



Village of Hampshire  
Planning & Zoning Commission Meeting  
Monday, May 23, 2022 - 7:00 PM  
Hampshire Village Hall - 234 S. State Street

## AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes from April 25, 2022
5. New Business
  - a. A Public Hearing for the proposed Text Amendment regarding home occupations
  - b. A Motion to recommend approval of the Text Amendment regarding home occupations
  - c. A Motion to authorize the Chair to report the results of agenda item 5-b to the Village Board of Trustees
6. Public Comments
7. Announcements
8. Adjournment

Attendance: By Public Act 101-0640, all public meetings and public hearings for essential governmental services may be held by video or tele conference during a public health disaster, provided there is an accommodation for the public to participate, and submit questions and comments prior to meeting. If you would like to attend this meeting by Video or Tele Conference, you must e-mail the Village Clerk with your request no later than noon (12 PM) on the day of the meeting, and a link to participate will be sent to your e-mail address the day of the meeting, including all exhibits and other documents (the packet) to be considered at the meeting.

Recording: Please note that all meetings held by videoconference will be recorded, and the recordings will be made public. While State Law does not required consent, by requesting an invitation, joining the meeting by link or streaming, all participants acknowledge and consent to their image and voice being recorded and made available for public viewing.

Accommodations: The Village of Hampshire, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the Village at 847-683-2181 to allow the Village to make reasonable accommodations for these persons.

**VILLAGE OF HAMPSHIRE  
PLANNING & ZONING COMMISSION**

**MINUTES  
April 25, 2022**

A meeting of the Hampshire Planning & Zoning Commission was called to order at 7:01 p.m. by Chair B. Mroch. Members present: Chair B. Mroch, and Commissioners R. Frillman, H. Hoffman, A. Neal, L. Rapach, in person, S. McBride; and W. Rossetti. Also present was: J. Wray.

After comment, commission voted to approved meeting minutes with correction to L. Rappach's first initial. Motion to approve was made by H Hoffman, seconded by A. Neal, and vote of 6 aye, 0 nay.

The public hearing was opened where the owner of Midwest Companies, Brian Heimsoth spoke regarding his request for variance for the off-street parking regulations in 6-6-2(J) of the village code to allow for parking of vehicles on a gravel surface on certain portions of the property. Mr. Heimsoth explained that he would be placing large dumpsters and equipment in the proposed area and that if he were to pave it, said equipment would damage the asphalt. It was also explained that as the company grows and builds a future building that the gravel area would be turned to asphalt to accommodate the new structure. There was discussion about traffic on the gravel to which it was explained that it is strictly for storage and travel routes will be paved. Conversation was had about the length of time the lot will be gravel. Mr. Wray had explained that there would be a separate motion where as the board could approve the motion with a time stipulation.

A motion to close the public hearing was made by W. Rosetti and seconded by S McBride, and a vote of 6 aye, 0 Nay. Motion passed.

A motion to approve the Variance at the Midwest Companies development on Brier Hill Rd, to vary the off street parking regulations in 6-6-2(J) of the village code, to allow for parking of vehicles on a gravel surface on certain portions of the property with the condition of that when the future building is built that the gravel lot needs to be paved was made by A. Neal, seconded by H. Hoffman, and a vote of 1 aye, 1 abstain, 4 Nay. Motion failed.

A second motion to approve the Variance at the Midwest Companies development on Brier Hill Rd, to vary the off street parking regulations in 6-6-2(J) of the village code, to allow for parking of vehicles on a gravel surface on certain portions of the property without conditions was made by A. Neal, seconded by H. Hoffman, 5 aye, 1 nay. Motion passed.

Chairman Mroch opened the public hearing for the proposed Text Amendment regarding the keeping of chickens in state and residential zoning districts in the village. Nobody from the public showed up to speak.

A motion to close the public hearing was made by H. Hoffman, seconded by S. McBride, and a vote of 6 aye, 0 nay. Motion passed.

The board had conversation regarding the regulations proposed by the village with chickens and had two major contentions brought up. First being what the registration fee would be used for or whether

it would be an additional revenue generating tax. The second being a clarification of page 2, D-1. The concern would lie with individuals who have corner lots and where the rear half of the side yard would be.

A motion to recommend the approval of Text Amendment to the Zoning Regulations of the Village Code, adding regulations regarding the keeping of chickens in estate and residential zoning districts was made by H. Hoffman, seconded by A. Neal, and a vote of 4 aye, 2 nay. Motion passed.

A motion to Recess the Public Hearing for the proposed Text Amendment regarding home occupations in the residential and estate districts in the Village unit until the Planning and Zoning Commission meeting on May 23 2022 at 7:00pm was made by H. Hoffman, seconded by S. McBride, with a vote of 6 aye, 0 nay. Motion passed.

A motion to authorize the Chair to report the results of the agenda items 5-b and 5-d to the Village Board of Trustees was made by S McBride, seconded by H. Hoffman, and a vote of 6 aye, 0 nay. Motion passed.

Meeting was adjourned at 8:03pm on motion from S. McBride, seconded by A. Neal, and vote of 6 Aye, 0 Nay. Motion passed.

Respectfully submitted,

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B. Mroch  
Chair



Village of Hampshire  
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## Agenda Supplement

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**TO:**                      **Planning and Zoning Commission**  
**FROM:**                **Josh Wray, Assistant to the Village Manager**  
**FOR:**                  **Planning and Zoning Commission Meeting on 5/23/2022**  
**RE:**                    **Home Occupations**

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**Background:** The Village currently allows a limited number of home occupations. Given the modern prevalence of home-based work, including online sales of products, staff has questioned whether the current list of allowable home occupations is sufficient.

Additionally, staff was recently approached by a potential home-business owner that would like to sell firearms at retail where the entire operation would be online; no inventory or customers would ever be at the residence.

**Analysis:** The currently permitted home occupations are:

- Art studio.
- Cottage food operations in compliance with the Food Handling Regulation Enforcement Act.
- Dressmaking.
- Home kitchen operations in compliance with the Food Handling Regulation Enforcement Act.
- Professional offices of a clergyman, lawyer, architect, engineer or accountant.
- Teaching - including musical instruments or dancing, but limited to one pupil at a time.

This list does not include the creation and sales of craft/novel products often sold at markets and special events, and it does not include any provisions specific to wholly online businesses that do not have the same zoning concerns as regular business (e.g., customers, manufacturing, inventory, employees, etc.).

Most communities in the area, including Huntley, Pingree Grove, Gilberts, Marengo, Genoa, Crystal Lake, do not keep a firm list of permitted uses. Rather, they have general regulations that allow for home occupations meeting standards for operations, employees,

noise, signage, parking, etc. The attached set of regulations was discussed by the Village Board and gained consensus for passage once reviewed by the Planning and Zoning Commission.

**Action Needed:** Consider recommending approval of the attached regulations with or without modification.

**§ 6-3-16 HOME OCCUPATIONS**

- A. Authorization: Subject to the limitations of this Section, any home occupation that is incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
  
- B. Definition: A home occupation is a business, profession, occupation, or trade that:
  - 1. Is conducted for gain or support by a full-time occupant of a dwelling unit; and
  - 2. Is incidental to the use of such dwelling unit for residential purposes; and
  - 3. Does not change the residential character of such dwelling unit.
  
- C. Use Limitations:
  - 1. The use for the home occupation must be clearly incidental to the use of the dwelling as a residence.
  - 2. No activity, structure or anything exterior to any structure shall indicate that the structure is being used for any non-residential purpose, and there shall be no visible evidence of conduct of such home occupation and no change in the outside appearance of the premises, except a sign as may be permitted by village regulations.
  - 3. Every home occupation shall be conducted wholly within a principal dwelling unit, unless otherwise approved as a special use in accordance with subsection 6-14-3(H) of this chapter; provided, the limitation of this sub-section shall not apply to a day care home operated as a home occupation.
  - 4. No stock-in-trade shall be displayed or sold upon the premises; stock-in-trade may be inventoried inside the premises.
  - 5. No outdoor storage shall be allowed in connection with any home occupation.
  - 6. No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
  - 7. No mechanical or electrical equipment shall be installed or maintained on the premises other than such as is customarily incidental to a residence.
  - 8. No mechanical or electrical equipment shall be operated on the premises in such a way as to interfere with the use and enjoyment of neighboring properties or to indicate that the structure is being used for a non-residential purpose, or to place demands on public infrastructure that are excessive when compared to a typical single-family residence.
  - 9. No home occupation shall cause or create any nuisance, or cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety or general welfare, or be noxious, offensive, or hazardous, including but not limited to any of the following:

- a. The activity will not require more vehicle parking space than exists on the residential drive or assigned parking spaces servicing the dwelling unit.
  - b. The activity shall create no noise in excess of that of normal daily activity for a residential area.
  - c. The activity will not result in the emission of odorous matter in such quantities as to be readily detectable at any point along lot lines, or exterior to party walls in multiple family areas.
  - d. The activity will not create aesthetic problems in the storing or disposing of trash or materials.
  - e. The activity will not generate more vehicular or pedestrian traffic than is typical of residences in the area.
10. No home occupation shall create any hazard that would or could endanger the dwelling unit or its occupants or other structures or their occupants by reason of additional fire, health, safety, or environmental hazards, including but not limited to the presence of firearms, knives, ammunition, explosives, or dangerous chemicals on the premises, other than legally-owned personal property.
11. Every home occupation shall comply with all applicable federal, State, and local laws and regulations, including, without limitation, obtaining, maintaining, and complying with regulations applicable to any required Federal, State, or local license or permit.

D. Vehicle Limitations:

1. Parking of trucks associated with a home occupation shall conform to regulations concerning parking of commercial vehicles in residential areas as delineated in Section 2-6-3 of the Village code and in accordance with any other ordinance of the village.
2. Commercial vehicles used in connection with any home occupation shall conform to regulations concerning parking of commercial vehicles in residential areas as delineated in Section 2-6-3 of the Village Code and in accordance with any other ordinance of the village.

E. Employee Limitations:

1. The operator of every home occupation shall be domiciled in the dwelling unit where such business is conducted
2. No employee who is not domiciled in the dwelling unit where a home occupation is conducted shall be present in connection with, or otherwise participate in the operation of, a home occupation at any one time. This limitation on the number of employees shall not apply to employees who do not work at the dwelling unit devoted to such home occupation.

F. Structural Limitations:

1. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
2. No separate entrance shall be provided in connection with the conduct of any home occupation.

G. Operational Limitations:

1. Any home occupation involving the keeping or care of animals shall be subject to animal control regulation in Article 2-11 of the Village Code. Any kennel operation shall be subject to the definition and restrictions of a "KENNEL" in Section 6-2-2 of the Village Code.
2. No routine attendance of patients, clients, subcontractors, or employees associated with any home occupation shall be allowed at the premises of the home occupation, except:
  - a. attendance of up to twelve children at any one time may be allowed at a day care home operated as a home occupation,
  - b. the attendance of up to four persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill, and
  - c. attendance of up to two (2) clients at any one time may be allowed for personal or advisory services.

"Routine attendance" means that the conduct of the home occupation requires non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.