

JO DAVIESS COUNTY
AD-HOC ZONING COMMITTEE
MEETING MINUTES
AUGUST 19, 2025

I. Call to Order

Committee Chairperson Cassens called the meeting to order at 6:00 PM on Tuesday, August 19, 2025 in the Jo Daviess County Board Room, Jo Daviess County Administrative Offices in Galena, Illinois.

II. Roll Call

County Administrator Angela Kaiser called roll: Present – Michael Dittmar, Diane Gallagher, John Creighton, Beth Baranski, Brian Engle, Cory Cassens, Dan Caswell, LaVonne Deininger, Steve McIntyre, Tony Jones, William Meeker. Present: 11. Present electronically: 0. Absent – LaDon Trost, Joel Holland. Absent: 2. Also Present: John Schultz, County Board Member; Angela Kaiser, County Administrator.

III. Approval of Minutes

A motion to approve the minutes of July 15, 2025 Ad-Hoc Zoning Committee meeting was made by Diane Gallagher and seconded by LaVonne Deininger. The motion carried by roll call vote. Ayes – Michael Dittmar, Diane Gallagher, John Creighton, Beth Baranski, Brian Engle, Cory Cassens, Dan Caswell, LaVonne Deininger, Steve McIntyre, Tony Jones, William Meeker. Ayes: 11. Nays: 0. Absent – LaDon Trost, Joel Holland. Absent: 2.

IV. Citizens' Comments

Nikki Frank, Galena; related her recent experience creating a new single-lot subdivision for their property just to adjust their property line to accommodate construction of a new accessory building; a lot of time spent going through the process and was costly and confusing at times. John Schulz, Galena responded to Frank with respect to the combining of parcels and exemptions from the Plat Act that allowed divisions and combinations of parcels that occurred prior to the adoption of Zoning in Jo Daviess County in 1995.

V. Unfinished Business

Chair Cassens asked Subcommittee members for updates on their conversations with interested parties regarding the County Zoning Ordinance and any issues they have encountered.

Steve McIntyre spoke to the Mayor of Elizabeth where they are working on their zoning regulations. He hasn't yet spoken to Apple Canyon Lake representatives.

Cory Cassens had conversations with Stockton School District representatives and Farm Bureau.

Dan Caswell noted that he spoke to a number of township trustees, but didn't receive much useful information.

Beth Baranski indicated that she received a response from Rawlins Township representatives; they asked that change to the regulations be beneficial to them and the business community.

Bill Meeker noted that his recent experience with the County's lighting standards reveals that this section of the Zoning Ordinance also requires some modification.

Brian Engle spoke to River Ridge School District representatives.

LaVonne Deininger attended poker run last weekend; 110 individuals registered and signed petition to make UTVs legal in Illinois.

Tony Jones noted that he has interviewed a number of individuals, but there is not much interest.

John Creighton discussed with individuals in his area of the County; there is a general lack of interest, but a Wisconsin-based contractor has done a lot of work in Jo Daviess County and would not want to come back here to work.

Diane Gallagher indicated that she had spoken to Menominee Township Trustees; they would like the Zoning Regulations to be simpler.

Brian Engle recounted his experiences as an architect. Indicated that in his experience his clients' having difficulty engaging a contractor once a project design is approved and ready to be built. This adds to the length of time from project concept to actual construction.

VI. New Business

Mike Dittmar reviewed proposed changes to the Guest Accommodations Regulations as reflected in his draft entitled "Guest Accommodations Reform" (dated June 17, 2025) showing proposed modifications to the ordinance (see below):

Guest Accommodations Reform

First, it is in 2 separate chapters. 1st Recommendation is to take it from Chapter 5 and move it to Chapter 6 under the current one.

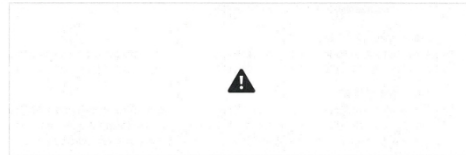
8-5B-46: GUEST ACCOMMODATIONS AND GUEST HOUSES/HOMES 1:

A. Application: Application for a zoning certificate shall be filed with the zoning administrator in such form and in such manner as he or she requires. No zoning certificate will be issued by the zoning administrator without meeting the standards listed under this section.

B. Standards:

1. Parking: Each and every facility shall provide no less than one parking place for every two (2) persons for which the licensed facility provides occupancy. Each off street parking space shall be at least nine feet (9') wide by twenty feet (20') long. Such parking must be provided and arranged in such a manner that any emergency vehicle can drive up to and park within one hundred feet (100') of the main entrance to the facility without being impeded by parked vehicles. The area designated for off street parking must not have a slope greater than eight percent (8%) and shall be surfaced with at least ten inches (10") of compacted aggregate. An off street parking design plan must be submitted. Overnight parking on township, county or state roads adjacent to the facility is prohibited.

2. Ingress/Egress: Each and every facility shall provide access roads at a grade no greater than fifteen percent (15%) at any one point and the surface shall be no less than ten inches (10") of compacted aggregate with a ten foot (10') driving surface, one foot (1') shoulders on each side consisting of a material type other than that of the driveway surface grade being one-half inch (1/2") per foot, with four to one (4:1) side slopes off of the shoulder.



3. Access Sight Distance: Each and every facility shall have sight distance adequate for road type accessing on and off of as indicated by the AASHTO (American Association Of State Highway And Transportation Officials) "A Policy On Geometric Design Of Highways And Streets", 2001, fourth edition manual, as amended. (Ord. 2009-3, 5-12-2009)

06.17.25 HANDOUT 1 of 5 - DITTMAR

BUILDING:	Any structure used or intended for supporting or sheltering any use or occupancy. The term "building" shall be construed as it followed by the word "or portion thereof".
FACILITY:	A single building or multiple buildings located within one thousand feet (1,000') of each other, used as guest accommodations, that are under the same ownership or management.
GUEST ACCOMMODATIONS:	Any facility containing sixteen (16) or fewer units, used as sleeping accommodations, which are made available to the public on a transient basis, for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days. "Guest accommodations" shall include, but are not limited to, lodging houses, rooming houses, resorts, guest house/home, apartment, and cabins. Unless otherwise specified, such facilities shall meet the requirements of chapter 26 of the "life safety code".
GUEST HOUSE/HOME:	A single-family dwelling rented out on a transient basis for the purpose of providing guest accommodations to the public for a charge. Such guest house or home shall meet the requirements of chapter 24 of the "life safety code".
MOTEL:	A facility with the capacity to serve more than sixteen (16) persons in guestrooms or apartments, or combination thereof, each of which has a separate, individual entrance and is designed, used or intended wholly or in part for the accommodation of automobile transients. A "motel" is an inn or group of cabins along a highway, where motorists may spend the night.
TELEPHONE:	A telephone refers to any device which uses a solid medium telephone line, such as a metal wire, fiber optic cable, or digital service line for communication, as well as a mobile cellular line phone.
TRANSIENT:	One who occupies a guest accommodation for less than thirty (30) consecutive days.
UNIT:	Any stand-alone structure (e.g., cabin) or room (e.g., bedroom) used for sleeping accommodations. (Ord. 2014-5, 7-8-2014; Ord. O2021-6, 9-14-2021)

06.17.25 HANDOUT 1 of 5 - DITTMAR

4. Building Siting And Orientation: Structures, as defined in chapter 7 of this title, including all outdoor activity areas (excluding detached accessory buildings and fencing) shall be so located on the property as follows:

- Five feet (5') from the side lot line per bedroom, with a minimum of fifteen feet (15') and a maximum requirement of thirty five feet (35').
- Thirty feet (30') from the rear lot line.
- Front setback shall be in accordance with public street setbacks.

(1) Major highways (federal or state): Seventy five feet (75') from the property line, or one hundred twenty five feet (125') from the centerline of the right of way, whichever is greater.

(2) Primary or secondary thoroughfares (county highways): Sixty feet (60') from the property line, or one hundred ten feet (110') from the centerline of the right of way, whichever is greater.

(3) All other streets: Fifty feet (50') from the property line, or eighty feet (80') from the centerline of the right of way, whichever is greater. (Ord. 2015-7, 11-10-2015)

5. Outdoor Activity Areas: Each and every facility shall provide adequate screening around any outdoor activity area (e.g., hot tubs and decks) as determined by the zoning administrator. Natural screening shall be at a minimum of no less than three feet (3') in height at time of planting, fencing shall be no less than six feet (6') in height and shall be a solid fence with no more than fifty percent (50%) view through the fence.

6. Septic: Each and every facility (if not on central sewer) shall have a septic system designed according to the current Illinois private sewage disposal licensing act and this code.

C. Zoning Certificate: A zoning certificate shall be valid for a period no longer than twelve (12) months from the date of issuance unless a guest accommodation license is procured. Zoning certificate shall remain in effect as long as a current license is maintained under the county's guest accommodations ordinance regardless of a change in ownership. (Ord. 2009-3, 5-12-2009)

4-6-1: SHORT TITLE:

This chapter, including such rules and regulations it adopts by reference, is entitled the county *GUEST ACCOMMODATION ORDINANCE*. (Ord. 2014-5, 7-8-2014)

4-6-2: PURPOSE:

The purpose of this chapter is to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the use and occupancy and maintenance of all buildings used to house transient guests. (Ord. 2014-5, 7-8-2014)

4-6-3: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

06.17.25 HANDOUT 1 of 5 - DITTMAR

4-6-4: INTERPRETATION AND APPLICATION OF PROVISIONS:

A. Application Of Provisions: The terms and conditions contained in this chapter shall apply to all guest accommodations containing sixteen (16) or fewer units in aggregate for each facility owned or managed by the same individual or organization, exclusive of bed and breakfast facilities, which are located outside of any municipality in the county.

B. Minimum Requirements: In the interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

C. More Restrictive Provisions Apply: Where this chapter imposes a greater restriction upon the use of buildings or premises used for guest accommodation purposes than are imposed or required by the provisions of existing ordinances, rules and regulations, the provisions of this chapter shall control. (Ord. 2014-5, 7-8-2014)

4-6-5: LICENSE REQUIRED; TERMINATION AND RENEWAL:

It shall be unlawful for any person to occupy for rental, a guest accommodation, including lodging or rooming houses as defined by the NFPA, exclusive of a bed and breakfast facility, within the boundaries of the county, but outside the limits of the cities, villages and incorporated towns, without having first secured a license therefor from the county building and zoning administrator granted in compliance with the terms of this chapter. Dwelling Units designed/constructed to be owned/used independently shall be licensed individually. Such license shall terminate on the last day of the calendar year following the date of issuance, but it may be renewed under the provisions of this chapter for additional periods of one year. (Ord., 8-10-1999; amd. Ord., 7-8-2014; Ord. O2022-1, 2-8-2022)

4-6-6: APPLICATION FOR LICENSE:

The application for the license required by this chapter or renewal thereof shall be filed with the building and zoning office and shall be accompanied by the required fee. The application for a license or a renewal thereof shall be made on printed forms furnished by the building and zoning office and shall include the name and address of the applicant under which the facility shall be occupied for rental, and a brief and concise description of the type of facility being licensed, which shall include information as to location and number of units. (Ord., 8-10-1999; amd. Ord. 2014-5, 7-8-2014; Ord. O2022-1, 2-8-2022)

4-6-7: LICENSE FEE:

Any application for a guest accommodation or guest home/house license shall be accompanied by a fee as set by the county board. (Ord. 2014-5, 7-8-2014)

4-6-8: INSURANCE REQUIRED:

06.17.25 HANDOUT 1 of 5 - DITTMAR

No license shall be issued prior to the owner of the establishment providing the county with proof that liability insurance in an amount not less than one hundred fifty thousand dollars/three hundred thousand dollars (\$150,000.00/\$300,000.00) per occurrence exists with respect to such establishment. (Ord. 2014-5, 7-8-2014)

4-6-9: INSPECTION OF PREMISES; ISSUANCE OF LICENSE:

The county building and zoning administrator or his designated agent shall complete an inspection of the facilities every two (2) years (or more often if deemed necessary by the building and zoning administrator) and determine that said facilities comply with the applicable federal, state and local laws and regulations, including, but not limited to, the applicable requirements for guest lodgings as provided for in the NFPA 101 life safety code (NFPA code), the state and county public health requirements, the county building code and provisions of this chapter. A copy of the inspection report shall be conspicuously displayed within a public area of the accommodation. A license shall be applied for and issued annually. (Ord. 2014-5, 7-8-2014)

4-6-10: SITE AND STRUCTURE REQUIREMENTS; UTILITIES:

A. Occupancy: The occupancy of any single building used for guest accommodations shall be limited to no more than: 1) two (2) persons per bedroom, plus two (2) additional persons per building, not to exceed a maximum of sixteen (16); or 2) no more than one person for every one hundred (100) gallons of water per day that the building's septic system is designed to handle, whichever number is smaller. The occupant load of each guestroom, lodging or rooming house or rental home shall be posted in a prominent location, and the occupant load shall not be exceeded. Adults and minors shall be included in the occupancy count.

B. Septic Systems:

1. Every facility not on a central sewer must be on a septic system that is designed and constructed to handle the maximum number of guests for which the facility is licensed. If additional guest accommodations are added to any facility, the septic capacity must be increased to handle the maximum number of guests for which the addition is designed. Any expansion to the septic system must meet all state and county regulations.

2. The septic system tank must be pumped out a minimum of once every four (4) years or as often as the county health officer may require. A copy of the pumper's report shall be provided to the building and zoning office.

C. Water Supply: The owner of every rental facility not on a central municipal water system must have its well water tested a minimum of once every year. The costs for such testing shall be the responsibility of the property owner. A copy of the test results shall be provided to the building and zoning office annually.

06.17.25 HANDOUT 1 of 5 - DITTMAR

b. Exit Requirements: All interior and exterior exits shall open from the inside without the use of a key or special knowledge. All such exits shall be of a width of thirty inches (30") or greater and shall not be blocked or obstructed at any time.

c. Floor Plan: A floor plan of the building shall be maintained and displayed in prominent location in each guest facility. The plan shall show the location of each guestroom and the exit locations to be used for such guestrooms in the event of fire. The licensee shall furnish two (2) copies of the floor plan to the building and zoning office. The building and zoning administrator shall provide a copy of each floor plan to the appropriate fire chief.

d. Emergency Telephone: Each guest house or home shall provide a telephone for emergency purposes. Such phone shall be available twenty four (24) hours a day. A list of all emergency numbers shall be posted next to the telephone. Property owners shall contact the Jo Daviess County sheriff's office to schedule an emergency test call to confirm match to the licensed physical address.

F. Access Roads: All access roads serving any guest facility shall be of sufficient width and construction to accommodate emergency vehicles. Local fire departments may designate minimum acceptable width required for access roads, but in no case shall the width be less than ten feet (10').

G. Parking: Each and every facility shall provide no less than one parking place for every two (2) persons for which the licensed facility provides occupancy. Overnight parking on township, county or state roads adjacent to the facility is prohibited. (Ord. 2014-5, 7-8-2014; Ord. O2021-6, 9-14-2021)

4-6-11: DUTIES OF OPERATOR AND LICENSEE:

It is hereby made the duty of the owner, licensee, or agent of the owner, in charge of the facilities regulated by this chapter to:

A. Guest Information: Keep a record of the following information with respect to the individual leasing the guest accommodation, and to make such information available to the building and zoning office for review upon request:

1. Name and address.
2. Dates of arrival and departure.
3. License number of the vehicle.

B. Maintenance Of Establishment: Maintain the facility in a clean, safe, orderly and sanitary condition.

06.17.25 HANDOUT 1 of 5 - DITTMAR

D. Mechanical Systems: Every facility utilizing any gas, oil or solid fuel burning appliance or apparatus, including, but not limited to, furnaces, fireplaces, wood stoves or hot water heaters, shall have each such appliance or apparatus inspected annually by a heating technician. A copy of the inspection report shall be provided to the building and zoning office annually.

E. Fire Department Requirements:

1. Minimum Requirements: Each building/facility shall meet the applicable requirements of the NFPA code specific to the type of structure licensed, and the additional requirements set forth in this subsection.

2. Smoke And Carbon Monoxide Detectors:

a. Detectors Required: Each facility shall be required to install and maintain smoke detectors and carbon monoxide detectors according to the following requirements:

(1) Smoke Detectors:

(A) Smoke detectors must be either permanently wired into the building's AC power line, with battery backup, or be otherwise interrelated so as to comprise a system that is, in the judgment of the county building and zoning administrator, of equal or greater protection value.

(B) Multistation units shall be interconnected so that the activation of one detector will activate all the detectors in the building or will activate other centrally located warning devices.

(C) Smoke detectors shall be installed in accordance with the requirements of the county regulations specific to the particular type of structure licensed as a guest accommodation.

(2) Carbon Monoxide Detectors: Carbon monoxide detectors shall be placed in each facility in accordance with Illinois law, 430 Illinois Compiled Statutes 135/1 et seq., as amended. Such carbon monoxide detectors shall be installed in accordance with the manufacturer's recommendations.

3. Requirements For Emergencies:

a. Emergency Lighting: All guest facilities shall provide adequate emergency lighting, as determined by the building and zoning administrator, of the interior of the facility so as to provide any guest with sufficient light to find an appropriate exit during a fire or other emergency.

06.17.25 HANDOUT 1 of 5 - DITTMAR

C. Compliance With Provisions; Report Violations: Ensure compliance with the provisions of this chapter and report to the proper authorities any violations of this chapter or any other violations of law which may come to their attention.

D. Visible Address: Comply with the county ordinance requiring that the address of the facility be posted so as to be clearly visible from the street.

E. Hotel Motel Tax Compliant: Owner or rental agent to report and submit the hotel motel tax for each rental to the Jo Daviess County treasurer's office as required by law. Failure to do so, may result in the revocation of the owner's license pursuant to section 4-6-14 of this chapter. (Ord. 2014-5, 7-8-2014)

Notes

1. See title 7, chapter 2 of this code.

4-6-12: LIFE SAFETY CODE ADOPTED:

For the proper enforcement of this chapter, the 2006 edition, and as amended and updated, of the National Fire Protection Association 101 life safety code chapters 24 and 26 are adopted as part of this chapter. (Ord. 2014-5, 7-8-2014)

4-6-13: INSPECTION:

A. Inspection Required; Report Posted: Every guest accommodation shall be subject to an inspection every two (2) years (or more often if deemed necessary by the building and zoning administrator) by the county building and zoning administrator, or his designated agent, to determine whether the accommodation is in compliance with all state and county regulations. A copy of the inspection report shall be conspicuously displayed within a public area of the accommodation.

B. Correction Of Violation: The owner of the guest accommodation shall have thirty (30) days in which to correct any violations discovered during the inspection. Upon completion of any repairs or required modifications, the owner shall request the building and zoning administrator, or his designated agent, to perform a reinspection of the property. Failure to correct such violations may result in the revocation of the owner's license pursuant to section 4-6-14 of this chapter. (Ord. 2014-5, 7-8-2014)

4-6-14: REVOCATION OF LICENSE:

The building and zoning administrator is hereby authorized to revoke any license issued pursuant to the terms of this chapter if, after due investigation, he determines that the holder thereof has repeatedly violated any provisions of this chapter, or that any facility is being maintained in an unsanitary or unsafe manner or is a nuisance. (Ord. 2014-5, 7-8-2014)

06.17.25 HANDOUT 1 of 5 - DITTMAR

4-6-15: VIOLATION; PENALTY:

Any person who shall violate any of the provisions of this chapter shall be guilty of a petty offense and, upon conviction thereof, shall be assessed a fine as provided in section 1-4-1 of this code. In addition thereto, the facility's license shall be subject to revocation. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 2014-5, 7-8-2014)

06/17/25 HANDOUT 1 of 5 - DITTMAR

At the September meeting the Subcommittee will focus upon the Land Evaluation Site Assessment (LESA) procedures and evaluation standards and the Land-Use Table contained within the Zoning Ordinance.

VII. Citizens' Comments

John Schultz noted that he is a member of the County Board's Legislative Committee; powerful interest groups are expressing interest in allowing UTVs in Illinois; the Attorney General seems to be coming around. He will continue monitoring the situation.

VIII. Committee Member Concerns

None.

IX. Adjourn

Motion to adjourn was made at 08:03 PM by John Creighton and seconded by Brian Engle. Motion carried by voice vote.

Next committee meeting: Tuesday, September 16, 2025