



Village of Maple Park

302 Willow Street ♦ P.O. Box 220 ♦ Maple Park, Illinois 60151

Village Hall: 815-827-3309

Fax: 815-827-4040

Website: <http://www.villageofmaplepark.org>

PUBLIC HEARING

WEDNESDAY, FEBRUARY 16, 2022

7:00 P.M.

MAPLE PARK CIVIC CENTER

302 WILLOW STREET, MAPLE PARK

- 1. CALL TO ORDER**
- 2. ROLL CALL/QUORUM ESTABLISHED**
- 3. PZC #22-01 TA**

Text Amendments to Title 11, Zoning Regulations, revising Sections 11-7-1, 11-7-2, and 11-8-2 by adding cell towers and radio, radar, telephone and televisions stations and towers as authorized special uses in the B-1, B-2 and I-1 zoning Districts.

- 4. PUBLIC COMMENTS** – *Any resident wishing to address the Board may do so according to the guidelines set forth in the “Rules for Public Comments at Public Meetings”* *handout. Please complete a speaker request form and submit it to the Village Clerk. You may also send an email to villageclerk@villageofmaplepark.com in advance of the meeting. The Village Clerk will read such comments during the Public Comment portion of the meeting.*

- 5. ADJOURNMENT**

PLANNING AND ZONING COMMISSION MEETING AGENDA IMMEDIATELY FOLLOWING THE PUBLIC HEARING WEDNESDAY, FEBRUARY 16, 2022

- 1. CALL TO ORDER**
- 2. ROLL CALL/QUORUM ESTABLISHED**
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4. PZC #2022-01 TA

Text Amendments to Title 11, Zoning Regulations, revising Sections 11-7-1, 11-7-2, and 11-8-2 by adding cell towers and radio, radar, telephone and televisions stations and towers as authorized special uses in the B-1, B-2 and I-1 zoning Districts.

5. 2021 PLAN COMMISSION AND PLANNING AND ZONING COMMISSION ANNUAL REPORT – To be distributed at the meeting

6. ADJOURNMENT

Agenda
Planning and Zoning Commission Meeting
February 16, 2022
Page 3 of 3



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MEMORANDUM

TO: Planning and Zoning Commission Members

FROM: Village Administrator Dawn Wucki-Rossbach 

DATE: February 9, 2022

SUBJECT: **PZC #22-01 TA AMENDING SECTIONS 11-7-1, 11-7-2 AND 11-8-3 BY ADDING CELL TOWERS AND RADIO, RADAR, TELEPHONE AND TELEVISIONS STATIONS AND TOWERS AS AUTHORIZED SPECIAL USES IN B-1, B-2 AND I-1 ZONING DISTRICTS**

BACKGROUND

The Village participates in the StarCom radio system through Kane County Emergency Communications (Kanecomm-911), the Village's contracted 911 system. StarCom is used by KaneComm to communicate with emergency personnel. The Village received and purchased radios and implemented use of the new StarCom system in the 2021.

In the Fall of 2021, the Village was approached by Towerworks Incorporated, vendor for the Kane Com 911 Communication Tower project, that a radio tower is needed at the rear of the Maple Park and Countryside Fire Protection District property on County Line Road in Maple Park. Installing this tower will alleviate temporary radio transmission gaps in communications. The Village supports having the radio tower in Maple Park because it will address transmissions gaps.

The fire station property is zoned B-2 General Business District; in order for the tower to be constructed a text amendment is needed because cell towers and radio, radar, telephone and television stations and towers are **only** permitted in the I-2 General Industrial District as a special use. The Village is proposing that cell towers and radio, radar, telephone and television stations and towers be added into the B-1 Central Business District, the B-2 Business District and the I-1 Limited Industrial District as a special use. It falls under the category of uses by a public agency or publicly related utility, per Section 11-11-7.A.3.a.

A Special Use Permit (SUP), per the Zoning Ordinance recognizes that there may be uses that because of their unique character, cannot be classified into any particular district without case-by-case consideration of the impact on neighboring lands. An SUP allows the Planning and Zoning Commission consider each request on a case-by-case basis. The Planning and Zoning Commission shall not recommend a special use unless the proposed use meets the standards in 11-11-7.F. Standards, see attached.

By amending the Zoning Ordinance to include cell towers and radio, radar, telephone and television stations and towers in the B-1, B-2 and I-1 Zoning districts, the Village will have the opportunity to review each request to determine their impact on the neighboring lands, render Findings of Fact on the application and forward the application to the Village Board for their consideration.

For the radio tower, amending the Municipal Code to accommodate the radio tower as a Special Use in the B-2 General Business District is the first step in the process. Assuming the Planning and Zoning Commission recommends the text amendments to the Village Board and the Village Board considers and approves the text amendments, Towerworks would then be able to meet with Staff, discuss the Special Use Application and building permit requirements, submit their application and proceed through the SUP and other potential Zoning Ordinance processes.

The Public Hearing notice for PZC #22-01 TA was published by Shaw Media in The Daily Chronicle on Tuesday, February 1, 2022, see attached proof, the Village is waiting for the official Certificate of the Publisher.

RECOMMENDATION

That the Planning and Zoning Commission review the proposed text amendments adding cell towers and radio, radar, telephone and television stations and towers in the B-1, B-2 and I-1 Zoning districts as special uses.

Staff is recommending proposed text amendments and that the Planning and Zoning Commission render the following Findings of Fact:

That these text amendments shall only be approved if it is consistent with the intent to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the citizens of the Village of Maple Park; whereas all eight (8) code objectives are applicable to this text amendment:

- A. To encourage the development of buildings and uses on appropriate sites in order to maximize community wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites; and,
- B. To protect and enhance the character and stability of existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures; and,
- C. To conserve and increase the value of taxable property through this municipality; and,
- D. To ensure the provisions of adequate light, air and privacy for the occupants of all buildings; and,
- E. To provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestions on the public streets and highways; and,
- F. To provide for efficient administration and fair enforcement of all regulations set forth herein; and,
- G. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters; and,
- H. To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.

The proposed text amendments will not change the objectives of and are consistent with the Zoning Regulations of the Village.

The Planning and Zoning Commission motion to approve PZC #22-01 Findings of Fact for Amending Title 11, Zoning Regulations.

Attachments

Shaw January 28, 2022 Proof of Hearing Notice PZC #22-01 TA

Ordinance 2022-__ Amending Title Sections 11-7-1, 11-7-2 and 11-8-3 by Adding Cell Towers and Radio, et. al.

SHAW MEDIA
EST. 1851
PO BOX 250
CRYSTAL LAKE IL 60039-0250
(815)459-4040

ORDER CONFIRMATION (CONTINUED)

Salesperson: DONNA MCDONALD

Printed at 01/28/22 11:32 by dmcdo-sm

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PUBLIC NOTICE

**NOTICE OF
PUBLIC HEARING**

A public hearing before the Planning and Zoning Commission of the Village of Maple Park, Kane and DeKalb Counties, Illinois, will be held on February 16, 2022, at 7:00 p.m., at 302 Willow Street to consider the following:

Text amendments (PZC #22-01 TA) to Title 11, Zoning Regulations, of the Municipal Code of the Village of Maple Park by revising Sections 11-7-1, 11-7-2, and 11-8-2 to accommodate cell towers and radio, radar, telephone and television stations and towers as authorized special uses in the B-1, B-2, and I-1 zoning districts.

Information regarding the proposed text amendments can be obtained by contacting the Village Clerk's Office at (815) 827-3309.

To submit questions or comments during the Public Comment portion of the meeting, please submit your questions prior to the start of the meeting to villageclerk@villageofmaplepark.com and your questions and/or comments will be read during the meeting and addressed, if appropriate, at that time.

Cheryl Aldridge,
Deputy Village Clerk
Village of Maple Park,
Illinois

(Published in the Daily
Chronicle February 1, 2022)
1956080

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2022-

AN ORDINANCE AMENDING TITLE 11, "ZONING REGULATIONS," CHAPTER 7, "BUSINESS DISTRICTS," AND CHAPTER 8, "INDUSTRIAL DISTRICTS" OF THE MAPLE PARK VILLAGE CODE

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK
KANE AND DEKALB COUNTIES, ILLINOIS**

Published in pamphlet form by authority of the Board of Trustees of the Village of Maple Park, Kane and DeKalb Counties, Illinois, this __ day of _____, 2022.

ORDINANCE NO. 2022-__

AN ORDINANCE AMENDING TITLE 11, “ZONING REGULATIONS,” CHAPTER 7, “BUSINESS DISTRICTS,” AND CHAPTER 8, “INDUSTRIAL DISTRICTS” OF THE MAPLE PARK VILLAGE CODE

WHEREAS, a petition seeking a text amendment to the Village of Maple Park Zoning Regulations allowing cell towers, radio, radar, telephone and television station towers as a special use in the B-1, B-2, and I-1 zoning districts has been made in accordance with the provisions of the Village’s Zoning Regulations, Section 11-11-6; and

WHEREAS, pursuant to the required published notice and notification by the Petitioner as required in Section 11-11-3 of the Zoning Regulations, the Planning and Zoning Commission held a public hearing on February 16, 2022, and

WHEREAS, the Planning and Zoning Commission has tendered its written recommendation through a Finding of Fact and Recommendation to the Board of Trustees and recommends approval of the text amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Maple Park as follows:

SECTION 1. That Section 11-7-1: B-1 Central Business District, of the Maple Park Village Code, shall be amended by adding the following to C. Special Uses as follows:

15. Cell towers.
16. Radio, radar, telephone and television stations and towers.

SECTION 2. That Section 11-7-2: B-2 Central Commercial District, of the Maple Park Village Code, shall be amended by adding the following to C. Special Uses as follows:

14. Cell towers.
15. Radio, radar, telephone and television stations and towers.

SECTION 3. That Section 11-8-2: I-1 Limited Industrial District, of the Maple Park Village Code, shall be amended by adding the following to C. Special Uses as follows:

- 21. Cell towers.
- 22. Radio, radar, telephone and television stations and towers.

SECTION 4. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED this ____ day of _____, 2022, pursuant to roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2022.

SEAL

Suzanne Fahnestock, Village President

ATTEST:

Elizabeth Peerboom, Acting Village Clerk

STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DEKALB)

PUBLICATION IN PAMPHLET FORM

I, Elizabeth Peerboom, certify that I am the Acting Village Clerk of the Village of Maple Park, Kane and DeKalb Counties, Illinois, and as such officer, I am the keeper of the records, files, and proceedings of the corporate authorities of said municipality.

I further certify that, as of the date hereof, Ordinance No. 2022-__ adopted by the corporate authorities on _____, 2022, entitled **AN ORDINANCE AMENDING TITLE 11, “ZONING REGULATIONS,” CHAPTER 7, “BUSINESS DISTRICTS,” AND CHAPTER 8, “INDUSTRIAL DISTRICTS” OF THE MAPLE PARK VILLAGE CODE** has been duly published in pamphlet form in accordance with Section 1-2-4 of the Illinois Municipal Code.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this ____ day of _____, 2022.

(SEAL)

Elizabeth Peerboom, Acting Village Clerk
Village of Maple Park
Kane and DeKalb Counties, IL

11-11-7: SPECIAL USES:

A. Purpose:

1. The development and execution of this title is based upon the division of the village of Maple Park into districts, within any one of which the use of land and buildings, and the bulk and location of buildings or structures, as related to the land, are essentially uniform.

2. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the potential impact of those uses upon neighboring lands and upon the public needs for the particular use or particular location.

3. Such special uses fall into two (2) categories:

a. Uses operated by a public agency or publicly regulated utilities, which are uses traditionally associated with a public interest, such as parks, recreation areas, public administration buildings, or the private use of existing public buildings.

(1) It is stressed that public uses are associated with the public interest.

(2) In the case of a request for a special use by a unit of local government, for a public use within its statutory mandate, the review shall not be based on determining the need for the publicly mandated use on the specific site but rather for assessing the impact of the proposed public use upon neighboring lands and upon the village's streets or utilities.

b. Uses entirely private in character, but of such nature that the operation may give rise to unique problems or benefits with respect to their impact upon neighboring property, public facilities, the village as a whole, or the natural environment or resources.

B. Authority: The board of trustees may, after receiving a recommendation from the Planning and Zoning Commission in the manner hereinafter set forth, approve, approve with conditions, or deny a special use, pursuant to the procedures set forth herein.

C. Initiation: Requests for special uses may be made by any person, or by an office, department, board, bureau or commission.

D. Processing: A petition or application for a special use permit shall be filed with the Planning and Zoning code official, and shall include at least the following information:

1. Name, address and telephone number of the applicant.
2. Legal description of the property for which the special use is requested.
3. Description of the existing use of the affected property.
4. The present zoning classification for the affected property.
5. Description of the proposed special use.
6. A dimensional site plan or plat, showing the location of:
 - a. All buildings.
 - b. Parking areas.
 - c. Traffic access and circulation.
 - d. Open spaces and yards.
 - e. Landscaping.
 - f. Refuse and service areas.
 - g. Utilities.
 - h. Signs.

i. Other information as determined by the Planning and Zoning Commission as necessary for determining if the proposed special use meets the intent and requirements of this zoning ordinance.

7. A grading plan, showing existing and proposed contours and proposed routing and storage of stormwater, when new construction or site development is proposed.

8. A written statement that addresses the:

- a. Economic effects on adjoining properties.
- b. Effects of such elements as noise, glare, odor, fumes and vibration on adjoining properties.
- c. General compatibility with adjacent and other properties in the district.
- d. Effects of traffic generated by the proposed use.
- e. Relationship to the comprehensive land use plan.
- f. How the proposed special use fulfills requirements of subsection F, "Standards", of this section.

E. Hearing:

1. The village clerk shall transmit the application for a special use to the Planning and Zoning Commission, who shall hold a public hearing at such time and place as shall be established by the commission, after due notice is provided.

2. The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the commission shall prescribe.

3. Notice requirements for public hearings on amendments are set forth in section 11-11-3 of this chapter.

F. Standards:

1. The Planning and Zoning Commission shall not recommend, nor the board of trustees approve, a special use, unless it shall find, based upon the evidence presented in each specific case, that the special use:

- a. Will be harmonious with and in accordance with the general objectives of the comprehensive land use plan and/or this title.
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not alter the essential character of the same area.
- c. Will not be hazardous or disturbing to existing or future neighborhood uses.
- d. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- e. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the village of Maple Park.
- f. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- g. Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
- h. Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.
- i. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the village of Maple Park.

2. The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the board of trustees, pursuant to the recommendation of the Planning and Zoning Commission.

G. Decision:

1. Within forty five (45) days after the close of the hearing on a proposed special use, the Planning and Zoning Commission shall prepare a written statement of findings of fact and recommendations and submit this statement to the board of trustees. Said findings of fact shall address how the proposed special use does, or does not, comply with the standards set forth above.

2. The board of trustees may, by ordinance, grant, or grant with modification, a requested special use. If an application is not acted upon by the board of trustees within six (6) months of the date upon which such application is filed, it shall be deemed to have been denied.

3. The Planning and Zoning Commission may recommend, and the board of trustees may approve, conditions and restrictions upon the premises benefited by a special use as may be necessary in their opinion to:

- a. Comply with the standards set forth above.
- b. Reduce or minimize injurious effect of such special use on other property in the neighborhood.
- c. Implement the general purpose and intent of this zoning ordinance.

4. No special use shall be granted except by ordinance duly passed and adopted by the board of trustees after public hearing and written recommendation from the Planning and Zoning Commission:

a. Without further public hearing, the board of trustees may grant, deny or amend the recommendation for special use.

b. Every special use granted by ordinance of the board of trustees shall be accompanied by findings of fact, and shall refer to any exhibits containing plans and specifications of the proposed special use, which shall remain a part of the permanent records of the Planning and Zoning Commission and the building/property record.

c. The findings shall specify the reason or reasons for approving or denying the special use.

d. Any terms of relief granted as part of a special use shall be specifically set forth in the findings and ordinance.

5. A concurring vote of a majority of those members of the Planning and Zoning Commission present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for a special use.

6. Changes in restrictions or conditions shall be processed in the manner established by this chapter for special uses.

H. Written Protest:

1. A special use shall not be passed except by a favorable vote of two-thirds (2/3) of the members of the board of trustees in the case of a written protest against any proposed special use when said protest is signed and acknowledged by the owners of twenty percent (20%) of the:

- a. Frontage proposed to be altered.
- b. Frontage immediately adjoining or across an alley from the property.
- c. Frontage directly opposite the frontage proposed to be altered.

2. The written protest shall be served by the protester or protesters on the applicant for the proposed special use, and a copy served on the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed special use. (Ord. 2014-13, 7-1-2014; amd. Ord. 2021-15, 11-9-2021)