

COMMITTEE REPORT

COMMITTEE: **Development & Planning**
CHAIRPERSON: **Ron Mapes**
DATE/TIME: **August 25, 2008, 7:00pm - Special Meeting**

PRESENT:

<input checked="" type="checkbox"/> Beth Baranski	<input checked="" type="checkbox"/> Ron Mapes	<input checked="" type="checkbox"/> Sally Toepfer
<input checked="" type="checkbox"/> Merri Berlage	<input checked="" type="checkbox"/> Marvin Schultz	
<input checked="" type="checkbox"/> Dorte Breckenridge	<input checked="" type="checkbox"/> Ron Smith	

Other Board members: Mike Lorig, Yerda Potter
Others: Dan Reimer, Bill Tonne, Susie Davis, Mel Gratton, Linda Delvaux,
Melissa Soppe, Dave Akemann – Legal Counsel

Ron Mapes Called the meeting to order at 7:00pm

1. New Business,

- a) Presentation of the Comprehensive Plan of the Zoning Draft Rewrite, Mel Gratton presented a history of the Zoning Ordinance. Copies of the Executive Summary (attached) and Draft of the Zoning Rewrite were handed out. Mel went over the items listed in the Executive Summary.

2. Board Member Concerns -

- a) Ron Mapes talked about the process of moving the document forward to the County Board. Explained that this meeting was to answer questions, and discussion on this document.
- b) Merri Berlage had questions on three areas 1. In home occupations, the number of employees that never visit or work at the home occupation, should this read ever? In the section on sales of goods made on the site, is this correct? Many people sell things that have been made somewhere else. A discussion on this followed. 2. On page 101, building in the ridgeline areas, buildings and roads located on sloping sites shall be built to blend with existing topography. Who determines if it is blended? Was any thought given to public safety vehicles? Who will determine what exterior colors would be allowed? 3. Non conforming structures, is there an exemption for an old barn that burnt down and the people wanted to replace it exactly as it had been. Discussion on this.
- c) Marv Schultz requested a clarification on Home Occupation, page 47, on no items should be stored outside. Discussion on this.
- d) Beth Baranski had some comments on the 160 acres for the ag district, and likes that it is a larger area then the 40 acres. She also expressed interest in the reverse setbacks, and would like to see a map and how it would protect a lot of the agricultural ground. The Silurian area on page 101, Standard 33, shouldn't this also be applied to all dwellings, and the rest of the buildings? A discussion of this followed. A consensus was made to make section G page 101, lines 13 – 29 be made into its own

standard #51. Beth would like to see “the mature tree line” be taken out and leave the “no higher than the ridge top” only.

- e) Marvin Schultz brought up the discussion on the procedures for hearings on PD districts. Public testimony and hearing would be given at one meeting, possibly continued to a next, or however many are needed, and then the ZBA would make resolutions and vote at the following meeting. **Merri Berlage made a motion to continue business as is. Sally Toepfer seconded the motion. Voice vote: 4 Ayes: Beth Baranski, Ron Mapes, Merri Berlage, Sally Toepfer 3 Nays: Marvin Schultz, Ron Smith and Dorte Breckenridge. Motion Passed**
 - f) Beth Baranski wanted to address the conservation district and verify that on the current zoning map the conservation areas are only natural area inventory sites.
 - g) Mike Lorig questioned if the ZBA had made any considerations toward regulations concerning multiple family or communal living situations, religious or non religious. This area is covered under group homes.
 - h) Ron Smith had some questions on life safety codes. Linda responded that these codes are not dealt with in the zoning ordinance; however, are dealt with in the Building Code ordinance. Currently 2003 codes are in use, and will be starting to update them soon.
- 3. Citizens’ Comments** – Joe Mattingly, GTA, thanked the entire group for their work. Tyler Moore, Legal Counsel for the Galena Territory Association, would like to point out that as a public body, all are elected or appointed, that while the process works fine at the current time, when the structure of the Board changes, the processes change if they are not written down. Urges that everyone on the county board and the ZBA to consider what the PD District is, it does not have the minimum standards, like the other districts, and is left to the Developer, ZBA and County Board as to the best interests on the county. Giving the citizens the opportunity to present additional comments, would further the public trust in this body. The burden of review is considerable when an applicant comes forward with a “PD” District, on the ZBA and County Board. There is benefit to you and the citizens in allowing that extra time for public comment and testimony before making a very important decision on a large scale development.

4. Board Members’ Comments - None.

Meeting adjourned at 9:25pm, motion made by Merri Berlage and seconded by Dorte Breckenridge.

JO DAVIESS COUNTY ZONING ORDINANCE

REDRAFT EXECUTIVE SUMMARY

Please Note: The page numbers listed here may have changed due to formatting issues.

The Zoning Ordinance Review Committee has extensively researched and rewritten the JoDaviess County Zoning Ordinance to reflect the Jo Daviess County Comprehensive Plan and the legal language which provides for its implementation. The following summary represents the major changes:

1. Agricultural District, minimum agricultural lot size 160 acres, minimum lot size for non-agricultural residences or agricultural residences (less than 160 acres) are treated as special uses with a 2 acre minimum lot size. (page 25)
Background: The current 40 acre minimum lot size for residences in the Ag district has resulted in many such parcels not being used agriculturally and has encouraged unnecessary farm splitting. The change to 160 acres as a minimum lot size, together with non-agricultural residences being treated as special uses in the ag district with only a 2 acre minimum lot size, will likely lead to smaller non-ag lots. This supports both the agricultural and tourism economy as outlined in the Comprehensive Plan.
2. All Districts, setback requirements for all non-agricultural residences from a livestock facility. (pages 26, 28, 30)
Background: State statute requires livestock facilities observe setbacks from non-ag residences. These requirements are the same in reverse.
3. Planned Development District addition. (page 37)
Background: Although the current Planned Residential District (RP) remains in the ordinance, the new Planned Development District (PD) provides more flexibility, imagination and control over both the structure and operation of a development not possible in conventional districts.
4. Use Table and Standards (page 78-120)
Background: The addition of a Use Table and 50 Standards allows the vast majority of uses and special uses to be listed in table form for easy reference. The uses and standards in this section represent both the past history of County zoning decisions and an extensive list of possible future decisions. Although future additions to this section will likely come, this section was researched extensively.
5. Accessory Uses (page 83, line18-26)
Background: The current ordinance is silent on length of time for accessory structures to be used before the principal structure is built. This section allows for a temporary permit to be issued utilizing an accessory structure for up to 18 months prior to occupancy.

6. Agricultural District, Single Family Residence (page 100)
Background: Residential pressure threatens not only agriculture but also the rural characteristics that foster tourism. Yet residential development is desirable and needs to be allowed in some fashion. This standard permits residences (2 acre minimum lot size) as a special use in the agricultural district. Such special uses would be subject to zoning approval according to A through G of this standard.

It should be noted that the most sensitive areas for development in Jo Daviess County are underlain by Silurian geological formations. These elevated ridge tops and hillsides (about 16% of the County) are scenic, prone to excessive erosion and often provide the least amount of groundwater protection. Development located in these areas will be subject to a higher level of scrutiny. See page 101, line 20, #1-5.
7. Lot Configuration (page 120)
Background: Weird shaped lots, often with several acute angles, can have problems such as utilities, septic, fencing and neighboring property values. This formula, though it first appears complex, will function with the simple insertion of the perimeter and area of a lot.
8. Conservation District (page 51)
Background: The Conservation District is the same as the current ordinance in large part because we are waiting for FEMA and State accurate mapping of the flood plain.
9. Rebuilding a Nonconforming Structure (page 122)
Background: The current ordinance allows nonconforming structures to be rebuilt after being destroyed. This draft states that if more than 50 percent of the structure is destroyed a nonconforming structure can not be rebuilt. If it is less than 50 percent destroyed, rebuilding it must begin in less than 12 months.
10. Outdoor Lighting Standards (pages 74-76)
Background: This reflects the standards currently being applied to all special use requests. It is applied to all districts to provide uniformity.
11. Sign Regulations (pages 57-67)
Background: This section provides definitions, sizes, types of signs and the districts in which they may be located. It makes the Scenic Area designations found in our current ordinance unnecessary.
12. Residential Lot Sizes (pages 27 & 29)
Background: If a residential lot in the Ag district is a minimum of 2 acres, it is logical that R-1 and R-2 be 1 acre and ½ acre respectively.