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DeKalb County Government
Sycamore, Illinois

**Planning and Zoning Committee Minutes
(March 23, 2016)**

The Planning and Zoning Committee of the DeKalb County Board met on March 23, 2016 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Kevin Bunge, John Emerson, Tim Bagby, Tracy Jones, Steven Faivre, Suzanne Willis, and Anita Turner. Also in attendance were Roy Plote, Jamie Walter, Greg Milburg of the DeKalb County Farm Bureau, and staff members Paul Miller, Gary Hanson, and Rebecca Von Drasek.

Mr. Emerson, Planning and Zoning Committee Chairman, called the meeting to order and noted that all members present.

APPROVAL OF AGENDA

Ms. Turner moved to approve the agenda, seconded by Mr. Faivre, and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Bagby moved to approve the minutes of February 24, 2016 meeting of the Planning and Zoning Committee, seconded by Mr. Jones, and the motion carried unanimously.

PUBLIC COMMENTS

No comments were offered.

PLANNING & ZONING FEES FOR NON-PROFITS

Mr. Miller briefed the Committee regarding its discussion on February 24, 2016 on the idea of adopting a policy to waive, in part or in whole, zoning fees for not-for-profit organizations. During the discussion it was pointed out that there is a difference between not-for-profit organizations and charitable organizations. The Committee had directed staff to create a possible policy regarding fee waiver for consideration. Mr. Miller explained that staff had researched the 501 (c) definitions, noting that a 501(c) organization is a tax-exempt nonprofit organization. The IRS identifies 29 types of nonprofit organizations that are exempt from some Federal income taxes. These include chambers of commerce, veterans, civic, and fraternal organizations, cemeteries, labor and agriculture organizations, nonprofit health insurance issuers, etc. By contrast, 501(c)3 organizations are nonprofit that are religious, educational, charitable, scientific, literary, testing for public safety, fostering of amateur sports competitions, and prevention of cruelty to children and animals. They

can be a public charity or a private foundation, and they are prohibited from supporting political candidates. All types of 501(c) receive a determination letter from the IRS. Mr. Miller concluded that a policy for waiving in part or in whole the zoning fees for any 501(c) is fairly straightforward, however he stressed that certain details would need to be determined. Mr. Miller cautioned that costs to complete zoning actions continue to go up and that other property owners would be subsidizing the costs for those whom would receive a waiver. He stressed the need for fairness in determining which entities would qualify for the waiver.

Mr. Faivre asked what would be the cost to the County. Mr. Miller responded that he could not estimate the costs to the County with any certainty. He noted that depending on how the waiver is crafted could encourage more non-profits to seek approvals.

Mr. Jones agreed that there could be a wide range in the types of non-profits which would seek waiver if they were allowed. He suggested that the intent was only to help small non-profits but not necessarily larger churches and hospitals.

Mr. Miller reminded the Committee that the Zoning Fees are charged to cover the County's costs in evaluating land use proposals, which have many set costs like publishing in the newspaper and mailing to neighboring properties. Mr. Miller observed that the impetus for the discussion had been regarding a specific, small, not-for-profit "cowboy shooting demonstration" that has regular activities on a specific property. The issue Mr. Miller highlighted was if that club's use of the property amount to a land use. He noted the frequency of events and the open invitation to the general public were examples of why the County Board may want to review the activity. He also iterated that the administration of Zoning cannot take into account how well the elected officials know a property owner.

Ms. Willis indicated that she was not enthusiastic to ask taxpayers to subsidize building permit or zoning fees for specific applicants.

The Committee discussed "Temporary Uses" as defined in the Zoning Ordinance and debated the logic of limiting the number of times the use occurs on a given property. The Committee expressed a preference for revising the language that defines a Temporary Use rather than waiving Zoning application fees. Mr. Miller offered to draft language removing the limitation of two activities per year from the Temporary Use. He agree to distribute the draft language and to include the change as part of the larger proposed text amendment application under consideration by the Committee.

TAX ABATEMENTS FOR SMALL BUSINESS COST OF CODE COMPLIANCE

Mr. Miller explained that the Planning and Zoning Committee discussed, at its meeting of February 24, 2016, the possibility of the County adopting a tax abatement program for small businesses to offset the costs of code compliance. In particular, the costs of meeting the mandatory requirements of the Illinois Accessibility Code (handicapped-accessible bathrooms) and the Fire Code (sprinklers) can be cost prohibitive for some small businesses. A program could be developed which allowed a possible business to apply for tax abatement for a period of years to offset the identified costs of Code compliance. Mr. Miller explained that staff has begun developing elements of such a tax abatement program, and detailed the assumptions which staff made within the March 9, 2016 memo

outlining the program such as the program would only apply to businesses within unincorporated DeKalb County and would only apply when businesses were renovating existing buildings.

Mr. Faivre indicated that he intended for the tax abatement program to be recognized by all taxing bodies, not just the County. He wanted the abatements to be considered by all jurisdictions within the County and suggested that it should apply for new construction as well as for retrofitting existing buildings. Mr. Faivre went on to question the need for Fire Code or the Illinois Accessibility Codes. He suggested that the County Board should lessen the stringency of Building Code and be willing to take the risk of lawsuits.

The Committee had a discussion regarding whether Building Code regulations discourage business creation or expansion.

Mr. Faivre suggested that the abatement program should be 50% of the cost of construction for compliance with certain codes (i.e. Illinois Accessibility, Fire Code) and returned over a period of 5-7 years.

Mr. Miller informed the Committee that some of the improvements would not necessarily increase the appraised value of the property and therefore would not increase the tax revenue from a given property. He observed that is generally how the tax abatement programs work. He referred to the proposal as more of a tax refund than an abatement. He inquired as to the intent of the program.

Mr. Faivre suggested that the program would retain businesses.

Ms. Willis questioned what the other taxing bodies would think of the idea.

Mr. Bunge noted that the costs of any code compliance could easily get out of control.

Mr. Jones asked who would qualify for the program. The Committee suggested that business should be "small" but there was not a conclusive answer. Mr. Faivre suggested Small Business Administration standards. Mr. Bunge suggested Illinois Department of Transportation may also have standards. The general consensus was that the target projects would be costs of improvements that are between \$1,000 to \$100,000.

Staff agreed to redraft the program and bring it back to the Committee for further review.

Mr. Faivre suggested that the program would be tied to the owner of the property.

The Committee further discussed the actual program and the intricacies of implementation.

Ms. Willis also inquired as to if the State's Attorney Office had given an opinion as to the legal authority to offer such a program.

Mr. Miller thanked the Committee for the additional input. He indicated that he may need to have conversations with the municipalities to understand their opinions of the tax refund program.

POSSIBLE ZONING TEXT AMENDMENTS

Mr. Miller noted that the Planning and Zoning Committee, at its meeting of February 24, 2016, directed staff to prepare Zoning Text Amendments related to allowing more businesses to develop in unincorporated DeKalb County. Such amendments required the development of a definition for “agriculturally-related” business, as well as changes to the A-1, Agricultural District and Planned Development District regulations.

Staff has prepared draft language for these possible changes to the Zoning Ordinance, set forth in a March 9, 2016 memo. Staff has also reviewed the Ordinance for other issues that have arisen through administration of the Ordinance over the past several years and made minor other suggested revisions as outlined in the March 9, 2016 memo.

Mr. Faivre questioned the need to incorporate the State Statute (55ILCS 5/5 12001) language regarding Lot Area Requirements. Mr. Miller explained that the State’s requirements guided the operational policy of the Planning, Zoning, and Building Department. The recent State’s Attorney had advised staff that it should be included within the County’s Code to define agricultural exempt properties.

The Committee discussed the definition of a farm and which properties should be able to claim exemptions from County regulations.

The Committee also discussed the provisions meant to encourage more flexibility in the A-1, Agricultural District for “agriculturally-related” businesses. Mr. Miller highlighted that the County Board would maintain control of the Planned Developments by reviewing and approving them, but would be granting more property owners the ability to petition the County Board.

Mr. Jones asked that the Committee and the public be given another month to consider the request before moving forward through the review process. Mr. Miller agreed to place the item on the Committee’s April agenda.

ADJOURNMENT

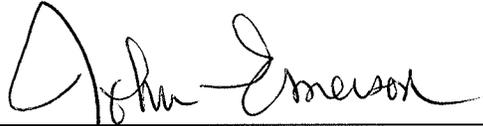
The Planning and Zoning Committee is next scheduled to meet Wednesday, April 27, 2016 at 7:00 p.m. in the Conference Room East.

Ms. Turner moved to adjourn, seconded by Mr. Jones, and the motion carried unanimously.

Respectfully submitted,

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Respectfully submitted,



John Emerson
Planning and Zoning Committee Chairman

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