

**KENDALL COUNTY  
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

***Kendall County Office Building  
Rooms 209 & 210  
111 W. Fox Street, Yorkville, Illinois  
5:00 p.m.  
Meeting Minutes of July 24, 2019***

Chairman Larry Nelson called the meeting to order at 5:05 p.m.

**Members Present:** Megan Andrews, Bill Ashton (arrived at 5:44 p.m.), Amy Cesich for Scott Gryder, Larry Nelson, Matthew Prochaska, and Jeff Wehrli

**Member Absent:** Randy Mohr and John Shaw

**Others Present:** Matt Asselmeier, Senior Planner

**APPROVAL OF AGENDA**

Mr. Prochaska made a motion, seconded by Mr. Wehrli to approve the agenda. With a voice vote of five (5) ayes, the motion carried.

**APPROVAL OF MINUTES**

Mr. Wehrli made a motion, seconded by Ms. Cesich, to approve the minutes of the June 26, 2019, meeting. With a voice vote of five (5) ayes the minutes were approved.

**NEW/OLD BUSINESS**

1. Review of Sections 1-3 of the Zoning Ordinance with Corrections Proposed by Teska Associates

Mr. Asselmeier distributed the changes from Teska Associates. The proposed changes are as follows:

Throughout the document, the identification of Sections shall be by colon instead of period. For example, Section 1.00 was changed to Section 1:00.

In Section 1:00, in the first paragraph, the period was moved inside the quotation mark.

In Section 2:00, the wording of the introductory paragraph was altered slightly.

In Section 2:00, the identification of purposes was changed from letters to numbers.

In Section 3:02, the definitions of automobile service station, awning, bus lot, electronic message board display, flashing sign, garage (bus), garage (public), hotel (apartment),

junker, nameplate, pole sign, sign (business), sign (church bulletin board), sign (flashing), sign (gross surface area of), sign (identification), and tourist court (motor lodges) were deleted either because the terms were not found in the Zoning Ordinance or because they were defined in the sign portions of the Zoning Ordinance. The consensus of the Committee was that all definitions should be in Section 3:02, that the definitions contained in the sign portions of the Zoning Ordinance should be deleted in that section and placed in Section 3:02, and that any conflicts with between signage related definition should be addressed.

In Section 3:02, Staff proposed changing the definition of bed and breakfast establishments to match the State's definition of bed and breakfast establishments per the request of the Planning, Building and Zoning Committee. Also, Staff proposed changing the definition of hotel to address short-term rentals. There is one (1) train car in Little Rock Township and one (1) house in Boulder Hill advertising on AirB&B and the Planning, Building and Zoning Committee is exploring changing the Zoning Ordinance to address this use. Teska proposed removing the reference to auto court from the definition of hotel, motel, or inn.

In Section 3:02, the definition of building, completely enclosed was altered slightly.

In Section 3:02, the definition of currency exchange was altered slightly.

In Section 3:02, Staff proposed changing the definition of family by removing the reference to group; this would allow as single individual to be considered a family.

In Section 3:02, the definition of floor area for determining floor area ratio was changed by removing a hyphen and altering the calculation for floor area.

In Section 3:02, the definition of halfway house was altered slightly and purposes were numbered.

In Section 3:02, the definitions of indoor entertainment and recreation, indoor retail sales of goods (other than groceries or food), loading and unloading space (off-street), lot (corner), microbrewery, open sales lot, personal services, philanthropic institutions, place of worship, secondary open space, service station, slaughterhouse, small poultry and small animal processing plants, specified sexual activities, and stacking requirements were altered slightly.

In Section 3:02, a definition of Land Resource Management Plan was added. Throughout the document, the acronym LRMP is used to reference the Land Resource Management Plan.

In Section 3:02, the definition of non-conforming use was placed in the proper place alphabetically.

Bill Ashton arrived at this time (5:44 p.m.).

In Section 3:02, the definition of railroad right-of-way was changed by making train sheds two (2) words. The phrase "under regulation by the ICC" was added to the definition.

Megan Andrews left at this time (5:45 p.m.).

Throughout the document, the acronym ZBA is used to reference the Zoning Board of Appeals and the acronym PBZ was used to reference Planning, Building and Zoning.

The Committee requested that Staff review the Definitions section and see if any other definitions require amendments.

The consensus of the Committee was that terms should be construed by the plain meaning of what is written.

The consensus of the Committee was that each section of the Zoning Ordinance would be advanced as separate proposals and that all of the sections would be advanced at the same time.

2. Discussion of Recreational Marijuana Zoning Related Regulations

Mr. Asselmeier provided the current regulations for medical marijuana and the information from State law regarding recreational marijuana.

Mr. Prochaska provided information from the National Association of Counties regarding marijuana regulations. Discussion occurred regarding an odor control plan, fire department approval, separate collection area for money, not having consumption lounges, having a ban on marijuana products that look like candy, and not allowing pop-up or co-use buildings.

Discussion occurred about creating a specific zoning district for marijuana related uses, a R-7 zoning district. The consensus was that a zoning district was preferred instead of the special use process because then townships could file formal objections. The downside to having a separate zoning district was that restrictions could not be added as unforeseen consequences becoming known.

Zoning regulations would be needed by January 1, 2020. Assuming no special meetings were required, the application would have to be submitted by September 17<sup>th</sup>. Discussion occurred regarding whether or not the Kendall County Regional Planning Commission or the Planning, Building and Zoning Committee should be the petitioner.

3. Update on Petition 18-04-Request from the Kendall County Regional Planning Commission for Amendment to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township

Mr. Asselmeier informed the Committee that Vulcan produced an annexation agreement from 2008 identifying four (4) parcels that should be inside the Village of Lisbon. No recorded copy of the agreement exists. The proposal is at the Planning, Building and Zoning Committee, which will meet on July 30<sup>th</sup>.

**OTHER BUSINESS/ANNOUNCEMENTS**

None

**CITIZENS TO BE HEARD/PUBLIC COMMENT**

None

**ADJOURNMENT:**

The next meeting will be August 28, 2019. Mr. Ashton made a motion to adjourn the meeting, seconded by Mr. Prochaska. With a voice vote of five (5) ayes, the motion passed and the meeting adjourned at 6:55 p.m.

Respectfully submitted,  
Matthew H. Asselmeier, AICP  
Senior Planner