
**THE CITY OF KANKAKEE
KANKAKEE COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2019-46**

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CITY
ZONING CODE REGARDING SOLAR ENERGY SYSTEMS**

**CHASITY WELLS-ARMSTRONG, Mayor
ANJANITA DUMAS, City Clerk**

**MICHAEL PRUDE
CHERRY MALONE-MARSHALL
MICHAEL O'BRIEN
STACY GALL
DAVID CRAWFORD
LARRY OSENGA
DANITA SWANSON**

**JAMES A. FAFORD
TYLER D. TALL, SR.
CARMEN LEWIS
CHRISTOPHER CURTIS
MICHAEL COBBS
FRED TETTER
P. CARL BROWN**

Aldermen

ORDINANCE NUMBER 2019-46

**AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CITY
ZONING CODE REGARDING SOLAR ENERGY SYSTEMS**

WHEREAS, the City of Kankakee (the “City”) is an Illinois home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the City of Kankakee has received numerous requests for the installation of solar systems throughout the City; and

WHEREAS, the City of Kankakee Zoning Code fails to address solar energy systems, as to location, installation, permit requirements, or application requirements; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted before the Kankakee Planning Board on July 16, 2019 regarding an amendment to the City’s Zoning Code to include regulations and zoning for solar energy systems; and

WHEREAS, on July 16, 2019 the Planning Board recommended amending the City Zoning Code, and said recommendation was approved in the ordinance committee on August 22, 2019; and

WHEREAS, the Kankakee Planning Board, after due deliberation and in consideration of all evidence presented at the hearing, have recommended that the following amendments be granted and made a part of the City of Kankakee Zoning Code:

“Energy Systems”

Chapter 2- Definitions (Attached as Exhibit A)

Chapter 3- General Provisions (Attached as Exhibit B)

3.13 Solar Energy Systems, Ground

Mounted (Principal Use)

Chapter 4- Accessory Uses (Attached as Exhibit C)

4.06 Solar Energy Systems

4.07 Small Wind Energy Systems

WHEREAS, the Mayor and City Council have reviewed the recommendation described above and now determine it would be in the best interest of the City to grant the amendments as further provided below.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Kankakee, Kankakee County, Illinois in the exercise of Kankakee's home rule powers as follows:

SECTION 1: RECITALS.

That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

SECTION 2.

The Corporate Authorities find and determine that the adoption of the proposed Amendments is in the public interest, and are in furtherance of the progressive demands of orderly City development.

SECTION 3.

Those provisions of the City Code that have not been expressly amended herein shall remain in full force and effect.

SECTION 4: REPEALER.

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance shall be, and the same are hereby repealed.

SECTION 5: SEVERABILITY.

This Ordinance, and every provision thereof, shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision or section of this Ordinance is void or unconstitutional, the remaining words, phrases, clauses, sentences, paragraphs and provisions and parts of phrases, clauses, sentences, paragraphs, provisions and sections not ruled void or unconstitutional shall continue in full force and effect.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

[Intentionally Left Blank]

ADOPTED by the Mayor and City Council of the City of Kankakee, Kankakee County, Illinois this 3rd day of September, 2019, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
PRUDE			X	
MALONE-MARSHALL	X			
O'BRIEN	X			
GALL	X			
CRAWFORD	X			
OSENGA	X			
SWANSON	X			
FAFORD	X			
TALL	X			
LEWIS	X			
CURTIS	X			
COBBS	X			
TETTER	X			
BROWN	X			
MAYOR WELLS-ARMSTRONG				
TOTAL	13		1	

APPROVED by the Mayor of the City of Kankakee, Kankakee County, Illinois on this 3rd day of September, 2019.



P. Carl Brown
 P. CARL BROWN, Mayor Pro Tem

Anjanita Dumas
 ANJANITA DUMAS, R.M.C., City Clerk

EXHIBIT A

ENERGY SYSTEMS

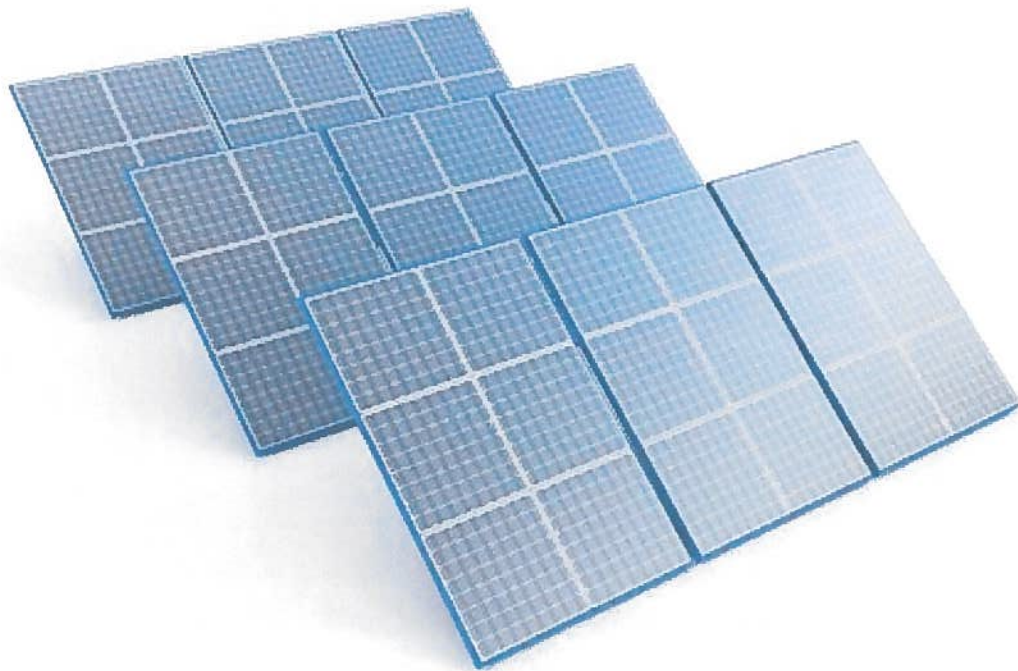
CHAPTER 2 - DEFINITIONS

Community Solar Garden. A community solar-electric (photovoltaic) array that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system.

Photovoltaic Cell. A semiconductor device that converts solar energy into electricity.

Solar Array. *see Solar Energy System*

Solar Energy System (SES). A system for which the primary purpose is to convert solar energy into thermal, mechanical or electrical energy for storage and use. (*see also Solar Array*).



Solar Energy System, Building-Mounted. A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

1. **Building-Integrated.** A building mounted solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.

2. **Flush-Mounted.** A building mounted solar energy system that is mounted flush with a finished surface, at no more than six (6) inches in height above that surface.



3. **Non-flush Roof Mounted.** A building mounted solar energy system that is mounted to a finished roof surface, projecting more than six (6) inches in height beyond the roof surface.

Solar Energy System, Ground-Mounted. A ground-mounted solar energy system not attached to another structure.



Solar Energy System, Ground-Mounted Accessory. A ground-mounted solar energy system, as defined in this chapter (Definitions) of this Ordinance, that is incidental and subordinate to the principal use established on a zoning lot.

Solar Energy System, Utility. A solar energy system, building-mounted or ground-mounted, that is used in order to produce energy for commercial distribution.

Solar Panel. A group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays. (see also Photovoltaic Cell and Solar Array).

Small Wind Energy Systems (SWES). Equipment that converts and then stores or transfers energy from the wind into useable forms of energy. This equipment includes any base, blade, foundation, generator, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system. Such systems shall have a nameplate capacity of 100 kilowatts or less.



EXHIBIT B

CHAPTER 3 – GENERAL PROVISIONS

3.13 Solar Energy Systems, Ground-Mounted (Principal Use)

C. General Provisions

The purpose of this Section is to specify the minimum requirements for the establishment and operation of SESs as a principal use, as defined by Chapter 2 (Definitions) of the Zoning Ordinance, assuring compatibility with abutting areas. Utility Systems and Community Solar Gardens are addressed in this section.

a. Zoning Compliance

Ground-Mounted SESs shall be permitted as a principal use upon the issuance of a **conditional use permit** in accordance with the provisions of Chapter 12 (Administration) of this Ordinance in the following zoning districts:

- i. Industrial Zoning Districts;
- ii. Any property 10 acres or more within R-1, R-2 and R-3 Residential Districts with an Institutional Use, as defined in Chapter 2 (Definitions) of this Ordinance, or within C-1, C-2 and C-3 Commercial Zoning Districts.

b. Permit Requirements

All building permit requirements and general regulations shall be met, including the Building Code, Zoning Code and the requirements referenced herein. No system shall be constructed or installed without first obtaining a building permit.

c. Application Requirements

An application for permit for all principal use SESs shall contain the following information:

- i. Name, address and telephone number of the applicant.
- ii. Name, address and telephone number of the person, firm or corporation constructing and installing the SESs.
- iii. Existing and proposed contours, at two-foot intervals.
- iv. Scaled Site Plan drawing(s) of existing and proposed conditions:
 1. Location, setbacks, exterior dimensions and square footage of all existing and proposed structures.
 2. Location and size of existing waterways, wetlands, one-hundred-year floodplain, sanitary sewers, storm sewers, drain tiles and water distribution systems.
 3. Location of existing trees.

4. Location and spacing of solar panels.
 5. Location of access roads and access points.
 6. The planned location of underground or overhead electric lines connection from the SES to a building substation or electric load.
 7. New electrical equipment, other than that the existing building or substation that is to be the connection point for the solar farm.
 8. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structure on adjacent land.
- v. Seeding and buffering plans, detailing all proposed plantings under and around the proposed solar panels, to be approved by the Planning Director. If zoning lot on which the SES is located abuts residential use, the applicant will be required to provide plans for buffering.
 - vi. Decommissioning plan and an appropriate bond (upon application for a building permit) to the City to ensure removal of solar equipment should the facility cease operation.
 - vii. Manufacturer specifications of the solar collectors and devices including wattage capacity, dimensions of collectors, mounting mechanisms and/or foundation details and structural requirements.
 - viii. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
 - ix. A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
 - x. Any other relevant information as required by the Planning Director to show full compliance with this and any other applicable ordinances.

d. Aesthetics and Safety

SESs be designed, located, installed and operated, in a manner which maximizes public safety.

e. Yard and/or Setback Requirements

Subject to the provisions of this Chapter, SESs shall not be permitted, until and unless, said structures fully complies with the yard and setback requirements specified in this Ordinance, for the zoning district in which the zoning lot is located.

f. Lot Coverage

The total solar panel surface area shall be included in the lot coverage calculations for the respective zoning district.

g. Height

Shall not exceed the height limits for principal structures in the respective zoning district. Utility Ground Mounted SESs shall not exceed twenty (20) feet in height measured from adjoining grade at base to the highest elevation of the equipment.

h. Fencing Required

Utility Ground Mounted SESs shall be enclosed with a seven (7) foot-tall fence that restricts direct access to the public. Such fencing shall, at a minimum, encompass the entire systems facility, contain a locking mechanism and, be subject to the fence regulations of the zoning ordinance.

EXHIBIT C

CHAPTER 4 – ACCESSORY USES

4.06 Solar Energy Systems

A. General Provisions

Accessory solar energy systems must comply with all applicable building and electrical code requirements.

(1) Permit Requirements

All building permit requirements and general regulations shall be met, including the Building Code, Zoning Code and the requirements referenced herein. No system shall be constructed or installed without first obtaining a building permit.

(2) Application Requirements

An application for permit for all SESs shall contain the following information:

- (a) Name, address and telephone number of the applicant.
- (b) Name, address and telephone number of the person, firm or corporation constructing and installing the SESs.
- (c) Manufacturer specifications of the solar collectors and devices including wattage capacity, dimensions of collectors, mounting mechanisms and/or foundation details and structural requirements.
- (d) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
- (e) A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
- (f) For roof mounted systems, construction details of how the panels will be attached to the roof. Sealed drawings from a structural engineer may be required by the building inspector.
- (g) Any other relevant information as required by the Planning Director to show full compliance with this and any other applicable ordinances.
- (h) In addition, for all ground mounted systems:
 - (1) Existing and proposed contours, at two-foot intervals.
 - (2) Scaled Site Plan drawing(s) of existing and proposed conditions:
 - (a) Location, setbacks, exterior dimensions and square footage of all existing and proposed structures.

- (b) Location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, storm sewers, drain tiles and water distribution systems.
- (c) Location of existing trees.
- (d) Location and spacing of solar panels.
- (e) New electrical equipment other than that the existing building or substation that is to be the connection point for the SES.

(3) Aesthetics and Safety

SEs shall be designed, located, installed and operated, in a manner which maximizes public safety. This includes use of non-reflective materials to minimize glare.

(4) Classification

For the purposes of this Ordinance, SEs shall be classified, based on the location, type, extent, and/or nature of the support mechanism and/or structure, as either Building-Mounted or Ground-Mounted.

B. Building-Mounted SEs

(1) Zoning Compliance

All Building-Mounted SEs shall be permitted as an accessory use on a principal structure in all zoning districts.

(2) Location

- (a) Building-mounted SEs are allowed on the roof of permitted principal and accessory structures in all zoning districts.
- (b) Only building-integrated and/or flush-mounted SEs shall be used when installed on street-facing roofs.

(3) Yard and/or Setback Requirements

Subject to the provisions of this Chapter, SEs shall not be permitted, until and unless, said structures fully complies with the yard and setback requirements specified in this Ordinance, for the zoning district in which the zoning lot and/or principal use, to which said structures is accessory, is located.

(4) Height

- (a) Height shall be measured vertically from the lowest edge of the panel to the highest edge of the system.
- (b) Shall not extend above the highest point on the roof line.

C. Ground-Mounted Solar Energy Systems

(1) Zoning Compliance

Ground-Mounted SESs shall be permitted as an accessory use in:

- (a) Industrial Zoning Districts
- (b) Commercial Zoning Districts
- (c) Any property 1 acre or more within R-1, R-2 and R-3 Residential Districts with an Institutional Use, as defined in Chapter 2 (Definitions) of this Ordinance (*See Section 3.13 for regulations regarding Principal Use, Ground-Mounted Solar Energy Systems*).

(2) Yard and/or Setback Requirements

Subject to the provisions of this Chapter, SESs shall not be permitted, until and unless, said structures fully complies with the yard and setback requirements specified in this Ordinance, for the zoning district in which the zoning lot and/or principal use, to which said structures is accessory, is located.

(3) Lot Coverage

The total solar panel surface area shall be included in the lot coverage calculations for the respective zoning district.

(4) Height

Shall not exceed the height limits for accessory structures in the respective zoning district, as measured from adjoining grade at base to the highest elevation of the equipment.

4.07 Small Wind Energy Systems (SWESs)

A. General Provisions

The purpose of this Section is to specify the minimum requirements for the establishment and operation of SWESs, as defined by Chapter 2 (Definitions) of the Zoning Ordinance, assuring compatibility with abutting areas. It is permissible to sell excess energy that is produced by an SWES to the local electric utility company. However, small wind energy systems shall be primarily used to generate energy for the property where it is located. SWESs must comply with all applicable building and electrical code requirements

a. Zoning Compliance

A Small Wind Energy System shall be permitted as an accessory use in any Commercial or Industrial Zoning District. Accessory SWESs shall be allowed in any Residential District

upon the issuance of a **conditional use permit** in accordance with the provisions of Chapter 12 (Administration) of this Ordinance.

b. Permit Requirements

All building permit requirements and general regulations shall be met, including the Building Code, Zoning Code and the requirements referenced herein. No system shall be constructed or installed without first obtaining a building permit. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirements are met. Plans shall be stamped by a licensed structural engineer and inspected by a qualified inspector for such installations.

c. Application Requirements

An application for permit for all SWESs shall contain the following information:

- (a) Name, address and telephone number of the applicant.
- (b) Name, address and telephone number of the person, firm or corporation constructing and installing the SESs.
- (c) Scaled Site Plan drawing(s) of existing and proposed conditions:
 - (1) Location, setbacks, exterior dimensions and square footage of all existing and proposed structures.
 - (2) Location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, storm sewers, drain tiles and water distribution systems.
 - (3) Location of existing trees.
 - (4) Planned location of underground or overhead electric lines connection from the SWES to a building substation or electric load.
 - (5) New electrical equipment other than that the existing building or substation that is to be the connection point for the SWES.
 - (6) Sketch elevation of the premises accurately depicting proposed SWES and its relationship to structure on adjacent land.
- (d) Manufacturer specifications of the SWES including wattage capacity, dimensions, mounting mechanisms and/or foundation details and structural requirements.
- (e) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

- (f) A certificate of compliance demonstrating that the system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.
- (g) Any other relevant information as required by the Planning Director to show full compliance with this and any other applicable ordinances.

d. *Aesthetics and Safety*

SWESs shall not be permitted, until and unless, the following requirements are met:

- i. Said systems shall be designed, located, installed and operated, in a manner which maximizes public safety.
- ii. Small wind energy systems shall have a non-reflective finish and shall be neutral in color. Small wind energy systems shall not be artificially lighted.
- iii. An emergency direct current disconnect switch shall be provided in an accessible location near the electric meter to shut off such system in the event of an emergency.
- iv. Small wind energy systems shall have a governor installed to regulate and limit the speed of the turbine in high wind events.
- v. Small wind energy systems not in service for a period of 180 days shall be removed and the property on which it is located restored to its original condition within 30 days.
- vi. The small wind energy system shall not exceed 55 decibels using the A scale (dBA), as measured at the site property line, except during short term events such as severe windstorms and utility outages.

e. *Classification*

For the purposes of this Ordinance, SWESs shall be classified, based on the location, type, extent, and/or nature of the support mechanism and/or structure, as either Building-Mounted or Free-Standing.

A. *Building-Mounted Small Wind Energy Systems*

Any small wind energy system shall meet the following standards unless modified through a condition(s) attached to the ordinance approving the conditional use.

a. *Yard and/or Setback Requirements*

Subject to the provisions of this Chapter, SESs shall not be permitted, until and unless, said structures fully complies with the yard and setback requirements specified in this Ordinance, for the zoning district in which the zoning lot is located.

Small wind energy systems shall be located no closer than 10 feet from an adjacent property line.

b. Height

Shall not exceed 15 feet in height above the elevation of the roof installation point, measured from the point of attachment to the top of the turbine blade at its highest point.

B. Freestanding Small Wind Energy System

Any small wind energy system shall meet the following standards unless modified through a condition(s) attached to the ordinance approving the conditional use.

a. Yard and/or Setback Requirements

Subject to the provisions of this Chapter, SESs shall not be permitted, until and unless, said structures fully complies with the yard and setback requirements specified in this Ordinance, for the zoning district in which the zoning lot is located.

Small wind energy systems shall be set back a distance equal to 110% of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than 10 feet to the property line. The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to 110% of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible/flammable liquids, and above ground utility/electrical lines.

**** Additional Edit Required for Table 4-1 Permitted Residential Accessory Uses.**

Text in **RED** has been added, black text with STRIKEOUT would be removed.

Permitted Accessory Use	Permitted Yards			Physical Restrictions and Other Requirements
	Front	Side	Rear	
Solar Energy Systems (Ground-Mounted)			X	Only allowed on properties 1 acre or more within R-1, R-2 and R-3 Residential Districts with an Institutional Use, as defined in Chapter 2 (Definitions) of this Ordinance.
Solar Energy Systems (Building-Mounted)			X	Requires fire department approval for any flat roof installation
Small Wind Energy Systems (Building-Mounted and Free-Standing)			X	Requires conditional use permit.

**** Additional Edit Required for Table 4-2 Permitted Commercial and Industrial Accessory Uses.**

Text in **RED** has been added, black text with STRIKEOUT would be removed.

Permitted Accessory Use	Permitted Yards			Physical Restrictions and Other Requirements
	Front	Side	Rear	
Solar Energy Systems (Building-Mounted and Ground-Mounted)			X	Requires fire department approval for any flat roof installation
Small Wind Energy Systems (Building-Mounted and Free-Standing)			X	



MEMORANDUM

TO: City of Kankakee Planning Board
FROM: Mike Hoffman, AICP, PLA, Vice President
Emma Swanson, Associate
DATE: May 16th, 2019
RE: **Case #PB 2019-4-3 – Amendments to Chapter 4: Accessory Uses of the City of Kankakee Zoning Ordinance**

2019 AUG 28 PM 2:36
CITY OF KANKAKEE
CITY CLERK
CITY OF KANKAKEE
FILED

The City of Kankakee has seen numerous requests for solar systems in recent months, and the current zoning ordinance is essentially silent on the subject. While we have been treating each request as a conditional use, there is no clear guidance in the code regarding regulation of such uses. It is our opinion that solar and other energy systems associated with an existing business should be permitted by right subject to requirements specifically outlined in the zoning code.

To address these deficiencies in the existing regulations, the sections within the Zoning Ordinance proposed for amendment are cited in the attached document with the text in **RED** showing the text that has been added and the black text with **STRIKEOUT** being the text that has been removed.

These amendments have been summarized below:

- The proposed text amendment would introduce regulations in Chapter 4: Accessory Uses for Solar Energy Systems (SESs). These regulations permit and regulate:
 - Building-Mounted SESs as a permitted **accessory use** where there is a principal structure in all zoning districts;
 - Ground-Mounted SESs as a permitted **accessory use** in (A) Industrial Zoning Districts; (B) Any property 1 acres or more within C-1, C-2 and C-3 Commercial Zoning Districts; and (C) Any property 1 acres or more within R-1, R-2 and R-3 Residential Zoning Districts, if associated with an Institutional Use.
- The proposed text amendment would introduce regulations in Chapter 4: Accessory Uses for Small Wind Energy Systems (SWESs). These regulations permit and regulate:
 - Building-Mounted and Free-Standing SWESs as a permitted **accessory use** in all Commercial or Industrial Zoning Districts;

- Building-Mounted and Free-Standing SWESs as a conditional **accessory use** in all Residential Zoning Districts, upon issuance of a conditional use permit.
- The proposed text amendment would introduce regulations in Chapter 3: General Provisions for Solar Energy Systems (SESs). These regulations permit and regulate:
 - Ground-Mounted SESs, including Utility Systems and Community Solar Gardens, as a permitted **principal use upon the issuance of a conditional use permit** in (A) Industrial Zoning Districts; (B) Any property 10 acres or more within C-1, C-2 and C-3 Commercial Zoning Districts; and (C) Any property 10 acres or more within R-1, R-2 and R-3 Residential Zoning Districts, if associated with an Institutional Use.



FILED

2019 AUG 28 PM 2:36

Angela Dennis
CITY CLERK
CITY OF KANKAKEE

CITY OF KANKAKEE PLANNING BOARD MINUTES

July 16th, 2019, 7:00PM
385 East Oak Street, Kankakee, IL

- I. **Call to Order** – Chairwoman Loretto Cowhig called the meeting to order at 7:00pm
- II. **Declaration of Quorum** – A quorum of the Planning Board was present, including Chair Loretto Cowhig, Debra Terrill, Berry McCracken, Arthur Lax, Dave Robinson and Chip Rorem. Absent were Beverly Hood, Calvin Works and Victor Nevarez. Mike Hoffman, City Planning Consultant, was also in attendance.
- III. **Approval of Minutes** – Minutes from the June 18th, 2019 meeting were reviewed and filled.
- IV. **Communications** – Mr. Hoffman noted that he received a letter in support of the proposed building setback variance at 439 E Water Street.
- V. **City Council Actions** – Mr. Hoffman reviewed recent actions, including:
 - a. **PB2019-2-1** – Backyard Chicken regulations, scheduled for the July 23rd Ordinance Committee
 - b. **PB 2019-4-1** – Proposed Used Car Sales Lot at Station and Wall Streets – the City Council accepted the Planning Board’s recommendation to deny the conditional use permit at their July 15th, 2019 meeting.
 - c. **PB 2019-4-2** – Rezoning and Annexation of property at the northwest corner of Jeffery and 8th Street – Project was reviewed by the City’s Economic Development Committee. Applicant was directed to include the outparcel along Jeffery and reorient the business so that access would be from Jeffery rather than 8th. The applicant is currently conducting a traffic study.

- d. **PB 2019-5-1** – Rezoning from C-2 to I-1 at 604 N. 5th Avenue – approved by City Council on July 15th, 2019

VI. Unfinished Business

- a. **PB 2019-3-1** – Zoning text amendment for Emergency Shelters – This item has been continued for several months and is under review by the Ordinance Committee. It was agreed that, if the amendment proceeds, we should publish a new notice.
- b. **PB 2019-6-1** – Zoning text amendments to address alternative energy systems – Mr. Hoffman highlighted his memo, noting that the existing zoning regulations do not address alternative energy systems. He reviewed highlights of the proposed amendment, including allowing building mounted solar systems as a permitted use and ground mounted systems as a permitted accessory use in industrial districts and on properties over an acre in residential and commercial zoning districts. He noted provisions for solar farms as a conditional use in industrial zoning districts or on lots over 10 acres in commercial or residential districts. He also noted provisions for small wind systems as being permitted accessory uses in commercial and industrial districts and allowable only by conditional use in residential districts. Mr. Rorem noted he thought there should be a structural review of any building mounted systems to address both the support (weight) and anchoring to ensure solar panels or wind systems would remain in place. Ms. Terrill asked for clarification on aesthetic and safety considerations for solar systems. Mr. Hoffman noted he would add an emphasis on ensuring systems would produce minimal glare using non-reflective glass. Ms. Cowing asked if properties of less than an acre in residential areas could apply for a conditional use for a ground-mounted system like they can for a small wind system. Mr. Hoffman suggested the text could be changed to allow for that. Mr. Lax asked about the large windmill on the Acme property along I-57. It was noted that property was outside of the Kankakee City limits. Ms. Terrill asked if roof mounted solar systems would have motors that would allow panels to rotate like some of the ground mounted systems the City has reviewed. Mr. Rorem noted that was unlikely due to the current state of technology and cost. Mr. Robinson moved, seconded by Mr. Rorem, to recommended approval of the zoning text amendment to address alternative energy with the three revisions noted by the Planning Board. By a 6-0 vote the motion was approved.

VII. New Business

- a. **PB 2019-6-1** – Request for major variance at 439 Water Street – Mr. Hoffman noted this was a request for a variance to the front yard setback for a property along the Kankakee River. He noted that the applicant did not meet the minimum 10-day deadline for newspaper publication and that the item should

be continued until the August meeting. He noted that mailings to adjacent property owners had gone out, and that he received one letter of support from an adjacent neighbor.

VIII. Other Business

- a. **Ward-by-ward rezoning** – Mr. Hoffman reviewed his memo detailing the issue of a mismatch between existing zoning and existing use throughout the City of Kankakee, and the problems this creates for property owners and the City. Berry McCracken noted that as a realtor, this is a very real issue on many real estate transactions, and he was glad to see the City is considering moving forward on this issue. Chip Rorem mentioned a concern that the City has very little proposed zoned R3. Mr. Hoffman agreed, but noted that issue could be better addressed in an update to the City’s Comprehensive Plan. After some additional discussion, Mr. McCracken, seconded by Debra Terrill, moved to recommend to the City Council that the City move forward with a review and amendment to the zoning map on a ward-by-ward basis to improve consistency between existing use and zoning.
- b. **Recreational Cannabis regulations** – Mr. Hoffman reviewed his memo on new legislation regarding recreational cannabis and outlined the City’s options. Ms. Terrill noted she had done some research on the topic looking at the experience of other states that had legalized recreational cannabis use. She noted an experience of increased illegal sales in states that allow recreational use because of higher prices due to taxes, etc. from legal vendors and the stigma of being seen walking into a store selling cannabis. She also noted concerns some articles noted about the quality of product from legal sources. She suggested that the State of Illinois may end up being the biggest winner in legalizing recreational cannabis. Loretto Cowhig suggested we should look at what Bradley and Bourbonnais are doing on this issue to potentially create some consistency between regulations. Dave Robinson suggested he thought there should be a town hall meeting on the subject to gage the desires of the community. Mike Hoffman mentioned he had just received a model ordinance from the Illinois Municipal League and would be reviewing that.
- c. **Future Meetings** - Mr. Hoffman noted that the August agenda would contain a rezoning request by Amita St. Mary’s Hospital, the continued building setback variance request, and possibly another rezoning for an apartment building. He also noted that Planning Board training was scheduled for the September meeting.
- d. **Planning Board stipend** – Dave Robinson expressed interest in having a conversation about requesting that Planning Board members receive a small per meeting stipend. Chair Cowing noted that when she first joined the Planning Board there was a small per meeting stipend that was provided, but that was

dropped many years ago due to budget reasons. After some discussion, member Robinson moved to request that a stipend be provided for Planning Board members. The motion failed due to a lack of a second.

IX. Adjournment – The meeting was adjourned at 8:25pm.

Minutes prepared by Mike Hoffman, Teska Associates, Inc. – City Planning Consultant