

**KENDALL COUNTY
AD HOC ZONING ORDINANCE COMMITTEE**

MEETING AGENDA

November 30, 2016

5:00pm –6:45pm

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street

Yorkville, Illinois

- 1. Approval of Agenda**
- 2. Approval of Minutes from the July 22, 2015 meeting**
- 3. Open discussion on possible changes to the Zoning Ordinance to address:
 - a. Appropriate Regulations for Wineries**
 - b. Review of Noise Regulations for Special Uses**
 - c. Regulation of Banquet Halls as a Special Use in Agricultural Areas**
 - d. Regulation of Gun Ranges as a Special Use in Agricultural Areas**
 - e. Special Use Compliance Requirement Prior to Request for Amendment****
- 4. Approval of 2017 Meeting Schedule**
- 5. Other New Business**

Next meeting will be on January 25, 2017

**KENDALL COUNTY AD HOC ZONING
ORDINANCE COMMITTEE**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of July 22, 2015
(Unofficial Until Adopted)*

Present: Larry Nelson (Chairman), Bill Ashton, Scott Gryder, Matt Prochaska, John Shaw & Jeff Wehrli, Jeff Wilkins

Others present: Mike Hoffman from Teska Associates, Inc., Pam Wynne – Na-Au-Say Township Plan Commission Chair, Andy Myers, Kendall Twp. Plan Commission, and Craig Johnson – Na-Au-Say Township Trustee

Chairman Larry Nelson called the meeting to order at 5:14 p.m.

1. **APPROVAL OF AGENDA**

Scott Gryder made a motion to approve the agenda as written. Matt Prochaska seconded the motion. All agreed and the agenda was approved.

2. **APPROVAL OF MINUTES**

Bill Ashton made a motion to approve the minutes from April 22, 2015. Scott Gryder seconded the motion. All agreed and the meeting minutes were approved.

3. **Open discussion on possible changes to LRMP and Zoning to address concerns in Kendall and Na-Au-Say Townships regarding lot size and open space**

Mike Hoffman presented a PowerPoint summary of issues (attached). He noted that a letter was sent to all Townships outlining a proposed change to the zoning text to require all septic systems to be on a private lot. Responses from Kendall, Na-Au-Say and Oswego all wanted the County to go farther and require a minimum one acre lot size. Based on a review of a few of the County's Residential Planned Developments (RPD), over 400 lots are currently available for development. Mr. Shaw asked if this included all available subdivisions, and Mr. Hoffman suggested that it did not and was only a select sample.

Mr. Nelson noted that, in addition to potential new development within areas shown for residential on the LRMP Future Land Use Map, many Ag Exempt home sites are still available – potentially as many as 3,000.

Andy Myers from Kendall Township stated that he was in favor of having a one acre minimum lot, and bringing back the R-2 and R-3 standard subdivisions. He noted septic problems in Black Hawk Springs and other subdivisions. Larry Nelson noted that some of these subdivisions are very old, and done prior to the County's modern zoning regulations. Mr. Myers noted he has talked to the County's Health Department as well, and felt that there were few complaints because residents did not want to self-report problems. He agreed that newer septic systems could work on smaller lots, but felt that such systems required more maintenance and more inspections which could be problematic. He noted that in Rose Hill they have smaller lots, and the reduced setback makes it difficult to see around curbs. He feels one of the reasons lots are not selling in some of the open space subdivisions is the HOA fees required to maintain the open space. He would still support having some open space in new subdivisions with larger lots, but the percentage of open space would be less.

Pam Wynne summarized the attached letter from Na-Au-Say Township Plan Commission dated July 22, 2015. She noted that one Trustee preferred the smaller lots, but most Trustees and Commissioners preferred a larger minimum lot size. Larry Nelson asked if the Township would prefer new development to still be done as a Planned Development with some open space, or just a standard subdivision with one acre lots. He suggested that some open space would be required due to the County's Stormwater Management requirements for detention/retention. It was noted that in a few locations in the County they have stormwater management on private lots, and in some cases on multiple private lots in a subdivision. Pam Wynne said she was not sure what the answer to Mr. Nelson's question was, but felt that some reduced open space and a larger lot size would be an improvement.

Jeff Wehrli noted that mechanical and mound septic systems do not need a septic field, and thus can occur on smaller lots. He is more concerned with working closely with the soil types to determine appropriate lot size.

Mr. Nelson suggested the County could consider a different provision in the LRMP for Kendall and Na-Au-Say Township that would accommodate their request. He noted that the County's planning process has always tried to accommodate the wishes of individual Townships.

Bill Ashton suggested that Mr. Myers suggestion of eliminating homeowners associations (HOA) would be difficult due to the need to maintain stormwater management/detention areas. Andy Myers clarified that he was not concerned about having homeowners associations; he had just heard from developers that they had concerns about developing in the Township due to the need for an HOA. John Shaw mentioned the issues the County is currently dealing with in Tanglewood, where the County is being asked to finish some improvements. Larry Nelson highlighted why the

County requires back-up Special Services Areas on new subdivisions to provide a safety valve if the HOA fails.

Jeff Wehrli asked about Henneberry Woods at what should happen with that subdivision. He noted that the existing Preliminary Plats for much of the development expire in 2018. He suggested that it scares him that if we allowed straight one-acre lots, someone could re-plat the subdivision in 2018 and lose the character and quality of the original plan.

Craig Johnson asked if, after 2018, we could re-plat to get rid of the fringe around the lots and reduce, but not eliminate all open space. Jeff Wehrli said yes, that is possible. Bill Ashton noted that if it were allowed as straight zoning, we would lose all the character of the existing developments. He would prefer to keep the planned development approach that allows for more creative and quality development. Mr. Johnson asked if the 2018 date could be extended. Jeff Wehrli noted that yes, but only if the property owner requested it. Mr. Johnson asked about the property tax impact of common open space compared with larger lots. Larry Nelson stated that he had talked with the assessor, and felt that the impact was minimal at best as most lots have a very similar assessed value regardless of size.

Scott Gryder mentioned that he is concerned that communities like Plainfield and Joliet will continue to annex with smaller lots, and the straight one acre lots proposed would not provide a good transition. He is not sure what we are trying to fix. He likes having the flexibility of the PUD process, and felt that the County's procedure of requiring Township input on new developments and requiring back-up SSA's generally works.

Jeff Wehrli asked what the impact on lot size requiring the back-up system on a lot would have. Mr. Nelson mentioned that it depends on soils. Mike Hoffman suggested perhaps an additional 5,000 to 10,000 sq. ft.

Pam Wynne suggested keeping PUD's, but tweak a few things to address the desires of Kendall and Na-Au-Say Township. Bill Ashton suggested that the County needs a list of specifically what the Townships would like regarding a modified PUD district. Larry Nelson suggested perhaps we should create a new type of PUD to accommodate the desires of Kendall and Na-Au-Say Township. He suggested providing the current PUD regulations to the Townships and letting them make suggested changes. Bill Ashton suggested we should also provide a copy of the e-mail from the Health Department.

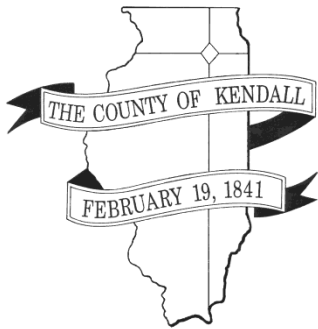
Mike Hoffman asked if we should proceed with other LRMP changes regarding the updated trail plan and some changes in Little Rock Township or wait until these other issues are resolved. Jeff Wehrli suggested we should proceed, and other members agreed.

4. **Other New Business- None**

Adjournment:

The next meeting will be August 26, 2015. Scott Gryder made a motion to adjourn the meeting. Matt Prochaska seconded the motion. All were in favor and the meeting was adjourned at 6:31 p.m.

Respectfully submitted,
Mike Hoffman
Teska Associates, Inc.



DEPARTMENT OF PLANNING, BUILDING & ZONING

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MEMORANDUM

To: Kendall County Ad Hoc Zoning Ordinance Committee
From: Mike Hoffman, AICP, PLA
Date: November 23, 2016
Re: **Potential Amendments to the Zoning Ordinance**

Several recent special use requests, particularly in agricultural areas, have raised several concerns or issues that are worthy of review and discussion to determine if changes are needed to the existing code. Committee members may have other areas of concern which we can also discuss, but we should at a minimum review the following topics. We have not yet written any suggested modifications to the code. Our goal at the Committee meeting will be to get confirmation of items that should be addressed and to seek some consensus as to approach prior to writing specific code text.

1. **Wineries** – During the recent review of the Bluffs/Cider Creek case, it was noted that while the code addresses breweries, micro-distilleries, and cider production, it does not have any specific provisions for wineries. Wineries are becoming more popular throughout the nation, and within Illinois. While regulation may be like the above noted uses, it would be preferable to clearly identify and address this specific use. Some examples of local winery examples include:
 - a. Waterman Winery and Vineyards - <http://www.watermanwinery.com/>
 - b. Prairie State Winery – Winery in Genoa, vineyard near Kingston - <http://www.prairiestatewinery.com/>
 - c. Fox Valley Winery – Winery in Oswego, vineyard near Sheridan - <https://www.foxvalleywinery.com/>
2. **Noise Regulations** – The following is the standard that is currently in the ordinance for regulation of noise at seasonal festivals and for banquet halls. Is this standard appropriate? What if the special use is in place, then a new home is built across the street? Other thoughts?

Noise generated by non-agricultural activities on-site shall comply with the following:

- a. **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 residential property line of the complainant.
- b. **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 residential property line of the complainant.
- c. **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

3. **Banquet Halls in Agricultural Areas** – We have had several banquet halls proposed, and have heard concerns of residents, particularly regarding potential noise concerns and concerns regarding traffic and potential for intoxicated motorists driving in dark rural areas. Should music only be allowed indoors? Is the requirement for a location on a collector or better roadway still a good standard? Are there other issues to address? We have had several additional inquiries in the PBZ office for even more rural banquet halls.
4. **Gun Ranges in Agricultural Areas** – The PBZ office has had at least one resident suggest that gun ranges are not appropriate, even as a special use, in agricultural areas. Others have expressed concerns regarding noise, access, and the sufficiency of the minimum 1,000' separation for homes. While any changes would certainly not apply to the current case going through the process (Delany), changes could be made that would impact future applications. Current regulations include the following conditions:
 - a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.
 - b. Requires minimum parcel size of 5 acres, depending on the venue.
 - c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
 - d. State recognized, nationally recognized or NRA Certified range supervisor must be present
 - e. Range flag flown, a sign or red light lit at all times that firing is taking place.
 - f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.
 - g. Access must be controlled by a lockable gate.
 - h. Hazardous waste plan addressing lead management required.
 - i. No discharge of lead shot into wetland.
 - j. Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.
 - k. No alcohol allowed.
 - l. No projectiles shall leave the boundaries of the site.
 - m. All applicable Federal, State and County rules and regulations shall be adhered to.
 - n. Must meet all requirements of the Kendall County Health Department
 - o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.
 - p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
 - q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.
 - r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance
5. **Special Use Compliance** – The current special use regulations have provisions for both major and minor amendments to an approved special use. However, the question has come up – should a special use be required to comply prior to applying for an amendment? Right now, this issue is not addressed in the code, and there is a property owner the department is working with now on a non-compliance issue with a special use condition who is in the process of applying for a major amendment to their special use.