

CITY OF WASHINGTON, ILLINOIS

Planning and Zoning Commission Meeting

Wednesday, November 13, 2024, at 6:30 P.M.

Five Points Banquet Room - 360 N. Wilmor Road, Washington

Call to Order Chairman Burdette called the regular meeting of the City of Washington Planning and Zoning Commission to order at 6:30 p.m. A quorum was established.

Roll Call *Present:* Commissioners Burdette, Milot, Ritter, Shelton, Williams
Absent: Commissioners Reeder, Scott
Also present: Planning and Development Director Oliphant, Building and Zoning Coordinator Boyer and City Clerk Brod

Approve Minutes Commissioner Milot motioned to approve the minutes of the October 2, 2024 meeting; Commissioner Shelton seconded.
Motioned passed by voice vote.

Public Comments None provided.

Public Hearing At 6:31 p.m., Commissioner Burdette opened the public hearing to consider the rezoning request of Steve and Alissa Vander Naalt to rezone 926 Dallas Road from R-1 (Single- and Two-Family Residential) to AG-1 (Agriculture).
Item A: Rezoning request of Steve and Alissa Vander Naalt to rezone 926 Dallas Road from R-1 to AG-1

Planning and Development Director Oliphant explained that Steve and Alissa Vander Naalt have requested the rezoning of 926 Dallas Road from the R-1 to AG-1 to allow for poultry to be housed on the property. He shared that the property was previously zoned AG-1 prior to the building of the home. Mr. Oliphant shared that this situation is unique in that it is requesting to downgrade the zoning. The property is over two acres, the surrounding properties are zoned residential and there are properties nearby that are zoned AG-1. Mr. Oliphant further shared that there are a few conditions for this property that allow for consideration which include the approval neighboring owners, the size of the property and the property meets all AG-1 requirements. Mr. Oliphant reviewed the current code regarding chickens, noted that they are also asking for other smaller animals and would like to increase the number of allowable chickens. He feels that they should clarify the types of animals allowed. The requester explained that there are a few properties nearby that are the same size and zoned AG-1. He explained that they would like to create a small homestead for only personal use. Mr. Vander Naalt feels the current code focuses on smaller residential properties. He noted that a nearby neighbor is zoned full AG and could have cattle if they wish. He is okay with restricting the size and number of animals if it is reasonable and would like to review enclosure sizes.

At 6:41 p.m., Commissioner Burdette closed the public hearing.
Commissioner Milot motioned to accept the request; Commissioner Shelton seconded.

Commissioners Shelton, Ritter and the requester clarified that the approved animals would be small goats or similar, there wouldn't be very many and they would likely be less than 30-50 pounds. Commissioner Burdette clarified that this won't affect taxes because most of the assessed value comes from the dwelling. The decision would ultimately be made by City Council but the PZC would provide a recommendation. Commissioner Burdette noted that the PZC had supported chickens previously, but it is up to City Council to ultimately decide. Commissioner Milot and Mr. Oliphant noted that this does not change how the property fits in from a planning perspective. Mr. Oliphant shared that this is in a medium density area and the properties are well established and the rezoning wouldn't have an effect on other nearby properties. The requester estimates there would be less than 30 chickens. Commissioner Williams clarified that most enclosures will be kept in the back yard and to the north side of the property. Mr. Oliphant and Commissioner Ritter suggested setting a maximum number of chickens, restrictions regarding the animals and set maximum sizes for the enclosures. The requester noted the property is already $\frac{3}{4}$ fenced. Commissioner Burdette explained in previous

cases, some residents expressed concern about noise and smell but from experience, he feels there is not a lot of noise or smell. Commissioner Milot shared concern that the feed could attract rodents, and the requester shared that they have an enclosed shed for feed storage. Commissioner Milot feels the property is large enough to be eligible for AG-1, but he does not favor creating a patchwork of zoning in the City. He also expressed concern for animals that will be kept close to the neighbors in the back. The requester shared that they will use the acre just north of this property, which is fenced and away from the smaller, Simon Street properties. Commissioner Ritter noted that this property shares a border with other AG and AG-1 properties. The requester suggested allowing 30 chickens and five small animals and noted they will likely only have small goats. Mr. Oliphant recommended refraining from applying a weight limit for animals due to enforcement difficulties. He also clarified that this is only to approve a recommendation to rezone the property. Commissioner Burdette shared that they may also include conditions a part of the rezoning. Mr. Oliphant explained that Commissioner Milot could amend his motion to include conditions. Commissioner Milot explained that although this property is larger, he is concerned with the smaller properties behind them. The requester shared that their property is tree lined and secluded and the chickens won't be open and visible on Dallas.

Commissioner Milot amended the motion to include the approval of the rezoning request with the following conditions: 1) Limit the number of chickens not exceed twenty; 2) Limit the number of domesticated goats to five; 3) Allow the maximum square footage of enclosure structures not exceed 240 square feet; 4) Allow staff to set a weight limit for goats. Commissioner Shelton seconded the motion. Mr. Oliphant noted that "waste materials" would be applied to both chickens and goats and he will need to research the size of goats.

On roll call the vote was:

3 Ayes: Burdette, Milot, Ritter,

2 Nays: Shelton, Williams

Motion carried.

Public Hearing

Item B: Amendment to Code, Specifically:

- a) *Old Section 154.830;*
New Section 56-453
- b) *Old Section 154.831;*
New Section 56-454
- c) *Old Section 154.832;*
New Section 56-455
- d) *Old Section 154.833;*
New Section 56-456
- e) *Old Section 154.834;*
New Section 56-457
- f) *Old Section 154.835;*
New Section 56-458

At 7:18 p.m., Commissioner Burdette opened the public hearing to consider the proposed amendment to the Washington City Zoning Code, for the purpose of adding or deleting text. Specifically:

- a) Old Section 154.830; New Section 56-453 "Purpose"
- b) Old Section 154.831; New Section 56-454 "Definitions"
- c) Old Section 154.832; New Section 56-455 "Short-Term Rental Permitting/Certificate of Registration Requirements"
- d) Old Section 154.833; New Section 56-456 "Special Use Permit Required"
- e) Old Section 154.834; New Section 56-457 "Certificate of Registration in Commercial Districts and Owner-Occupied Short-Term Rentals in Residential Districts"
- f) Old Section 154.835; New Section 56-458 "Regulations Applicable to All Short-Term Rentals"

Mr. Oliphant explained that residents appeared at a June City Council meeting to speak about short-term rentals (STRs). The City's zoning code does not address the allowance of STRs specifically but language states "The taking of boarders, renting or leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family or two-family dwelling, or one per dwelling unit in any multiple dwelling." After discussion at Council, there was interest in allowing for STRs and for drafting an ordinance to be brought to the PZC for a recommendation prior to possible Council approval. The draft ordinance is intended to help ensure health, safety, and general welfare. Staff recommends not placing a limit on the number of STR's citywide or setting a neighborhood locational restrictions. Mr. Oliphant further explained that the code is broken into two types of STRs, owner and non-owner occupied. He shared that non-owner-occupied STRs would be permitted only after the approval of a special use permit and conformance with regulations while an owner-occupied STR in a commercial district or an owner-occupied STR in a residential district would be permitted without needing a special use if the STR regulations are met. All STRs would require the approval of a special use permit or the issuance of a Certificate of Registration (COR). Commissioner Shelton asked if homes that have converted a garage into an STR, is considered owner occupied and Mr. Oliphant feels it could be. He also explained that STRs renting for less than 15 days during a year would be excluded because it would be hard to track the calendar days. He also noted that special use permits are not transferrable but if property

sells, the new owner could go through the same process where new inspections would be needed. Mr. Oliphant shared that all STRs would be required to collect the motel tax, and this will put them in an even field with area hotels and motels. They would also be required to have one off-street parking space per guest room and noise control would apply. If each of the regulations are met, the PZC would recommend them to Council for further consideration. Mr. Oliphant noted that STRs are already in Washington, but there is a desire to balance the impact on neighborhoods.

At 7:26 p.m., Commissioner Burdette closed the public hearing.
Commissioner Ritter motioned to approve the proposed text; Commissioner Williams seconded.

Commissioner Ritter and Mr. Oliphant clarified that the STRs located on the Square are in a commercial district and would not be affected other than allowing the collection of the hotel tax. Mr. Boyer added that we will likely get more in town when the brewpub and event venue become established, and this would be good to help regulate them. This will also allow for standards in life safety, noting that a citizen on Hilldale was concerned about the safety of a nearby STR. As for grandfathering in current STRs, Mr. Oliphant said staff is not looking at that but will learn more in the coming months. Commissioner Milot noted the initial inspection would be carried out by Mr. Boyer and a fire inspector and complaints regarding safety would trigger an inspection. Mr. Oliphant noted that there is a form that helps establish how much tax should be provided based on the number of rooms. Mr. Boyer explained that prior to receiving a certificate the STR would need to pass a checklist. Commissioner Shelton further noted that if it is owner occupied, it also requires and inspection for the rental to outside guests. Mr. Oliphant shared that an inspection would be done within 30 days of application. Mr. Oliphant explained that if the owner leaves during the rental period it is no longer considered owner occupied.

On roll call the vote was:

5 Ayes: Burdette, Milot, Ritter, Shelton, Williams

0 Nays:

Motion carried.

Public Hearing
Item C: Amendment to Code, specifically, Old Section 154.727; New Section 6-59 "Ground Mount and Roof Mount Solar Energy Systems"

At 7:36 p.m., Commissioner Burdette opened the public hearing to consider the proposed amendment to the Washington City Zoning Code, specifically, Old Section 154.727; New Section 6-59 "Ground Mount and Roof Mount Solar Energy Systems", for the purpose of adding or deleting text.

Mr. Oliphant explained that the code regarding ground-mount solar has been amended several times and all City properties were covered except for those zoned AG-1. Mr. Oliphant shared that properties with a non-residential use must have a lot size of at least 0.75 acres while properties with a residential use must be at least two acres in size provided they are zoned R-1, R-2, R-1A, or CE. AG-1 is not currently included among the zoning districts that could be considered for a ground-mount solar array. The AG-1 district has a minimum lot size of two acres, so most of those lots would meet the minimum threshold for consideration of the construction of an array.

At 7:38 p.m., Commissioner Burdette closed the public hearing.
Commissioner Milot motioned to approve the amendment; Commissioner Ritter seconded.

On roll call the vote was:

5 Ayes: Burdette, Milot, Ritter, Shelton, Williams

0 Nays:

Motion carried.

Public Hearing
Item D: Amendment to Code, specifically, Old Section 154.156; New Section 56-273 "Variances"

At 7:39 p.m., Commissioner Burdette opened the public hearing to consider the proposed amendment to the Washington City Zoning Code, specifically, Old Section 154.156; New Section 56-273 "Variances", for the purpose of adding or deleting text.

At 6:40 p.m., Commissioner Burdette closed the public hearing.
Commissioner Ritter motioned to approve the amendment; Commissioner Williams seconded.

On roll call the vote was:

5 Ayes: Burdette, Milot, Ritter, Shelton, Williams

0 Nays:

Motion carried.

New Business Mr. Oliphant shared that there will be one case for the December meeting.

**Commissioner/Staff
Comments** Commissioner Milot asked if attending meetings via Zoom would be allowed. Mr. Oliphant shared that a quorum would need to be present to approve Zoom attendance, and he will look further into the procedure.

Adjournment At 7:42 p.m. Commissioner Milot motioned to adjourn; Commissioner Williams seconded.
Motion carried by voice vote.

Valeri L. Brod, City Clerk