

MINUTES FOR THE REGULAR MEETING
OF THE ZONING COMMISSION
OF THE VILLAGE OF CAMPTON HILLS
January 24, 2024, 6:30 P.M.
Campton Hills Village Hall
40W270 LaFox Road

1. CALL TO ORDER

Chairman Fredrick called the meeting to order at 6:30 p.m.

2. ROLL CALL

<u>Commissioner</u>	<u>Present</u>	<u>Absent</u>
Rolf Fredrick, Chair	x	
Joe Garbarski	x	
Jim Kopec		x
Terilyn Turney	x	
Chris Tiedt	x	

Also, present were PZC Liaison Jerry Johnson, Village Attorney Carmen Forte, and Zoning Commission Secretary Jim Brown. Village Board Liaison Mike Millette was absent and in his stead as liaison was Village President Barb Wojnicki.

2. APPROVE RULE FOR ZONING COMMISSION

Chairman Fredrick read the following proposed rule for the Zoning Commission: “The duration of each meeting of the Zoning Commission, excepting a meeting with a public hearing as an agenda item, shall be limited to two hours. This limit may be extended at the discretion of the chairman of the Zoning Commission.”

Commissioner Tiedt motioned to approve; Commissioner Garbarski seconded the motion. By a voice vote the motion was unanimously approved.

3. PUBLIC COMMENT

Peggy Sue Seehafer desired to speak on animal welfare. She read a sentence from Mr. Brown’s staff report regarding the size and placement. She thought this was backwards. “Building size should not determine the welfare of animals.” She suggested the commission asked animal welfare experts in formulating the zoning rules. “Please be careful about what took years to collaborate,” she said, referring to the previous zoning process.

A second speaker made a comment regarding ham radio equipment. He thought most of the draft ordinance was okay. Regarding 2.c., he didn’t think the phrase about the 75-ft tower on roof was needed. He thought this was covered already in a subsequent draft paragraph. He said as a HAM radio operator, “Nobody in their

right mind is putting a 75-ft radio antenna attached to their house—it’s just not going to happen.”

4. REVIEW AND DISCUSS DRAFT CHAPTERS INTRODUCED AT JANUARY 10 MEETING OF ZONING COMMISSION

With no further public comment, Chairman Fredrick moved to a review of the draft chapters from the January 10th meeting.

Review of Draft Article 1

Mr. Brown noted that there had been changes as a result of suggestions: open space purpose sentence and change in status, i.e. from permitted to special use which becomes a nonconforming use.

Mr. Grabowski commented on Section 1.2.E. He said Campton Hills Twp was incorrect—no Hills in name, and corrected reference to Kane Co Forest Preserve. Mr. Brown noted the corrections.

Mr. Garbowksi commented on Section 1.3.A. He said it was in conflict with 1.2.E. Attorney Forte explained that the township land within the Village’s boundary would still be subject to the Village’s zoning; township land outside of the Village would not be subject to the Village’s zoning. He said the spirit of 1.3.A would indicate the Village supports open space.

Mr. Johnson inquired about a potential change of use. Mr. Forte stated again the zoning ordinance would apply. Mr. Johnson mentioned an issue in Lake County between an airport and the county. Mr. Forte noted that the Village would still be required to seek a zoning change for its own property.

Review of Draft Article 12

Section 12.3.E. Chairman Frederick questioned the naming of the commissions. Mr. Forte explained that the Village Municipal Code used “Plan Commission” and “Zoning Board of Appeals.” These names were not bound by state statute. Following some discussion from Mr. Forte and Mr. Garbowski, it was agreed that the references to a “Planning and Zoning Commission” in the draft ordinance should be changed, as appropriate to either plan commission or zoning board of appeals.

Mr. Brown noted 12.3 would be revised to read “plan commission’ and a new paragraph 12.4 for the zoning board of appeals would be added to the draft.

Section 12.3.E. asked if the “final” zoning decision should rest with the ZBA or Village Board. Mr. Brown explained the “final” decisions normally rest with the ZBA, and thus the Village Board does not need to weigh in on such disputes. Mr. Forte added that state statute provided for the ZBA to have final decision authority, he also clarified that such final decisions is for variations only. Mr. Brown gave an example of a tree house dispute in another community, where the zoning administrator decision was appealed to the ZBA. The ZBA upheld the administrator’s decision, and then the property owner sued the town.

Section 12.4. There was discussion the term Zoning Administrator vs. Building and Zoning Officer. Mr. Forte suggested the term zoning administrator be maintained in the zoning ordinance, but add the additional duty that the building and zoning officer had. Commissioner Tiedt asked who was keeping track of terminology across the municipal code. Mr. Brown said it “was on his radar.” He and the attorney would seek to ensure a consistency of terms across all the Village code. Mr. Forte added that there would also be a recommendation to the Village Board on what zoning-related code amendments—outside of the zoning ordinance—would be advisable.

5. INTRODUCTION OF NEW DRAFT CHAPTERS

a. Review of draft Article 13

Mr. Garbarski questioned 1.A.3—define contractors. Mr. Brown agreed to modify. MR Tiedt suggested “consultant” be used. He also called attention to a reference to Article 14, which should be Article 13.

Mr. Garbarski questioned a provision regarding a complete application. Mr. Fredrick asked if there should be any waivers or accommodations for nonprofit organization. Mr. Brown advised that fee structure and dollar amounts should remain outside of the zoning and placed elsewhere in the municipal code.

Mr. Garbarski questioned if fees and escrow should be identified separately. Mr. Fredrick suggested the paragraph title be changed to “fees and escrow.” Mr. Forte opined that escrow should nevertheless be mentioned in the zoning ordinance.

There was a discussion on the public notice mailing requirement in the draft of 500 feet. Mr. Fredrick thought 250 feet was “more reasonable.” A discussion ensued regarding the mailing distance and the responsibilities of both staff and the applicant for fulfilling the public notice requirements. Mr. Johnson thought the 500-ft requirement was appropriate since the Village had many large lots and the 500-ft requirement would ensure neighbors were notified. It was decided to amend the draft from 500 feet to 250 feet. It was also decided to ensure the letters were sent via certified mail. Following some suggestions by Mr. Forte, it was agreed to add specifics regarding the public notice sign to the ordinance. A legal description of the property should not be required for the sign. The consensus was to have staff be responsible for placing an ad in the paper, providing the applicant with the text of letter, and creation and installation of the sign. The applicant would be responsible for mailing the letters. There was a discussion of the standards for a zoning map amendment. Mr. Brown that they came from two court cases in Illinois and are known as the La Salle factors.

Section 13.4.A. Mr. Garbarski inquired about the term “districts in the text. Mr. Brown suggested it be amended to read “zoning districts.” Paragraph 13.E.1.J. Mr. Garbarski inquired about references to utilities. Mr. Fredrick found the phrase okay. Mr. Tiedt noted that the zoning ordinance was also for the future.

The commission discussed a provision in the current ordinance requiring a special use to run with the owner instead of the land. It was agreed to remove this provision from the draft.

Mr. Tiedt concurred with the suggestion to keep the phrase “strict adherence” when referring to decisions. He also suggested the term “or ceased operations” be added for the termination clause for special uses.

Mr. Garbarski noted inconsistencies in numbers—some were spelled out and some were not. Mr. Brown said he would review. Mr. Garbarski asked Mr. Brown to explain what was meant by “zoning district standards.” Mr. Brown explained that it meant all of the standards of a zoning district: bulk, yards, performance, or other.

Mr. Garbarski suggested the phrase “licensed structural engineer” be used instead of “structural engineer.”

Regarding a provision on outdoor activities it was decided to delete the paragraph in its entirety and review outdoor storage and uses later. Mr. Tiedt thought the paragraph was ambiguous, and Mr. Garbarski suggested the paragraph be removed. Mr. Brown suggested as we go through the use tables we can review outdoor storage and uses.

b. Review of draft Article 13

There were no comments regarding this draft Article.

c. Review of draft Article 8

Section 8.2.A.6. Mr. Garbarski suggested the police chief be removed as the enforcement person. Mr. Brown concurred and said he would alter the draft to read zoning administrator. Mr. Fredrick suggested it read both, since the police worked at night.

Mr. Fredrick asked if the Village had a dark skies ordinance. Mr. Forte said yes. Mr. Frederick questioned whether the zoning provision on lighting were necessary. Mr. Forte recommended we leave it in, so long as it did not conflict with the dark skies ordinance.

Mr. Tiedt questioned whether existing homes would need to comply with the dark skies ordinance or would their lighting be grandfathered in. He suggested that this question be clarified in the ordinance.

Another reference to “police chief” as the enforcement officer was discussed. Mr. Forte thought it may have been for security concerns. Mr. Tiedt suggested the phrase “appropriate Village staff” be used instead.

Mr. Tiedt opined that the provisions should be for all construction, not just commercial. Review of revisions to a lighting plan should be done by “appropriate staff or consultants” rather than an engineer.

The commission concurred with the suggestion that strings of white lighting—

outside of the holiday season—be prohibited. However, move it to 8.2.A, for commercial rather than residential.

As Section 8.3 in the draft was reached, Mr. Fredrick suggested the commission half for the evening. Mr. Brown requested feedback on animals. He wanted to move away from the counting of animals.

Commissioner Turney questioned the history of the rules and regulations, and wanted know where the numbers and standards in the ordinance came from. As an animal scientist she was concerned about their validity for animal welfare. Mr. Johnson responded. He said he worked with an agriculture committee that examined the Kane County ordinance and tried to come up with standards. Ed Muncie was at the time a volunteer, and did research on the keeping of animals.

Mr. Brown said that he and the village administrator did not want staff to be involved with counting animals. They would prefer to omit numbers for enforcement, and use nuisance code to regulate. He admitted that this area was not in his “wheelhouse and was therefore looking for guidance. He still wanted to ensure animal welfare. He said he assumed that most people raising chickens, or horses or goats were “somewhat responsible.”

Ms. Turney said there needed to be best practices, including how many animals per space or shelter “in a reasonable format. You just can’t let people govern themselves.” Land would be destroyed by too many animals. Mr. Johnson added that they had felt the nuisance code would be a good way to police issues.

Mr. Fredrick thought there needed to be some standard. Mr. Brown questioned if some of the responsibility could be shifted to the county or state officials. Mr. Tiedt said we needed to enforce what we had on the books. We couldn’t do selective enforcement. Mr. Brown concurred. Mr. Garbarski disagreed—we should not let staffing concerns influence what we put on the books. Mr. Fredrick said more research was needed into animal husbandry standards. Mr. Brown said he wanted to move away from numbers but still ensure animals welfare—needed to find other standards.

Peggy Sue Seehafer commented from the public that we can’t be using standards from Montana or California as our standards. The environment was different for horses. Ms. Turney agreed.

Ms. Wojnicki reminded the chairman about approval of minutes, which had been skipped. It was decided to postpone approval until the next meeting. The commission concurred with resuming discussion of Article 8 in its entirety and animals in particular.

Hollie Bauron desired to make a public comment, but said she was not prepared to speak yet. She would at the next meeting.

The commission agreed to move the next meeting from Feb 14—Valentine’s Day—to Feb 7.

6. ADJOURNMENT

Mr. Tiedt made a motion to adjourn the meeting; motion was seconded by Mr. Garbarski. On a voice vote the motion was unanimously approved. Meeting adjourned at 8:47 pm.

Submitted by Jim Brown, Zoning Commission Secretary

Approved this 7th day of February 2024

Rolf Fredrick, Chairman, Zoning Commission