

BOONE COUNTY REGIONAL PLANNING COMMISSION
A G E N D A
Tuesday, February 16, 2016
City Council Chambers
401 Whitney Boulevard
6:00 PM

ROLL CALL

Members:

Matthew Branom, CHM
Bob Kemp, VCHM
Rachel Bachrodt
Phil Newhouse
Tony Savino

Staff:

Kathy Miller, Interim Planning Director
Gina DelRose, Associate Planner
Catherine Crawford, Administrative Assistant

Ex-Officio:

Robert Walberg, County Board Chair
Rich Lundin, County Engineer
School District #100 Superintendent
School District #200 Superintendent

MINUTES: Approve the minutes from the June 16, 2015 meeting.

PUBLIC COMMENT

UNFINISHED BUSINESS: None

NEW BUSINESS:

01-2016; Boone County: The applicant is requesting a text amendment to the Boone County Zoning Ordinance in Chapter 4: Design Criteria for Specific Uses by adding a new Section 4.15. Second Dwelling Unit for Lot of Record Exchange with the following intent:

4.15.1 Intent. The purpose of the Dwelling Unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone County Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land on a contiguous farm property with an existing dwelling unit to exchange a parcel of land (not less than two acres with 250 feet of road frontage) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 Agricultural Preservation Area District and in lawful existence prior to May 10, 1978.

Staff (Approval); BCRPC (): ZBA (); PZB (); CB ()

OTHER BUSINESS: None

COMMUNICATIONS/PLANNING REPORTS:

Update from previous cases

Staff Report

DISCUSSION: None

ADJOURNMENT

BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

401 Whitney Boulevard, Suite 300, Belvidere, Illinois, 61008 PH 815 544-5271 FAX 815 547-9214

February 3, 2016

ADVISORY REPORT

CASE NO: 01-2016

APPLICANT: Boone County, TA, LOR Exchange

REQUEST:

The applicant, Boone County, 1212 Logan Avenue, Belvidere, Illinois 61008 is requesting a text amendment pursuant to Section 2.10.1 to add language to Chapter 4 Design Criteria for Special Uses adding a section to allow a second dwelling unit for a Lot of Record Exchange.

4.15. SECOND DWELLING UNIT FOR LOT OF RECORD LAND EXCHANGE.

4.15.1 Intent. The purpose of the Dwelling Unit linked to the lot of record land exchange special use is to provide a means of obtaining the agricultural goals and objectives of the Boone County Land Use Plan to those properties with an existing lot of record that for some reason the owner wishes to build on the farm in a different location than the existing lot of record. This special use would allow the land owner of a lot of record to exchange land on a contiguous farm property with an existing dwelling unit to exchange a parcel of land (not less than two acres with 250 feet of road frontage) to construct a second dwelling. The existing lot of record would then be abandoned. The lot of record shall be located in the A-1 Agricultural Preservation Area District and in lawful existence prior to May 10, 1978.

4.15.2 Minimum Requirements to be Eligible for Special use

- A. The existing lot of record shall be abandoned. Documentation of the abandonment shall be provided prior to the issuance of any building permits.
- B. The new dwelling unit site in exchange for the lot of record parcel shall be part of the contiguous farm owned by the applicant.
- C. The exchanged parcel shall not be less than two acres and have a minimum of 250 feet of road frontage.
- D. A minimum distance of 200 feet shall be placed between detached dwelling units.

4.15.3 If the Dwelling Unit is to be separated from the property

- A. The minimum lot area shall be two acre. (Larger lots may be required due to other codes and ordinances such as setbacks and septic requirements.)
- B. The minimum amount of road frontage shall be 250 feet.
- C. The minimum front yard setback shall be 75 feet from any existing right of way.
- D. The minimum rear and side yard setbacks shall be 40 feet.
- E. Corner lots shall have the same minimum front yard requirements on each street side of the lot.

4.15.4 Additional Requirements

- A. Unless specifically stated above, all other A-1 zoning requirements shall apply.
- B. The additional dwelling unit shall be constructed on the contiguous farm property with common ownership of the lot of record.
- C. A Special Use Permit shall be issued for the construction of the dwelling unit according to Section 2.7 of the Boone County Zoning Ordinance.

4.156. MEDICINAL CANNABIS DISPENSARIES

4.156.1. Purpose. It is the purpose of this section to establish regulations for Medicinal Cannabis Dispensaries as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this Section shall apply to any medicinal cannabis dispensary that operates within the County.

xxxxxxxxxxx = (Standard text) existing text within the zoning code; no changes proposed.
~~xxxxxxxxxxx~~ = (Strike through text) text that is proposed to be deleted from the zoning code.
xxxxxxxxxxx = (Underlined and highlighted text) new text that is proposed to be inserted into the zoning code

BACKGROUND AND SUMMARY OF FINDINGS:

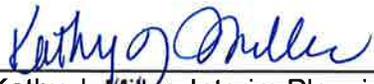
The stated intent of the Agricultural Preservation Area District is to maintain, enhance and conserve prime agricultural soils and historically farmed soils; to protect sensitive natural features; and to prevent the uncontrolled, uneconomical spread of nonagricultural development resulting in excessive costs to the county for public services. The A-1 District's valuable agricultural soils and lots are to be very sparsely developed to protect the county's natural resources, indigenous plant and animal habitats and traditional rural lifestyles. The A-1 District is not intended for residential subdivisions. The ordinance allows all undeveloped A-1 lots in lawful existence prior to May 10, 1978 may be developed with one single-family residence per lot provided other provisions of the ordinance are met to limit the number of single-family homes constructed in the A-1 District.

There currently is no means to exchange an existing lot of record with another non-lot of record site to construct a home in exchange for the established lot of record. The proposed amendment will allow a new dwelling unit site on the contiguous farm owned by the applicant in exchange for the lot of record parcel with a special use permit. The existing lot of record shall be abandoned with documentation presented prior to the issuance of a certificate of occupancy. The exchanged parcel shall not be less than two acres, have a minimum of 250 feet of road frontage and a minimum distance of 200 feet between detached dwelling units.

The planning staff recommends approval of case 01-2015 for a text amendment adding language to Chapter 4 for a special use for a second dwelling unit in exchange for an existing lot of record.

01-2016; Boone County, TA, Lot of Record Exchange

Submitted by:


Kathy J. Miller, Interim Planning Director

Reviewed by:


Gina DelRose, Associate Planner

ZONING BOARD OF APPEALS/COUNTY BOARD ACTION

The Zoning Board of Appeals shall make and forward findings of fact as to the whether the proposed text amendment furthers the purposes of the Zoning Ordinances and make a recommendation to the County Board. The County Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Zoning Board of Appeals in whole or in part; or the County Board may refer the matter back to the Zoning Board of Appeals for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed text amendment.

01-2016; Boone County, TA, Lot of Record Exchange

ATTACHMENTS

1. Application/proposed language.
2. Letter from Rich Lundin, Boone County Engineer, January 29, 2016.
3. Letter from William Hatfield, Boone County Health Department, January 28, 2016.

- B. Individual agricultural conservation easement documents will be negotiated with the landowner and the organization accepting the easement, however at a minimum the following subjects must be addressed in the document to the satisfaction of the County Board.
1. An agricultural conservation easement document must be recorded with all appropriate agencies prior to any issuance of building permits.
 2. The agricultural conservation easement is legally binding to all present and future owners of the property in perpetuity.
 3. The primary purpose of the property will remain agricultural in nature. The easement shall not be sold or transferred to any other agency not qualified as stated above or with the intention of converting the property to a non-agricultural use.
 4. A site management plan will be prepared designating acceptable uses for each part of the property. At a minimum, the plan will contain a designated area for active agricultural enterprises and a designated area for residences(s) and buildings. At a minimum, the site management plan will be reviewed every 10 years by the landowner, easement holder, and the appropriate county committee or agency.
 5. The easement holder will make annual visits to the property and prepare a report documenting compliance with the easement and site management plan to the appropriate county committee or agency.
 6. If the easement is found to be noncompliant, the enforcement of the agricultural easement is the responsibility of the easement holder.

4.15. SECOND DWELLING UNIT FOR LOT OF RECORD LAND EXCHANGE.

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4.15.2 Minimum Requirements to be Eligible for Special use

- A. The existing lot of record shall be abandoned. Documentation of the abandonment shall be provided prior to the to the issuance of any building permits.
- B. The new dwelling unit site in exchange for the lot of record parcel shall be part of the contiguous farm owned by the applicant.
- C. The exchanged parcel shall not be less than two acres and have a minimum of 250 feet of road frontage.
- D. A minimum distance of 200 feet shall be placed between detached dwelling units.

4.15.3 If the Dwelling Unit is to be separated from the property

- A. The minimum lot area shall be two acre. (Larger lots may be required due to other codes and ordinances such as setbacks and septic requirements.)

- B. The minimum amount of road frontage shall be 250 feet.
- C. The minimum front yard setback shall be 75 feet from any existing right of way.
- D. The minimum rear and side yard setbacks shall be 40 feet.
- E. Corner lots shall have the same minimum front yard requirements on each street side of the lot.

4.15.4 Additional Requirements

- A. Unless specifically stated above, all other A-1 zoning requirements shall apply.
- B. The additional dwelling unit shall be constructed on the contiguous farm property with common ownership of the lot of record.
- C. A Special Use Permit shall be issued for the construction of the dwelling unit according to Section 2.7 of the Boone County Zoning Ordinance.

4.156. MEDICINAL CANNABIS DISPENSARIES

4.156.1. Purpose. It is the purpose of this section to establish regulations for Medicinal Cannabis Dispensaries as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this Section shall apply to any medicinal cannabis dispensary that operates within the County.

4.156.2. Where permitted. Medicinal cannabis dispensaries may be allowed as a special use in any I-1 Light Industrial District and shall follow the procedure for special uses as specified in section 2.7 of this ordinance, as well as the provisions of this section 4.15.

4.156.3. Buffer Zone. Medicinal cannabis dispensaries may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part-day child care facility as required under 410 ILCS 130/130(d). Medicinal cannabis dispensaries also may not be located within 1,000 feet of the property line from a religious institution.

4.156.4. Compliance with State Rules and Regulations. All medicinal cannabis dispensaries shall strictly comply with the requirements outlined in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and any administrative rules promulgated pursuant to the Act. All medicinal cannabis dispensaries must be registered with the Illinois Department of Financial and Professional Regulation and be in good standing.

4.156.5. Indemnity. The County Board may condition a special use permit on a requirement that the owners of any dispensary established in the County defend and indemnify the County of Boone, its officers and employees from and against any claim arising from the operation of the dispensary.

4.156.6. Hours of Operation. A medicinal cannabis dispensary may operate between the hours of 8:00 A.M. to 6:00 P.M. on any day of the week.

4.156.7. Use of Medicinal Cannabis on Premises Prohibited. The use of medicinal cannabis and the ingestion of medicinal cannabis infused products are prohibited on the site of any medicinal cannabis dispensary. A sign (at least 8.5 by 11 inches), shall be posted inside the dispensary in a manner that is readily and conspicuously visible to persons who enter the establishment and shall contain the following language, "Smoking, eating, and other forms of otherwise consuming or ingesting cannabis is prohibited on dispensary property."

4.156.8. Drive-Through Lanes Prohibited. No medicinal cannabis dispensary may operate a drive-through service, lane, or window.

4.156.9. Drug Paraphernalia Sales. Medicinal cannabis dispensaries that display or sell drug paraphernalia shall do so in strict compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 *et seq.*) and the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*).

4.156.10. Age and Access Limitations. It shall be unlawful for any medical cannabis dispensary to allow any person who is not at least eighteen (18) years of age on the premises. Dispensaries shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act.

4.167. MEDICINAL CANNABIS CULTIVATION CENTERS

4.167.1.Purpose. It is the purpose of this section to establish regulations for medicinal cannabis cultivation centers as authorized by Compassionate Use of Medical Cannabis Pilot Program Act 410 ILCS 130/140. To promote the safety and general welfare of the residents of Boone County, the criteria, processes, and regulations enumerated in this Section shall apply to any medicinal cannabis cultivation center that operates within the County.

4.167.2.Where permitted. Medicinal cannabis cultivation centers may be allowed as a special use in any I-1 Light Industrial District and shall follow the procedure for special uses as specified in section 2.7 of this ordinance, as well as the provisions of this section 4.16.

4.167.3.Buffer Zone. Medicinal cannabis cultivation centers may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part-day child care facility as required under 410 ILCS 130/130(d). Medicinal cannabis cultivation centers also may not be located within 2,500 feet of the property line of a religious institution.

4.167.4.Compliance with State Rules and Regulations. All medicinal cannabis cultivation centers shall strictly comply with the requirements outlined in the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and any administrative rules promulgated pursuant to the Act. All medicinal cannabis dispensaries must be registered with the Illinois Department of Agriculture and be in good standing.

4.167.5.Indemnity. The County Board may condition a special use permit on a requirement that the owners of any cultivation center established in the County defend and indemnify the County of Boone, its officers and employee from and against any claim arising from the operation of the cultivation center.

4.167.6.Hours of Operation. A medicinal cannabis cultivation center may operate between the hours of 8:00 A.M. to 6:00 P.M. on any day of the week.

4.167.7.Use of Medicinal Cannabis on Premises Prohibited. The use of medicinal cannabis and the ingestion of medicinal cannabis infused products are prohibited on the site of any medicinal cannabis cultivation center. A sign (at least 8.5 by 11 inches), shall be posted inside the cultivation center in a

manner that is readily and conspicuously visible to persons who enter the establishment and shall contain the following language, "Smoking, eating, and other forms of otherwise consuming or ingesting cannabis is prohibited on cultivation property."

4.167.8.Noxious Odors. The County Board may condition a special use permit on the condition that it is operated in a manner that prevents odor impacts on neighboring premises and, if necessary the facility shall be ventilated with a system for odor control.

4.167.9.Retail Sales Prohibited. The retail sale of any medicinal cannabis or medicinal cannabis related inventory by a cultivation center is prohibited. Sales of any products or inventory from a medicinal cannabis cultivation center must strictly comply with 410 ILCS 130/105.

4.167.10. Age and Access Limitations. It shall be unlawful for any medical cannabis cultivation center to allow any person who is not at least eighteen (18) years of age on the premises. Cultivation centers shall not employ anyone under the age of eighteen (18). Access shall be limited exclusively to cultivation staff, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act.

xxxxxxxxxxx = (Standard text) existing text within the zoning code; no changes proposed.

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xxxxxxxxxxx = (Underlined and highlighted text) new text that is proposed to be inserted into the zoning code

3.16. Table Of Permitted Uses (continued)

KEY: P = Permitted Use; S = Special Use; T = Temporary Use; A = Accessory Use

D. Residential and Tourist Lodging Uses:	A1	A2	RE	R1	RC	RC2	RTN	B1	B2	I1	I2	Clarifying Conditions
Accessory dwelling units							P		P			
Accessory Relative Living Quarters	P	P	P	P	P	P	P					In the event a separate entrance and/or substantially separate living quarters is desired, then a special use is required in all permitted districts. See Section 4.11
Bed and breakfast establishment	S	S	S	S	S	S	S	S				
Convents, seminaries, monasteries	S		S	S	S	S	S					
Day care home	A	A	A	A	A	A	A	A				
Dwelling Unit Linked to Agricultural Conservation Easement	S				S							See Section 4.14
<u>Dwelling Unit Linked to Lot-of-record Exchange</u>	<u>S</u>											<u>See Section 4.15</u>
Dwelling units above ground floor retail, office, food service uses						P	P	P	P			
Group home	S				S	S	S					
Home-based business	P	P	P	P	P	P	P					
Home-based business, in accessory structure	A	S	S	S	S	S	S					
Hotels, Motels							S	S	P	P	S	
Mobile home parks				S			S					
Multiple-family residences						S	P					Subject to District conditions.
Private swimming pools	A	A	A	A	A	A	A					Provided they are totally enclosed by a fence or wall of a minimum 4 feet in height.
Rooming, boarding, or lodging houses (< 15 roomers or boarders)							P	S				
Single-family residences	P	P	P	P	P	P	P					Subject to District conditions



BOONE COUNTY HIGHWAY DEPARTMENT

9759 Illinois Route 76
Belvidere, Illinois 61008

RICHARD A. LUNDIN
COUNTY ENGINEER

OFFICE 815-544-2066
GARAGE 815-547-6142
FAX 815-544-8329
E-MAIL boonecohwy@comcast.net

January 29, 2016

Ms. Kathy Miller, Interim Planning Director
Belvidere-Boone County Planning Department
401 Whitney Blvd., Suite 300
Belvidere, Illinois 61008

RE: Zoning Ordinance Text Amendment – Chapter 4

Dear Ms. Miller,

I have no comments on the proposed text amendment changes.

Richard Lundin
Boone County Engineer



Boone County
DEPARTMENT OF
PUBLIC HEALTH

1204 Logan Avenue ♦ Belvidere, Illinois 61008

Main Office: 815-544-2951 ♦ Clinic: 815-544-9730
Fax: 815-544-2050 www.boonchhealth.org

The mission of the BCDPH is to protect and promote health in Boone County.

January 28, 2016

Kathy Miller
Belvidere-Boone County Planning Dept.
401 Whitney Blvd., Suite 400
Belvidere, IL 61008

Re: Notice of Hearing 01-2016; Boone County
Zoning Ordinance Text Amendment – Chapter 4, Design Criteria for Specific Uses

Dear Kathy,

We are in receipt of the text amendment for the above referenced case. Our office has no objections or comments on this request.

Thank you,

William L. Hatfield
Director of Environmental Health

2016

County

FEBRUARY								
Date	Planner	Case Number	Request	Petitioner	PC	ZBA	PZB	CB
01/22/2016	KM	01-2016	TA	Boone County	02/16/2016	02/23/2016	03/02/2016	03/16/2016
2/1/2016	KM	02-2016	SU	Brent Johnson		3/22/2016	4/6/2016	4/20/2016

Subdivision	
Special Use	1
Rezone	
Text Amendment	1
Variation	
Administ. Var	
Appeals	
Total	1