The County Board of DeKalb County, Illinois held a Workshop on Saturday, June 8, 2019, in the Community Outreach Building’s Blank Slate Room in DeKalb, Illinois. Chairman Mark Pietrowski, Jr. called the Workshop to order at 9:00 a.m. Those present were Board Members Tim Bagby, Scott Campbell, Dan Cribben, Laurie Emmer, Steve Faivre, Dianne Leifheit, Maureen Little, Sandra Polanco, Chris Porterfield, Craig Roman, Jeff Whelan, and Chairman Mark Pietrowski.

Others present included, Gary Hanson, Derek Hiland, Marcellus Anderson, Karen Cribben, Jim Hutcheson, and Attorney Charles Brown.

**APPROVAL OF THE AGENDA**

Mr. Faivre moved to approve the agenda as presented. Mr. Whelan seconded the motion and it was carried unanimously by voice vote.

**PUBLIC COMMENTS**

There were no public comments.

**COMPREHENSIVE LAND USE PLAN**

DeKalb County Community Development Director Derek Hiland provided a PowerPoint presentation for those in attendance. The presentation (attached) consisted of explaining what the history of planning, zoning and land use regulations are in the United States as well as in DeKalb County. He also reviewed what planning is and is not and what zoning is. That information tied into what the Regional Planning Commission is and discussing future land use plans in accordance with the County’s Unified Comprehensive Plan.

Mr. Steve Faivre handed out the current proposed text changes to the 402D2 and related sections of the A1 DeKalb County Code. He explained that the proposed changes were drafted over the last three years by Attorney Charles Brown of Brown Law in Sycamore, and Mr. Faivre in consultation with several staff and members of the DeKalb County Farm Bureau and members of the Ag Community. He also shared that he reviewed the evolving draft with Mr. Hiland several times during the process. The main proposed changes (in his opinion) were:

2. Adds a definition for 40 acres: “…a quarter-quarter section as defined by the government survey established for each township whether the actual surveyed area measured by a metes and bounds survey is more than or less than forty (40) acres in area.”
3. Agricultural use is assumed on any parcel greater than two acres rather than five areas.
4. Agricultural use on a parcel less than two acres is defined: $1,000 or more in agriculture products are or will be produced or sold annually from the land. Building permit applicant submits a sworn statement identifying the type and dollar amount of the agriculture products that are or will be annually produced or sold from the land. If less than $1,000 the parcel will be subject to all regulations governing land and structures not used primarily for agriculture purposes.
Mr. Faivre introduced Attorney Charles Brown. Attorney Brown explained each of the changes to the group and the background of each proposed changes.

Following the explanation of the proposed code changes, Attorney Brown, Mr. Faivre and Mr. Hiland formed a panel for a Q&A session with the Board Members. Many of the questions were hypothetical situations and how they could be handled others were more clarifications of the processes that would be followed if these changes were enacted. Mr. Hiland additionally provided some concerns he had with some of the proposed changes.

Mr. Faivre explained that these proposed code changes would continue to be finely tweaked and would be sent to the June 26th Planning & Zoning Committee Meeting where to the Committee would begin the process of discussing the proposed changes in order for them to go onto a Public Hearing.

BREAK
The Workshop took a lunch break in between topics.

PLANNING SHORT-TERM & LONG-TERM COUNTY BOARD INITIATIVES
Chairman Pietrowski shared that he and Vice Chairman Frieders have been working together for a while to come up with a comprehensive list of long and short-term goals and initiatives they have for the County Board. Chairman Pietrowski clarified that these are all very initial ideas, goals, and initiatives and he would like to see them directed to the appropriate Committees and discussed and evaluated further in the future. The following items (in no particular order) were by Chairman Pietrowski:

- Developing paths to connect all of DeKalb County together as well as support healthy living in DeKalb County through partnerships with DSATS and Park Districts. This is a long-term goal that would need marketing, a long-term timeline, and more importantly a budget.

- Acquiring new buildings through the City of Sycamore for possible use by the Sheriff, Coroner, Facilities Management, and Elections. This acquisition is already in place but Chairman Pietrowski wanted to ensure that he strongly supports the acquisition.

- Finance Committee to update their budget goal to start rebuilding the General Fund Fund Balance. This would mean passing a beyond balance budget.

- Taking a look at coming up with language to continue with or end the Forest Preserve District Referendum. The Chair noted that if the Board would agree with this, he would like to see the question on a 2020 Ballot.

- Develop two solar fields for DeKalb County Government that would be located on land owned by the County by the DeKalb County Landfill and another on the DeKalb Health Campus. Mr. Hiland additionally explained going out for a RFQ process and how the County would benefit from being an “Energy Efficient County”.

- Reestablish a formal Legislative Agenda for DeKalb County.

- Building out the third-floor of the DeKalb County Courthouse to address space needs. Chairman Pietrowski additionally noted he would like to see functionality more of a priority that beautification for that space.
- The Ad Hoc Rules Committee looking into establishing a Committee of a Whole in order to address possible OMA violations with the way Executive Committee is now structured. This would also involve the State’s Attorney’s Office and updating the County Board Rules.

- Developing a Welcome Center Kiosk near the Courthouse to help market DeKalb County businesses and communities.

- Ensuring the County is part of multiple official County Organizations and encouraging one Democrat and one Republican to attend National Conferences each year to represent DeKalb County.

- Formalizing in the County Board Rules that the Ad Hoc Rules make-up shall comprise of four Democrats and four Republicans.

- Create a Welcome to DeKalb County billboard off of I88 or other ideal locations in order to advertise and market DeKalb County.

- Exploring the possibilities of renting County meeting rooms out to the public or non-profits. This would be a future idea for the Ad Hoc Rules Committee to discuss the pros and cons of doing so.

- Exploring the idea of working with local School Districts and the ROE to teach what local government is about (Civic Education) as well as establishing a possible scholarship.

- The County Board coming up with their position on whether they support the DeKalb Taylor Municipal Airport remaining a Municipal Airport or becoming Regional.

- Working with the DeKalb County Economic Development Coordinator and the Economic Development Committee to pursue a marketing plan for the County-owned property and promoting retail space.

- Chairman Pietrowski noted that for a long time now he has been advocating and believes it is vitally important to add a distinct Human Resource Officer to the County. He added that he doesn’t see this position as being added as a Department Head but would work under an existing Department Head. He would like to see this explored before her terms ends though.

- Reestablishing a Deputy County Administrator position. Along with changing the current language and structure of the position and making it one individual and it could be used as an enhanced professional development opportunity.

- Obtaining reports at Executive Committee from Board Members who are appointed to outside boards such as Mental Health Board, Rehab & Nursing Center Operating Board, Board of Health, etc.

- Assisting with the planning and promoting of the 2020 Census. Chairman Pietrowski noted that this is a vital process for communities to obtain assistance and government funds.

Chairman Pietrowski shared that he would like to do another workshop in the future, possibly after a full County Board meeting, to ensure the attendance of more Board Members.

County Board Members had a brief question and answer session regarding Chairman Pietrowski’s list. Mr. Whelan shared that the Board should think about discussing the future of the DeKalb County Nursing Home and more specifically the Management Company that runs it.
Ms. Leifheit and Mr. Porterfield additionally addressed the growing population of senior citizens in the County and ensuring they are utilizing the Senior Services Tax Levy Funds to the best of their abilities to help that population.

Chairman Pietrowski reiterated that going forward he would like to move these ideas to the appropriate Committees for them to be fully explored and discussed.

ADJOURNMENT
It was moved by Mr. Porterfield, seconded by Mr. Whelan and it was carried unanimously to adjourn the Workshop at 1:16 p.m.
What is “planning”?

Planning is:
- An orderly, open approach to determine local needs, setting goals and priorities, and to provide the highest level of service to the public and maintain the highest professional standards possible within the limits of available resources.
- A plan to be made for the general purpose of guiding and maintaining the plan. Zoning is one of those tools.

Planning is NOT:
- Regulations in the United States of America
- History of Planning, Zoning & Land Use Regulations in the United States of America
- History of Planning, Zoning & Land Use Regulations in DeKalb County

History of Planning, Zoning & Land Use Regulations in the United States of America

- First Zoning Ordinance???
  - 1949
- First Comprehensive Plan???
  - 1972

First Zoning Ordinance:
- Than Home Rule Units (e.g., city, town, village, etc.) states as follows:
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- Policy guide for physical development.
- Statutory Foundation - By what means…
  - Essential use of the State of Illinois
  - Section 5, Local Government Code

County Board Workshop

DCCDD Mission Statement

To enable the County Board to formulate and prioritize clear and effective policies, plans, and programs related to land use and development;
To implement the County Board policies and programs fully, effectively, and efficiently;
To provide the highest level of service to the public and maintain the highest professional standards possible within the limits of available resources.

Statutory Foundation

- By what means…
  - Essential use of the State of Illinois
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Planning is a process that helps a community prepare for change rather than react to it. Change is inevitable. Planning is a process that helps a community prepare for change rather than react to it. Planning is a concentrated effort by a community to reach a balance between the natural environment and residential, commercial, industrial and agricultural development.

Planning is an orderly, open approach to determine local needs, setting goals and priorities, and to provide the highest level of service to the public and maintain the highest professional standards possible within the limits of available resources.

Under Dillon’s Rule, a municipal government has authority to act only when:
- Narrowly defines the power of local governments.
- Used in interpreting state law when there is a question of whether or not a local government has the power to act.
- Derived from written decision by Iowa Supreme Court Chief Justice John F. Dillon in 1894
- A cornerstone of American municipal law.

What is a Comprehensive Plan?
- Policy guide for physical development.
- Statutory Foundation - By what means…
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  - Section 5, Local Government Code
  - Section 7, Counties and Municipalities Other than Home Rule Units
  - County and municipality’s ability to enact zoning laws and charters under state law
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History of Planning, Zoning & Land Use Regulations in DeKalb County

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Comprehensive Planning Process

- A multi-step endeavor that should involve the entire community.
- Focuses on answering four key questions:
  1. Where is the community now?
  2. How did the community get here?
  3. Where does the community want to go?
  4. How does the community get there?

What is Zoning?

- The County’s zoning jurisdiction is the unincorporated area and also includes the villages of Fairdale, New Lebanon, Esmond, Clare, Five Points, Elva, McGirr, and Rollo.

- The principal means of control is to require zoning permits for all construction and/or establishment of new land uses.
- Some land uses are authorized simply “by right” (by a zoning permit) but others may need “discretionary approval”.
- Agriculture is exempt from zoning except for the setback requirements and minimum lot sizes for homes.

- Zoning also allows “special uses” - uses which may or may not be appropriate, and the county board reserved the right to judge each one on its own merits.

- Each zoning district contains its own set of “bulk regulations” including, at least:
  1. Minimum lot size;
  2. Minimum lot width;
  3. Minimum building setback and yard area requirements.
- Zoning districts may also include other “bulk regulations”:
  1. Maximum lot coverage;
  2. Maximum building height;
  3. Maximum floor area ratio (relates to the combined area of all floors of the building to the area of the lot).

- Zoning codes generally include additional regulations that apply to all zoning districts, such as:
  1. Accessory structures;
  2. Exceptions to setback and height regulations;
  3. Parking;
  4. Signs.

- Zoning also allows non-conforming uses, lots, and structures.

- State law requires that in order to have a zoning ordinance you must appoint and maintain a Zoning Hearing Officer (ZHO).
- The ZHO conducts public hearings for:
  1. Zoning variances;
  2. Zoning appeals;
  3. Special use permits;
  4. Zoning map amendments (rezoning);
  5. Zoning ordinance text amendments.

- Zoning is subject to local ordinance text amendments that require supermajority (75% or 18 of 24 elected members) of County Board to override.

- Bordering land owners (20% frontage triggers supermajority requirement).

- Any zoned municipality within 1.5 miles.

- Enforcing the Zoning Ordinance is the Department’s top priority and the biggest challenge.

- The Department works closely with the DeKalb County State’s Attorney’s Office in all enforcement cases.
ZONING ORDINANCE

The Zoning Ordinance requires all development to be consistent with other land use regulations:

- Subdivision Regulations that govern the division of land and related public improvements (e.g., streets)
- Stormwater Management Policy that requires stormwater detention and protects agricultural drainage
- Special Flood Hazard Areas Ordinance that governs development in the 100-year floodplain

Zoning Don’ts

- "Spot Zoning" - The zoning of a small parcel of land, or a few parcels of property, that results in a small cluster, isolated from or contrary to the general zoning of an area. Spot zoning is generally invalid if it is perceived as constituting the jurisdiction’s attempt to promote or approve a development that is not approved through regular development approval processes. It is also invalid if it is perceived as encouraging or approving development contrary to the jurisdiction’s comprehensive plan. If approved, it may be overturned on the basis of a violation of substantive due process. People v. Zoning Bd. of Apmt., 450 N.Y.S.2d 764, 765 (N.Y. Sup. Ct. 1982).

Zoning Don’ts Continued

- "Contract Zoning" - Courts have ruled that it is unconstitutional for a local government to provide rezoning in return for a promise not to do something that otherwise would be permitted under the zoning ordinance. The term "contract," in this case, carries the connotation that the local government has granted the zoning as a favor, on the basis of promises by a developer or property owner not to do something that the public finds objectionable. The idea that historically has made judges cringe is that if there is contract zoning, the rezoning amendment is granted as a private benefit, not a public one.

Comprehensive Plan and Zoning

A map amendment (re-zoning/zone change) should be assessed for conformity with the comprehensive plan. A comprehensive plan is a STRONG guide to decision making. Conformity to the plan weighs heavily in challenges in the courts as to the legitimacy of a re-zoning. Conformity is not mandatory, but the integrity of a plan can be compromised as rezonings are made which are not in conformity with the comprehensive plan.

Trivia Questions

DeKalb County’s First Comprehensive Plan was adopted in 1972. When was the Second Comprehensive Plan Updated?

1981

Why was it updated?

Preservation of agricultural land alone was not sufficient to direct growth.

And then... a Major Policy Shift Occurs to discourage rural development

1991 Comprehensive Plan and Zoning Ordinance

- Eliminate rural zoning districts
- The 40-acre rule
- Encourage growth to annex to municipalities
- Make sure zoning follows planning

This became the foundation for the Regional Planning Commission and the MPO (DSATS) in April of 2002

2000 Comprehensive Plan and Zoning Ordinance

- Strengthen policy (new subdivisions connect to utilities)
- Coordinate with municipalities (municipal planning jurisdiction and County jurisdiction overlap)

This became the foundation for the Regional Planning Commission and the MPO (DSATS) in April of 2002

*Not a no-growth policy, it is a controlled growth policy
Some Practical Issues/Challenges
- Recognize downside to development
- Ground water depletion, over-burdened schools, over-extended emergency services
- Other possible negative impacts: traffic congestion, stormwater runoff and flooding, (police, fire, ambulance), road plowing and maintenance
- Odors, dust, traffic
- Subdivisions make bad neighbors to farming (trespassing, water, conflicts over noise)

DeKalb County Unified Future Land Use Plan
- 11 Goals
- Agriculture
- Wetlands, Floodplains, River Management
- Natural Resources
- Urban vs. Rural Land Use
- Public Health & Safety
- Prosperity / Eco Dev.

Overview of Zoning Process
- Standard authority to adopt or change the zoning district in which it is located
- Zoning is a quasi-judicial process, not legislative
- Decision must rely on public hearing testimony and evidence
- Hearing Officer Findings and recommendation
- Cross-examination
- All testimony under oath
- Determined by law
- Administrative Review Law
- Issue for courts is process more than decision
- Administrative Appeal Law
- New info? Re-open hearing
- No additional input outside of hearing

Overview of Comprehensive Plan
- A land use plan is not a statutory requirement so why have a land use plan?
- A land use plan provides a much stronger legal basis for a zoning ordinance and is considered almost essential for zoning
- As land use concerns become more important a land use plan becomes more important particularly for a county in which there are municipal comprehensive plans

Economic Development Strategy (CEDS)
- Collaboration on Countywide Comprehensive Plan/Model UDO
- Inter-governmental agreements to mutually support comp. plans
- Project cooperation
- Increase county-to-municipality cooperation
- Increase municipality-to-municipality cooperation
- 14 Member Communities
- Continued to enforce vision of comprehensive plan through constant reference

COMPREHENSIVE LAND USE PLANNING
- DeKalb County Unified Future Land Use Plan
- Describe current development, infrastructure, natural resources, and environmental conditions in the County
- Plans and Policies Review
- Demographic and Economic
- Webmaster Disposal Post, Public

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GOALS AND OBJECTIVES

One of the most important elements of a Comprehensive Plan is the identification of the goals the County is striving to achieve, and the objectives used to transform the goals into policies and procedures. In developing goals and objectives, the County is not only looking for solutions to existing problems, but is developing strategies and policies for the future.

Goals and objectives were developed with input from elected officials and the general public as part of the 2003 Unified Comprehensive Plan. These goals and objectives were re-visited and refined as part of this update to the Unified Comprehensive Plan, and provide the basis for formulating the Future Land Use Plan. The following goals are numbered for reference purposes only; the numbering does not represent priority and each goal is of equal weight and importance for the future land uses in DeKalb County.

1. **Goal:** Preserve prime agricultural land while allowing for development and growth around municipalities.

   **Objectives:**
   a. Induce nonagricultural growth, whether residential, commercial or industrial, to areas within or immediately adjacent to existing County municipalities.
   b. Limit residential growth in rural areas of the County to farm dwellings.
   c. Work with municipalities to accurately define areas where residential and commercial growth will occur.
   d. Discourage nonagricultural uses in areas designated on the Future Land Use Plan to remain in agricultural use.
   e. Adopt policies and regulations that allow small-scale and agricultural-based retail, service and entertainment uses to take place on farms in unincorporated DeKalb County.
   f. Encourage development associated with the fiberoptic network to occur within municipal boundaries rather than in scattered rural locations.
   g. Provide to property owners who voluntarily seek to preserve agricultural land for agriculture information regarding tools such as conservation easements, purchase and transfer of development rights, and agricultural areas.

2. **Goal:** Preserve wetlands and floodplains, and reduce and eliminate erosion.

   **Objectives:**
   a. Avoid development of floodplains except for passive recreational uses.
   b. Encourage use of regional wetland banking to maximize wetland benefits while reducing costs associated with numerous isolated wetlands within individual developments.
   c. Avoid development of septic sanitary systems in areas where soil conditions and other geological factors present possible problems in relation to ground water contamination.
   d. Require delineation, followed by protection or mitigation, of any wetlands depicted on the County GIS maps located on properties proposed for development.
e. Continue to require erosion control/elimination measures as part of grading projects and new buildings and structures, and update these measures as necessary to implement best management practices.

3. **Goal:** Promote policies and development which protect and preserve natural resources.

Objectives:

a. Limit development in areas where sand, gravel and other resource deposits are located until the resources have been fully excavated and appropriate planning for reuse of the land is accomplished.

b. Identify and preserve significant woodland and other environmentally sensitive areas as part of the Forest Preserve system and on private property through the use of conservation easements.

c. Before development in rural areas is allowed, impact on environmental features such as flood plains, site drainage and water features, soil stability and sanitary waste disposal, should be analyzed. Woodlands and natural drainage-ways should be considered as amenities rather than development obstacles.

d. Undertake a study of ground water resources as a necessary first step in developing a ground water plan for DeKalb County.

4. **Goal:** Develop policies which protect standard farm operations from encroaching development or unwarranted complaints made by adjacent residential areas against normal farming practices.

Objectives:

a. Provide adequate separation between agricultural and residential uses by discouraging residential development in rural areas.

b. Require acknowledgment on deeds and/or plats that certain areas of the County are agricultural production areas which may generate noise, odors, dust and equipment traffic.

5. **Goal:** Require proper processing and disposal of solid waste and sanitary waste.

Objectives:

a. Continue policies to implement the goals and objectives of the Solid Waste Management Plan, including encouraging recycling throughout the County.

b. Discourage development of agricultural, residential, commercial, and industrial uses which utilize septic systems for disposal of sanitary waste in areas where soil conditions are insufficient for waste disposal.

c. Require subdivisions of any kind to connect to public or private water and sanitary systems.

d. Encourage steps and programs to eventually achieve total recycling in the County.
6. **Goal:** Discourage scattered nonagricultural development in rural areas of the County.

**Objectives:**
- Create land use policies which permit higher residential densities where sanitary sewer and public water supplies are provided.
- Promote long-range planning by County municipalities which encourages development adjacent to existing communities which could possibly provide services or be annexed.
- Maintain zoning regulations which establish 40 acres as the minimum farm size required to construct a single-family dwelling unit, and eliminate exceptions to this standard.
- Encourage developers to pursue annexation to adjacent municipalities or to consider pre-annexation agreements where appropriate.

7. **Goal:** Promote appropriately located economic development throughout DeKalb County.

**Objectives:**
- Adequately identify and recognize land uses in the Comprehensive Plan for areas adjacent to existing or proposed airports which are subject to FAA approval or review.
- Support municipal economic development efforts.
- Facilitate dialog on projects of regional influence.
- Support the continued viability of historic downtowns throughout the County by limiting new commercial development on the periphery of communities. New outlying commercial development should be focused on uses which do not compete directly with downtown businesses.
- Continue to protect existing unique and important land uses, including but not limited to airstrips, cemeteries, forest preserves, and State parks, through evaluation of potential negative impacts to these uses by new growth and development.

8. **Goal:** Foster intergovernmental cooperation and efficient use of resources.

**Objectives:**
- Encourage the continuation of, and continue to participate in, the DeKalb County Regional Planning Commission.
- Enter into inter-governmental agreements with the municipalities within the County to mutually support each jurisdiction’s comprehensive plan.
- Work with municipalities to develop boundary agreements.

9. **Goal:** Reduce the potential for flood damage to homes, businesses, and farms.

**Objectives:**
- Continue to work in cooperation with the municipalities within the County to develop future phases of the Countywide stormwater management plan and ordinance, including policies, plans and regulations that recognize the regional nature of stormwater management and encourage a watershed approach to storm water management issues.
- Require appropriate water retention and detention, including off-site impacts and relationships, on land slated for development to control surface run-off and contamination of water resources.
c. Encourage municipalities to adopt a "green infrastructure" element to their comprehensive plans, in which existing floodplains and drainageways, as well as assessment of hydric soils, are identified for enhancement and protection from development.

d. Encourage the use of more sustainable, "green" alternative methods of stormwater management, including but not limited to: permeable concrete and asphalt; underground stormwater detention; rain gardens; rain barrels; filtration strips; and groundwater recharge areas.

e. Update County and municipal subdivision control regulations to implement "green" and best storm water management practices.

f. Work with drainage districts, property owners, and other interested parties to clear debris from the Kishwaukee River and tributaries to reduce potential flooding.

10. **Goal:** Develop and maintain transportation systems which serve existing and future residents, farms and businesses.

Objectives:

a. Protect the existing and identified future arterials and collectors as transportation routes by discouraging access points to these roads from private properties.

b. Work with the municipalities in the County to protect the capacity of arterials and collectors by discouraging access from private properties and encouraging the use of frontage roads and access via local roads.

c. Integrate transportation and land use planning to facilitate orderly growth.

d. Explore potential of shuttle service from the County to existing commuter rail service, and the possibilities for a commuter rail station in the County itself.

e. Promote expansion of regional trail systems throughout the County to meet both transportation and recreational objectives. Focus resources first on achieving connectivity between all existing bike/hike trails.

f. Expand the network of all-weather roads.

g. Encourage the development of mass transit opportunities, including but not limited to park and ride facilities for commuter and passenger rail service to the east and north, as well as improved bus service throughout the County.

11. **Goal:** Use and improve the County Geographical Information System to assess existing physical geography conditions and analyze possible developments and changes.

Objectives:

a. Update the County aerial photography on a regular schedule.

b. Require grading projects to be submitted in a digital format compatible with the County's GIS system so that the grading and drainage information may be integrated.

c. Require, at a minimum, the use of the geographical information in the County's GIS for assessment of development projects, and where more detailed information is required to be generated, integrate such information into the County's system.
4.02 B. Permitted land uses and developments: The following uses of land are permitted in this district:

1. Agriculture.
2. Conservation area for fauna, flora, including a caretaker’s residence on a minimum lot size of 40 acres or more.
3. Farm residence.
4. Farm buildings.
5. Farm drainage and irrigation systems.
6. Farm dwelling.
7. Game breeding and hunting preserve.
8. Game refuge.
9. Grazing and forage.
10. Historic sites and structures.
12. Roadside stands and small-scale agritainment, such as “u-pick” orchards and gardens, with not more than 600 square feet of gross floor area, including outdoor display, and set back from the right-of-way at least 50 square feet of structure, and with off-street parking for a minimum of five cars, or one space for each 50 square feet of structure, whichever is greater. Sales shall be limited to products grown or produced on the premises and branded products bearing the name/logo of the farm, or farm-related business, on which the roadside stand is located.
15. Transmission and distribution lines and pipelines of public utility companies within existing public rights-of-way.
16. Tree, sod farms.

C. Special Land Uses and Developments:

1. The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 9, Special Procedures:

   a. Agribusiness, when the petitioner has proven that the business activity is directly and primarily used by those actively engaged in the pursuit of agricultural activities; that, at the time of the hearing, all local, state and federal regulations will be complied with; and that
the proposed agribusiness must be located in unincorporated DeKalb County.

b. Agritainment, large scale.

c. Aircraft hangar/tiedown.

d. Aircraft service and repair.

e. Airstrip/ runway, and heliport.

f. Animal foster home, provided that the animal foster home is located on a lot of not less than two acres in size.

g. Animal hospital.

h. Animal shelter.

i. Asphalt or concrete batch mix plant.

j. Church.

k. Cemetery

l. Day care home.

m. Earth removal, quarrying, aggregate processing, mining and related mineral extraction.

n. Essential service structure including, but not limited to: any new rights-of-way across farm land, telephone exchange or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.

o. Fairgrounds.


q. Gun club.

r. Home occupation.

s. Kennel.

t. Landscaping business, provided that all vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of a Special Use Permit.

u. Production of sweet cider, hard cider, beer, spirits, and wine (with regard to the above containing alcoholic content, not less than fifty percent (50%) of the primary source ingredients shall come from crops grown on the same property where such production may take place), and the tasting and/or consumption, and sale thereof at wholesale or retail. In the event of conditions of catastrophic crop loss or necessity,
holders of such a special use permit may seek exemption by petition of fifty percent (50%) requirement referred above, with the approval of the Community Development Director.

- **uv.** Radio, television and communication transmitting or relay towers, antennae and other such facility, not to exceed two hundred (200) feet above the average finished ground elevation at the perimeter of such structure, provided, however, that an FCC-approved tower is determined to be no hazard to air navigation by the FAA may be constructed to a maximum height of 399 feet above the finished ground elevation at the base of the structure, and further provided that the base of the structure shall be located at a distance from a public road equal to at least ninety percent (90%) of the height of the tower.

- **wu.** Recreational camp.

- **w.** Retail and service use conducted within and immediately adjacent to existing agricultural structures that are no longer used for agricultural purposes, provided such uses are clearly compatible with and subordinate to agricultural uses in the surrounding area, and further provided such uses have the effect of preserving the agricultural buildings in and around which they are conducted.

- **x.** Roadside stand and large-scale agritainment, including but not limited to: "u-pick" orchards and gardens, corn mazes, hay rides, hobby farms and other activities intended to attract paying customers to a farm, set back from the right-of-way at least fifty (50) feet, with off-street parking for a minimum of five (5) cars or one (1) space for each fifty (50) square feet of structure, whichever is greater.

- **wy.** Sanitary landfill, and other means of solid waste management.

- **xz.** Shooting ranges.

- **xax.** Solar farms and solar gardens.

- **xby.** Stable, public, which may include riding lessons.

- **xex.** Tree service and firewood sales.

- **xda.** Wind Energy Conversion Systems.

4.02 D Lot area requirements:

1. The minimum lot area for a farm residence shall be 40 acres. The minimum lot width at the minimum front setback line for a lot including a farm residence shall be 500 feet.

2. **Subdivision.** A subdivision, for the purpose of the sale or transfer of ownership of a lot(0) containing an existing residential structure(s).
constructed prior to August 15, 1979, said lot(s) a single farm residence which existed as of January 1, 1998, said lot being not less than two acres in area and containing not more than one such residence, may be approved by the plat officer. This provision is intended to allow for the division of one or more existing farm residences from the fields used for agricultural activities. Such subdivision, if approved by the plat officer, is not a violation of this ordinance. The zoning lot that results from such subdivision shall be a legal, non-conforming residential lot in the A-1 district, and the balance of the property from which each such lot is divided shall not be buildable for future residences. For the purposes of review and approval, a plat of survey shall be required for said division depicting both the lot containing the residential structure and the property from which it is divided, farm residence and the contiguous forty (40) acre parcel or the remainder of the lot of record from which it is divided, whichever is less in area. The balance of the forty (40) acre parcel or lot of record from which such lot is divided shall be a non-buildable zoning lot for additional farm residences. The plat officer’s signature of approval, along with the signatures of the owner(s) of the lot and the owner(s) of the balance of the lot of record or forty (40) acre parcel, indicating their approval and agreement to place a non-buildable restriction on the balance of the parcel in favor of the county shall be required on the survey prior to recording. (See 4.02.D.2 diagram in the appendix) and the survey containing the non-buildable restriction shall be recorded by the plat officer at the owner(s) expense. The restriction will run with the parcel. The lot created by the subdivision herein authorized must meet all setback requirements and have a minimum lot width at the minimum front setback line of 200 feet.

B. A subdivision, for the purpose of the sale or transfer of ownership of a lot containing a single farm residence constructed after January 1, 1998, said lot being not less than two acres in area, may be approved by the plat officer. The zoning lot that results from such subdivision shall be a legal, non-conforming lot in the A-1 district. For purposes of review and approval, a plat of survey shall be required for said division depicting both the lot containing the farm residence and the contiguous forty (40) acre parcel from which it is divided. The balance of the parcel from which the lot is divided shall be a non-buildable zoning lot for additional farm residences. The plat officer’s signature, along with signatures of the owner(s) of the lot and the owner(s) of the balance of the parcel, indicating their approval and agreement to place a non-buildable restriction on the balance of the parcel in favor of the county shall be required on the survey prior to recording. (See 4.02.D.2 diagram in the appendix) and the survey containing the non-buildable restriction shall be recorded by the plat officer at the owner(s) expense. The restriction will run with the parcel. The lot created by the subdivision herein authorized must meet all setback requirements and have a minimum lot width at the minimum front setback line of 200 feet.
requirements and have a minimum lot width at the minimum front setback line of 200 feet.

3. Special use. The lot size and lot width for a special use shall be designated in the permit granting the special use. The minimum lot width at the minimum required front setback line for all divisions made in accordance with this section 4.02.D.3 shall be 200 feet.

10.02. Use variations.

A. The authority to approve or deny a request for a use variance shall be solely that of the county board.

B. Use variations are only authorized to permit the construction of one single family detached dwelling on any lot being not less than two (2) acres in size, which was legally recorded and existing prior to October 20, 1976 and the legal description of which has not been altered since nor more than forty (40) acres that data by the addition of a lot of record or subtraction of land, had agricultural district zoning prior to September 18, 1991, and where a lot of record that was recorded prior to January 1, 1998 in the A-1 District and upon which lot of record as originally constituted no dwelling unit existed thereon currently exists. No more than one single family detached dwelling may be approved on said date the lot of record as originally described on January 1, 1998 and the balance of the lot of record shall be a non-buildable zoning lot.

C. The hearing officer shall hold a public hearing to hear an application for a use variation, as permitted above, and within a reasonable time period after the close of such public hearing, the hearing officer shall make a written findings of fact and recommendation and which shall submit the same to the planning and zoning committee of the county board. In addition to considering the standards set forth above in section 10.1.101.C above in making such written findings of fact and recommendation, the hearing officer also shall consider the following findings of fact factors:

1. The petitioner must have purchased the property prior to December 31, 1993, or acquired the property prior to October 20, 1976.

2. The soil productivity index rating for the property based on Bulletin 810 promulgated by the Office of Research, College of Agricultural, Consumer and Environmental Sciences, University of Illinois at Urbana-Champaign. An average soil productivity index of less than 100 shall not be deemed prime agriculture soils.

2. Natural or man-made barriers to the use of the property for commercial crop production.
3. The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased.

The hearing officer shall also consider such factors as:

- The percentage of tillable and non-tillable acres.
- 4. The suitability of the property for a septic system.
- 5. The presence of pre-existing structures, such as barns, foundations and granaries.
- 6. The portion of the property was purchased after October 20, 1976, did the petitioner pay a premium price for the property because it was buildable (for example, substantially more than agricultural land was selling for at the time); and
- 7. The property assessed as non-farmland by the township assessor.

D. After considering the application and findings and recommendation of the hearing officer, the planning and zoning committee shall forward the same to the county board, which thereafter shall grant or deny any proposed use variation, or refer it back to the hearing officer for further consideration. A use variation request receiving an unfavorable recommendation from the hearing officer shall not be passed except by the favorable vote of ¾ of all the members of the county board approved by the county board except by the favorable vote of 3/4ths of all members present and voting. If approved by the county board, prior to the issuance of a building permit the plat officer and the current owner or owners of the original lot of record shall sign and record a plat of survey at the owner’s expense depicting the balance of the original lot of record in favor of the county.

2.03 Definitions.

“Agri-tainment”: shall mean agriculture related uses and activities conducted on agricultural land used primarily for agriculture purposes that are intended open to be offered the general public.

“Agri-tainment, small scale”: shall mean seasonal roadside stands and “u-pick” or “u-cut” orchards, gardens and tree farms.
"Agritainment, large scale": shall mean regularly or seasonally conducted agriculture-based entertainment or commercial activities and uses open to the general public for entertainment purposes, such as corn mazes, country stores, farm tours, horse or carriage rides, petting zoos, tasting or sampling rooms, and the like.

"Dwelling, farm" shall mean a detached single-family dwelling located on land used primarily for agricultural purposes, which is used or intended for use by the person engaged in the agricultural use of the subject property's agriculture purposes.

"Farm residence": see "Dwelling, farm"

"Forty (40) acres" shall mean a quarter-quarter section as defined by the government survey established for each township whether the actual surveyed area measured by a metes and bounds survey is more than or less than forty (40) acres in area.

"Lot, zoning non-buildable": means all contiguous land under single ownership or control, located wholly within the boundaries of the county, and on one side of a street or highway that is the remainder of a parcel from which a farm residence constructed before January 1, 1998 was subdivided, is part of a contiguous forty (40) acre parcel from which a farm residence constructed after January 1, 1998 was subdivided, or is the balance of a lot of record that was recorded as of January 1, 1998 and that was granted a use variation on a portion of it by the county board. No portion of the non-buildable zoning lot may be combined with another parcel to meet the minimum lot area required for an additional farm residence

"Stable, Private:public": shall mean a structure which is located on a lot on which a dwelling is located, and in which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling, but in no event for hire.

Stable, Public: shall mean a building where horses are kept boarded for remuneration, hire or sale. A public stable may also provide horse riding lessons if approved as part of a Special Use Permit for a public stable.

Supplemental District Regulations

5.01 Purpose: Unless exempted by state law or otherwise stated provided herein, the regulations hereafter established shall apply within all districts established by this Ordinance. These general regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance.
5.09 Land and building structures.

C. Farm animals. Farm animals shall be permitted on any residential or agricultural zoning lot that is two or more acres in area but shall be prohibited on lots of less than two acres in area from which $1,000.00 or less of agricultural products were sold in any calendar year.

C. Agriculture Use. A parcel of land that is less than two (2) acres in area shall be deemed to be used primarily for agriculture purposes if One Thousand ($1,000.00) Dollars or more in agriculture products are or will be produced or sold annually from the land. Any person seeking a building permit for a structure on the land shall submit to the zoning administrator at the time of the request a sworn statement identifying the type and dollar amount of the agriculture products that are or will be annually produced or sold from the land. If less than One Thousand ($1,000.00) Dollars of agriculture products are produced or sold annually from the land, the parcel shall not be considered primarily used for agriculture purposes and shall be subject to all regulations governing land and structures not used primarily for agriculture purposes.