

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved.

COMMITTEE REPORT

COMMITTEE: Development & Planning (D&P)
CHAIRPERSON: Ron Mapes
DATE/TIME: November 22, 2011

PRESENT:

<input type="checkbox"/> Merri Berlage	<input checked="" type="checkbox"/> Kim Monk	<input checked="" type="checkbox"/> Ron Mapes
<input checked="" type="checkbox"/> Steve Rutz	<input checked="" type="checkbox"/> Ron Smith	<input checked="" type="checkbox"/> Marvin Schultz

Other Board members: Rick Dittmar

Others: Dan Reimer, Bridgette Stocks, Florian Cholewinski and Linda Delvaux

1. **Minutes.** Steve Rutz made a motion to approve the minutes of the October 25, 2011, 2011 meeting. Seconded by Ron Smith and motion passed.
2. **Citizens' Comments** – None

Chairman Mapes moved forward agenda item 4a. **Brownfield Grant Application, presentation by Bridgette Stocks of Fehr-Graham & Associates.** Bridgette Stocks explained the 2011 Jo Daviess County Brownfield grant application which was revised from last year's application. Stocks explained how the funds would be used, and how the grant would help the County move forward with various economic development objectives, while protecting the health of their residents and their environment. **Kim Monk made a motion to approve the Brownfields application and resubmit to the USEPA for a \$400,000 community-wide Brownfields Assessment Grant (\$200,000 hazardous substances and \$200,000 petroleum). Seconded by Ron Mapes and motion passed.**

3. Staff Reports

- a) **Building and Zoning.** Building & Zoning Administrator Linda Delvaux reported that her office continues to work with the States Attorney's office on nuisance violations. Delvaux reported her office is currently reviewing the Counties Nuisance Ordinance in cooperation with the Health Department and Sheriff's Department. Renewal notices for the 2012 Guest Accommodations license have been sent out and as of November 17th 461 applications have been returned and 3 properties have withdrawn from the program. Delvaux reported that the code enforcement officer has given his resignation notice to resign as full time inspector effective January 20, 2011. He will continue to work as a part time inspector. Delvaux will be presenting a request to the Executive Committee to authorize her to fill the vacant full time code enforcement officer.
- b) **Economic Development.** A summary report of recent activities was submitted by TCEDA (Tri-County Economic Development Alliance) included in the committee packet for review.

4. Unfinished Business

- a) **Brownsfield Grant Application.** See above.
- b) **FY2011 Committee strategic goals.** Mapes reviewed the 2011 strategic goals of the committee and recommended that the following goals should remain on the 2012 list and designated as ongoing; continue support of the HWY 20 four lane project, continue support of BARC – passenger rail transportation, develop revenue generating ideas for Jo Daviess County and the Brownfields grant application. The goals of develop an economic development planning map that highlights appropriate district, zones and governmental entities and review policies and procedures for Zoning Board of Appeals are completed. The committee added the goals of 'Investigate the formation of a Regional Planning Commission through Blackhawk Hills RC&D' with a timeline of ongoing, 'review the Jo Daviess County Revolving Loan Fund' with a timeline of May 2012 and 'Review the Jo Daviess County Comprehensive Plan' with a timeline of November 2012.

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved.

- c) **Update on DeBruce Grain, Inc request for expansion of Freeport/Stephenson County Enterprise Zone.** Ron Mapes informed the committee that there is a meeting scheduled for December 2, 2011 for the Freeport/Stephenson County Enterprise Zone.
- d) **Update on cable television franchise agreement with Mediacom.** Steve Rutz discussed with the committee that has reviewed the old and new Mediacom agreements and also researched other Counties agreements for cable television. Rutz suggested various revisions or additions to the proposed franchise agreement submitted by Mediacom. Kim Monk discussed his research and suggestions for a new agreement with Mediacom. Ron Mapes recommended that the proposed revisions be added to the new agreement and that hard copies of the document be brought back to the next meeting for committee review. Marvin Schultz discussed that in the agreement that it is stated that facilities in the direct route within the area of the Mediacom agreement would receive free services. Schultz suggested that a couple of destinations be added as sites; Guilford Township building because of being a secondary station for the communications, the 911 command center which is in the COOP plan and the Galena Territory Fire Station.
- e) **Update on Blackhawk Hills RC&D becoming a Regional Planning Commission (RPC).** This has been added to the committee goals.

4. New Business.

- a) **Proposal for zoning text amendment on non conforming sign ordinance 8-4c-5 of the Jo Daviess County Zoning Ordinance.** Rick Dittmar discussed that he would like to recommend that item 8-4c-5 Nonconforming Signs A. 1. Enlargement of the JDC zoning ordinance to be revised to allow for the enlargement of nonconforming signs to allow for v-shaped signs of 32 square feet per side. Dittmar also discussed that under 8-4c-5, A.4 he would like it to read, 'Destruction: Should any nonconforming sign be destroyed it will be allowed to be reconstructed within the guidelines of Section 4c-5A above.' Ron Mapes asked Linda Delvaux to write a proposed amendment for nonconforming signs and bring that proposal back to the committee meeting next month.
- b) **Discussion and possible action on revision to fee schedule for Jo Daviess County Building and Zoning.** Linda Delvaux discussed that she would like to bring forward some recommendations for possible revisions to the Building & Zoning fee structure and additional text amendments to the Zoning Ordinance. The committee discussed at length the proposed text changes and fees and agreed on the following; flood area development permits \$100, penalty for work started before a permit is issued on any agricultural buildings \$150, replacement/upgrade of existing equipment on an existing tower facility \$350, permit fee for private Wind Energy Conversion (WEC) \$150, to conform with the zoning ordinance the sign permit fees should be 150 or more square fee \$100, Type 3 Agri-Tourism fee of \$25 and when any action is taken to correct a violation of any kind the fee will be increased 50%. **Kim Monk made a motion to approve the recommended revisions to the Jo Daviess County Building and Zoning Fee Schedule as presented. Seconded by Steve Rutz and motion passed.**
- c) **Discussion and possible action on text amendments to the Jo Daviess County Zoning Ordinance.** Linda Delvaux introduced several proposed text amendments to the Jo Daviess County Zoning Ordinance. The committee reviewed and discussed the following proposals;

Add to Variations:

8-2c-3

Authorized Variations:

Variations from the regulations of this Ordinance may be granted only in the following instances, and in no others, except as otherwise provided herein:

To permit setback or yard less than the setback or yard required by this Ordinance;

To permit any building or structure to exceed the height limitations imposed by this Ordinance;

To permit the use of a lot for a use otherwise prohibited solely because of insufficient area of the lot;

To permit variations in the required off street parking imposed by this Ordinance;

To permit variations in the required lighting regulations imposed by this Ordinance;

To permit variations in the required supplemental regulations as imposed by this Ordinance

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved.

Exceptionally unique circumstances, as determined by the Planning & Zoning Board upon the recommendation of the Zoning Administrator, that would involve instances other than or more extreme than allowed above, may be considered as a variation from the regulations of this Ordinance.

Amending Article 2e: Amendment of Regulations and Districts:

8-2e-2 Authority to Amend/Who May File

- A. The regulations imposed and the districts created under the authority of this Ordinance may be amended from time to time by ordinance or resolution, after the ordinance or resolution establishing same has gone into effect.
- B. Text amendments may be proposed only by the County Board, Development & Planning Committee, Zoning Board of Appeals or the Zoning Administrator.
 - 1. Public shall present proposed text amendments to Development & Planning Committee for review.
- C. Map amendments may be proposed by the County Board, Planning & Development Committee, Zoning Board of Appeals or Zoning Administrator. Map amendments may also be proposed by any person or persons with a legal interest in the property subject to the proposed amendment.
- D. An application for an amendment shall be filed with the Zoning Administrator, who after ascertaining it contains the information required by this Ordinance shall forward the application to the Zoning Board.

Amending Article 3h-7, A 2, d.: Setback Requirements:

Single-and Two-Family Dwellings:

- d. If, in existing sub-divisions, established prior to the implementation of this ordinance, lesser setback lines have been observed by 50% of the structures in a block; then new structures in that block may be built to said lesser setback lines. In no case, however, shall the front yard be less than fifteen (15) feet or any interior or rear yard be less than five (5) feet. Furthermore, no lesser setback shall be allowed which interferes with safe traffic flow and unobstructed corner views in the subdivision.

Amending Article 8-6-5 Nonconforming Structures

- B. Enlargement, Repair, Alterations:
 - 1. Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except as provided in paragraph 2 below; provided further, existing manufactured home parks not meeting the requirements of this ordinance shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this ordinance. Ordinary repairs and alterations shall be determined by the Zoning Administrator and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

2. An addition to a lawfully existing non-conforming building or structure that would not meet the strict letter of this Ordinance but would not extend further than the original

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved.

building or structure into any required setback(s) of the zoning lot that the original building or structure is located may be permitted. Before issuing a permit for an addition to be constructed under this provision, a notice of the intent to issue such a permit shall be sent by certified mail (to be paid for by the applicant) to all adjoining land owners and any affected highway authority. If any adjoining land owner or affected highway authority files a written objection with the Zoning Administrator within fifteen (15) days of receipt of such notice, a permit shall not be issued. The applicant may, however, proceed with an application for a variation as set forth in Article 2c of this Ordinance.

Amending Article 8-5b-46 Guest Accommodations and Guest House/Homes

- 5. Building siting and orientation; Structures, as defined in Chapter 7 of this Ordinance, (including all outdoor activity areas) , (excluding detached accessory buildings and fencing) shall be so located on the property as follows:

**CHAPTER 5
USE TABLE AND REGULATIONS**

Amending Article 5a: Use Table

USE TABLE											
USE TYPE	ZONING DISTRICTS										
	RESIDENTIAL							NONRESIDENTIAL		Use Standards	Page Number
	A	R-1	R-2	RP	Con	C	M-1	IND-1			
Manufactured Home – Residential Design	*S - ** P	P	P	P						20,33	Error! Bookmark not defined. , Error! Bookmark not defined.

8-5b-20 Manufactured Home Residential Design

Standards are those as set forth in the Building Regulations (Title 7, Chapter 3 Code of Ordinances)
Amending Chapter 7, 8-7-2 Definitions

Agriculture - The growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land, including, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds

Ron Smith made a motion to approve a resolution to send the draft amendments of the Jo Daviess County Zoning ordinance to the Zoning Board of Appeals for public hearing. Seconded by Steve Rutz and motion passed.

- d) **Discussion and possible action on committee meeting dates for 2012.** The committee reviewed the proposed dates. **Kim Monk made a motion to approve the 2012 Development and Planning Committee dates as presented. Seconded by Ron Smith and motion passed.**

6. Other Business.

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved.

7. Citizens' Comments.

8. Board Member Concerns. Marvin Schultz reported that he has requested the Freeport Enterprise Zone to schedule a meeting for the purpose of discussing the distribution of enterprise zone fees.

Next meeting on Tuesday, December 27, 2011 @ 7:00 pm

Marvin Schultz made a motion to adjourn at 10:20 pm, seconded by Steve Rutz and motion passed.

DRAFT