank or financial institution							P			
Bed and breakfast	S	S	S	S			S			8-5B-5
Car wash							P	P	P	
Catering establishment							P			
Childcare facility							P			
Childcare institution		S	S							
Construction sales and service							S	P	P	
Daycare center		S	S							8-5B-12
Daycare home	P	P	P	P						8-5B-12
<u>Festivals/Events, Large Scale</u>	<u>S</u>	<u>S</u>		<u>S</u>						

Seconded by Winter

Roll Call: Nick Tranel – Aye
 Mel Gratton – Aye
 Ron Mapes – Aye

Gary Diedrick – Aye
Laura Winter - Aye

Reports and Comments:

Mel Gratton thanked Linda Delvaux for what she has done and wishes her well in retirement and will miss her.

Gary Diedrick updated the ZBA on the status of the replacement for Linda. We are scheduled to meet on October 4th to go over applications which the deadline is September 29th at noon. Hope to have this in final stages around November 8th.

Tranel made a motion to adjourn at 9:15 PM. Winter seconded. Voice Vote: All Ayes