Village of Spring Grove
Plan and Zoning Commission
Meeting Agenda

1. Call to Order

2. Roll Call

3. Approval of Minutes – January 4, 2017

4. Public Hearing – Amending and updating certain sections of the Village’s Zoning Ordinance
   A. Presentation by village regarding the recommended amendments
   B. Questions by Planning & Zoning Commission
   C. Questions by Zoning Officer
   D. Public Comment
   E. Further Commission Discussion
   F. Motion of Recommendation to Village Board

5. Public Comment

6. Other Business

7. Adjournment
Council Chambers, Spring Grove, Illinois, March 8, 2017; a Regular Meeting of the Planning and Zoning Commission was held this date at 6:03 p.m., at the Municipal Centre, 7401 Meyer Road; Chairperson Gajewski presiding.

Roll Call. Roll call vote showed the following commissioners to be present at the meeting: Chairperson Mike Gajewski and Commissioners Joe Broz, Sr., Mike Bukolt, Bill Greenhill, Mike Lee (arrived at 6:16 p.m.) and Paul Tierney – 6. Absent: None. Also present for the Village was Sandi Rusher, Village Clerk; Trent Turner, Building and Zoning Officer; and Scott Puma, Village Attorney.

Approval of the January 4, 2017 Minutes. Commissioner Broz moved, seconded by Commissioner Greenhill to approve the minutes as presented. On voice vote, the motion carried

Public Hearing – Amending and Updating Certain Sections of the Village’s Zoning Ordinance.

Presentation by village regarding the recommended amendments, Questions by the Planning and Zoning Commission and Public Comment. Zoning Officer Turner provided an overview of the amendments followed by questions and comments from the commission and public.

Chapter 15 – Zoning Ordinance

- Section 1517.6.B.3 – Posted Notices. Revised to state the sign shall be posted on the principal road frontage and at a prominent location near the public ROW and not give an exact distance. The commission concurred with this amendment.

- Section 1520.6 – Special Use Permit Approval Criteria. The special use permit standards were amended for clarity and for applicant ease in answering. The commission concurred with the amendments.

- Section 1524 – Processing Zoning Applications from Public School Districts. To address the new law that requires local governments to modify and streamline their zoning procedures, Attorney Puma recommended the following section to be added to the Zoning Ordinance. The commission concurred with this amendment.

1524 Processing Zoning Applications for Public Schools Districts. When processing and considering zoning applications from public school districts, the Village shall comply with the requirements set forth in 65 ILCS 5/11-13-57, as may be amended from time to time.
Appendix A – Definitions

- **Animals, Farm.** It was proposed to include apiaries (bees) in the definition but since they are not classified as a farm animal, it was recommended the below definition of an “Apiary” provided by Attorney Puma be added to Appendix A.

  **Apiary.** A place where one or more bee colonies are kept. Apiaries shall include hives or other structures intended or used for the housing of a bee colony.

Discussion then commenced regarding apiaries. The village has received inquiries from residents wanting to know if bee hives are permissible, which originally led to the recommendation to prohibit them in residential zoning districts. After much discussion and input from the public (Elaine & Andy McGinnis, Harvey Petska, Bob Stevens and Chris Stevens), it was consensus of the commission to allow apiaries in agriculture and residential zoning districts subject to the following recommendation, some of which were taken from the McHenry County Unified Development Ordinance, which will be added to Appendix M, Accessory Use Standards.

- Persons seeking to have and maintain an apiary shall register with the Village.
- In compliance with the Illinois Bees and Apiaries Act (510 ILCS 201/), every person keeping bees shall register with the Illinois Department of Agriculture.
- No more than two (2) hives are permitted per lot.
- A hive may not exceed 4 ft. in height.
- All bee colonies shall be kept in a removable frame hive, which shall be kept in sound and usable condition.
- Where any colony is situated within twenty-five (25) feet of a property line, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a dense vegetation, fence, solid wall, or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.
- Each beekeeper shall provide that a convenient source of water is available to the bees at all times during the year.
- In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, the beekeeper must promptly re-queen the colony.
- All hives shall be located to meet required setbacks for accessory structures, unless screening is provided along the property line or unless the adjacent property is vacant.

Appendix B – Uses Permitted in Zoning Districts. The commission recommended the following amendments:

- **Apiaries.** Add as a Permitted Use in the A-1, E-5, E-2, E-1, R-2 and R-1 zoning districts.
- **Animal Farm.** Amended to read “Animals, Farm” to be consistent with the definition.
• **Home Improvement Center - Retail.** Revised to make this use a special use in the B-1 and B-2 zoning districts to make it consistent with Building Materials – Retail, this is a special use in the same zoning districts.

• **Kennel – Commercial.** Revised to include it as a special use in the B-2 zoning district. The reasoning behind this is that the village has received inquiries for this type of use at 2919 Route 173, which is a 5 acre parcel that includes a home and a detached retail accessory building that is zoned B-2. As the property sits currently, this would be a good use of this vacant property.

It was further recommended that language be added in the standards to address Route 12 frontage in Appendix D. This would allow the village to continue to pursue commercial business for the Route 173 corridor and determine this special use on an individual basis.

• **Solar Energy Systems – Ground Mounted.** Add as a Special Use in all zoning districts.

Zoning Officer Turner prefaced the discussion stating the village has received two requests for roof mounted solar energy systems over the past couple of years. These requests have been reviewed by ARC. At the request of the Village Board, Trustees McMahon and Letzter, PZC Chair Gajewski and Inspector Turner have met to discuss establishing standards for solar energy systems (SES). It is their recommendation that roof mounted SES be addressed in the Building Code, conform to the standards established to protect the aesthetics of the community, and all requests would be heard by the Architectural Review Commission. Ground mounted systems would be addressed in the Zoning Ordinance, treated like an accessory structure and require a special use permit. The special use standards they drafted were reviewed by the village attorney and it is their recommendation that they be added to Appendix D.

Commissioner Lee opined that regardless of the line of sight or being seen by an adjoining neighbor, residents should not be restricted on installing solar energy systems. The village should look at regulations that will keep residents safe and maintain the structural integrity of the structure. Commissioners Greenhill and Bukolt also agreed with his opinion.

Commissioner Broz did not support the 15 ft. height of a solar energy system for safety reasons, i.e. children climbing on them.

In response to inquiries from the commissioner, Zoning Officer Turner clarified that if a roof mounted solar energy system is not feasible; residents can apply for a ground mounted system. Because a solar energy system is considered an accessory structure, and only one is allowed with a maximum 15 ft. in height it was recommended language be included in the standards to make the clear. If a resident already has an accessory building and would like a ground mount solar energy system, a variance would be required to allow for two accessory structures.

Chris Stevens, resident at 2320 Elk Drive, opined the village needs to look towards the future and should not get in the way of people wanting to seek alternative energy solutions because technology and products are always evolving.

Rich Maziarz explained why he wants to install a solar energy system.
Chairperson Gajewski believed the standards established by the representatives for roof and ground mounted solar energy systems address the concerns of the Village Board, do not prohibit solar energy systems and give neighbors a voice in the matter.

Appendix D – Standards for Specific Special Uses

- **Auditorium.** It was recommended paragraphs A & B were deleted and the remaining renumbered accordingly as staff felt they were unnecessary. *The commission concurred with this amendment.*

- **Automobile, Recreational Vehicle & Truck Self Service Fueling Center.** It was recommended that the overnight parking of vehicles is prohibited, the site is designed to accommodate semi-trailer parking and any and all service and repair work references be removed as an applicant would have to apply and follow those standards. *The commission concurred with this amendment.*

- **Campground.** These original standards came from the McHenry County Zoning Ordinance, which has since been revised. It was recommended that the village adopted the revised standards. *The commission concurred with this amendment.*

- **Cemetery or Pet Cemetery.** The heading of this section was amended to include “Pet Cemetery” as it is discussed within the body of the section. It was recommended that all cemeteries comply with all state regulations as well. *The commission concurred with the amendments.*

- **Golf Course, Country Club.** It was recommended that conference center and lodging be added to the complementary uses of a golf course, country club. *The commission concurred with this amendment.*

- **Kennels, Pet Day Care and Pet Agility, Obedience or Training Facility.** During the zoning hearing for Fur Love of Dog, the county health department doesn’t have a report certifying that the location and kennel will not create a public hazard. It was recommended this be removed. As stated above, it was recommended that commercial kennels be prohibited on properties abutting Route 12 and the minimum refuse pick up amended to once a week. *The commission concurred with the amendments.*

- **Outdoor Seating.** It was recommended paragraph 1 under Operating Requirements be deleted as staff feels these requirements are better served as one of the conditions of the special use permit as each application should be reviewed individually. It was also recommended that the annual permit fee be eliminated as the village has not charged anyone to date. *The commission concurred with the amendments.*

- **Solar Energy Systems – Ground Mounted.** *The commission agreed with the following standards presented adding for clarification the maximum height and number allowed.*

This section seeks to protect properties from incompatible uses and to conserve and enhance property values, while promoting the use of alternative energy sources, where appropriate. This section provides a process to facilitate the use of solar power in a manner that minimizes visual impacts of solar energy equipment and the potential for nuisance.
A. **Applicability.** An applicant who seeks to install a ground mounted solar energy system must submit an application for a permit, as provided by the village. The application must include photographs of the existing conditions of the property as well as renderings of the proposed solar energy equipment and a description of the screening to be provided for ground mounted solar energy equipment. Other relevant review information such as manufacturer’s brochures and information may be required. This should include photographs of the panels and the mounting system hardware.

B. **Definitions.**

**Solar Energy System.** A commercially manufactured device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical or electrical energy.

**Ground Mounted Solar Energy System.** A free standing solar energy system that is mounted to a ground based mounting system. *Ballasted footing mounts, such as concrete or steel bases that use weight to secure the solar energy system in position and do not require ground penetration will not be allowed.*

C. **Regulatory Framework.** A solar energy system shall be allowed as an accessory use and must be tied to a principal use in all zoning districts where structures of any sort are allowed; subject to the requirements below. Requests not meeting all requirements of the below shall require a variance.

D. **General Requirements.** Ground mounted solar energy systems may be erected or installed on properties used or zoned for residential or non-residential purposes, and in accordance with this Article of the Village Zoning Ordinance, all State and Federal laws and regulations, as amended from time to time, concerning their use and operation and shall be further subject to the following standards:

1. A ground mounted solar energy system is considered an accessory structure, and only one accessory structure is permitted per lot.

2. A solar energy system shall be operated and maintained under the same ownership and on the same zoning lot as the principal use or structure.

3. Shall be installed according to manufacturer specifications and in accordance with all applicable village codes and ordinances.

4. Must be substantially screened from public view (including adjacent properties and public rights of way) by fencing, plantings, or a combination thereof, as determined by the Building and Zoning Officer and the Planning and Zoning Commission. All solar panels, frames and mounting hardware shall be black, brown or bronze.

5. Must comply with all setback requirements for the zoning district in which the property is located. No part of a ground mounted system shall be located or protrude into a dedicated easement, front yard or yard abutting a street.

6. May only be located in the side or rear yard of the property.

7. A maximum height of 15 feet above grade.

8. A maximum size of 600 sq. ft.
9. All exterior electrical lines must be in conduit and concealed where possible.

10. Safety.
   - Must meet all Federal, State and Local codes.
   - Must have a commercially available mounting system.
   - All access panels and electrical equipment must be lockable.
   - Appropriate warning signage must be placed on the solar energy system.
   - A building permit application must be accompanied by standard drawings of the solar energy system and site plan, showing the location of the proposed solar energy system and the location of all existing buildings, structures, utilities and property lines, to scale, along with distances. Stamped drawings may be required.
   - A building permit application must be accompanied by a line drawing of the electrical components in sufficient detail to allow for the determination that the manner of installation conforms to the National Electric Code and amendments.
   - Any solar energy system connected to the utility grid must comply with all Illinois Commerce Commission metering laws.

11. Any solar energy system found to be unsafe by the Building Official must be repaired by the landowner to meet federal, state and local safety standards or be removed within thirty (30) days. If any solar energy system is not operational for a period of 12 consecutive months or more, the Village may request, in writing to the owner of record that it be repaired or removed within 60 days. If there is a failure to comply, the solar energy system will be removed by the owner at the owner’s expense. The Building and Zoning Officer shall have the authority to pursue legal action if necessary.

Appendix K – Personal Wireless Telecommunications Facilities

- Small Cell Antenna/Tower ROW Siting. Attorney Puma recommended this not be included in the Zoning Ordinance but in the Village’s Rights-of-Way Ordinance. This will be consistent with the use of the ROW because the antennas will be installed on existing utility poles. The village can still control the maximum height allowed and require a permit. In response to an inquiry from a commissioner, Attorney Puma stated he will have to research further if the village’s ordinance will govern ROW along state and county roads within the village.

Chris Stevens stated he designs small cell antennas that are being used to increase user accounts/capacity. He stated cable companies are looking at getting into this market and are using cable stand mounted devises. He added every municipality has different regulations and the village should look at maximum RF power versus height and aesthetics (cable stand mounted devises are not aesthetically pleasing)

*After some discussion, the commission accepted the recommendation.*
Further Board Discussion. None.

Motion of Recommendation to the Village Board. Commissioner Lee moved, seconded by Commissioner Bukolt to recommend approval of the amendments to the Zoning Ordinance as discussed noting the amendments to apiaries and solar energy systems. Roll call vote: Ayes: Broz, Bukolt, Gajewski, Greenhill, Lee and Tierney - 6. Nays: None. Motion carried.

Public Comment. Chairperson Gajewski then opened the meeting up for comment by the public. Rich Maziarz sought clarification on the process for applying for a special use permit for a ground mounted solar energy system. Zoning Officer Turner will review the process with him after standards have been adopted by the Village Board.

Other Business. None.

There being no further business, Commissioner Greenhill moved, seconded by Commissioner Tierney to adjourn the meeting at 7:45 p.m. On voice vote, the motion carried.

Respectfully submitted,

[Signature]

Sandi Rusker, Village Clerk