

# **VILLAGE OF HAMPSHIRE PLAN COMMISSION**

**MEETING  
FEBRUARY 8, 2021**

## **AGENDA**

CALL TO ORDER:

TIME: 7:00 PM

PLEDGE OF ALLEGIANCE.

ROLL CALL / ESTABLISH QUORUM.

MINUTES: Review and approve minutes of last previous meeting – December 14, 2020

NEW BUSINESS:

1. Review and recommendation to Board of Trustees regarding the Application of Montemayor for approval of a Certificate of Vacation of Plat Restriction pertaining to the original Plat of Subdivision for Hampshire Woods Subdivision in the Village, to remove the following Plat restriction: “Access to the lots in this subdivision shall be by Flannigan Road only - No direct access to Gast Road will be allowed,” for purposes of a proposed development of Lot 9 in Hampshire Woods Subdivision with such direct access.
2. Review and recommendation to the Zoning Board of Appeals regarding a Petition for Zoning Text Amendment to amend the signage requirements in the Interchange Overlay District, Section 6-16-4, of the Municipal Code, by modifying certain requirements for community graphics and signage in the area of the I-90/US 20 Interchange in the Village.
3. Review and recommendation to the Zoning Board of Appeals regarding a Petition for Zoning Text Amendment requesting an amendment to the Village’s Zoning Regulations, Section 6-14-3 and Section 6-14-4, and in multiple other sections of the Village Code, to create a new advisory body, the Planning & Zoning Commission, and to abolish the existing Plan Commission and Zoning Board of Appeals and combine the powers and duties of each in the new advisory body.

OLD BUSINESS: None.

PUBLIC COMMENT: All persons attending the meeting in person and desiring to make public comment must sign in prior to the start of the meeting. Time shall be limited to a maximum of five (5) minutes for each speaker and not more than thirty (30) minutes total.

NEXT MEETING DATE: 2-22-21 @ 7:00 p.m.

ADJOURNMENT.

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The Village of Hampshire is subject to the requirements of the Americans with Disabilities Act of 1990. Any individual with a disability who plans to attend this meeting/public hearing and who may require a certain accommodation in order to allow him/her to observe and/or participate in this meeting is requested to contact the Village Clerk prior to the meeting to discuss such accommodation.

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Attendance: Accommodations with adequate distancing will be made for this meeting; and members of the public in attendance will be expected to wear face coverings.

Also, video-conferencing and/or telephone conferencing may be available for the public to participate in /witness the meeting. Anyone who desires to attend by Video-Conference must notify the Village Clerk of such request by e-mail to [Lvasquez @ hampshireil.org](mailto:Lvasquez@hampshireil.org) no later than 24 hours prior to the meeting, so that a link to participate may be sent via e-mail address the day of the meeting, together with a PDF version of exhibits and other documents to be considered at the meeting.

Anyone who desires to attend by Tele-Conference must notify the Village Clerk of such request by e-mail as above or at 847-683-2181 Ext. 0, no later than 4:30 p.m. the day prior to the meeting, and a telephone number and passcode will be provided.

Anyone who desires to review the application, and/or the exhibits or other documents delivered to the ZBA, may do so on the Village's website; or, in person, by calling the Village Clerk and making appropriate arrangements no later than the day of the meeting.

Public Comment: Comments to the Plan Commission, or questions to the applicant, may be submitted prior to the meeting or public hearing by 4:30 the day prior to the meeting date in writing addressed to the Village Clerk, and placed in the drop box at Village Hall or via e-mail to [Lvasquez@hampshireil.org](mailto:Lvasquez@hampshireil.org). Any written comments so received shall be noted in the minutes of the meeting and/or public hearing, as the case may be.

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# HAMPSHIRE PLANNING COMMISSION

## MEETING MINUTES

**Date:** Dec. 14, 2020

**Call to Order:** The meeting was called to order by Chairman Bryan Mroch at 7:00 P.M.

**Roll Call:** Present in person- Mroch, Rapach, Swanson. On-line, Neal, Rosseti, Wetzel.

Absent- None

**Treasurer's report:** None.

The draft minutes were modified at the request of Mr. Wetzel as follows- Item 10. In "Comments" was from Mr. Wetzel, not Mr. Rapach. Mr. Swanson also stated that Mr. Wetzel was present on-line not in person as stated in "Approval of Minutes".

**Approval of Minutes:** On motion by L. Rapach, 2<sup>nd</sup> by K. Swanson the minutes of the meeting held on October 26, 2020 were approved by roll call vote. Aye-Wetzel, Mroch, Rapach, Swanson, Rosseti and Neal. Nays, None.

**Also Present:** Mark Shuster, Village Attorney, on-line, Jay Hedges, Village Manager, Josh Wray, Asst. to Village Manager, Tom Moffat, Attorney and Steve Berglund, Briar Hill Ventures, LLC.

**Guests:** Ray Norlin, on-line, Veronica Berglund, Jamie Hodge, Jerry McCabe, Sam Billy, Mike Monog, Space Co. Inc.

**Old Business:** None

**New Business:**

The first order of business was to consider the petition of Consideration of and recommendation to the Village Zoning Board of Appeals under §6-14-4(C)(2) of the Village Code, regarding a Petition for a Special Use filed by Brier Hill Ventures, LLC to allow for operation of a re-cycling center for construction materials in the M-2 General Industrial District, pursuant to §6-9-3(C) of the Village Code, on part of the property identified as PIN 01-23-300-008 and PIN 01-25-100-009, respectively, comprising 18 ± acres located on the west side of Brier Hill Road, south of Allen Road and north of IL 72, after annexation of said property to the Village and classification in the M-2 General Industrial Zoning District.

Mr. Steve Berglund appeared in person for Brier Hill Ventures, as applicant. He explained that the property was purchased with the intention of building a construction material recycling facility. There will be two buildings. One building will house a grinder and other equipment used to separate and prepare the material for recycling, while the other building will house their office and some storage. The entire

preparation process for recycling will be done inside, which keeps noise to a minimum. Outside storage will only be used for product that is ready to be shipped out. The typical construction material they recycle consists mostly of wood,brick,cement,plastic and metal.

Commissioners inquired or commented about the following:

1. The proposed special use seems to fit the land uses in this area, even though the Comprehensive Plan designates the area on the west side of Brier Hill Road for residential development.
2. The proposed use is not incompatible with other uses in the area.
3. Environmental concerns appear to be addressed by the description of operations offered by Applicant at the meeting.
4. The aesthetics of the proposed development of the site are acceptable. Note that this owner has purchased or intends to purchase additional land in the vicinity of this site, and that his daughter resides on an 80-acre parcel to the immediate northwest. He concluded that he would not want to lower land values against his own interests.
5. The two buildings – one for operations, one for offices – appear to fit the other uses in the vicinity of this site.
6. There is an ongoing concern for traffic to and from the south, approaching and/or leaving the site, for two reasons: i) the roadway is weight-restricted and cannot bear heavy loads; and ii) the intersection of Brier Hill Road with IL 72 is a dangerous intersection. The applicant stated that he will direct the company's outgoing trucks to the north.
7. The Applicant states that operations will be indoors; perhaps a grinder is the loudest machine that will be used on site.
8. Hazardous materials are separated out and handled appropriately. ??? [I am not sure about everything that was said at this point of the meeting].
9. Hours of operation would normally be 6:00 a.m. – 4:00 p.m. except in winter months, when opening is put back to 7:00 a.m. There are Saturday operations until 12:00 noon.
10. The Applicant's attorney noted that there would be no detriment to the public from the Special Use at this location, no injury to other property and no impediment to orderly development in the area.

No members of the public made any comment at the meeting.

On motion made by L. Rapach and seconded by T. Wetzel, to recommend approval of the Petition for a Special Use filed by Brier Hill Ventures, LLC to allow for operation of a re-cycling center for construction

materials in the M-2 General Industrial District, on part of the property identified as PIN 01-23-300-008 and PIN 01-25-100-009, respectively, located on the west side of Brier Hill Road, south of Allen Road and north of IL 72, the vote was 5 aye, 0 nay. Motion passed. Aye's-L.Rapach,T. Wetzel,A. Neal,K. Swanson, and B. Rosseti.

On motion by K. Swanson and seconded by L. Rapach to authorize the Chair to deliver a report to the Zoning Board of Appeals, regarding the recommendation of the Commission,, the vote was 5 aye, 0 nay. Motion passed. Aye's-L.Rapach, T. Wetzel,A. Neal,K. Swanson, B. Rosseti

On motion duly made and seconded, the meeting was adjourned at 7:46 p.m..

Next Meeting: January 11, 2021

Respectfully submitted,

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Kenneth Swanson

Secretary





3550 SLAT CREEK LANE, SUITE 104  
ARLINGTON HEIGHTS, IL 60005  
PHONE (847) 310-4277  
FAX (847) 310-4297  
MGAZZOLA@ENTRECOMMERCIAL.COM

January 25, 2021

Landsys Development LLC, Hampshire Woods Series  
1695 N. Lancaster Road  
South Elgin, Illinois 60177-2703  
Attn: Joe Montemayor, Manager

**Re: Certificate of Amendment – Owner Approval  
Hampshire Woods Business Park – Unit 1  
Lot 9 PIN 01-11-127-006**

Dear Mr. Montemayor:

I am sending you the enclosed Certificate of Amendment for the Hampshire Woods Business Park, Unit 1 Plat dated June 24, 2003 in Hampshire, Illinois. My Client Landsys Development LLC, the owner of Lot 9, is requesting an amendment of the Plat. The lot is located at the south west corner of Gast and Flannigan Roads at the entrance to the Park.

The request is for the elimination of a note on the Plat requiring access from Flannigan Road only with no access to Gast Road. An ingress/egress point at the far south end of the lot is the subject of the Certificate of Amendment and removal of the note. Because this is an Amendment request to the 2003 Plat, we are required to have all owners in Unit 1 approve the Amendment.

In addition to the Certificate of Amendment, I have included a copy of the 2003 Plat and a site plan locating the Gast Road access point. Please review the Certificate and call me with any questions or comments. If acceptable, please sign and return the Certificate to me for presentation to the Village of Hampshire.

Thank you for your assistance.

Sincerely,

**Entre Commercial Realty LLC**

A handwritten signature in black ink, appearing to read "Michael L. Gazzola".

Michael L. Gazzola  
Broker

CC: File  
Landsys Development LLC  
Bazos, Freeman, Schuster & Pope, LLC

### **Certificate of Vacation of Certain Plat Restriction**

WHEREAS, the Village of Hampshire, Kane County, Illinois (“**Village**”) did approve the plat of subdivision for Hampshire Wood Business Park Unit 1, which plat (the “**Subject Plat**”) was recorded in the Office of the Recorder of Deeds of Kane County, Illinois on October 7, 2003 as Document No. 2003K184743; and

WHEREAS, in the section of the Subject Plat labelled “Notes”, there appears the following restriction (the “**Access to Gast Road Restriction**”):

“Access to the lots in this Subdivision will be by Flannigan Road only. No direct access to Gast Road will be allowed.”

and

WHEREAS, the undersigned, being all of the owners of record of the lots crated by the Subject Plat, together with the Village, now wish to delete (vacate) the Access to Gast Road Restriction in the Subject Plat, and to accomplish same pursuant to the provisions of the Illinois Plat Act, 765 ILCS 205/6 and 205/7 so as to vacate and eliminate said Gast Road Restriction in accordance therewith;

NOW, THEREFORE, the Access to Gast Road Restriction is hereby deleted from the Subject Plat, effective as of the date of recording of this Certificate of Vacation.

This Certificate may be signed in multiple counterparts by the Parties hereto.

This Certificate of Vacation of Plat Restriction shall be recorded in the Office of the Kane County Recorder after the original Plat of Subdivision has been attached thereto. Once so recorded, this instrument shall operate to destroy, vacate, and eliminate said Gast Road Restriction, and to divest all public rights in said restriction as set forth in the Subject Plat.

This Certificate of Vacation of Plat Restriction may be executed in multiple counterparts.



STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF KANE         )

In witness whereof, the undersigned has signed this Certification of Vacation of Certain Plat Restriction this \_\_\_\_ day of \_\_\_\_\_, 2021

Date: \_\_\_\_\_

LANDSYS DEVELOPMENT, LLC- HAMPSHIRE  
WOODS SERIES (Owner of Lot 9)

By: \_\_\_\_\_  
Name: Joe W. Montemayor  
Title: Manager

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that, Joe W. Montemayor, personally known to me to be the manager of Landsys Development, LLC – Hampshire Woods Series, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that as such Manager he signed and delivered the said instrument as their free and voluntary act and deed of said Landsys Development, LLC – Hampshire Woods Series, for the uses and purposes therein set forth.

Given under my hand and official seal this  
\_\_\_\_\_ day of \_\_\_\_\_, 2021.

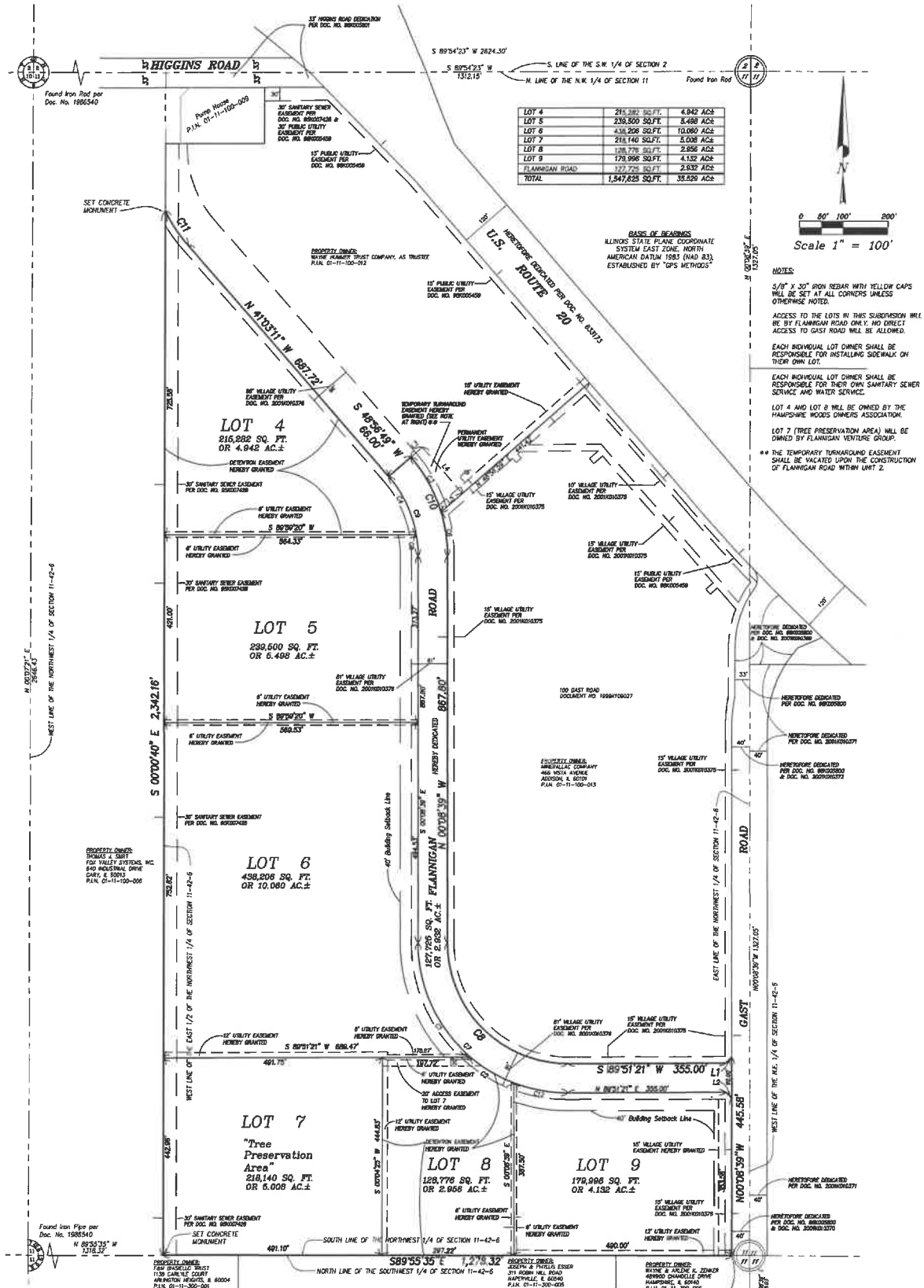
\_\_\_\_\_  
Notary Public

# HAMPSHIRE WOODS BUSINESS PARK UNIT 1

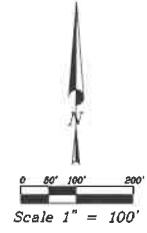
BEING A SUBDIVISION OF

PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 6 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS.

P.I.N. 01-11-100-012



| LOT # | SQ. FT.   | ACRES  |
|-------|-----------|--------|
| LOT 4 | 215,282   | 4.942  |
| LOT 5 | 239,500   | 5.498  |
| LOT 6 | 438,208   | 10.080 |
| LOT 7 | 218,140   | 5.008  |
| LOT 8 | 128,776   | 2.956  |
| LOT 9 | 178,998   | 4.132  |
| TOTAL | 1,547,825 | 35.520 |



**NOTES:**

5/8" x 30" IRON REBAR WITH YELLOW CAPS WILL BE SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

ACCESS TO THE LOTS IN THIS SUBDIVISION WILL BE BY FLANNIGAN ROAD ONLY. NO DIRECT ACCESS TO EAST ROAD WILL BE ALLOWED.

EACH INDIVIDUAL LOT OWNER SHALL BE RESPONSIBLE FOR INSTALLING SIDEWALK ON THEIR OWN LOT.

EACH INDIVIDUAL LOT OWNER SHALL BE RESPONSIBLE FOR THEIR OWN SANITARY SEWER SERVICE AND WATER SERVICE.

LOT 4 AND LOT 8 WILL BE OWNED BY THE HAMPSHIRE WOODS OWNERS ASSOCIATION.

LOT 7 (TREE PRESERVATION AREA) WILL BE OWNED BY FLANNIGAN VENTURE GROUP.

\*\* THE TEMPORARY TURNAROUND EASEMENT SHALL BE VACATED UPON THE CONSTRUCTION OF FLANNIGAN ROAD WITHIN UNIT 2.

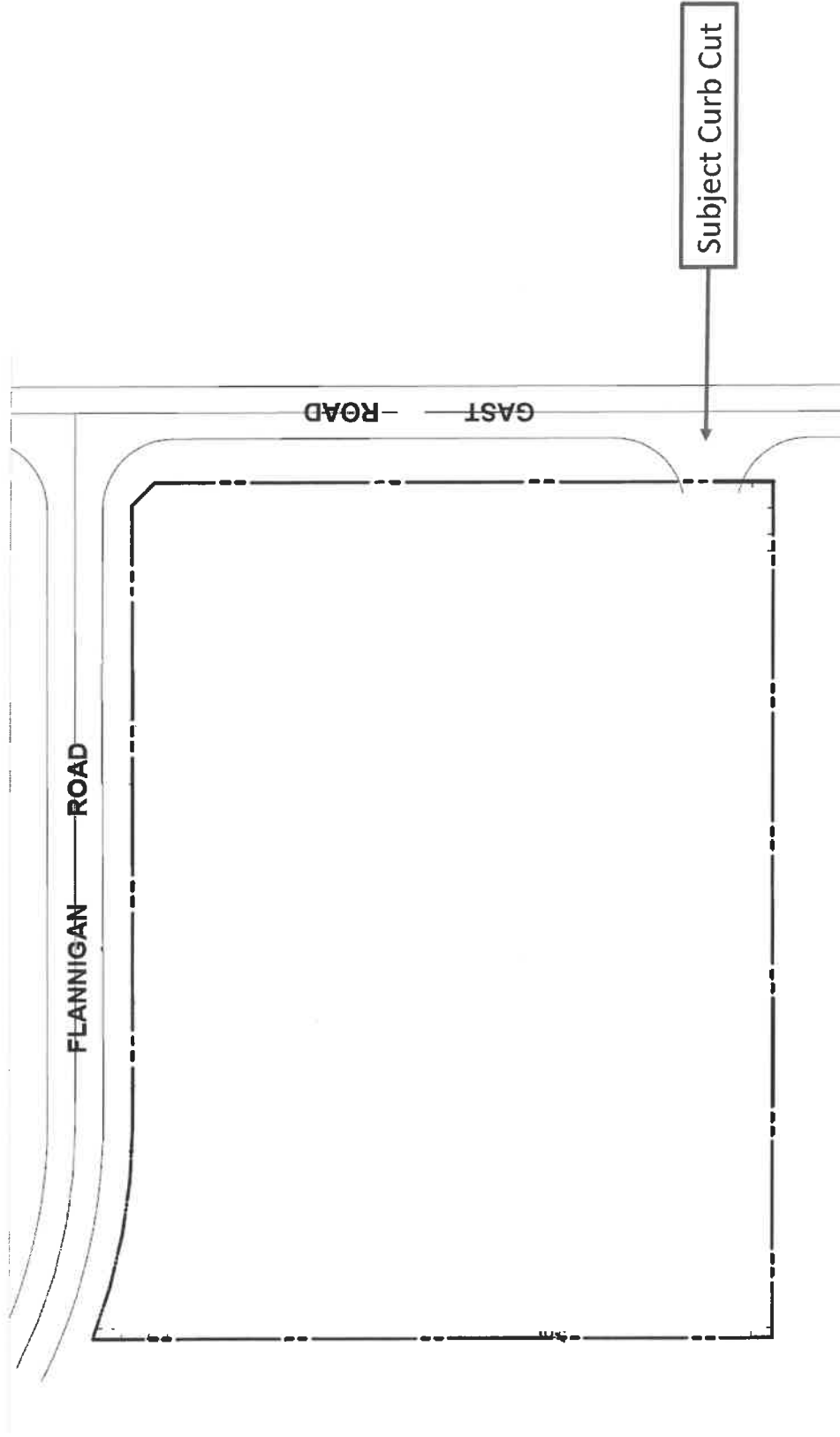
Survey No: B998b  
 Created By: Flannigan Venture Group  
 Description: Plat of Subdivision  
 Date Prepared: June 04, 2009  
 Scale: 1" = 100'

| NUMBER | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH | INTERNAL ANGLE |
|--------|--------|------------|---------------|--------------|----------------|
| C1     | 336.00 | 281.92     | S 24°57'40" E | 208.68       | 49°29'03"      |
| C2     | 135.00 | 114.49     | N 28°17'26" E | 82.25        | 42°24'36"      |
| C3     | 338.00 | 141.89     | N 28°01'38" W | 102.89       | 24°03'08"      |
| C4     | 148.00 | 128.78     | S 22°58'18" W | 114.48       | 32°58'18"      |
| C5     | 272.00 | 47.99      | N 02°11'55" W | 42.83        | 10°09'51"      |
| C6     | 338.00 | 89.84      | N 08°28'28" W | 82.00        | 30°01'00"      |
| C7     | 338.00 | 200.92     | N 02°11'55" W | 148.00       | 10°09'51"      |
| C8     | 272.00 | 47.28      | N 45°08'30" W | 38.67        | 10°00'00"      |

| NUMBER | DISTANCE | BEARING       |
|--------|----------|---------------|
| L1     | 18.38    | S 44°51'11" W |
| L2     | 34.00    | N 48°36'48" E |
| L3     | 137.78   | S 41°03'11" E |
| L4     | 63.34    | S 48°36'50" W |

LOOP & HEPPER ASSOCIATES, P.C.  
 ENGINEERS & SURVEYORS  
 700 Boardwalk, Suite 100  
 Glenview, IL 60017  
 847-636-9000 FAX 847-636-1774

PLAT Certificate Of Amendment – Lot 9





3550 SLAT CREEK LANE, SUITE 104  
ARLINGTON HEIGHTS, IL 60005  
PHONE (847) 310-4277  
FAX (847) 310-4297  
MGAZZOLA@ENTRECOMMERCIAL.COM

January 25, 2021

Hampshire Lot 5 LLC  
180 S. Western Avenue, Unit 181  
Carpentersville, Illinois 60110-1774  
Attn: Farruh Amonov, Manager

**Re: Certificate of Amendment – Owner Approval  
Hampshire Woods Business Park – Unit 1  
Lot 5 PIN 01-11-127-002**

Dear Mr. Amonov:

I am sending you the enclosed Certificate of Amendment for the Hampshire Woods Business Park, Unit 1 Plat dated June 24, 2003 in Hampshire, Illinois. My Client Landsys Development LLC, the owner of Lot 9, is requesting an amendment of the Plat. The lot is located at the south west corner of Gast and Flannigan Roads at the entrance to the Park.

The request is for the elimination of a note on the Plat requiring access from Flannigan Road only with no access to Gast Road. An ingress/egress point at the far south end of the lot is the subject of the Certificate of Amendment and removal of the note. Because this is an Amendment request to the 2003 Plat, we are required to have all owners in Unit 1 approve the Amendment.

In addition to the Certificate of Amendment, I have included a copy of the 2003 Plat and a site plan locating the Gast Road access point. Please review the Certificate and call me with any questions or comments. If acceptable, please sign and return the Certificate to me for presentation to the Village of Hampshire.

Thank you for your assistance.

Sincerely,

**Entre Commercial Realty LLC**

A handwritten signature in black ink, appearing to read "Michael L. Gazzola".

Michael L. Gazzola  
Broker

CC: File  
Landsys Development LLC  
Bazos, Freeman, Schuster & Pope, LLC

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This Certificate of Vacation of Plat Restriction may be executed in multiple counterparts.

STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

In witness whereof, the undersigned has signed this Certification of Vacation of Certain Plat Restriction this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Date: \_\_\_\_\_

HAMPSHIRE LOT 5 LLC  
(Owner of Lot 5)

By: \_\_\_\_\_  
Name: Farruh Amonov  
Title: Manager

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that, \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that as such \_\_\_\_\_ he signed and delivered the said instrument as their free and voluntary act and deed of said \_\_\_\_\_, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

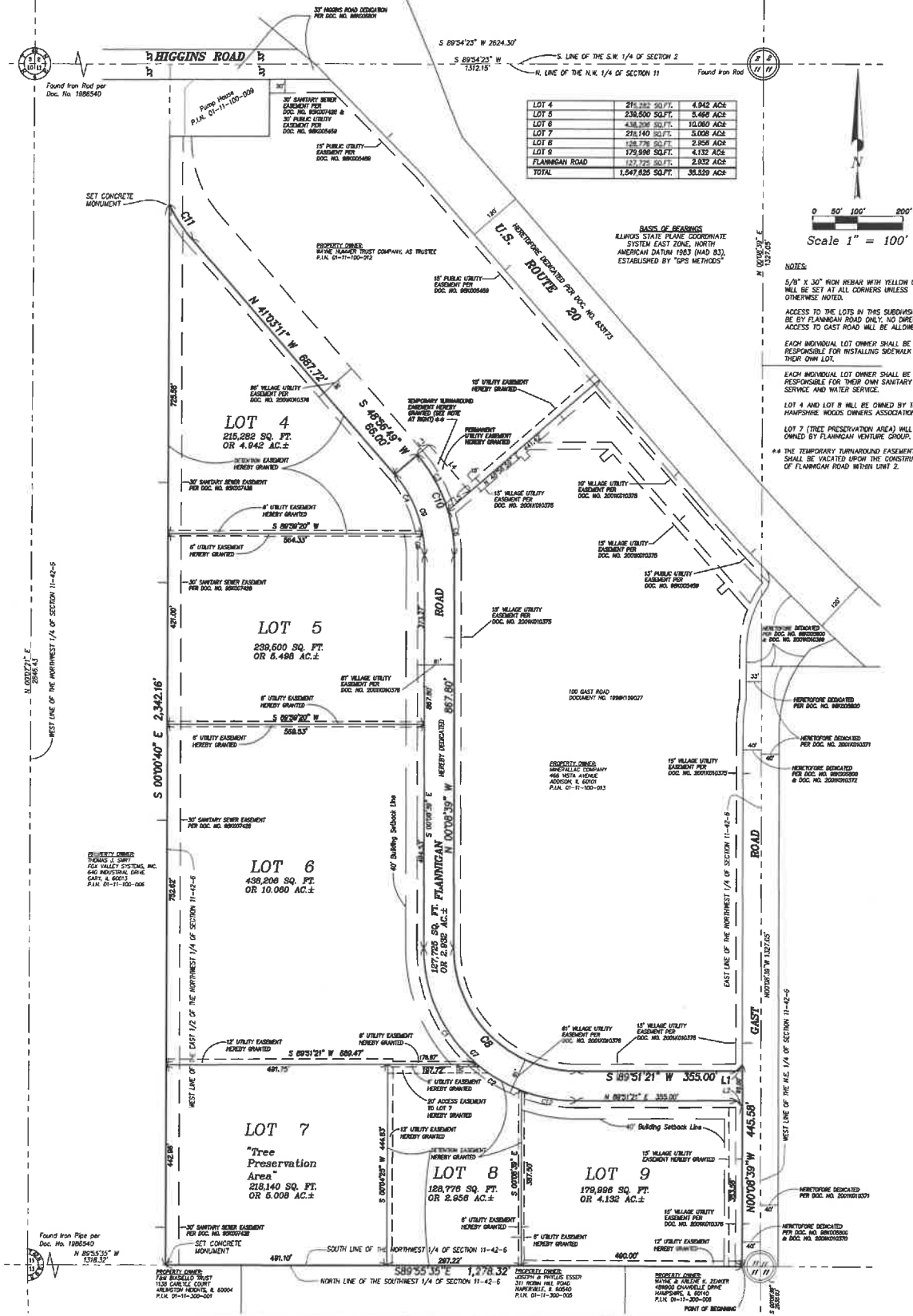
\_\_\_\_\_  
Notary Public

# HAMPSHIRE WOODS BUSINESS PARK UNIT 1

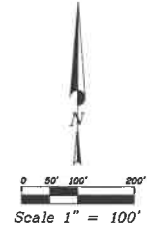
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P.I.N. 01-11-100-012



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|-------|-----------|--------|
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| LOT 7 | 213,140   | 4.892  |
| LOT 8 | 188,776   | 4.325  |
| LOT 9 | 179,896   | 4.132  |
| TOTAL | 1,547,825 | 35.529 |



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LOT 4 AND LOT 6 WILL BE OWNED BY THE HAMPSHIRE WOODS OWNERS ASSOCIATION.

LOT 7 (TREE PRESERVATION AREA) WILL BE OWNED BY FLANNIGAN VENTURE GROUP.

\*\* THE TEMPORARY TURNAROUND EASEMENT SHALL BE VACATED UPON THE CONSTRUCTION OF FLANNIGAN ROAD WITHIN UNIT 2.

| NUMBER | RADIUS  | ARC LENGTH | CHORD     | BEARING       | CHORD LENGTH | INTERNAL ANGLE |
|--------|---------|------------|-----------|---------------|--------------|----------------|
| C1     | 138.00' | 287.22'    | 523.14'   | S 22°14'00" W | 287.22'      | 42°24'00"      |
| C2     | 138.00' | 114.49'    | 191.72'   | S 67°54'23" W | 114.49'      | 42°24'00"      |
| C3     | 338.00' | 141.88'    | 312.77'   | N 28°37'30" W | 141.88'      | 24°00'00"      |
| C4     | 338.00' | 148.29'    | 325.11'   | S 28°37'30" W | 148.29'      | 24°00'00"      |
| C5     | 338.00' | 23.99'     | 43.19'    | N 08°11'33" W | 23.99'       | 90°00'00"      |
| C6     | 338.00' | 23.99'     | 43.19'    | S 08°11'33" W | 23.99'       | 90°00'00"      |
| C7     | 338.00' | 538.53'    | 1,038.00' | N 45°06'32" W | 538.53'      | 90°00'00"      |
| C8     | 272.00' | 427.28'    | 784.67'   | N 45°06'32" W | 427.28'      | 90°00'00"      |

| NUMBER | RADIUS | ARC LENGTH | CHORD   | BEARING       | CHORD LENGTH | INTERNAL ANGLE |
|--------|--------|------------|---------|---------------|--------------|----------------|
| L1     | 18.39' | 18.39'     | 24.85'  | S 45°08'59" E | 18.39'       | 40°24'00"      |
| L2     | 18.39' | 34.00'     | 45.98'  | N 48°28'49" E | 34.00'       | 40°24'00"      |
| L3     | 18.39' | 137.78'    | 181.13' | S 41°13'01" E | 137.78'      | 40°24'00"      |
| L4     | 18.39' | 124.91'    | 168.11' | N 72°43'59" W | 124.91'      | 21°09'59"      |

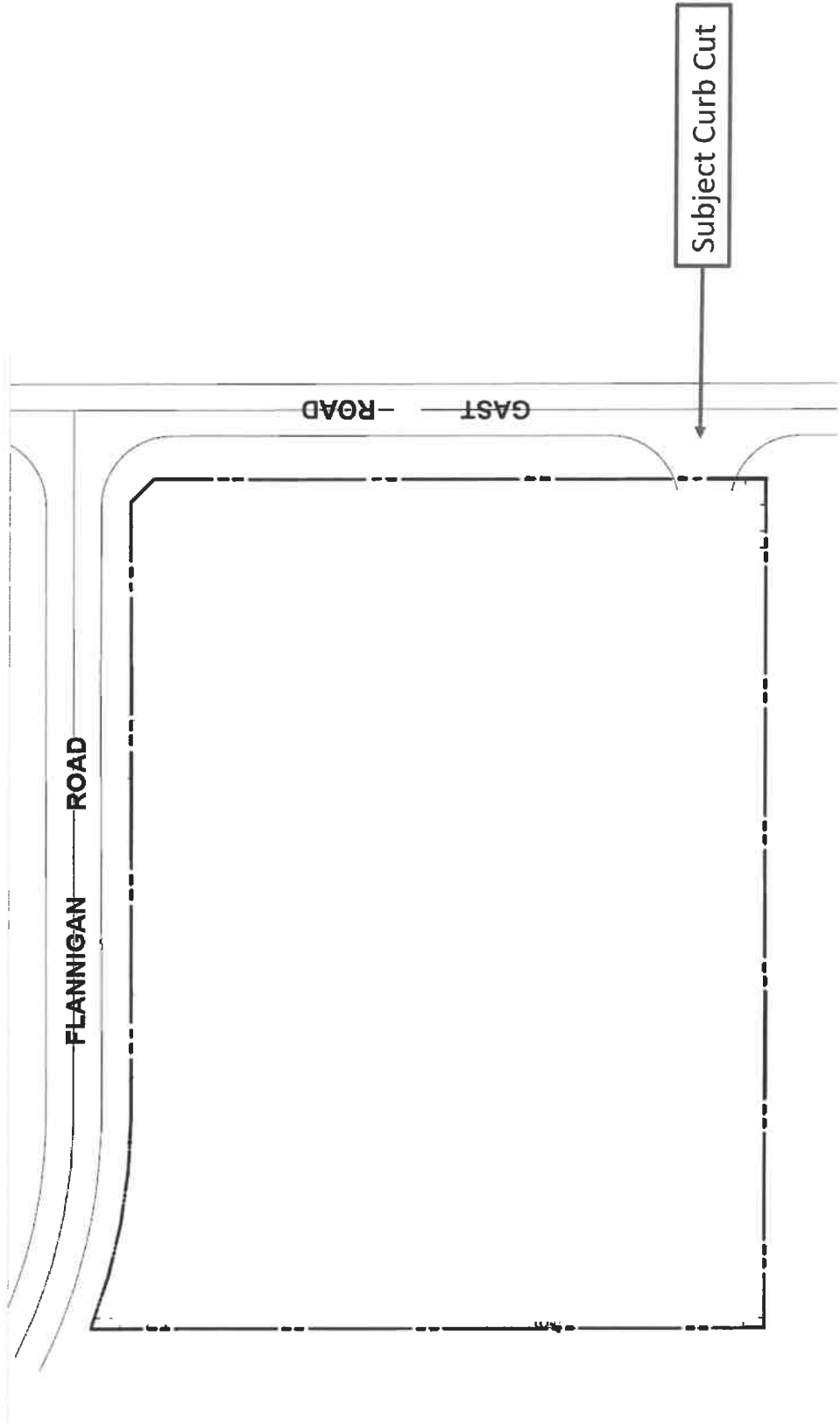
|                |                         |
|----------------|-------------------------|
| Survey No.:    | 82878b                  |
| Ordered By:    | Flannigan Venture Group |
| Description:   | Plot of Subdivision     |
| Date Prepared: | June 24, 2003           |
| Scale:         | 1" = 100'               |

REV. 08-25-03 - Village Comments  
REV. 08-18-03 - Subdivision Boundary

PAGE 1 OF 2

JACOB & HOFFER ASSOCIATES, P.C.  
ENGINEERS & SURVEYORS  
728 Eisenhower Dr., Suite 100  
Glen Ellyn, IL 60137  
630-945-9000 FAX 630-942-1774

PLAT Certificate Of Amendment – Lot 9







3550 SLAT CREEK LANE, SUITE 104  
ARLINGTON HEIGHTS, IL 60005  
PHONE (847) 310-4277  
FAX (847) 310-4297  
MGAZZOLA@ENTRECOMMERCIAL.COM

January 25, 2021

Wayne Hummer Trust Company Trust: LFT 1745  
7239 W. Wilson Avenue  
Harwood Heights, Illinois 60706  
Attn: Tim Flannigan, Trustee

**Re: Certificate of Amendment – Owner Approval  
Hampshire Woods Business Park – Unit 1  
Lot 4 PIN 01-11-127-001  
Lot 8 PIN 01-11-127-009**

Dear Mr. Flannigan:

I am sending you the enclosed Certificate of Amendment for the Hampshire Woods Business Park, Unit 1 Plat dated June 24, 2003 in Hampshire, Illinois. My Client Landsys Development LLC, the owner of Lot 9, is requesting an amendment of the Plat. The lot is located at the south west corner of Gast and Flannigan Roads at the entrance to the Park.

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Thank you for your assistance.

Sincerely,

**Entre Commercial Realty LLC**

A handwritten signature in black ink, appearing to read "Michael L. Gazzola", written in a cursive style.

Michael L. Gazzola  
Broker

CC: File  
Landsys Development LLC  
Bazos, Freeman, Schuster & Pope, LLC

### **Certificate of Vacation of Certain Plat Restriction**

WHEREAS, the Village of Hampshire, Kane County, Illinois (“**Village**”) did approve the plat of subdivision for Hampshire Wood Business Park Unit 1, which plat (the “**Subject Plat**”) was recorded in the Office of the Recorder of Deeds of Kane County, Illinois on October 7, 2003 as Document No. 2003K184743; and

WHEREAS, in the section of the Subject Plat labelled “Notes”, there appears the following restriction (the “**Access to Gast Road Restriction**”):

“Access to the lots in this Subdivision will be by Flannigan Road only. No direct access to Gast Road will be allowed.”

and

WHEREAS, the undersigned, being all of the owners of record of the lots crated by the Subject Plat, together with the Village, now wish to delete (vacate) the Access to Gast Road Restriction in the Subject Plat, and to accomplish same pursuant to the provisions of the Illinois Plat Act, 765 ILCS 205/6 and 205/7 so as to vacate and eliminate said Gast Road Restriction in accordance therewith;

NOW, THEREFORE, the Access to Gast Road Restriction is hereby deleted from the Subject Plat, effective as of the date of recording of this Certificate of Vacation.

This Certificate may be signed in multiple counterparts by the Parties hereto.

This Certificate of Vacation of Plat Restriction shall be recorded in the Office of the Kane County Recorder after the original Plat of Subdivision has been attached thereto. Once so recorded, this instrument shall operate to destroy, vacate, and eliminate said Gast Road Restriction, and to divest all public rights in said restriction as set forth in the Subject Plat.

This Certificate of Vacation of Plat Restriction may be executed in multiple counterparts.

STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

In witness whereof, the undersigned has signed this Certification of Vacation of Certain Plat Restriction this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Date: \_\_\_\_\_

WAYNE HUMMER TRUST COMPANY, TRUST LFT 1745  
(Owner of Lot 4)

By: \_\_\_\_\_  
Name: Tim Flannigan  
Title: Trustee

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that, \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that as such \_\_\_\_\_ he signed and delivered the said instrument as their free and voluntary act and deed of said \_\_\_\_\_, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

In witness whereof, the undersigned has signed this Certification of Vacation of Certain Plat Restriction this \_\_\_\_ day of \_\_\_\_\_, 2021

Date: \_\_\_\_\_

WAYNE HUMMER TRUST COMPANY, TRUST LFT 1745  
(Owner of Lot 8)

By: \_\_\_\_\_  
Name: Tim Flannigan  
Title: Trustee

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that, \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that as such \_\_\_\_\_ he signed and delivered the said instrument as their free and voluntary act and deed of said \_\_\_\_\_, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

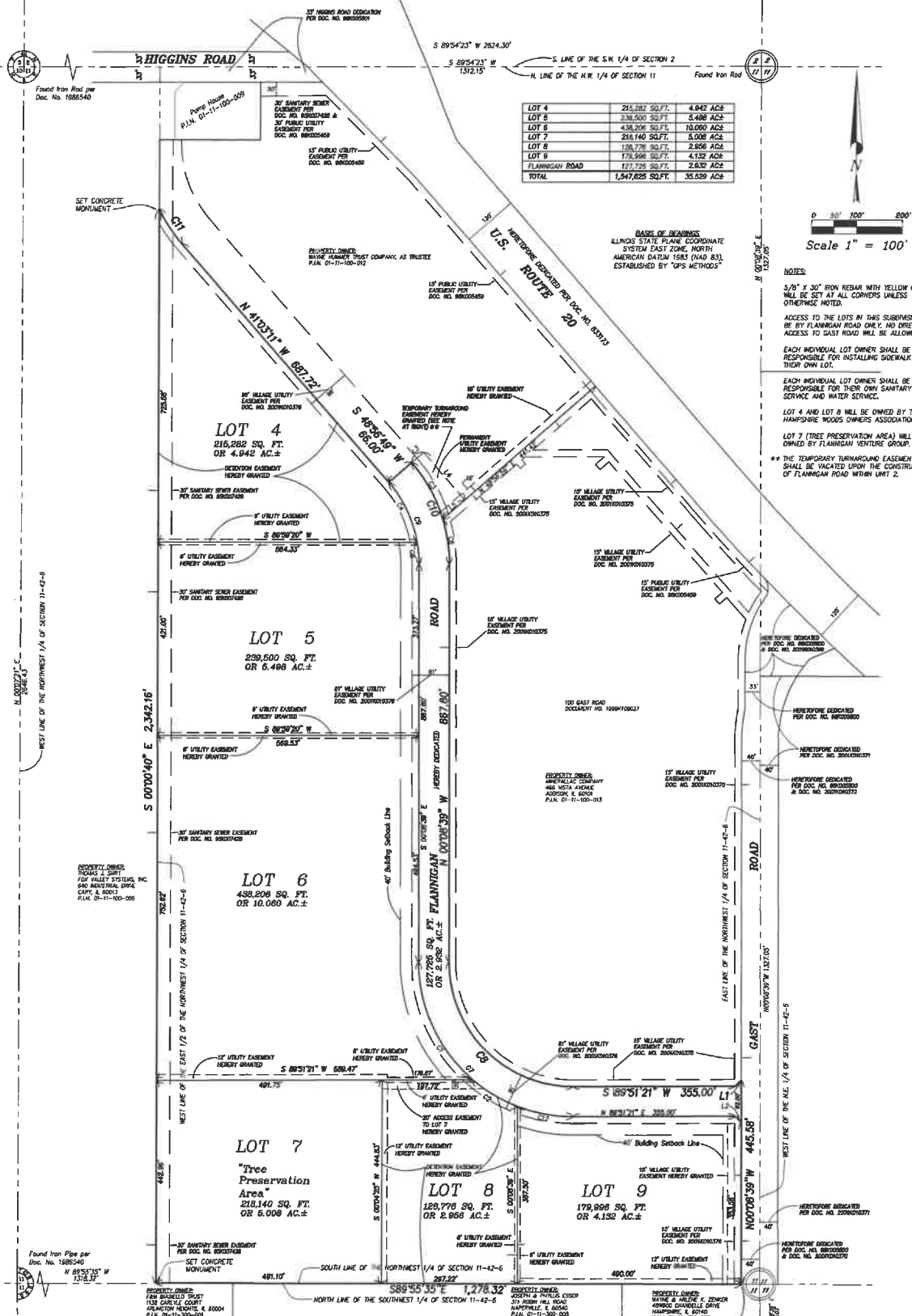
\_\_\_\_\_  
Notary Public

# HAMPSHIRE WOODS BUSINESS PARK UNIT 1

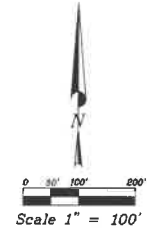
BEING A SUBDIVISION OF

PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 6 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS.

P.I.N. 01-11-100-012



| LOT   | SQ. FT.   | ACRES  |
|-------|-----------|--------|
| LOT 4 | 216,282   | 4.942  |
| LOT 5 | 239,600   | 5.488  |
| LOT 7 | 218,140   | 5.008  |
| LOT 8 | 179,998   | 4.132  |
| LOT 9 | 179,998   | 4.132  |
| TOTAL | 1,547,828 | 35.520 |



**NOTES:**

3/8" X 30" IRON REBAR WITH YELLOW CAPS WILL BE SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

ACCESS TO THE LOTS IN THIS SUBDIVISION WILL BE BY FLANNIGAN ROAD ONLY. NO DIRECT ACCESS TO EAST ROAD WILL BE ALLOWED.

EACH INDIVIDUAL LOT OWNER SHALL BE RESPONSIBLE FOR INSTALLING SIDEWALK ON THEIR OWN LOT.

EACH INDIVIDUAL LOT OWNER SHALL BE RESPONSIBLE FOR THEIR OWN SANITARY SEWER SERVICE AND WATER SERVICE.

LOT 4 AND LOT 8 WILL BE OWNED BY THE HAMPSHIRE WOODS OWNERS ASSOCIATION.

LOT 7 (TREE PRESERVATION AREA) WILL BE OWNED BY FLANNIGAN VENTURE GROUP.

THE TEMPORARY TURNAROUND EASEMENT SHALL BE VACATED UPON THE CONSTRUCTION OF FLANNIGAN ROAD WITHIN UNIT 2.

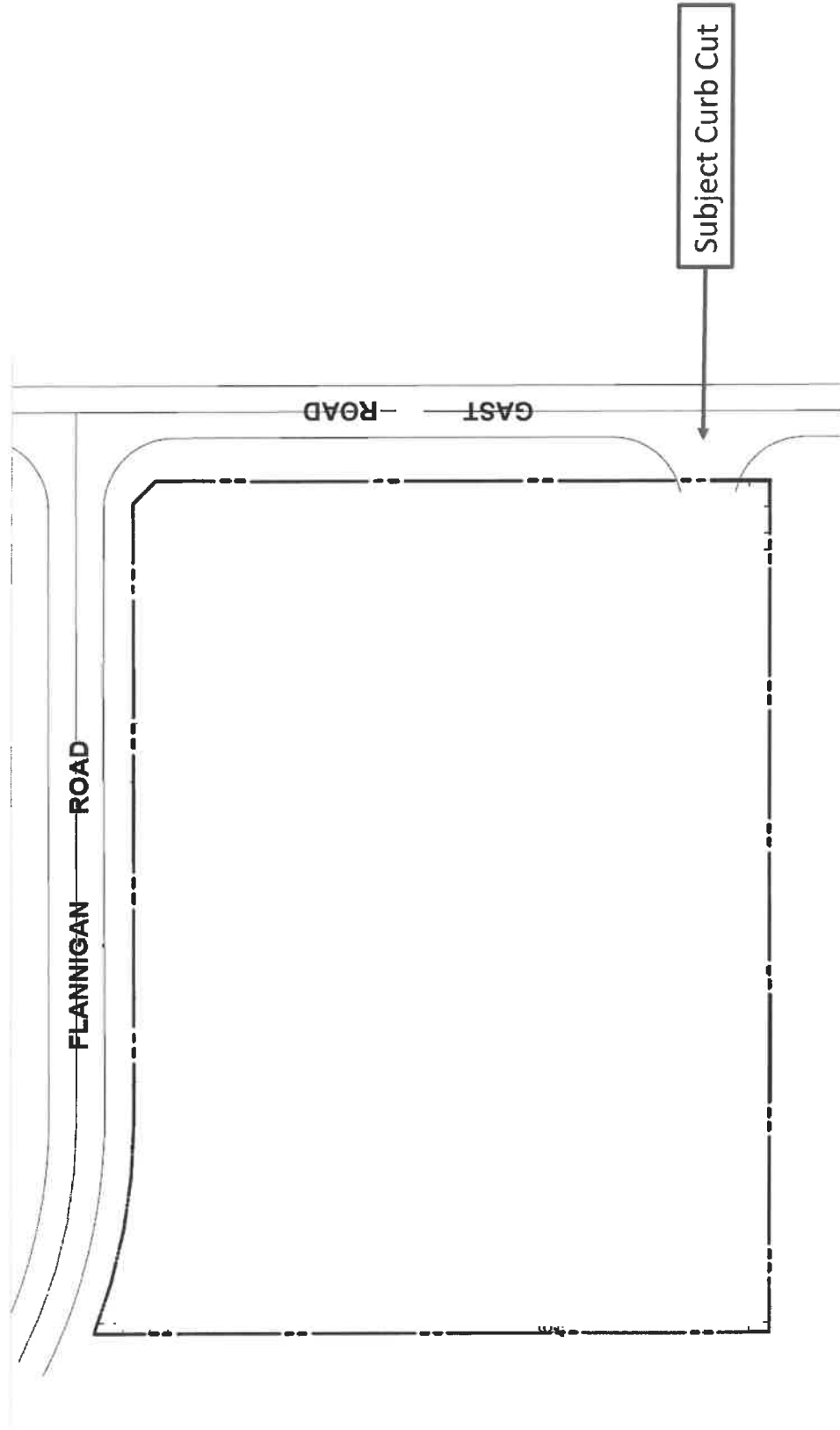
Survey No.: 8288b  
 Ordered By: Flannigan Venture Group  
 Description: Plat of Subdivision  
 Date Prepared: June 04, 2008  
 Scale: 1" = 100'

REV. 06-25-03 - Misc Comments  
 REV. 06-19-03 - Subdivision Boundary

| NUMBER | DISTANCE | BEARING       |
|--------|----------|---------------|
| L1     | 18.38'   | S 44°51'27" W |
| L2     | 43.06'   | S 45°06'39" E |
| L3     | 34.00'   | N 48°36'48" E |
| L4     | 137.78'  | S 47°03'07" E |
| L5     | 63.54'   | S 48°56'59" W |

JACOB & BEFFNER ASSOCIATES, P.C.  
 129 S. BROADWAY, SUITE 100  
 CHICAGO, ILL. 60601  
 630-648-9000 FAX 630-648-1774

PLAT Certificate Of Amendment – Lot 9





3550 SLAT CREEK LANE, SUITE 104  
ARLINGTON HEIGHTS, IL 60005  
PHONE (847) 310-4277  
FAX (847) 310-4297  
MGAZZOLA@ENTRECOMMERCIAL.COM

January 25, 2021

Village of Hampshire  
234 S. State Street, P.O Box 475  
Hampshire, Illinois 60140  
C/O: Mark Schuster, Village Attorney  
Bazos, Freeman, Schuster & Pope LLC  
1250 Larkin Avenue, #100  
Elgin, IL 60123

**Re: Certificate of Amendment – Owner Approval  
Hampshire Woods Business Park – Unit 1  
Lot 7 PIN 01-11-127-008**

Dear Mr. Schuster:

I am sending you the enclosed Certificate of Amendment for the Hampshire Woods Business Park, Unit 1 Plat dated June 24, 2003 in Hampshire, Illinois. My Client Landsys Development LLC, the owner of Lot 9, is requesting an amendment of the Plat. The lot is located at the south west corner of Gast and Flannigan Roads at the entrance to the Park.

The request is for the elimination of a note on the Plat requiring access from Flannigan Road only with no access to Gast Road. An ingress/egress point at the far south end of the lot is the subject of the Certificate of Amendment and removal of the note. Because this is an Amendment request to the 2003 Plat, we are required to have all owners in Unit 1 approve the Amendment.

In addition to the Certificate of Amendment, I have included a copy of the 2003 Plat and a site plan locating the Gast Road access point. Please review the Certificate and call me with any questions or comments. If acceptable, please sign and return the Certificate to me for presentation to the Village of Hampshire.

Thank you for your assistance.

Sincerely,

**Entre Commercial Realty LLC**

A handwritten signature in black ink, appearing to read "Michael L. Gazzola".

Michael L. Gazzola  
Broker

CC: File  
Landsys Development LLC  
Bazos, Freeman, Schuster & Pope, LLC

### **Certificate of Vacation of Certain Plat Restriction**

WHEREAS, the Village of Hampshire, Kane County, Illinois (“**Village**”) did approve the plat of subdivision for Hampshire Wood Business Park Unit 1, which plat (the “**Subject Plat**”) was recorded in the Office of the Recorder of Deeds of Kane County, Illinois on October 7, 2003 as Document No. 2003K184743; and

WHEREAS, in the section of the Subject Plat labelled “Notes”, there appears the following restriction (the “**Access to Gast Road Restriction**”):

“Access to the lots in this Subdivision will be by Flannigan Road only. No direct access to Gast Road will be allowed.”

and

WHEREAS, the undersigned, being all of the owners of record of the lots crated by the Subject Plat, together with the Village, now wish to delete (vacate) the Access to Gast Road Restriction in the Subject Plat, and to accomplish same pursuant to the provisions of the Illinois Plat Act, 765 ILCS 205/6 and 205/7 so as to vacate and eliminate said Gast Road Restriction in accordance therewith;

NOW, THEREFORE, the Access to Gast Road Restriction is hereby deleted from the Subject Plat, effective as of the date of recording of this Certificate of Vacation.

This Certificate may be signed in multiple counterparts by the Parties hereto.

This Certificate of Vacation of Plat Restriction shall be recorded in the Office of the Kane County Recorder after the original Plat of Subdivision has been attached thereto. Once so recorded, this instrument shall operate to destroy, vacate, and eliminate said Gast Road Restriction, and to divest all public rights in said restriction as set forth in the Subject Plat.

This Certificate of Vacation of Plat Restriction may be executed in multiple counterparts.



STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

In witness whereof, the undersigned has signed this Certification of Vacation of Certain Plat Restriction this \_\_\_\_ day of \_\_\_\_\_, 2021

Date: \_\_\_\_\_

VILLAGE OF HAMPSHIRE  
(Owner of Lot 7)

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that, \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that as such \_\_\_\_\_ he signed and delivered the said instrument as their free and voluntary act and deed of said \_\_\_\_\_, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

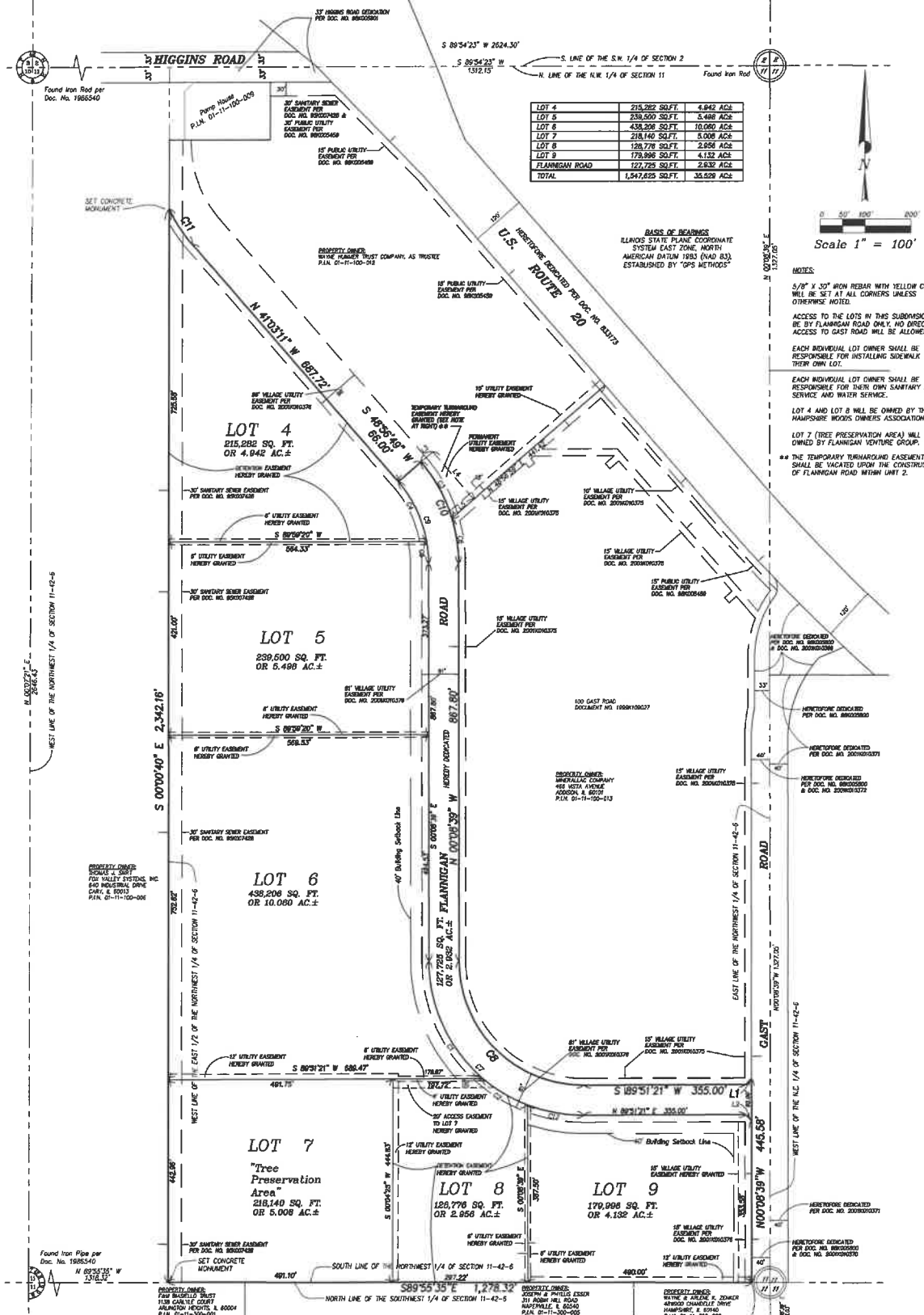
\_\_\_\_\_  
Notary Public

# HAMPSHIRE WOODS BUSINESS PARK UNIT 1

BEING A SUBDIVISION OF

PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 6 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS.

P.I.N. 01-11-100-012



| LOT            | SQ. FT.   | ACRES  |
|----------------|-----------|--------|
| LOT 4          | 215,282   | 4.942  |
| LOT 5          | 239,500   | 5.498  |
| LOT 6          | 438,208   | 10.080 |
| LOT 7          | 218,140   | 5.008  |
| LOT 8          | 128,776   | 2.958  |
| LOT 9          | 179,098   | 4.132  |
| FLANNIGAN ROAD | 127,728   | 2.932  |
| TOTAL          | 1,547,692 | 35.528 |



**NOTES:**

5/8" x 30" IRON REBAR WITH YELLOW CAPS WILL BE SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

ACCESS TO THE LOTS IN THIS SUBDIVISION WILL BE BY FLANNIGAN ROAD ONLY. NO DIRECT ACCESS TO EAST ROAD WILL BE ALLOWED.

EACH INDIVIDUAL LOT OWNER SHALL BE RESPONSIBLE FOR INSTALLING SIDEWALK ON THEIR OWN LOT.

EACH INDIVIDUAL LOT OWNER SHALL BE RESPONSIBLE FOR THEIR OWN SANITARY SEWER SERVICE AND WATER SERVICE.

LOT 4 AND LOT 8 WILL BE OWNED BY THE HAMPSHIRE WOODS OWNERS ASSOCIATION.

LOT 7 (TREE PRESERVATION AREA) WILL BE OWNED BY FLANNIGAN VENTURE GROUP.

THE TEMPORARY TURNOVER EASEMENT SHALL BE VACATED UPON THE COMPLETION OF FLANNIGAN ROAD WITHIN UNIT 2.

| NUMBER | RADIUS  | ARC LENGTH | CHORD      | BEARING | CHORD   | LENGTH  | INTERNAL ANGLE |
|--------|---------|------------|------------|---------|---------|---------|----------------|
| C1     | 333.00' | 201.32'    | 3.2327400' | E       | 208.28' | 114.21' | 92.2910°       |
| C2     | 333.00' | 114.21'    | 3.2327400' | E       | 208.28' | 114.21' | 92.2910°       |
| C3     | 333.00' | 141.89'    | 3.2327400' | W       | 110.83' | 243.00' | 92.2910°       |
| C4     | 333.00' | 149.66'    | 3.2327400' | W       | 114.21' | 208.28' | 92.2910°       |
| C5     | 333.00' | 89.24'     | 3.2327400' | W       | 159.00' | 169.90' | 92.2910°       |
| C6     | 333.00' | 272.00'    | 3.2327400' | W       | 384.87' | 900.00' | 92.2910°       |

| NUMBER | DISTANCE | BEARING       |
|--------|----------|---------------|
| L1     | 18.38'   | S 44°51'21" W |
| L2     | 18.38'   | S 43°06'59" E |
| L3     | 34.00'   | N 48°30'48" E |
| L4     | 137.76'  | S 41°03'51" E |
| L5     | 83.34'   | S 88°56'59" W |

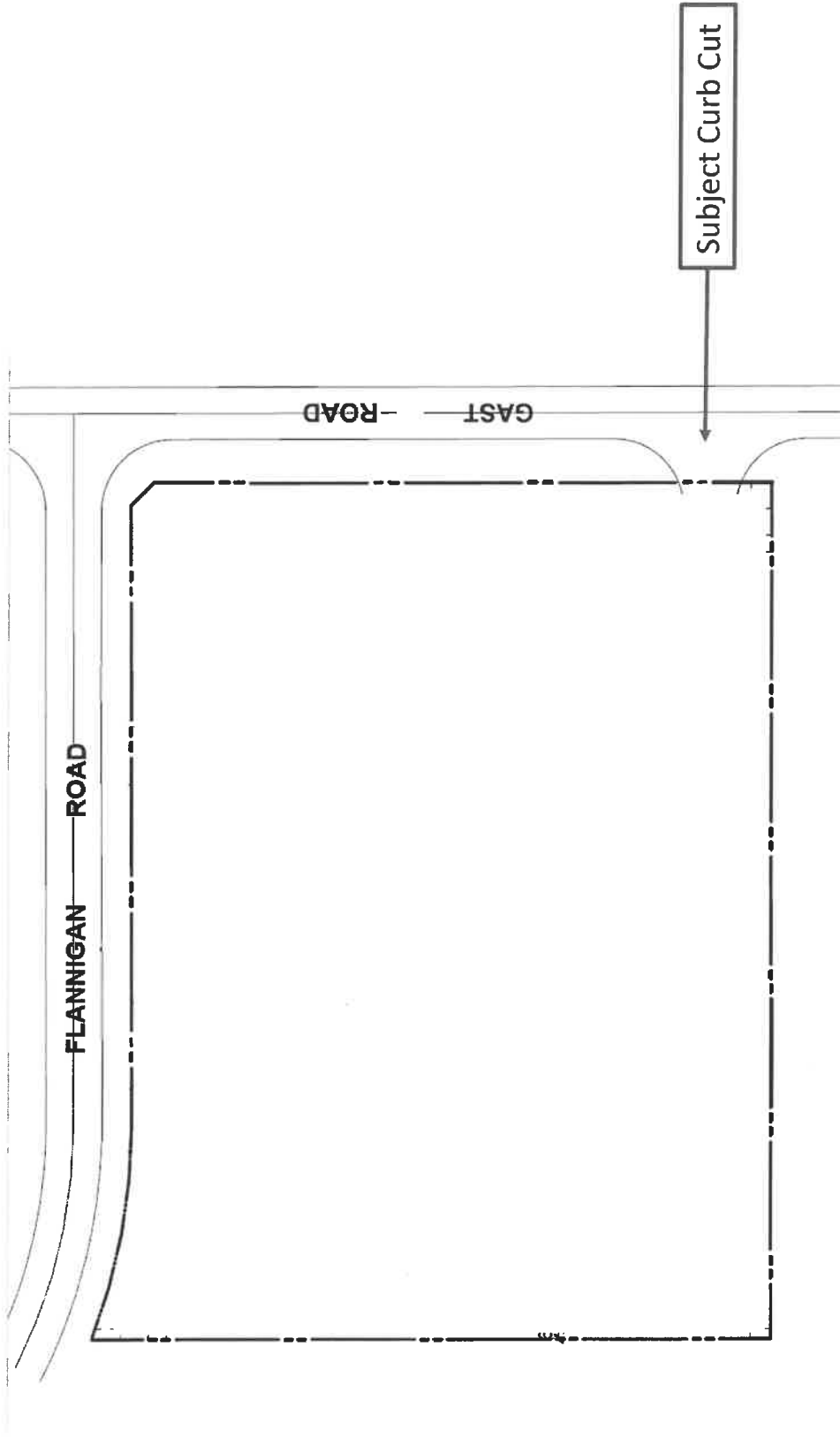
  

|                |                         |
|----------------|-------------------------|
| Survey No.:    | 890rb                   |
| Ordered By:    | Flannigan Venture Group |
| Description:   | Plat of Subdivision     |
| Date Prepared: | June 24, 2003           |
| Scale:         | 1" = 100'               |

REV. 08-25-03 - Waga Comments  
REV. 09-18-03 - Subdivision Boundary

HOOP & BERNER ASSOCIATES, P.C.  
ENGINEERS & SURVEYORS  
729 Eisenhower Blvd., Suite 100  
Glen Mills, IL 60137  
630-645-9000 FAX 630-645-1774

PLAT Certificate Of Amendment – Lot 9





3550 SLAT CREEK LANE, SUITE 104  
ARLINGTON HEIGHTS, IL 60005  
PHONE (847) 310-4277  
FAX (847) 310-4297  
MGAZZOLA@ENTRECOMMERCIAL.COM

January 25, 2021

Sysco Asian Foods, Buckhead Meat & Seafood of Chicago, Inc.  
200 Flannigan Road  
Hampshire, Illinois 60140-8245  
C/O Sysco/JLL, Global Real Estate  
Attn: Franco Rivero, Director

Via E-Mail: Rivero.Franco@corp.sysco.com

**Re: Certificate of Amendment – Owner Approval  
Hampshire Woods Business Park – Unit 1  
Lot 6 PIN 01-11-127-002**

Dear Mr. Rivero:

I am sending you the enclosed Certificate of Amendment for the Hampshire Woods Business Park, Unit 1 Plat dated June 24, 2003 in Hampshire, Illinois. My Client Landsys Development LLC, the owner of Lot 9, is requesting an amendment of the Plat. The lot is located at the south west corner of Gast and Flannigan Roads at the entrance to the Park.

The request is for the elimination of a note on the Plat requiring access from Flannigan Road only with no access to Gast Road. An ingress/egress point at the far south end of the lot is the subject of the Certificate of Amendment and removal of the note. Because this is an Amendment request to the 2003 Plat, we are required to have all owners in Unit 1 approve the Amendment.

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Thank you for your assistance.

Sincerely,

**Entre Commercial Realty LLC**

Michael L. Gazzola  
Broker

CC: File  
Landsys Development LLC  
Bazos, Freeman, Schuster & Pope, LLC

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This Certificate may be signed in multiple counterparts by the Parties hereto.

This Certificate of Vacation of Plat Restriction shall be recorded in the Office of the Kane County Recorder after the original Plat of Subdivision has been attached thereto. Once so recorded, this instrument shall operate to destroy, vacate, and eliminate said Gast Road Restriction, and to divest all public rights in said restriction as set forth in the Subject Plat.

This Certificate of Vacation of Plat Restriction may be executed in multiple counterparts.

STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

In witness whereof, the undersigned has signed this Certification of Vacation of Certain Plat Restriction this \_\_\_\_ day of \_\_\_\_\_, 2021

Date: \_\_\_\_\_

SYSCO ASIAN FOODS, INC., BUCKHEAD MEATS & SEAFOOD OF CHICAGO, INC.  
(Owner of Lot 6)

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that, \_\_\_\_\_, personally known to me to be the \_\_\_\_\_ of \_\_\_\_\_, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that as such \_\_\_\_\_ he signed and delivered the said instrument as their free and voluntary act and deed of said \_\_\_\_\_, for the uses and purposes therein set forth.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

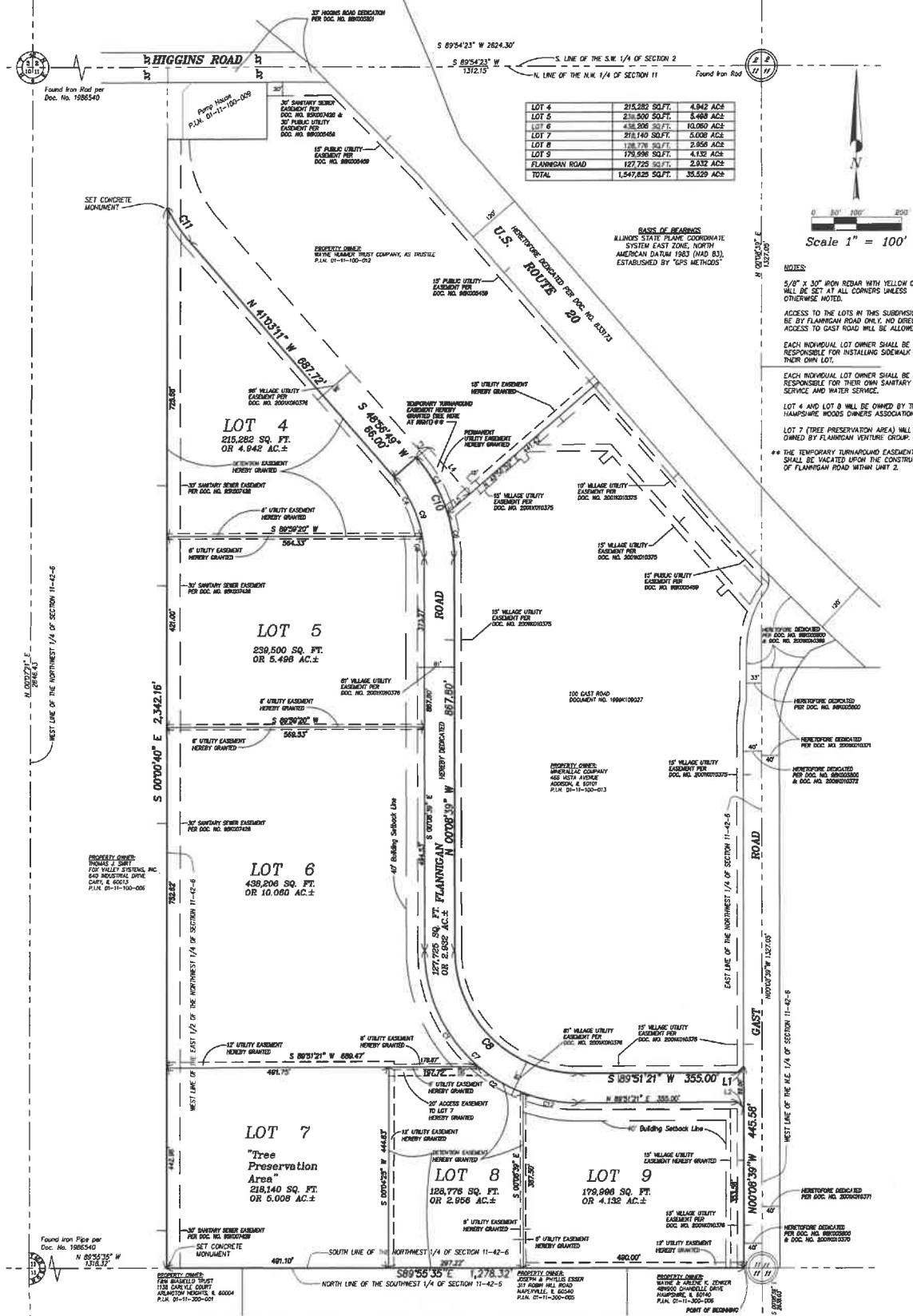
\_\_\_\_\_  
Notary Public

# HAMPSHIRE WOODS BUSINESS PARK UNIT 1

BEING A SUBDIVISION OF

PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 6 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS.

P.I.N. 01-11-100-012



| LOT            | SQ. FT.   | ACRES  |
|----------------|-----------|--------|
| LOT 4          | 215,282   | 4.942  |
| LOT 5          | 239,500   | 5.488  |
| LOT 6          | 438,206   | 10.060 |
| LOT 7          | 218,140   | 5.008  |
| LOT 8          | 128,778   | 2.958  |
| LOT 9          | 179,986   | 4.132  |
| FLANNIGAN ROAD | 127,725   | 2.932  |
| TOTAL          | 1,547,625 | 35.539 |

**NOTES:**

5/8" x 30" IRON REBAR WITH YELLOW CAPS WILL BE SET AT ALL CORNERS UNLESS OTHERWISE NOTED.

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\*\* THE TEMPORARY TURNAROUND EASEMENT SHALL BE VACATED UPON THE CONSTRUCTION OF FLANNIGAN ROAD WITHIN UNIT 2.

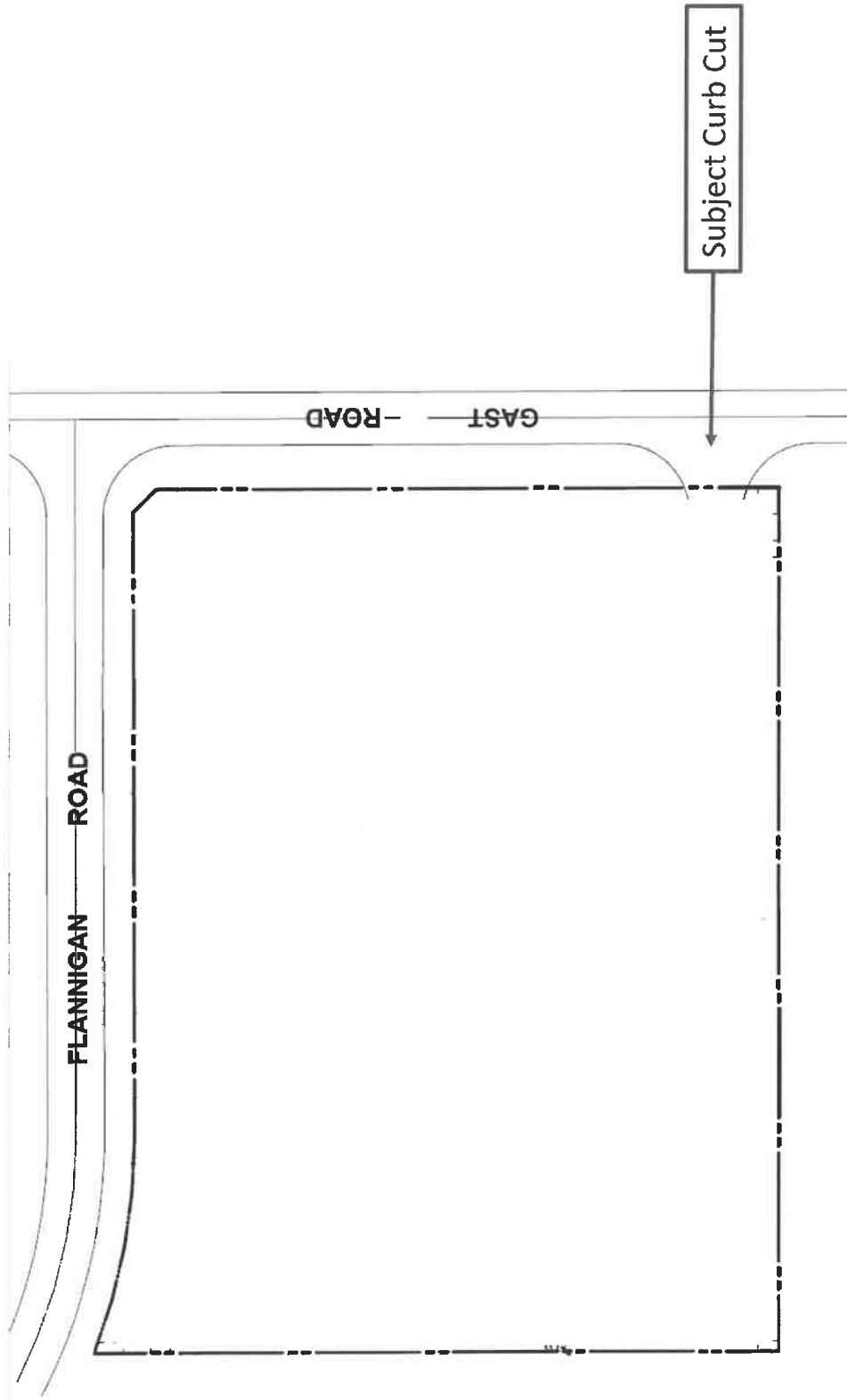
Survey No.: B2DBb  
 Defined By: Flannigan Venture Group  
 Description: Plat of Subdivision  
 Date Prepared: June 24, 2009  
 Scale: 1" = 100'

REV. 08-23-03 - Moga Comments  
 REV. 08-18-03 - Subdivision Boundary

| NUMBER | DISTANCE | BEARING       | COORD. LENGTH | INTERNAL ANGLE |
|--------|----------|---------------|---------------|----------------|
| CB     | 215.282  | S 44°31'21" W | 163.284       | 49°28'29"      |
| CB     | 239.500  | S 20°32'52" E | 160.111       | 40°29'39"      |
| CB     | 438.206  | S 82°36'20" W | 100.000       | 100°00'00"     |
| CB     | 218.140  | S 28°39'11" W | 164.425       | 100°00'00"     |
| CB     | 128.778  | S 88°25'25" W | 89.299        | 100°00'00"     |
| CB     | 179.986  | S 41°18'11" E | 128.111       | 100°00'00"     |
| CB     | 127.725  | N 25°08'59" W | 128.111       | 210°00'00"     |

JACOB & HEPPER ASSOCIATES, P.C.  
 ENGINEERS & SURVEYORS  
 1259 BROADWAY, SUITE 1106  
 GLEN BLEN, IL 60137  
 630-642-9000 FAX 630-642-1774

PLAT Certificate Of Amendment – Lot 9





**PETITION  
FOR ZONING TEXT AMENDMENT**

TO: President and Board of Trustees  
Village of Hampshire, Kane County, Illinois

1. Please consider the following request for amendment of the existing Village Zoning Regulations, Hampshire Municipal Code of 1985, as amended, Article XVI: Interchange Overlay District, as follows:

- a. Amend the signage requirements in the Interchange Overlay District, Section 6-16-4, of the Hampshire Municipal Code, to modify the community graphics and sign requirements in the area of the I-90/US 20 Interchange in the Village.
- b. A copy of the proposed amendments is attached hereto as Exhibit "A" (with cross-outs for deletions and underline for additions).

2. Please schedule this matter for review and recommendation by the Village Plan Commission as soon as practicable.

3. Please also schedule this matter for review and recommendation by the Village Zoning Board of Appeals as soon as practicable.

Dated: January 15, 2021.

Respectfully submitted



---

Jay Hedges  
Village Manager / Zoning Administrator

**Village of Hampshire  
Petition for Text Amendment**

**INTERCHANGE OVERLAY DISTRICT**

**6-16-4: SIGN REQUIREMENTS:**

**A. Additional Requirements:** In addition to the requirements of Article XII, "Community Graphics", the following regulations shall apply to all uses within the Interchange Overlay District; provided, where there is a conflict between the regulations in Article XII and the Interchange Overlay District, the Interchange Overlay District regulations shall govern.

1. Definitions:

- **AWNING SIGN:** A sign which is mounted on a temporary shelter supported entirely from the exterior wall of a building.
- **CANOPY SIGN:** A sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.
- **FREESTANDING HIGHWAY IDENTIFICATION POLE SIGN:** A sign designed to advertise to vehicular travelers on Interstate 90 for tourist-traveler destinations and uses located in the Overlay District, including hotels and motels, gas stations, truck stops and restaurants, so as to provide to such travelers adequate visibility from a business location within the Overlay District, within the size and height limitations prescribed in this Article.

**B. Graphics Regulation by District:** Graphics shall be restricted by zoning district as follows:

**1. HC Highway Commercial District:**

a. Freestanding Signs:

- (1) No more than one freestanding ground sign, one freestanding highway identification pole sign and one freestanding pole sign shall be maintained on any one parcel of property two (2) acres or larger.
- (2) No more than one freestanding ground sign shall be maintained on any one parcel of property less than two (2) acres.
- (3) No freestanding pole sign shall exceed ~~sixty (60')~~ one hundred sixty five (165') square feet in sign surface area.
- (4) No freestanding pole sign shall exceed ~~sixteen feet twenty five (25')~~ feet in height, measured from grade at the edge of the nearest right of way, from which access to the property is obtained, to the top of the sign.
- (5) No freestanding ground sign shall exceed eighty (80) square feet in sign surface area.
- (6) No freestanding ground sign shall exceed eight feet (8') in height, measured from grade at the edge of the nearest right of way, from which access to the property is obtained, to the top of the sign.
- (7) No freestanding highway identification pole sign shall exceed ~~one hundred twenty (120')~~ one thousand twenty four (1024) square feet in sign surface area. For properties set back more than one thousand feet (1,000') from Interstate 90, the permitted sign area for freestanding highway identification signs may be increased by ten percent (10%).

**Village of Hampshire  
Petition for Text Amendment**

- (8) No freestanding highway identification pole sign shall exceed ~~eighty (80')~~ one hundred (100') feet in height, measured from grade at the edge of the nearest right of way, from which the property receives access, to the top of the sign.
  
- b. Canopy Signs:
  - (1) No canopy sign shall project above the top of the canopy upon which it is mounted.
  - (2) Total canopy signage shall not exceed one hundred twenty (120) square feet in sign surface area.
  
- c. Awning Signs:
  - (1) No awning sign shall project above the top of the awning upon which it is mounted.
  - (2) No awning signs shall project from the face of an awning.
  - (3) Total awning signage shall not exceed one hundred twenty (120) square feet in sign surface area.

**2. O-R Office-Research District and O-M Office and Restricted Manufacturing District:**

- a. Freestanding Signs:
  - (1) One freestanding ground sign may be erected at each major entrance to an office-research park. Such sign(s) shall identify the name of the office-research park. No such sign shall exceed forty (40) square feet in area or fifteen feet (15') in height or be located closer than ten feet (10') to property line.
  - (2) One freestanding ground sign identifying each building may be permitted for each detached building which houses a principal use within an office park. Such sign(s) shall be limited to identifying the name of the building and/or the individual enterprises located therein, the address, trademark or identifying symbol or any combination thereof. No such sign shall exceed twenty (20) square feet in area or eight feet (8') in height or be located closer than ten feet (10') to any property line.
  - (3) One freestanding ground directory sign may be permitted in close proximity to each major entrance of an office-research park. Such sign(s) shall be limited to identifying and providing directional information to individual enterprises located within the office-research park. No such sign shall exceed fifteen (15) square feet in area or eight feet (8') in height or be located closer than ten feet (10') to any property line.

**C. Special Use Permit:** The following additional regulations shall apply to signs accessory to the following uses, which shall require a special use permit:

- ~~1. Automobile/Truckstops:~~
  - ~~a. Freestanding Signs:~~

**Village of Hampshire  
Petition for Text Amendment**

- ~~(1) No freestanding pole sign shall exceed one hundred fifteen (115) square feet in sign surface area.~~
- ~~(2) No freestanding pole sign shall exceed sixteen feet (16') in height, measured from grade at the edge of the nearest right of way from which access to the property is obtained, to the top of the sign.~~
- ~~(3) No freestanding ground sign shall exceed eighty (80) square feet in sign surface area.~~
- ~~(4) No freestanding ground sign shall exceed eight feet (8') in height, measured from grade at the edge of the nearest right of way from which access to the property is obtained, to the top of the sign.~~
- ~~(5) No freestanding highway identification pole sign shall exceed eight hundred fifty (850) square feet in sign surface area.~~
- ~~(6) No freestanding highway identification pole sign shall exceed eighty feet (80') in height, measured from grade at the edge of the nearest right of way from which the property receives access to the top of the sign.~~

12. Restaurant; Fast Food Restaurant:

a. Freestanding Signs:

- (1) No more than one freestanding ground sign, one freestanding highway identification pole sign and one freestanding pole sign shall be maintained on any one parcel of property less than two (2) acres.
- (2) ~~b. Fast Food Restaurants~~ shall comply with all other sign requirements of the Interchange Overlay District. (Ord. 92-10, 10-1-1992)

**D.3 Development Signs in any District:**

1. The owner of property located in the Interchange Overlay District may construct one "development identification sign" (as defined in Section ~~6-2-2~~) during the time a project is under construction on the subject property, when his property is subject to a project being constructed thereon in accord with the following regulations:

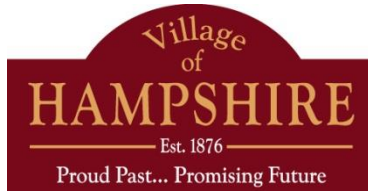
- a. Any development sign must face the I-90 Illinois Toll Highway only.
- b. No development sign shall utilize more than two (2) faces, each constituting not more than two hundred (200) square feet.
- c. No development sign shall exceed fourteen feet (14') in height, measured from the ground to the top of the sign.
- d. There shall be no more than one such sign for any development.
- e. Any such development sign shall be set back not less than twenty feet (20') from the right of way of the I-90 Illinois Toll Highway, and not less than one hundred feet (100') from any exterior lot line of the development project.
- f. Notwithstanding the duration of construction on the project, no special permit for such a sign shall be for a period greater than three (3) years, provided that such permit shall upon application filed prior to the end of the first three-year period, be reviewed upon termination of such period, and may be extended for an additional period of not more than three (3) years, said application to be made and considered in accord with the special use procedure established in this Chapter.

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- g. In any event, no such development sign shall be permitted, and any such development sign shall be removed by the permit holder, upon completion of seventy five percent (75%) of the development project. For purposes of this Section, "completion of seventy five percent (75%) of the development project" shall mean issuance of an occupancy permit for not less than seventy five percent (75%) of the total square footage of the development or not less than seventy five percent (75%) of the number of structures in the development, whichever first occurs.

**E-~~D~~ Prohibited Graphics:**

1. Outdoor advertising signs, commonly referred to as billboards or poster panels.



**Village of Hampshire**  
 234 S. State Street, Hampshire IL 60140  
 Phone: 847-683-2181    www.hampshireil.org

## Agenda Supplement

**TO:** Plan Commission  
**FROM:** Josh Wray, Assistant to the Village Manager  
**FOR:** Plan Commission Meeting on February 8, 2021  
**RE:** Truck Stop Sign Regulations

**Background:** At the last ZBA meeting, the board asked staff to review applications for variation from sign regulations submitted by companies near the Rt. 20 interchange on I-90 to find out what have been the most extreme variances that have passed. The ZBA indicated it would like to see the sign regulations changed to allow taller and larger signs outright rather than requiring companies to seek variances for dimensions that previously have been passed. Since the changes to be considered would amend the zoning code, the Plan Commission must review and make a recommendation to the ZBA.

**Analysis:** The following chart shows the sign heights and surface areas for different types of signs that were approved for three companies as well as the currently-permitted dimensions. Signs exceeding the currently-permitted dimensions are highlighted.

| Currently Permitted |        |           | Love's               |        |         |
|---------------------|--------|-----------|----------------------|--------|---------|
|                     | Height | Area      |                      | Height | Area    |
| Highway Sign        | 80     | 120 (850) | Highway Sign         | 100    | 1003.33 |
| Pole Sign           | 16     | 60 (115)  | Pole Sign            | 25     | 161.33  |
| Ground Sign         | 8      | 80        | Ground Sign          | -      | -       |
| <b>Thornton's</b>   |        |           | <b>Truck Country</b> |        |         |
|                     | Height | Area      |                      | Height | Area    |
| Highway Sign        | 100    | 675       | Highway Sign         | 60     | 260     |
| Pole Sign           | 21.5   | 107       | Pole Sign            | 20     | 80      |
| Ground Sign         | -      | -         | Ground Sign          | 8      | 36      |

parentheses indicate allowed by special use approval

**Recommendation:** Staff recommends the following changes:

- Maximum allowable height for highway signs from 80 ft to 100 ft
- Maximum allowable surface area for highway signs from 120 sqft (850 sqft by special use permit) to 1024 sqft
- Maximum allowable height for freestanding pole signs from 16 ft to 25 ft
- Maximum allowable surface area for freestanding pole signs from 60 sqft (115 sqft by special use permit) to 165 sqft

**PETITION**  
**FOR ZONING TEXT AMENDMENT**

TO: President and Board of Trustees  
Village of Hampshire, Kane County, Illinois

1. Please consider the following request for amendment of the existing Village Zoning Regulations, Hampshire Municipal Code, Title 6: Zoning Regulations, to modify the Zoning Regulations to combine the membership and duties of the Village Plan Commission and Zoning Board of Appeals into a single new entity, designated as the Planning & Zoning Commission, and to amend all references in the Village Code to conform with such modification.

A copy of the proposed amendment(s) is attached  
hereto and incorporated herein by this reference

2. Please refer this proposed text amendment of the Zoning Regulations to the Village Plan Commission for review and recommendation as soon as practicable.

3. Please schedule a public hearing for consideration of this proposed amendment to the text of the Village Zoning Regulations before the Village Zoning Board of Appeals as soon as practicable.

Dated: January 26, 2021.

Respectfully submitted:



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**Village of Hampshire  
Amendment to Village Code  
For Planning & Zoning Commission**

**CHAPTER 1      MUNICIPAL OFFICERS AND EMPLOYEES  
ARTICLE II     BOARD OF TRUSTEES**

1-2-4: COMPENSATION:                    \*   \*   \*

B. A trustee shall be compensated for attending the following:

1. Any meeting of a committee of the board of trustees of which the trustee is an appointed member;
2. Any meeting or official function of any outside entity to which the trustee is appointed as a representative of the village, or is directed to attend as such representative by the president or by a majority of a quorum of the board of trustees (for such determination, the person to so attend being excluded from the vote); and
3. Any meeting of any other committee of the board of trustees, or a meeting of the ~~plan commission or zoning board of appeals~~Planning & Zoning Commission, but only either when requested to attend the meeting by the chair of the village committee, commission or board, as the case may be; or when directed to attend by the village president or by majority of a quorum of the board of trustees (for such determination, the person to so attend being excluded from the vote).
4. The trustee serving as zoning administrator may attend a meeting of or public hearing conducted by ~~either the zoning board of appeals, or~~ the ~~plan commission~~Planning & Zoning Commission, as he deems necessary and advisable, and shall be compensated therefor.

**CHAPTER 4                    ADULT ENTERTAINMENT ESTABLISHMENTS.      \*   \*   \***

4-15-4: SITE PLAN REVIEW REQUIRED:

A. Prior to the issuance of any permit for the construction or occupancy of an adult entertainment establishment, the applicant for a permit must first proceed through the site plan review procedure set forth in chapter 7, "Subdivision Regulations", of this code.

1. A site plan for an adult entertainment establishment shall be reviewed by the ~~plan commission or zoning board of appeals~~Planning & Zoning Commission within sixty (60) days after it is filed by the applicant for a permit; and the ~~plan commission or zoning board of appeals~~Planning & Zoning Commission shall forward to the village board of trustees its recommendation for approval, approval with conditions, or disapproval of the site plan.
2. The village board shall approve, approve with conditions, or disapprove the site plan within sixty (60) days of its receipt of such recommendation.
3. The ~~plan commission or zoning board of appeals~~Planning & Zoning Commission may recommend, and the village board of trustees may specify, such conditions on the development and/or operation of the adult entertainment establishment related to the site plan, floor plan, construction materials, lighting, parking and traffic circulation, ingress and egress, landscaping and screening, and signage, as may in its respective discretion be advisable or necessary for the protection of the public interest and to secure compliance with the standards and requirements of this code. (Ord. 02-10, 5-16-2002)

**CHAPTER 5:      BUILDING REGULATIONS**

5-11-1: APPEARANCE CODE:                    \*   \*   \*



**Village of Hampshire  
Amendment to Village Code  
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**C. Procedures:**

1. The village building code official, or his/her designee, shall review the plan and/or drawing of the exterior design of every building and site to be constructed in the village for compliance with this code, prior to the issuance of a building permit. Building permits shall only be issued upon authorization of the village building code official.

2. Any appeals to this code, or the village building code official's determination of compliance with this article, shall be made in writing and submitted to the village building code official. The village building official shall direct such requests to the ~~zoning board of appeals~~Planning & Zoning Commission, who shall make a recommendation to the village board. The village board's decision shall be final.

3. The ~~zoning board of appeals~~Planning & Zoning Commission shall consider the following points prior to providing the village board with a written recommendation:

a. Will the objectives outlined in subsection A of this section be met if the requested deviations are granted?

b. Is there a particular physical condition of the specific property and/or building(s) involved that would create a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out?

c. Will granting the requested deviation from these regulations be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located?

d. Will granting the requested deviation impair an adequate supply of light and air to buildings on the subject property or to the adjacent property?

e. Will granting the requested deviation increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood?

**CHAPTER 6: ZONING REGULATIONS \* \* \***

**ARTICLE II RULES AND DEFINITIONS**

SPECIAL USE: A use which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. After due consideration, in each case by the Board of Trustees after receiving the report and recommendation of the ~~Plan Commission~~Planning & Zoning Commission relative to the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "special use" may or may not be granted by the Board of Trustees. \* \* \*

**ARTICLE IV NONCONFORMING BUILDINGS, STRUCTURES AND USES \* \* \***

**6-4-6: CONDEMNATION OF NONCONFORMING BUILDINGS AND STRUCTURES:**

A. The Village of Hampshire, at any time and from time to time by ordinance duly enacted and in accordance with the authority vested in it by Illinois Revised Statutes, chapter 11-13-17, shall have the following powers:

1. To acquire by purchase, condemnation, or otherwise, any buildings or structures which do not conform to the standards fixed by the Village of Hampshire pursuant to section 11-13-1, chapter 24 of the Revised Statutes of the State of Illinois, and all land which is necessary or appropriate for the rehabilitation or redevelopment of any area blighted by substandard buildings or structures;

2. To remove or demolish all such nonconforming buildings or structures so acquired;

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- 3. To hold and use any remaining property for public purposes; and
  - 4. To sell, lease or exchange such property as is not required for public purposes, subject to the provisions of this Chapter or of any amendment hereto.
- B. No such acquisition by condemnation shall be made until such time as the ~~Plan Commission~~Planning & Zoning Commission, at the request of the Village Board of Trustees or upon its own initiative, shall have made a study of the area within which such nonconforming building or structure is located, and shall have filed a written report on such study with the Village Board of Trustees. (1985 Code)

**ARTICLE VI                      ESTATE DISTRICTS                      \*   \*   \***

**6-6-2: E-1 ESTATE DISTRICT REQUIREMENTS:**

- A. Permitted Uses: In an E-1 district, the only uses permitted are as follows: \*   \*   \*

Public and community parks, playgrounds and forest preserves, excluding commercial enterprises therein.

- 1. The ~~Zoning Board of Appeals~~Planning & Zoning Commission may, upon written application made therefor, grant such temporary seasonal permits for the selling and dispensing of food, refreshments and nonalcoholic beverages in certain designated areas, terminable by said Board at such time or times as may be determined by it, as shall be compatible with the general purposes of the classification of this district.
- 2. No right or privilege to continue the selling or dispensing of any such products beyond the period of time designated by the Board, or beyond the time when such right or privilege is terminated by it, shall be accrued by reason of the issuance of any such permit.

\*   \*   \*

Single-family residence, each one on a building lot or tract of not less than two hundred fifty feet (250') of average width and four (4) acres in area not including any portion of any public or private highway, street or alley, excepting any smaller lot or parcel of land of public record on the adoption date of this chapter, as amended or subsequently officially approved by the Hampshire ~~Zoning Board of Appeals~~Planning & Zoning Commission and the Hampshire Village Board.

**6-6-3: E-2 ESTATE DISTRICT REQUIREMENTS:**

- A. Permitted Uses: In an E-2 District the only uses permitted are as follows: \*   \*   \*

Single-family residence, each one on a building lot or tract of not less than two hundred feet (200') of average width and two and one-half (2<sup>1</sup>/<sub>2</sub>) acres in area, not including any portion of any public or private highway, street or alley, excepting any smaller lot or parcel of land of public record on the adoption date of this chapter, as amended or subsequently officially approved by the ~~Zoning Board of Appeals~~Planning & Zoning Commission and the Hampshire Village Board. (1985 Code; amd. Ord. 18-38, 11-1-2018)

**6-6-4: E-3 ESTATE DISTRICT REQUIREMENTS:**

- A. Permitted Uses: In an E-3 District the only uses permitted are as follows: \*   \*   \*

Single-family residence, each one on a building lot or tract of not less than one hundred thirty two feet (132') of average width and one and one-fourth (1<sup>1</sup>/<sub>4</sub>) acres in area, not including any portion of

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any public or private highway, street or alley, excepting any smaller lot or parcel of land of public record on the adoption date of this chapter, as amended or subsequently officially approved by the Zoning Board of Appeals Planning & Zoning Commission and the Hampshire Village Board. (1985 Code; amd. Ord. 18-38, 11-1-2018)

**ARTICLE VII RESIDENCE DISTRICTS**

6-7-5: RR RURAL RESIDENTIAL DISTRICT: \* \* \*

E. Lot Size: Every one-family dwelling hereafter erected shall be located on a tract of land having an area of not less than one acre nor more than fifteen (15) acres. The exact amount of acreage for each lot shall be determined in individual case by the village board, upon the recommendation of the zoning board of appeals Planning & Zoning Commission.

1. In determining the specific lot size to be required, the village board shall consider and make findings concerning the following factors:

- a. Existing topography and proposed topographical changes.
- b. Suitability of the subject property for subsurface sanitary disposal system.
- c. Soil types and soil characteristics.
- d. Existing conditions and proposed changes with respect to drainage of surface and subsurface waters.
- e. Existing and proposed vegetation and ground cover.
- f. Suitability of access, traffic conditions and congestion.
- g. Diminishing property values in the area or injury to the use and enjoyment of other property.
- h. Such other conditions and factors as to the zoning board of appeals Planning & Zoning Commission and village board shall seem relevant in an individual case.

**ARTICLE VIII BUSINESS DISTRICTS**

6-8-5: B-4 OFFICE BUSINESS DISTRICT: \* \* \*

B. Permitted Uses: In a B-4 Office Business District, the only permitted uses shall be as follows:

\* \* \*

Other office uses substantially similar to the permitted uses in this district as determined by the Zoning Board of Appeals Planning & Zoning Commission after notice and hearing as in the case of variations. (Ord. 90-2, 4-5-1990; amd. Ord. 10-24, 10-21-2010; Ord. 18-38, 11-1-2018)

6-9-2: M-1 RESTRICTED INDUSTRIAL DISTRICT REQUIREMENTS: \* \* \*

C. Special Uses: In the M-1 Restricted Industrial District, the only special uses shall be as follows:

\* \* \*

Other manufacturing, processing, and storage uses determined by the Plan Commission Planning & Zoning Commission to be of the same general character as the uses permitted in this section, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare, or heat.

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6-9-3: M-2 GENERAL INDUSTRIAL DISTRICT REQUIREMENTS: \* \* \*

C. Special Uses: In an M-2 Industrial District, the following special uses shall be allowed: \* \* \*

Other manufacturing, processing, and storage uses determined by the ~~Plan Commission~~Planning & Zoning Commission to be of the same general character as the uses permitted in this section, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare, or heat.

6-9-4: M-3 INDUSTRIAL DISTRICT REQUIREMENTS: \* \* \*

C. Special Uses: In an M-3 Restricted Industrial District, the following special uses shall be allowed:

Other manufacturing, processing, and storage uses determined by the ~~Plan Commission~~Planning & Zoning Commission to be of the same general character as the uses permitted in this section, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare, or heat.

6-9-5: O-M OFFICE AND RESTRICTED MANUFACTURING DISTRICT: \* \* \*

D. Special Uses: In an O-M Office Manufacturing District, the following special uses shall be allowed:  
\* \* \*

Other manufacturing, processing, and storage uses determined by the ~~Plan Commission~~Planning & Zoning Commission to be of the same general character as the uses allowable in this section, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare, or heat.

**ARTICLE X FARMING DISTRICT**

6-10-1: F-1 RESTRICTED FARMING DISTRICT:

A. In an F-1 Restricted Farming District, the only permitted uses shall be as follows:

1. Those uses existing at the time of rezoning, annexing, or the adoption of this Chapter.
2. There shall not be an increase in stock by head count, and any stock use terminated for more than ninety (90) days will not be allowed to resume in the future unless an application for a special use is heard by the ~~Zoning Board of Appeals~~Planning & Zoning Commission and approved by the Village Board of Trustees.
3. Lot or parcel areas, yard widths and depths, ground floor area, height and bulk requirements will be no less than R-1 District minimums.

**ARTICLE XI OFF-STREET LOADING AND PARKING**

6-11-1: OFF-STREET LOADING: \* \* \*

L. Lighting:

1. Illumination of an off-street parking area shall be arranged so as not to reflect direct rays of light into adjacent residential districts and streets.

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2. All lighting shall be extinguished no later than thirty (30) minutes after the close of the business or the use being served, except as may otherwise be authorized by the ~~Zoning Board of Appeals~~Planning & Zoning Commission.

**ARTICLE XII COMMUNITY GRAPHICS**

\* \* \*

**6-12-14: APPEALS AND VARIANCES:**

Variations shall be granted only on evidence that signage cannot be reasonably installed as provided in this article due to the unique physical characteristics of the property, its surroundings, and/or the nature of the sign itself.

A. Minor Variation: An application for variation of the regulations of this article will be reviewed by the ~~zoning board of appeals~~Planning & Zoning Commission within the following standards:

1. Area: A variation may be allowed in an amount not to exceed twenty percent (20%) of the sign surface area otherwise allowable under these regulations.

2. Height: A variation may be allowed in an amount not to exceed four and one-half feet (4<sup>1</sup>/<sub>2</sub>') higher than the height otherwise allowable under these regulations.

3. Action By The ~~Zoning Board Of Appeals~~Planning & Zoning Commission:

- a. The ~~zoning board of appeals~~Planning & Zoning Commission shall consider the application within thirty (30) days of receipt of the application.

- b. After consideration of the application, the ~~zoning board of appeals~~Planning & Zoning Commission shall in writing approve, approve with conditions, or disapprove of the application.

- c. If the application is approved or approved with conditions, the ~~zoning board of appeals~~Planning & Zoning Commission shall instruct the zoning administrator to issue a variation permit, listing any specific conditions specified by the board. If the application is disapproved, the board shall instruct the zoning administrator to provide the applicant with written notification of the board's decision.

4. Appeal To Board Of Trustees: The applicant may appeal to the village board of trustees any decision of the ~~zoning board of appeals~~Planning & Zoning Commission disapproving the application, or approving the application with specific conditions, by filing a written notice of such appeal with the village clerk not later than thirty (30) days after the date of the decision of the ~~zoning board of appeals~~Planning & Zoning Commission. The board of trustees shall consider the application, any record of evidence presented to the ~~zoning board of appeals~~Planning & Zoning Commission, and any written findings or decision by the ~~zoning board of appeals~~Planning & Zoning Commission; and shall allow the applicant the opportunity to be heard on the matter, before rendering a decision on the appeal.

B. General Variation: For any sign which would be nonconforming by virtue of its location or any other characteristics, a variation may be allowed when the ~~zoning board of appeals~~Planning & Zoning Commission finds that the applicant has demonstrated either: 1) that unique physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship on the owner, or 2) that no other reasonable alternatives exist which would conform to this article and in either case 3) that the public good realized would be greater than that achieved should the strict letter of the regulations otherwise be carried out.

1. Action By The ~~Zoning Board Of Appeals~~Planning & Zoning Commission:

- a. The ~~zoning board of appeals~~Planning & Zoning Commission shall consider the application within thirty (30) days of receipt of the application.

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b. After consideration of the application, the ~~zoning board of appeals~~Planning & Zoning Commission shall make a recommendation to the board of trustees, for approval, approval with conditions, or denial of any application for variation.

2. Action By The Board Of Trustees: The board of trustees shall review the recommendation of the ~~zoning board of appeals~~Planning & Zoning Commission, and then approve, approve with conditions, or deny such application.

C. Special Graphics Area: A special graphics area may be created to provide the opportunity for a creative approach to community graphics within a separately defined area or portion of the village, which community graphics may not conform to all the conditions set forth in this article. The design features, dimensions, and locations of the community graphics proposed for a special graphics area shall be specified in an application for creation of a special graphics area filed with and to be approved by the village.

1. Requirements:

a. An applicant for a special graphics area shall submit architectural plans and drawings with his application which illustrate all graphics proposed to be created in the area, and which specify the design features, dimensions and locations of all proposed graphics for the area.

b. Any graphics proposed for the special graphics area shall meet the requirements of section 6-12-1 of this article, even if other requirements of this article will not be met.

2. Action By The ~~Zoning Board Of Appeals~~Planning & Zoning Commission: The ~~zoning board of appeals~~Planning & Zoning Commission shall make a recommendation to the board of trustees, accompanied by written findings of fact, for approval, approval with conditions, or denial of any application for creation of a special graphics district.

3. Action By The Board Of Trustees: The board of trustees shall review the recommendation of the ~~zoning board of appeals~~Planning & Zoning Commission, and then approve, approve with conditions, or deny any such application.

D. Amendment Of Special Graphics Area: The limits of any special graphics area, or the graphics proposed therein, may be modified or amended, but only after compliance with the procedures set out in subsection C of this section. (Ord. 08-27, 6-12-2008)

**ARTICLE XIV                      ADMINISTRATION**

6-14-1: Administration and Enforcement

6-14-2: Zoning Administrator

6-14-3: ~~Zoning Board Of Appeals~~Planning & Zoning Commission

6-14-4: ~~Plan Commission~~

6-14-5: The President And Board Of Trustees

6-14-1: ADMINISTRATION AND ENFORCEMENT:

Administration of this Zoning Chapter is to be vested in the following bodies:

Zoning Administrator

~~Zoning Board of Appeals~~

~~Plan Commission~~Planning & Zoning Commission

President and Board of Trustees

6-14-2: ZONING ADMINISTRATOR:

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A. Appointment:

1. The Zoning Administrator shall be appointed by the Village Board of Trustees.
2. Such Board may designate the Village Clerk or other Village official as Zoning Administrator.

B. The Zoning Administrator and such deputies or assistants that have been, or shall be, duly appointed shall enforce this Chapter and in addition thereto, and in furtherance of such authority, shall:

1. Issue all zoning certificates and make and maintain records thereof.
2. Issue all certificates of occupancy, and make and maintain records thereof.
3. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Chapter.
4. Maintain permanent and current records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefor.
5. Provide and maintain a public information bureau relative to all matters arising out of this Chapter.

~~6. Forward to the Plan Commission all applications for special uses and for amendments to this Chapter that are initially filed with the office of the Zoning Administrator, then to the Zoning Board of Appeals Planning & Zoning Commission.~~

~~76.~~ Forward to the Zoning Board of Appeals Planning & Zoning Commission, applications for appeals, variations, special uses, amendments, or other matters on which the Board of Appeals Commission is required to pass under this Chapter.

~~87.~~ Issue permits regulating the erection and use of tents for periods not to exceed ten (10) days for specific purpose such as: temporary carnivals, churches, charities or charitable uses, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said tents or operations are in conformance with all other ordinances and codes of the Village.

~~98.~~ Initiate, direct, and review, from time to time, a study of the provisions of this Chapter, and make reports of its recommendations to the Plan Commission Planning & Zoning Commission. ~~not less frequently than once a year.~~

6-14-3: ~~ZONING BOARD OF APPEALS~~ PLANNING & ZONING COMMISSION:

A. Creation: ~~The zoning board of appeals of the village of Hampshire, which has been duly established by the municipal code of Hampshire of 1966, and consisting of its present members, is the zoning board of appeals referred to in this chapter.~~ There is hereby created in the Village a Planning & Zoning Commission.

B. . Membership:

1. The Planning & Zoning Commission shall consist of seven (7) members, who shall be appointed by the Village President, with the advice and consent of the Board of Trustees. Each member of the Planning & Zoning Commission shall be a resident of the Village.

2. Each member of the Planning & Zoning Commission shall serve a term of five (5) years, provided however, the initial terms shall be staggered, and the initial terms of members shall be as follows:

- A. One (1) member shall serve an initial term of one year, expiring \_\_\_\_\_, 2021.
- B. One (1) member shall serve an initial term of two years, expiring \_\_\_\_\_ . 2022.
- C. One (1) member shall serve an initial term of three year, expiring \_\_\_\_\_ . 2023
- D. One (1) member shall serve an initial term of four years, expiring \_\_\_\_\_ . 2024
- E. One (1) member shall serve an initial term of five years, expiring \_\_\_\_\_ . 2025



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F. One (1) member shall serve an initial term of six years, expiring \_\_\_\_\_ . 2026

G. One (1) member shall serve an initial term of seven years, expiring \_\_\_\_\_ . 2027

3. The Village President shall appoint one member of the Commission to serve as Chair. The Chair shall serve a term of two years; provided, a member may be reappointed to multiple terms as Chair.

4. The Chair shall from time to time appoint a secretary, including an acting secretary as needed, who shall record and maintain minutes of the Commission's proceedings and official actions, including attendance at meetings; motions made and seconded, and the vote on each motion or question put before the Commission. The Secretary shall also conduct the correspondence of the Commission; shall in the absence of a court reporter or the Village Clerk summarize accurately testimony of those appearing before the Commission; and shall file with the Village Clerk all official documents, correspondence, and records of the commission.

5. Vacancies shall be filled by the village president, subject to confirmation by the board of trustees, for the unexpired term.

C. Jurisdiction and Authority: The ~~zoning board of appeals~~ Planning & Zoning Commission is hereby vested with the following jurisdiction and authority:

1. To hear and decide any appeal from an administrative order, requirement or determination made by the zoning administrator under this article.

2. To hold public hearings on applications for variations and thereafter to submit reports of findings and recommendations to the board of trustees in the manner set forth in this article for variations.

3. To hold public hearings on applications for amendments and thereafter to submit reports of findings and recommendations to the board of trustees in the manner set forth in this article for amendments.

4. To hold public hearings on applications for special uses and thereafter to submit reports of findings and recommendations to the board of trustees in the manner set forth in this article for special uses

4. To hear or decide all other matters referred to it and which it is required to decide under the Village Code ~~this chapter.~~

6. Propose any amendment of the text of the Village Zoning Regulations and/or Subdivision Regulations, and the zoning map, of the village as it may deem necessary or advisable.

7. To review and make recommendations regarding any Plat of Subdivision under § 7-2-1 et seq..

8. To review and make recommendations regarding any petition to establish a large scale business planned development under § 6-17-1 et seq..

9. To review and make recommendations regarding any petition to establish a planned residential development under § 6-18-1 et seq..

10. To consider any application for establishment of a Special Graphics District, or a variance of the graphics regulations of the village.

11. To prepare, recommend to the president and board of trustees, and update from time to time a comprehensive plan for the village.

a. Such plan shall include reasonable requirements for public improvements in the village, regarding streets, alleys and public grounds in unsubdivided land within the corporate limits of the village and in contiguous territory outside of the village and distant not more than one and one-half (1<sup>1</sup>/<sub>2</sub>) miles from such limits, and not included in any city, village or incorporated town.



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12. Receive from time to time from the zoning administrator and evaluate recommendations related to the effectiveness of this chapter and report its conclusions and recommendations to the village board of trustees.

13. To aid the officials of the village charged with the direction of projects from improvements embraced within the plan and to further the making of such improvements.

14. To promote the realization of the comprehensive plan.

D. Procedure:

1. Meetings:

a. All meetings of the ~~zoning board of appeals~~Planning & Zoning Commission shall be held at the call of the Zoning Administrator or the chairman, and at such other times as the board may determine.

b. All testimony by witnesses at any hearing shall be given under oath or affirmation.

c. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses.

d. All meetings of the board shall be open to the public.

e. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions.

f. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board shall immediately be filed in the office of the village clerk and shall be of public record.

2. Decisions:

a. The ~~zoning board of appeals~~Planning & Zoning Commission shall decide matters as authorized by this chapter in a specific case and after public hearing.

b. A concurring vote of four (4) members of the ~~zoning board of appeals~~Planning & Zoning Commission shall be necessary on any matter upon which it is authorized to decide by this chapter.

E. Appeals:

1. The ~~zoning board of appeals~~Planning & Zoning Commission shall hear and decide appeals from an administrative order, requirement, or determination under this chapter, made by the zoning administrator.

2. An appeal may be taken to the ~~zoning board of appeals~~Planning & Zoning Commission by any person, firm or corporation, or by any office, department, board, bureau or commission, aggrieved by an administrative order, requirement, decision or determination under this chapter by the zoning administrator.

3. An appeal shall be filed with the ~~Village Clerk zoning administrator~~ and forwarded to the ~~zoning board of appeals~~Planning & Zoning Commission and thereafter processed, all as prescribed by applicable Illinois statutes.

4. All decisions, after hearing of the ~~zoning board of appeals~~Planning & Zoning Commission on appeals from an administrative order, requirement, decision or determination of the administrative officer, shall be final administrative determinations and shall be subject to judicial review ~~only~~ in accordance with applicable Illinois statutes.

F. Variations:

1. The ~~zoning board of appeals~~Planning & Zoning Commission shall recommend, and the board of trustees shall decide, variations as herein set forth to the provisions of this chapter.

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2. All variations shall be in harmony with the general purpose and intent of this chapter, and a variation shall be granted only in specific instances where the ~~zoning board of appeals~~Planning & Zoning Commission, after public hearing, shall have made a finding of fact based upon the standards hereinafter prescribed that there is a practical difficulty or particular hardship occasioned by the strict letter of the regulations of this chapter.

3. An application for variation may be made by any person, firm or corporation, or by an office, department, board, bureau or commission, requesting or intending to request such application.

4. An application for a variation shall be filed with the zoning administrator, who shall thereafter forward such application to the ~~zoning board of appeals~~Planning & Zoning Commission.

5. A variation shall be recommended by the ~~zoning board of appeals~~Planning & Zoning Commission only after the ~~zoning board of appeals~~Planning & Zoning Commission has conducted a public hearing thereon.

6. There shall be a notice of time and place of said public hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within the village of Hampshire.

7. A written notice shall be served at least fifteen (15) days before the hearing to the owners of the properties located adjacent to the location for which the variation is requested. (1985 Code)

8. In any area of which a petition for variation from the zoning ordinance is being considered, notice shall be posted for at least fifteen (15) days prior to the public hearing.

a. The posted notice(s) shall be in number, size and location, as prescribed by the zoning administrator and shall indicate that a request for the variation from the zoning ordinance has been requested, the date, time and place that the public hearing will be held on the variation, and any other information prescribed by the zoning administrator.

b. Posted notices shall be removed by the applicant from the subject area within fifteen (15) days after the public hearing has been held, and failure to do so shall constitute a violation of this chapter.

9. Time for notices shall be computed in accordance with subsection 6-14-2D of this article. (Ord. 06-51, 9-7-2006; amd. Ord. 14-24, 5-1-2014)

10. Decisions on such variations by the board of trustees shall be in accordance with procedures set forth in Illinois statutes.

11. The ~~zoning board of appeals~~Planning & Zoning Commission shall decide upon each application for variation according to the following standards:

a. The ~~zoning board of appeals~~Planning & Zoning Commission shall not recommend a variation unless it shall find, based upon evidence presented to it at the public hearing on the application for variance, the following:

(1) That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located, and that the variation, if granted, will not alter the essential character of the locality; or

(2) That the plight of the owner is due to unique circumstances and that the variation, if granted, will not alter the essential character of the locality.

b. For the purpose of supplementing the above standards, the ~~zoning board of appeals~~Planning & Zoning Commission shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

(1) That the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out;

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(2) That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same district;

(3) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;

(4) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property;

(5) That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

(6) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

c. The ~~zoning board of appeals~~Planning & Zoning Commission may recommend and the board of trustees may require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this article to reduce or minimize the injurious effect of such variation upon other property in the neighborhood and to implement the general purpose and intent of this chapter.

12. The ~~zoning board of appeals~~Planning & Zoning Commission shall hear and recommend and the board of trustees shall decide only such variation to the regulations of this chapter as follows:

a. To permit a yard or other required open area to have less width or depth than herein required by applicable zoning district regulations.

b. To permit the use of a lot of record on the effective date of this chapter for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than eighty percent (80%) of the required lot area.

c. To permit parking lots to be illuminated later than thirty (30) minutes after close of business.

d. To permit the same off street parking spaces to qualify as required spaces for two (2) or more uses, provided that the maximum use of such facility by each user does not take place during the same hours or on the same days of the week.

e. To allow any permitted nonresidential use in an estate or residence district to exceed the floor area ratio and building height regulations of the district where such use is to be located, and to allow any governmental, institutional or public utility buildings or structures permitted in business and manufacturing districts to exceed the floor area regulations of the district where such buildings or structures are to be located.

f. To permit the reconstruction of a nonconforming building which has been destroyed or damaged to an extent of more than sixty percent (60%) of its value by fire, or act of God or the public enemy, where the board shall find some compelling public necessity requiring a continuance of the nonconforming use, and in no case shall such a permit be issued if its primary function is to continue a monopoly.

g. To interpret the provisions of this chapter where the street layout or lot lines actually on the ground vary from the street layout or lot lines shown on the district map as locations of zoning district boundary lines.

h. To vary the off street parking regulations for a change of use in a conforming building when it is found that adequate off street parking facilities exist in the vicinity, or providing the required number of parking spaces on the same lot or within the required distance from it would impose an unreasonable hardship upon the use of such building as contrasted with merely granting an advantage or convenience.

i. To permit a solid fence to be erected along any lot line of a lot in an estate or residence district that is contiguous or across an alley or street from a lot upon which is located a nonresidential use.

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j. To permit those nonconforming freestanding ground signs in existence on the effective date of this chapter, to remain at their present location regardless of the sign requirements of the zoning classification in which they are now located.

(1) This variance applies only to signs in existence as of the effective date of this chapter, not to subsequent replacements or modifications of said nonconforming freestanding ground signs.

(2) For the purpose of this section, nonconforming shall mean those freestanding ground signs which became nonconforming upon the passage of the municipal code of the village of Hampshire of 1966 and subsequent amendments to the sign regulations up and through the effective date of this chapter.

G. Amendments:

1. Amendments may be proposed by any governmental body, or by any person or organization.

2. An application for an amendment shall be filed with the zoning administrator.

a. The application shall be filed in such form and accompanied by such information as required by the zoning administrator.

b. Such application shall be forwarded by the ~~zoning board of appeals~~Planning & Zoning Commission for review, public hearing, and written recommendations thereon to the village board of trustees.

3. Within sixty (60) days of receipt of any application for rezoning, ~~or such time as may be agreed by the applicant, the zoning board of appeals~~Planning & Zoning Commission shall hold a public hearing on such application at a time and place as shall be established by legal advertisement (notice of hearing) by the ~~zoning board of appeals~~Planning & Zoning Commission.

4. The public hearing shall be conducted and a record of the proceedings shall be preserved in such a manner as the ~~Planning & Zoning Commission board of trustees~~ shall by rule prescribe from time to time.

5. Notice of time and place of the hearing shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation within the village of Hampshire.

6. In any area for which an individual application for a change in zoning classification is being considered, notice shall be posted for at least fifteen (15) days prior to the public hearing.

a. The posted notices shall be in number, size and location, as prescribed by the zoning administrator and shall indicate the present zoning classification, the time and place of public hearing, and any other information prescribed by the zoning administrator.

b. Posted notices shall be removed by the applicant from the subject area within fifteen (15) days after the public hearing has been held, and failure to do so shall constitute a violation of this chapter. (1985 Code)

7. Time for notices shall be computed in accordance with subsection 6-14-2D of this article. (Ord. 06-51, 9-7-2006)

8. The ~~zoning board of appeals~~Planning & Zoning Commission shall make written findings of fact and shall submit same together with its recommendations to the board of trustees for final action.

a. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the ~~zoning board of appeals~~Planning & Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

(1) Existing uses of property within the general area of the property in question.

(2) The zoning classification of property within the general area of the property in question.

(3) The suitability of the property in question to the uses permitted under the existing zoning classification.

(4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

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(5) The objectives of the current land use plan. (1985 Code; amd. Ord. 06-51, 9-7-2006)

H. Special Uses:

1. The purpose of this subsection is as follows:

a. The development and execution of this chapter is based upon the division of the community into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform.

b. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring land, and of the public need for the particular use in the particular location.

c. For the purposes of this section, such conditional uses fall into two (2) categories:

(1) Uses publicly operated or traditionally affected with a public interest.

(2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

d. Planned developments shall be governed in all respects by this chapter.

2. A person may file an application to use such land for one or more of the special uses provided for in this chapter in the zoning district in which the land is located, if and only if he holds an interest in the land in question as follows:

a. A freehold interest in land;

b. A possessory interest entitled to exclusive possession; or

c. A contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable.

3. An application for a special use shall be filed with the zoning administrator in a form prescribed by the zoning administrator:

a. The application shall be accompanied by such plans and/or data prescribed by the ~~zoning board of appeals~~Planning & Zoning Commission;

b. The application shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards set forth hereinafter;

~~c. Such application shall be forwarded from the zoning board of appeals to the plan commission with a request to review said application and accompanying data and submit written recommendations thereon to the zoning board of appeals prior to the public hearing required pursuant to subsection G4 of this section; and~~

d. Such application shall be forwarded from the zoning administrator to the ~~zoning board of appeals~~Planning & Zoning Commission with a request to review said application and accompanying data, conduct a public hearing thereon, and submit written recommendations thereon to the village board of trustees.

4. Within sixty (60) days of receipt of any application for a special use, ~~or such time as may be agreed by the applicant, the zoning board of appeals~~Planning & Zoning Commission shall hold a public hearing on the application, at such time and place as shall be established by legal advertisement (notice of hearing) by the ~~zoning board of appeals~~Planning & Zoning Commission.

5. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner as the board of trustees shall, by rule, prescribe from time to time.

6. Notice of time and place of the hearing shall be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers with a general circulation

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within the village of Hampshire. Supplemental or additional notices may be published or distributed as the board of trustees may, by rule, prescribe from time to time.

7. In any area for which an individual application requests a special use, there shall be an additional notice posted on the premises for at least fifteen (15) days prior to the public hearing:

a. The posted notices shall be in number, size and location as prescribed by the zoning administrator and shall indicate the present zoning classification, the proposed special use, the time and place of public hearing, and any other information prescribed by the zoning administrator.

b. Posted notices shall be removed by the applicant from the subject area within fifteen (15) days after the public hearing has been held.

c. Failure to do so shall constitute a violation of this chapter. (1985 Code)

8. Time for notices shall be computed in accordance with subsection 6-14-2D of this article. (Ord. 06-51, 9-7-2006)

9. The ~~zoning board of appeals~~Planning & Zoning Commission shall make written findings of fact and shall submit same together with its recommendations to the village board of trustees for final action. No special use shall be recommended by the ~~zoning board of appeals~~Planning & Zoning Commission, unless such board shall find, in writing, as follows:

a. That the establishment, maintenance or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;

b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood;

c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

d. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood;

e. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

f. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

g. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board of trustees pursuant to the recommendations of the ~~zoning board of appeals~~Planning & Zoning Commission.

10. Conditions and guarantees for any special use may be required as follows:

a. Prior to the granting of any special use, the ~~zoning board of appeals~~Planning & Zoning Commission shall, in a conclusion paragraph separate from the findings of fact, stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. (1985 Code; amd. Ord. 06-51, 9-7-2006)

b. For any application for special use for a massage therapy establishment, the ~~zoning board of appeals~~Planning & Zoning Commission shall consider for recommendation, and the board of trustees may approve, the following conditions:



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(1) All persons administering massage therapy, as defined in 225 Illinois Compiled Statutes 57/10, shall be duly licensed by the state of Illinois in accordance with the requirements of law; and

(2) Each owner, operator or manager, and any massage therapist at any massage therapy establishment shall at all times comply with any and all laws, statutes, rules and regulations applicable to the business.

(3) No owner, operator or manager, or massage therapist at any such massage therapy establishment shall be convicted of any offense arising out of or related to his, her or their conduct in the management or operation of such establishment. (Ord. 10-24, 10-21-2010)

c. In all cases in which special uses are recommended, the ~~zoning board of appeals~~Planning & Zoning Commission may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection herewith are being and will be complied with. (1985 Code; amd. Ord. 06-51, 9-7-2006; Ord. 10-24, 10-21-2010)

11. Action by the village board of trustees shall be taken as follows:

a. The village board of trustees shall not act upon a proposed special use permitted under this chapter until it shall have received a written report and recommendation from the ~~zoning board of appeals~~Planning & Zoning Commission on the proposed special use.

b. The board of trustees may grant or deny, by ordinance or resolution, any application for special use, and may establish such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use, as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein.

c. In all cases where the board of trustees permits the establishment of a special use, the terms of the relief granted shall be specifically set forth in the ordinance or resolution in a conclusion statement, separate from any findings of fact in the case. (1985 Code; amd. Ord. 06-51, 9-7-2006)

~~D.~~I. Amendments to the Comprehensive Plan:

1. Amendments may be proposed by any governmental body, or by any person or organization.

a. The application shall be filed in such form and accompanied by such information as required by the zoning administrator.

b. Such application shall be forwarded to the ~~plan commission~~Planning & Zoning Commission for review and written recommendations thereon ~~to the zoning board of appeals.~~

~~2. The plan commission shall make written findings of fact and shall submit same together with its recommendations to the zoning board of appeals prior to the zoning board of appeal's public hearing.~~

~~a.c.~~ Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the ~~plan commission~~Planning & Zoning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

(1) Existing uses of property within the general area of the property in question.

(2) The zoning classification of property within the general area of the property in question.

(3) The suitability of the property in question to the uses permitted under the existing zoning classification.

(4) The trend of development, if any, in the general area of the property in question, including changes if any, which have taken place in its present zoning classification.

(5) The objectives of the current land use plan.

**ARTICLE XVI**

**INTERCHANGE OVERLAY DISTRICT**

\* \* \*

6-16-5: SITE PLAN REQUIREMENTS:

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A. Application: In the Interchange Overlay District, all applications for building, zoning or rezoning, and special permits shall require site plan review by the ~~Plan Commission~~Planning & Zoning Commission and approval by the Village Board. No construction permit shall be issued within the Overlay District until a site plan as required by this Section has been approved.

B. Review: The following shall require review of the ~~Plan Commission~~Planning & Zoning Commission only, without approval by the Village Board:

1. Applications for permits necessary to structurally alter an existing building where such structural alteration results in an expansion of less than one thousand (1,000) square feet, or less than ten percent (10%) of the area of the existing building, whichever is greater;
2. Applications for permits necessary to acquire access or additional access to an arterial roadway;
3. Applications for certificates of occupancy for changes in use which result in an increase in off-street parking requirements.

\* \* \*

D. Development Standards:

1. Access and Egress Requirements:
  - a. The minimum distance between driveways must be two hundred feet (200'), unless precluded by the location of existing driveways on adjacent properties.
  - b. Access to arterial roadways may be prohibited from any property having access to a street intersecting with an arterial roadway, or any parcel with frontage on an arterial roadway which has access through an existing joint-use access easement or driveway.
  - c. Each separate use, grouping of attached buildings, or uses permitted as part of a single integrated plan, shall have not more than two (2) access points to any arterial roadway.
  - d. Each building or group of buildings and their parking or service area(s) shall be physically separated from the adjacent street by a curb, planting strip or other suitable barrier.
  - e. When conditions warrant, the ~~Plan Commission~~Planning & Zoning Commission may require the proponent to dedicate and construct right-hand-turn lanes along interstate highway frontage roads to aid ingress-egress.

**ARTICLE XVII LARGE SCALE BUSINESS PLANNED DEVELOPMENT DISTRICT REGULATIONS \* \* \***

6-17-4: STANDARDS:

A. As part of the approval of a large scale business planned development, the ~~plan commission~~Planning & Zoning Commission may recommend and the board of trustees may grant modifications to, exceptions from, and variations of, any provisions of the village zoning regulations, subdivision regulations, and all other applicable codes and ordinances, including, but not limited to:

1. Lot design (such as lot area, lot width, lot depth, and yard setbacks).
2. Block standards.
3. Limitations on density or number of dwelling units.
4. Building height.
5. Bulk standards.
6. Landscape buffers.
7. Performance standards.
8. Street design standards.



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9. Permitted uses.

\* \* \*

**6-17-6: PROCEDURE FOR ESTABLISHMENT OF AN LSBPD DISTRICT: \* \* \***

A. Filing: An application for establishment of an LSBPD District and approval of a preliminary development plan shall be filed with the Village Clerk.

B. Preapplication Conference: No application shall be accepted by the clerk unless and until a preapplication conference shall have been conducted with such village consultants, and representatives of the village board, as shall be from time to time designated by the village president.

1. The preapplication conference shall be for the purpose of reviewing the proposed LSBPD in light of the village's comprehensive plan, the existing zoning and land use in the general area of the proposed development, proposed land uses in the proposed LSBPD, existing facilities for municipal services, and other pertinent factors.

2. The applicant shall present both a sketch plan, showing the boundaries of the property, relationship to existing highways and streets, proposed street layout, significant land features, and existing buildings; and a written statement describing the proposed land uses, lot sizes and density, type(s) of buildings, water and wastewater disposal services, and other significant features of the proposed LSBPD. The applicant shall provide to the village clerk not less than six (6) copies of the sketch plan and the written statement prior to the preapplication conference.

3. The representatives of the board, and consultants, attending such preapplication conference shall render such comments as are deemed advisable regarding the proposed LSBPD.

4. Prior to the preapplication conference, the prospective applicant shall comply with the village policy as established from time to time regarding deposit of funds as security for payment or reimbursement of consultant fees incurred by the village.

C. Concept Plan: The applicant shall thereafter file with the village clerk a petition for establishment of an LSBPD district, and a concept plan for the planned development. The applicant shall provide the village not less than eighteen (18) copies of the concept plan upon filing.

1. The purpose of the concept plan is to enable the applicant to obtain the opinions and comments of the village board and ~~plan commission~~Planning & Zoning Commission regarding the concept plan for the LSBPD before incurring considerable time and expense in the preparation of a detailed preliminary plan for the proposed development. Upon request from the developer, the village board may waive the requirement for a concept plan, and instead, the developer may submit a preliminary development plan for review in accordance with subsection D of this section.

2. The ~~plan commission~~Planning & Zoning Commission shall review the concept plan, and recommend approval, approval with conditions, or disapproval of the concept plan, and forward said recommendation together with any pertinent comments to the board of trustees.

3. The board of trustees shall review and approve, approve with conditions, or disapprove the concept plan submitted by the applicant.

D. Preliminary Development Plan: The applicant shall file with the village clerk a preliminary development plan, not later than six (6) months after the date of approval of the concept plan. The applicant shall provide the village with not less than eighteen (18) copies of the preliminary development plan upon filing. \* \* \*

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3. The procedure for action on a petition for establishment of a large scale business planned development district, and approval of a preliminary development plan, before the ~~plan commission~~Planning & Zoning Commission, ~~zoning board of appeals~~ and board of trustees shall be as follows:

a. The ~~plan commission~~Planning & Zoning Commission, within sixty (60) days or such time as may be agreed by the applicant, after a petition for establishment of an LSBPD district, and for approval of a preliminary development plan, has been filed with the village, shall conduct a public hearing to consider all aspects of the petition, and the preliminary development plan, including all proposed stages and/or units of development.

(1) Notice of the time and place of said public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing, by publishing a notice thereof in a newspaper published or generally circulated in the village.;

(2) ~~Within thirty (30) days after the public hearing on such plan, the plan commission shall prepare and transmit to the village board and to the zoning board of appeals~~Planning & Zoning Commission the following:

~~———— (A) Specific findings of fact with respect to the extent to which the petition, and the preliminary development plan, and each of them, complies with the standards set out in this article; and~~

~~———— (B) Recommendation to the zoning board of appeals~~Planning & Zoning Commission with respect to the action to be taken on the petition, and the preliminary development plan.

~~—4. The zoning board of appeals~~Planning & Zoning Commission shall, within sixty (60) days after receiving the findings and recommendations of the plan commission, conduct a public hearing to consider all aspects of the petition, and the preliminary development plan, including all proposed stages and/or units of development.

~~—— a. Notice of the time and place of said public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing, by publishing a notice thereof in a newspaper published or generally circulated in the village; and by posting notice thereof on the subject property in accordance with the requirements of subsection 6-14-3G6 of this chapter.~~

b. Within thirty (30) days after the public hearing on such plan, the ~~zoning board of appeals~~Planning & Zoning Commission shall prepare and transmit to the village board and to the applicant the following:

(1) Specific findings of fact with respect to the extent to which the petition and the preliminary development plan, and each of them, complies with the standards set out in this article; and

(2) Recommendations to the village board with respect to the action to be taken on the petition and the preliminary development plan.

c. The ~~zoning board of appeals~~Planning & Zoning Commission may recommend disapproval, approval, or approval with conditions as to the petition and Preliminary Development Plan

~~5. At the discretion of the village board, the public hearing before the plan commission, and the public hearing before the zoning board of appeals~~Planning & Zoning Commission, described in this section, may be combined for purposes of taking comment, and a joint public hearing may be conducted for that purpose; provided, the plan commission shall make its recommendation and forward same to the zoning board of appealsPlanning & Zoning Commission prior to the time that the zoning board of appealsPlanning & Zoning Commission shall make its recommendation to the village board.

~~6.4.~~ The village board shall approve, approve with conditions, or disapprove the petition, and the preliminary development plan, within sixty (60) days after it receives the findings and recommendations of the ~~zoning board of appeals~~Planning & Zoning Commission, unless said time is extended by mutual consent of the village board and applicant.

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a. Approval by the board of trustees of the preliminary development plan shall constitute approval of the general features of the large scale business planned development, subject to approval of final development plan(s) as provided below.

b. Approval of the preliminary development plan by the village board shall be effective for a period of twenty four (24) months, provided, the village board may in its sole discretion allow a longer period of time or waive this time requirement in its entirety.

c. No preliminary development plan shall be approved by the village board of trustees without first being reviewed by the village engineer, who shall submit findings and comments to the village board to assist the village board in its review of the preliminary development plan. The village engineer's report shall be advisory in nature and shall not be binding upon the village board.

~~75.~~ The board of trustees may modify these procedures as it deems necessary or advisable, as specified in its approval of the concept plan, in light of the size and scope of the proposed LSBPD.

6-17-7: PROCEDURE FOR REVIEW AND APPROVAL OF FINAL DEVELOPMENT PLAN: \* \* \*

D. The ~~plan commission~~Planning & Zoning Commission shall consider the application for approval of the final development plan.

1. If the final development plan is in substantial compliance with the preliminary development plan, and the application for final approval has been filed with such supporting materials as the village requires, the ~~plan commission~~Planning & Zoning Commission shall, within thirty (30) days of such filing, recommend approval of the final development plan.

2. If the final development plan is not in substantial compliance with the preliminary development plan as approved, a public hearing to consider the final development plan shall be held before the ~~plan commission~~Planning & Zoning Commission.

a. For purposes of this subsection, any modification only in the location of streets, facilities for water supply or wastewater treatment, or facilities for storm water detention, retention or conveyance shall not be considered to be a substantial change, and no public hearing shall be required as to any such modification, unless such modification results in a reduction in the availability of streets or such facilities in the proposed development area.

b. For purposes of this subsection, it shall be considered to be a substantial change if there is any change in the location of any proposed intersection of a proposed street and any existing public highway; and it shall be considered to be a substantial change if there is any reduction in open space of more than five percent (5%).

c. Following such public hearing, the ~~plan commission~~Planning & Zoning Commission shall recommend approval, approval with conditions, or disapproval of the final development plan, and forward said recommendation to ~~both the zoning board of appeals and~~ board of trustees.

~~E. The zoning board of appeals shall review and make its recommendation regarding the proposed final development plan within thirty (30) days after receiving findings and recommendations from the plan commission, and shall forward same to the board of trustees. The zoning board of appeals Planning & Zoning Commission shall utilize the same criteria and procedures relating to substantial compliance with the preliminary development plan as established for the plan commission in subsection D of this section.~~

F. Within forty five (45) days after receiving findings and recommendations from the ~~zoning board of appeals~~Planning & Zoning Commission, the village board shall review and approve, approve with conditions, or disapprove the proposed final development plan; provided, if the final development plan is

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in substantial compliance with the preliminary development plan, the board of trustees shall approve the final development plan.

1. The village may require, as a condition for its approval of any final development plan, the following:
  - a. The final development plan bear on its face the name of its preparer, the date of preparation, and the date of any revisions;
  - b. The final development plan be accompanied by final engineering plans and specifications, and an estimate of costs for any and all improvements shown in the plan, which plans and estimate shall be subject to the approval of the village engineer;
  - c. The final development plan be accompanied by an appropriate completion bond, irrevocable letter of credit, or cash, in accord with the requirements specified by subsection 7-2-4D of this code and applicable law;
  - d. The final development plan, and all development undertaken pursuant to the final development plan, shall be in compliance with all other applicable codes, regulations, statutes and laws pertaining to the proposed development.
- G. Any large scale business planned development shall be developed only in substantial compliance with the final development plan approved by the board of trustees.

\* \* \*

**6-17-9: AMENDMENTS:**

A preliminary or final development plan may be amended, upon request of the owner and/or developer of the subject property, but only after a public hearing has been held and a recommendation has been made by the ~~plan commission~~Planning & Zoning Commission, and after review and approval by the board of trustees, pursuant to the provisions of this article. (Ord. 04-05, 2-19-2004)

**ARTICLE XVIII PLANNED RESIDENTIAL DEVELOPMENT DISTRICT**

**6-18-1: PURPOSE:**

A. Because planned residential developments are of such substantially different character from other developments, specific and additional standards and exceptions are hereby established to govern review and approval of any application for establishment of a planned residential development district in the village.

1. General Purpose: A planned residential development is a privilege to be earned and not a right to be claimed simply by complying with the standards established in this article. The village may require any reasonable conditions or design considerations which will promote a development of benefit to the community. It is not intended that the village automatically grant the maximum use exceptions or density increase in the case of each planned residential development. The ~~plan commission~~Planning & Zoning Commission shall recommend and the village board may grant only such increase or latitude which is consistent with the benefit accruing, in the judgment of the village, to the village as a result of the planned residential development. As a condition for approval, each proposed planned residential development district must be generally compatible with the character and objectives for the zoning regulations which would otherwise apply for the type(s) of uses proposed for the development, shall be at least fifty (50) acres in size, and shall be consistent with the objectives of the village's comprehensive land use plan.

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6-18-2: DEFINITIONS:

~~PLAN COMMISSION~~PLANNING & ZONING COMMISSION: The ~~Plan Commission~~Planning & Zoning Commission of the Village.

~~ZONING BOARD OF APPEALS: The zoning board of appeals of the village.~~

6-18-3: SPECIAL PROCEDURES AND STANDARDS:

A. Planned residential developments are of a substantially different character from conventional subdivisions or development on individual zoning lots within a conventional zoning classification, and, therefore, shall require administrative procedures for review and approval pursuant to the provisions of this article.

B. Because planned residential developments are complex and of a different character than other developments, the village has established the following specific procedures and standards for planned residential developments. The standards set forth herein are intended to guide the recommendations of the ~~plan commission~~Planning & Zoning Commission and the approval of the Village Board during review of the proposed planned residential development. (Ord. 05-02, 2-10-2005)

\* \* \*

6-18-6: GENERAL PROVISIONS: \* \* \*

B. Standards: The following standards shall apply to review and approval of a planned residential development; provided, however, the ~~plan commission~~Planning & Zoning Commission may recommend, and the village board may approve, such exceptions from these standards as are determined appropriate to achieve one of the objectives of subsection 6-18-5A of this article:

1. Unified Control: The proposed planned residential development shall be under unified control.
2. Comprehensive Plan: The proposed planned residential development shall strive to conform to the land uses, intent, and spirit of the comprehensive plan.
3. Compatibility: Uses proposed for a planned residential development shall be compatible with surrounding land uses.
4. Subdivided: Preliminary and final plats of subdivision shall be submitted.
5. Yards: The yards required along the periphery of a planned residential development shall be at least equal in depth to those prescribed by the regulations which would otherwise apply to the type(s) of use proposed for the planned residential development. The village may approve greater setbacks from the boundary line of a planned residential development when determined necessary to protect the privacy of residents in either an existing, or any other proposed, subdivision.
6. Landscaping: At a minimum, the proposed planned residential development shall conform to the landscaping requirements set forth in chapter 7, "Subdivision Regulations", of this code. The village may approve landscaping features in excess of said standards where determined necessary to achieve the objectives set forth in this article.
7. Trails: Paths and/or trails for hiking, biking, equestrian or other use should be constructed in residential areas, and as connections to natural features. In addition, paths and/or trails should be provided for convenient access for pedestrians between residential areas.
8. Public Streets:

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a. Except as provided in subsection B8b of this section, all streets shall be publicly dedicated, and constructed in accordance with applicable standards contained in the village's subdivision code, as may be amended from time to time.

b. The village may approve reduced rights of way or pavement width in residential areas if it is determined to be appropriate to foster the rural character of the subject area, to preserve natural features, or for other good reason.

c. In any residential areas, cross connections to adjacent tracts of land, and to existing road stubs, should be provided.

9. Vehicular Access: Points of vehicular ingress and egress to the planned residential development site shall be designed to maintain the safety and operational efficiency of the village's streets. Cross access (at least, by road stubs) between the planned residential development and outside properties shall be provided where feasible.

10. Size Of Development: The minimum size for a planned residential development is fifty (50) acres.

11. Underground Utilities: All utilities (including electric, telephone, gas and cable television) shall be installed underground.

12. Tree Replacement: The petitioner should evidence substantial compliance with the village's tree replacement policy.

13. Preliminary Approval: Preliminary approval of a planned residential development by the village board shall be null and void, in the event that the petitioner has failed to submit for and diligently pursue approval of a final development plan for at least one phase of the proposed development within twelve (12) months of the date of approval of the preliminary plan.

14. Completion: Construction of the planned residential development shall be substantially completed within the period of time proposed by the petitioner and established in the development ordinance, provided, the petitioner may request and the board of trustees may approve an extension of time for good cause shown. In general, each phase of a planned residential development should be completed within two (2) years of the date of approval of the final plat for such phase; the board of trustees may allow a longer time, when the scope or complexity of the development may require it.

15. Compliance With Zoning Or Other Codes And Ordinances: Where there is a conflict between the provisions of this article and any other provision or provisions of this code, the provisions of this article shall prevail. Except as otherwise set forth herein, all other applicable village code provisions shall apply to the planned residential development.

16. Exceptions: The ~~plan-commission~~Planning & Zoning Commission may recommend, and the village board may approve, exceptions to the standards and criteria set forth in this article when determined by the village to be necessary to achieve the planning objectives set forth in this article. (Ord. 05-02, 2-10-2005)

**6-18-7: RESIDENTIAL STANDARDS:**

A. Open Space/Greenbelt: Open space shall be provided for village residents in the form of parks, greenbelts, open space and recreational facilities, consistent with regulatory and policy directives of the village and the provisions of this article.

1. Unless otherwise recommended by the ~~plan-commission~~Planning & Zoning Commission and approved by the village board, or unless otherwise provided by annexation agreement, not less than forty percent (40%) of the land within a planned residential development shall be designated as open space, greenbelt and/or recreational facilities.

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2. The land described in subsection A1 of this section shall be credited against any requirement for the dedication of land, or payment of cash in lieu thereof, otherwise required to be dedicated or paid for public use pursuant to the village code or policy.

3. Where parks and greenbelts illustrated on the village's comprehensive land use plan are located in any proposed planned residential development, the village may require dedication of the land necessary for such parks or greenbelts. In the alternative, the village may require contributions of cash in lieu of dedication of such land.

4. Unless otherwise prescribed by the village, designated open space, greenbelts or public recreational facilities reserved under a planned residential development shall be held and maintained by a homeowners' association, until conveyed to a public authority approved by the village board. Such designated open space shall be for the benefit and use of all village residents.

5. All designated open space, greenbelts and/or recreational facilities shall be dedicated as open space in perpetuity, and shall be so designated in the development ordinance and final plat of subdivision recorded for the planned residential development.

6. Any cost of improving open space or greenbelts, or constructing recreational facilities proposed as part of a planned residential development, shall be included in the letter of credit or other surety required for the public or quasi-public improvements as more fully described in the village's subdivision code.

7. Open space shall be suitably improved for its intended use; provided, natural features contained within any proposed open space deemed, in the sole judgment of the village, to be worthy of preservation, may be left unimproved.

8. No portion of a planned residential development shall be conveyed as public open space, greenbelt or recreation to any public body except as approved by the village board.

9. For the purposes of this article, recreational facilities and open space provided as part of the planned residential development shall include, but not be limited to, the following:

- a. Park.
- b. Greenbelt.
- c. Golf course.
- d. Swimming pool.
- e. Community center.
- f. Health club.
- g. Tennis court.
- h. Jogging/hiking trail.
- i. Physical fitness course.
- j. Conservation area.
- k. School.
- l. Municipal use area.
- m. Wildlife habitat/native plant preservation area.
- n. Mature stands of trees to be preserved.

10. Not less than thirty percent (30%) of the total open space of any planned residential development shall be unencumbered by environmental resources such as wetlands, streams, floodplains, floodways, creeks, or the like that render such space unusable for active recreation purposes. Conversely, not more than seventy percent (70%) of the total open space of any planned residential development shall consist of an area or areas encumbered by such environmental resources.

B. Density Shift: Density within designated areas of a planned residential development may be established taking into consideration open space and/or recreational facilities provided under this section,



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subject to the limitation that in no event shall the maximum density in the development exceed 1.75 dwelling units per acre of the total gross area of the entire development.

C. Lot Size; Density: For purposes of calculating density, and unless otherwise recommended by the ~~plan-commission~~Planning & Zoning Commission and approved by the board of trustees, actual lot size shall be as provided in the ordinance approving the planned residential development. Provided, notwithstanding the above, the ~~plan-commission~~Planning & Zoning Commission may recommend and the board of trustees may require minimum lot sizes that are larger than the minimum otherwise specified elsewhere in the village zoning regulations, if in the sole judgment of the village, deemed necessary or advisable to achieve the objectives of the comprehensive plan or those of this article.

**6-18-8: PRELIMINARY DEVELOPMENT PLAN:**

A. Filing: A petition for establishment of a planned residential development district shall be filed with the village clerk.

\* \* \*

7. The village may, at its discretion, require plans and supporting documentation to be revised before referring the matter to the ~~plan-commission~~Planning & Zoning Commission and the village board for concept plan review; and may require additional meetings between the prospective applicant and the village, to assure that the proposed planned residential development conforms, to the maximum extent possible, with applicable provisions, goals, and policies of the village.

C. Concept Plan: A concept plan for the development shall be filed with the village clerk as part of the petition for establishment of a planned residential development district. The applicant shall provide the village not less than twenty (20) copies of the concept plan upon filing.

1. The purpose of the concept plan is to enable the applicant to obtain the opinions and comments of the village board and ~~plan-commission~~Planning & Zoning Commission before incurring considerable time and expense in the preparation of a detailed preliminary plan for the proposed development.

2. The ~~plan-commission~~Planning & Zoning Commission shall review the concept plan, and recommend approval, approval with conditions, or disapproval of the concept plan, and forward said recommendation together with any pertinent comments to the board of trustees.

3. No formal action shall be taken by the board of trustees in regard to any concept plan; but the board shall make such comments upon the concept plan, and the recommendation of the ~~plan-commission~~Planning & Zoning Commission, as it deems necessary and advisable for the guidance of the applicant.

4. The board of trustees may accept as a concept plan under these regulations a concept plan approved prior to the adoption of these regulations, and the developer may proceed to submit a preliminary development plan for approval. Further, such preliminary development plan shall be filed within six (6) months of the date of adoption of these regulations, for purposes of subsection D of this section.

D. Filing of Plan: The applicant may thereafter file with the village clerk a preliminary development plan, provided any such preliminary development plan shall be so filed not later than six (6) months after the last date of consideration of the concept plan by the board of trustees at one of its meetings. The applicant shall provide the village with not less than twenty seven (27) copies of the



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preliminary development plan upon filing. All required materials shall be included in the submittal; and the submittal shall be delivered to the village clerk not less than twenty one (21) days prior to the meeting of the ~~plan commission~~Planning & Zoning Commission at which the submittals shall first be considered.

1. The purpose of the preliminary development plan is to obtain approval from the village that the plan, design, and program for the development are acceptable, and the petitioner may proceed on that basis to final planning. The preliminary development plan is a relatively detailed submission that assures the petitioner that he can proceed to prepare a final development plan with the assurance that any final development plan that substantially conforms to the preliminary development plan will be approved by the village.

2. The chair of the ~~plan commission~~Planning & Zoning Commission shall first determine if the materials submitted are complete in accord with the requirements of this article. If the submittal is incomplete then the chair shall inform the petitioner in writing as to the deficiencies in the documents and information to complete the submittal so as to warrant further village review. Upon receipt of complete materials, the matter shall be scheduled for public hearing in accordance with this subsection.

3. The village engineer shall prepare a report which shall evaluate the proposed planned residential development for compliance with applicable codes and ordinances; the village may also request such reports from the village attorney or other village consultants. The village shall make such reports available to the petitioner prior to the meeting.

4. A preliminary development plan shall include the various items required to be included in a preliminary plan under subsection 7-2-3B of this code, and the following information and/or documentation: \* \* \*

E. Petition For Establishment: The procedure for action on a petition for establishment of a planned residential development district, and approval of a preliminary development plan, before the ~~plan commission~~Planning & Zoning Commission, ~~zoning board of appeals~~ and board of trustees shall be as follows:

1. The ~~plan commission~~Planning & Zoning Commission, within forty five (45) days after a complete petition for establishment of a planned residential development district, and for approval of a preliminary development plan, has been filed with the Village Clerk, or within such time as may be agreed by the applicant, conduct a public hearing to consider all aspects of the petition, and the preliminary development plan, including all proposed stages and/or units of development.

~~— a. Notice of the time and place of said public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing, by publishing a notice thereof in a newspaper published or generally circulated in the village;~~

~~— b. Within forty five (45) days after the public hearing on such plan, the plan commission shall prepare and transmit to the village board and to the zoning board of appeal the following:~~

~~— (1) Specific findings of fact with respect to the extent to which the petition, and the preliminary development plan, and each of them, complies with the objectives and standards set out in this article; and~~

~~— (2) Recommendation to the zoning board of appeals with respect to the action to be taken on the petition, and the preliminary development plan.~~

~~— 2. The plan commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions as to the petition, and the preliminary development plan.~~

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~~—3. The zoning board of appeals shall, within forty five (45) days after receiving the findings and recommendations of the plan commission, conduct a public hearing to consider all aspects of the petition, and the preliminary development plan, including all proposed stages and/or units of development.~~

a. Notice of the time and place of said public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing, by publishing a notice thereof in a newspaper published or generally circulated in the village; and by posting notice thereof on the subject property in accordance with the requirements of subsection 6-14-3G6 of this chapter.

b. Within forty five (45) days after the public hearing on such plan, the ~~zoning board of appeals~~Planning & Zoning Commission shall prepare and transmit to the village board and to the applicant the following:

(1) Specific findings of fact with respect to the extent to which the petition and the preliminary development plan, and each of them, complies with the standards set out in this article; and

(2) Recommendations to the village board with respect to the action to be taken on the petition and the preliminary development plan.

4. The ~~zoning board of appeals~~Planning & Zoning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions as to the petition and the preliminary development plan.

~~—5. At the discretion of the village board, the public hearing before the plan commission, and the public hearing before the zoning board of appeals, described in this section, may be combined for purposes of taking comment, and a joint public hearing may be conducted for that purpose; provided, the plan commission shall make its recommendation and forward same to the zoning board of appeals prior to the time that the zoning board of appeals shall consider the petition and make its recommendation to the village board.~~

6. The village board shall approve, approve with conditions, or disapprove the petition, and the preliminary development plan, within sixty (60) days after it receives the findings and recommendations of the ~~zoning board of appeals~~Planning & Zoning Commission, unless said time is extended by mutual consent of the village board and applicant.

7. Approval by the board of trustees of the preliminary development plan shall constitute acceptance of the planned residential development, subject to approval of final development plan(s) as provided below. Approval of the preliminary development plan by the village board shall be effective for a period of twenty four (24) months, provided the village board may allow a longer period of time or waive the time requirement in its entirety. (Ord. 05-02, 2-10-2005)

**6-18-9: FINAL DEVELOPMENT PLAN:**

A. The developer shall file an application for approval of a final development plan with the village. The applicant shall provide the village with not less than twenty (20) copies of the final development plan upon filing.

B. The application for final development plan shall include the following information, and any additional information that is pertinent to the proposed development, including information relating to any modifications to the preliminary development plan as the board of trustees may have deemed necessary or advisable and shall have specified in its approval of the preliminary development plan; and all information shall be presented on acceptable reproducible material: \* \* \*

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C. The application for approval of final development plan shall be in substantial compliance with the preliminary development plan as approved. The application may request approval of a final development plan for all or any phase of the development; provided:

1. A final development plan for the first phase of the development shall have been submitted for approval no later than twelve (12) months after the approval of the preliminary development plan; and

2. A final development plan or plans covering the entire area of the planned residential development shall have been submitted to the village for approval in accord with any time limitations established as a condition for approval of the preliminary development plan, or not later than twenty (20) years after the date of approval of the preliminary development plan, whichever is later.

3. Upon application of the owner and/or developer of the subject property, the board of trustees may at any time and from time to time extend the period of time for such submission(s).

D. The ~~plan-commission~~Planning & Zoning Commission shall consider the application for approval of the final development plan:

1. If the final development plan is in substantial compliance with the preliminary development plan, and the application for final approval has been filed with such supporting materials as the village requires, the ~~plan-commission~~Planning & Zoning Commission shall, within thirty (30) days of such filing, or within such other time as may be agreed by the applicant, consider the final development plan and at such time or as soon thereafter as is practicable recommend approval thereof.

2. If the final development plan is not in substantial compliance with the preliminary development plan as approved, a public hearing to consider the final development plan shall be held before the ~~plan-commission~~Planning & Zoning Commission.

a. Any modification in the location of streets, facilities for water supply or wastewater treatment, or facilities for storm water detention, retention or conveyance shall not be considered to be a substantial change, and no public hearing shall be required as to any such modification, unless such modification results in a reduction in the availability of streets or such facilities in the proposed development area.

b. Following such public hearing, the ~~plan-commission~~Planning & Zoning Commission shall recommend approval, approval with conditions, or disapproval of the final development plan, and forward said recommendation to the board of trustees.

E. Within forty five (45) days after receiving findings and recommendations from the ~~plan-commission~~Planning & Zoning Commission, the village board shall review and approve any final development plan which is in substantial compliance with the preliminary development plan. If the final development plan is not in substantial compliance with the preliminary development plan, the board of trustees shall review and approve, approve with conditions, or disapprove the proposed final development plan.

1. The village may require, as a condition for its approval of any final development plan, that:

a. The final development plan must bear on its face the name of its preparer, the date of preparation, and the date of any revisions;

b. The final development plan must be accompanied by final engineering plans and specifications, and an estimate of costs for any and all public improvements shown in the final development plan, which estimate shall be subject to the reasonable approval of the village engineer;

c. The final development plan must be accompanied by an appropriate completion bond, irrevocable letter of credit, or cash, in accord with the requirements specified by subsection 7-2-4D of this code;

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d. The final development plan and all development pursuant to the final development plan shall be in compliance with all other applicable codes, regulations, statutes and laws pertaining to the proposed development.

F. Any planned residential development shall be developed only in substantial compliance with the final development plan approved by the board of trustees. (Ord. 05-02, 2-10-2005)

**6-18-10: CONTRIBUTIONS:**

The owner and/or developer of any planned residential development shall, unless expressly relieved of the obligation by the corporate authorities, make such contributions of cash, land, or combination thereof, as shall satisfy the provisions of any annexation agreement, development agreement, or other agreement concerning the subject property in regard thereto, and/or the requirements of chapter 14 of this code, as the case may be. (Ord. 05-02, 2-10-2005)

**6-18-11: AMENDMENTS:**

A preliminary or final development plan may be amended, upon request of the owner and/or developer of the subject property, but only after a public hearing has been held and a recommendation has been made by the ~~plan commission~~Planning & Zoning Commission, and after review and approval by the board of trustees, pursuant to the provisions of this article.

**ARTICLE XIX                      COMMUNICATIONS TOWERS AND ANTENNAS                      \*   \*   \***

**6-19-7: SPECIAL USE PERMITS:**

A. General: The following provisions shall govern the issuance of special use permits for towers or antennas by the village:

1. If the tower or antenna is not a permitted use under section 6-19-5 of this article, or permitted to be approved administratively pursuant to section 6-19-6 of this article, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna.

2. Applications for special use permits under this section shall be subject to the procedures and requirements of the zoning regulations, except as modified in this section, including recommendation by the ~~zoning board of appeals~~Planning & Zoning Commission and approval by the board of trustees of the village.

3. In granting a special use permit, the ~~zoning board of appeals~~Planning & Zoning Commission may recommend, and/or the board of trustees may impose conditions to the extent the village concludes such conditions are necessary to minimize any adverse effect of the proposed tower and accessory building including extension facade materials and design on adjoining properties, but such conditions may not have the effect of prohibiting erection of the tower.

4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

5. Each applicant for special use shall file an application with the village clerk, including the information set forth in subsection B1 of this section and a deposit equal to five thousand dollars (\$5,000.00), from which the village shall from time to time pay the application fee, and the costs of reviewing the application, including fees incurred for any consultant to review and report on the application. Any balance remaining on said deposit after final decision of the application shall be refunded to the applicant. The village board shall from time to time set a fee for such application.

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**B. Towers:**

1. Information Required: In addition to any information required for applications for conditional use permits under the zoning regulations, applicants for a conditional use permit for a tower shall submit the following information: \* \* \*

2. Factors Considered In Granting Conditional Use Permits For Towers: In addition to any standards for consideration of conditional use permit applications pursuant to subsection 6-14-3H of this chapter, the ~~zoning board of appeals~~Planning & Zoning Commission and the board of trustees shall consider the following factors in determining whether to recommend issuance of a conditional use permit:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection B3 of this section.

\* \* \*

6. Security Fencing: Towers shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anticlimbing device; or designed to discourage climbing; to be provided however, that the ~~zoning board of appeals~~Planning & Zoning Commission may recommend and the board of trustees may approve a waiver of such requirement as it deems appropriate.

7. Landscaping: The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the ~~zoning board of appeals~~Planning & Zoning Commission may recommend, and the board of trustees may approve, a waiver of such requirements if the goals of this article would be better served thereby.

a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

C. Waiver Of Requirements: The ~~zoning board of appeals~~Planning & Zoning Commission may recommend, and/or the board of trustees may approve, a waiver or reduction of the burden of any one or more of the criteria set forth in this section if either respectively concludes that the purposes and goals of this article would be better served thereby; and specifically as to the setback requirement of subsection B4 of this section, may reduce the standard if enforcement of the requirement would effectively prohibit the proposed facilities.

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\* \* \*

D. Modification Of Building Size Requirements: The requirements of this section may be varied by the village in the case of administratively approved uses or by recommendation of the ~~zoning board of appeals~~Planning & Zoning Commission, and/or approval by the board of trustees in the case of uses permitted by special use, in order to accommodate or encourage collocation. (Ord. 06-54, 9-21-2006)

**CHAPTER 7 SUBDIVISION REGULATIONS**

**ARTICLE I GENERAL PROVISIONS FOR SUBDIVISIONS \* \* \***

**7-1-3: GENERAL REGULATIONS:**

A. Whenever any subdivision of land shall hereafter be laid out, the subdivider thereof or his agent shall submit both a preliminary and a final subdivision plat to the ~~Plan Commission~~Planning & Zoning Commission, said plats and plans of proposed improvements, and all procedures relating thereto, to be in full compliance with these regulations.

\* \* \*

**ARTICLE II PROCEDURE AND REQUIREMENTS**

**7-2-1: STAGES:**

- A. All subdivision plats shall be processed in three (3) stages leading to approval for recording:  
The concept or sketch plan;  
The preliminary plan; and,  
The final plat.
- B. In the instances specified in this Article II, the second stage may be waived. (1985 Code)

**7-2-2: CONCEPT OR SKETCH PLAN:**

A. 1. Submission: Any owner or representative of the owner of land shall submit to the ~~Plan Commission~~Planning & Zoning Commission a concept or sketch plan together with such information as is required in subsection B of this Section, to describe the existing conditions of the site and proposed development thereof. (1985 Code)

2. Security For Fees: At the time of submitting a concept plan to the ~~Plan Commission~~Planning & Zoning Commission for review, the applicant shall deposit with the Village Clerk a cash amount, certified check or money order, or surety bond issued by a surety licensed to conduct business in the State, in an amount not less than five thousand dollars (\$5,000.00), payable to the Village of Hampshire, as security for payment of engineering and/or attorney fees incurred by and payable to the Village pursuant to Section 7-5-10 of this Chapter, and any costs connected therewith. (Ord. 91-5, 4-18-1991)

\* \* \*

**C. Action:**

1. ~~Plan Commission~~Planning & Zoning Commission: Following review of the concept or sketch plan, the ~~Plan Commission~~Planning & Zoning Commission shall act thereon by approval or disapproval and shall forward said plan to the Village Board with its comments.

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2. Village Board: The Village Board shall review the concept or sketch plan and without formal action indicate to the ~~Plan Commission~~Planning & Zoning Commission and the owner its approval or disapproval of said plan, with or without additional comment, within sixty (60) days after the ~~Plan Commission~~Planning & Zoning Commission forwards the concept or sketch plan, unless said time is extended by mutual consent of the Village and the applicant.

**7-2-3: PRELIMINARY PLAN:**

A. The procedure for conditional approval of a preliminary subdivision plan by the ~~Plan Commission~~Planning & Zoning Commission is as follows:

1. Preliminary Plat: Following the pre-application conference on the concept, the subdivider shall prepare a preliminary plat, together with improvement plans and other supplementary material as specified in subsection B below:

a. In the event a proposed subdivision is one acre or less in area, the subdivider shall have the right to dispense with the preparation of the preliminary plat and to proceed directly with submission of the final plat.

b. In such case, the fee set forth in subsection A3 below shall be payable upon submission of the final plat.

2. Submission: An application in writing with three (3) copies of the preliminary plan shall be filed with the ~~Plan Commission~~Planning & Zoning Commission secretary at least ten (10) days prior to the regular meeting at which the plan is to be considered.

a. Upon submission, the ~~Plan Commission~~Zoning Administrator ~~secretary~~ shall determine whether the preliminary plat is in proper form.

b. The ~~Plan Commission~~Planning & Zoning Commission shall not receive or consider the application as filed until all documents are in accordance with the requirements set forth herein.

c. The application is to be accompanied by a statement from the Village Clerk that the filing fee has been paid as specified in subsection A3 below. (1985 Code)

3. Fees: At the time of filing an application for conditional approval of a preliminary subdivision plan, the applicant shall deposit with the Village Clerk a cash amount, certified check or money order payable to the Village of Hampshire, as a subdivision fee, at such rate or rates as shall be established from time to time by the Village Board of Trustees. (Ord. 91-5, 4-18-1991)

4. General Factors For Consideration:

a. The ~~Plan Commission~~Planning & Zoning Commission shall consider the following factors in reviewing the preliminary plan:

(1) "Specifications for Preliminary Plan", as set forth in subsection B of this Section;

(2) The Zoning Ordinance and the topography of the area;

(3) The general requirements of the neighborhood;

(4) The best use of the land to be subdivided; and,

(5) Specific requirements for parks, playgrounds, school sites, major streets, the adequacy of street connections and the suitability of land for development.

b. The preliminary plan will also be subject to the examination and comments to be submitted in writing to the ~~Plan Commission~~Planning & Zoning Commission within thirty (30) days by:

The Village Engineer;

The chairman of the Planning and Zoning Committee;

The Building and Zoning Officer; and,

The Superintendent of Public Works.



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5. Hearing: The Zoning Administrator ~~secretary of the Plan Commission~~ shall notify in writing the subdivider or his representative of the time and place at which he will be heard on behalf of his application, and may notify by mail all immediately adjacent property owners.

6. ~~Plan Commission~~Planning & Zoning Commission Conditional Approval:

a. Following review of the preliminary plan and other required material, and any negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the ~~Plan Commission~~Planning & Zoning Commission shall, within sixty (60) days, or within such time as may be agreed by the applicant, act thereon as submitted or modified.

b. If approved, the ~~Plan Commission~~Planning & Zoning Commission shall express its approval as a conditional approval, and shall state the conditions of such approval, if any, or

c. If disapproved, the ~~Plan Commission~~Planning & Zoning Commission shall express the disapproval and its reasons therefor.

7. Notification: The action of the ~~Plan Commission~~Planning & Zoning Commission shall be noted on three (3) copies of the preliminary plan, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy forwarded with a report to the Village Board, and the other retained by the ~~Plan Commission~~Planning & Zoning Commission.

8. Meaning Of Conditional Approval: Conditional approval of the preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the ~~Plan Commission~~Planning & Zoning Commission and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

9. Village Board Conditional Approval: Upon receipt of the preliminary plan and reort from the Planning & Zoning Commission, ~~the~~ Village Board shall, within thirty (30) days, or within such time as may be agreed by the applicant, ~~upon receipt of the preliminary plan and report from the Plan Commission~~, upon motion and majority vote, conditionally approve or disapprove the preliminary plan and notify the ~~Plan Commission~~Planning & Zoning Commission and the subdivider of its action.

10. Effective Period Of Conditional Approval:

a. Conditional approval of the preliminary plan shall be effective for a maximum period of twelve (12) months, except that submission within this period of a final plat applying to a portion of the area covered by the preliminary plan shall extend the effective period of conditional approval to a maximum of twenty four (24) months from the date of submission of the preliminary plan.

b. If a final plan has not been submitted to the ~~Plan Commission~~Planning & Zoning Commission within these time limits, the ~~Plan Commission~~Planning & Zoning Commission may require that the preliminary plan shall again be submitted to the ~~Plan Commission~~Planning & Zoning Commission for conditional approval.

\* \* \*

**7-2-4: FINAL PLAN:**

A. Procedure for Approval of Final Plat:

1. Submission: After approval of the preliminary plan by the ~~Plan Commission~~Planning & Zoning Commission and fulfillment of the required conditions, the subdivider shall apply for approval of a final plat.



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- a. The application for approval shall be submitted in writing to the ~~Plan Commission~~Planning & Zoning Commission secretary at least ten (10) days prior to the meeting at which it is to be considered.
  - b. One copy of the final plat of the subdivision or portion thereof, drawn in ink on tracing cloth, shall be submitted.
2. ~~Plan Commission~~Planning & Zoning Commission Action: Within sixty (60) days after submission, or within such time as may be agreed by the applicant, the ~~Plan Commission~~Planning & Zoning Commission shall approve or disapprove the final plat.
    - a. If the ~~Plan Commission~~Planning & Zoning Commission approves, such approval shall be entered upon the tracing by the chairman and secretary of the ~~Plan Commission~~Planning & Zoning Commission, and the tracing shall then be transmitted to the Village Board by the ~~Plan Commission~~Planning & Zoning Commission with recommendation for approval.
    - b. If the ~~Plan Commission~~Planning & Zoning Commission disapproves, it shall set forth the reasons in its own records and provide the applicant with a copy.
  3. Village Board Action: Within sixty (60) days after receiving the final plat from the ~~Plan Commission~~Planning & Zoning Commission, or within such time as may be agreed by the applicant, the Village Board shall take action.
    - a. If the Board approves, such approval shall be entered upon the tracing by the signatures of the President and Village Clerk, and shall be by resolution setting forth all conditions upon which approval is predicted.
    - b. If the Board disapproves, it shall set forth its reasons in its own records and provide the applicant and ~~Plan Commission~~Planning & Zoning Commission with a copy.
  4. Recording: Upon approval by the Board of Trustees, the developer shall record the plat with the Recorder of Kane County within six (6) months.
    - a. No building permit shall be issued, nor any construction started until evidence of recording has been received by the Director of Building.
    - b. If not recorded within six (6) months, the approval shall be null and void.
  5. Approval Not Acceptance Of Improvements: Approval of the final plat shall not be deemed to constitute or effect any acceptance by the Village of any improvement shown on the plan.
- B. Specifications For Final Plat:
1. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the ~~Plan Commission~~Planning & Zoning Commission.

**ARTICLE IV                      DESIGN STANDARDS**

**7-4-1: STREETS AND OTHER RIGHTS OF WAY:     \*     \*     \***

6. Alleys are not permitted, except where deemed necessary, and at the discretion of the ~~plan commission~~Planning & Zoning Commission and the board of trustees.
7. Cul-de-sacs are discouraged, but if approved shall meet the following minimum requirements:
  - a. The maximum length cul-de-sac shall be five hundred feet (500') measured along the center line from the intersection at origin through center of circle to end of right of way.
  - b. The minimum length, measured as above, shall be two hundred seventy five feet (275').
  - c. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum outside diameter of one hundred fifty feet (150') and a minimum paved width of one hundred feet (100') face to face of curb.

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8. Half streets shall be prohibited, except as follows:

a. Where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations.

b. Where the ~~plan-commission~~Planning & Zoning Commission and the board of trustees find it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

c. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be planned within such tract. \* \* \*

7-4-3: BLOCK STANDARDS:. The maximum length of a block shall be eight hundred feet (800'), subject to the following:

1. Crosswalk easements not less than ten feet (10') in width shall be provided where deemed necessary by the ~~plan-commission~~Planning & Zoning Commission at the approximate centers of the blocks.

2. Additional crosswalk ways in any instance to provide safe and convenient access to schools, parks, or other similar destinations shall be provided as specified by the ~~plan-commission~~Planning & Zoning Commission and the board of trustees.

B. All blocks must fit easily into the overall plan of the subdivision, and their design must evidence consideration of lot planning, traffic flow and public areas; no specific shape of a block is otherwise required. (Ord. 01-25, 8-16-2001)

\* \* \*

7-4-5: PARKS, SCHOOLS AND PUBLIC AREAS:

A. Where a proposed park, playground, school or other public use area, shown in the general development plan, existing or planned for the village of Hampshire and adjacent unincorporated areas, is located in whole or in part in a subdivision, the ~~plan-commission~~Planning & Zoning Commission or the board of trustees may require the dedication or reservation of areas for playgrounds and schools or other public uses within the subdivision, in those cases in which the ~~plan-commission~~Planning & Zoning Commission or the board of trustees deems such requirements to be reasonable, on the following conditions:

1. In no case shall the total amount of required public area exceed ten percent (10%) of the total gross acreage owned and controlled by one developer; and

2. The acquisition of the additional area needed for parks, playgrounds, schools or other public uses, other than streets and alleys, shall be secured by the proper governing body, or arrangements made for securing the area, from the owner.

B. In one subdivision of any land within the village, or within one and one-half (1½) miles of the corporate limits, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots, or similar conditions, which, if presented, will add attractiveness and value to the proposed development.

C. Where a residential subdivision adjoins a railroad right of way, an industrial area, or a business area of similar land uses which might have a deleterious effect on the residential use of the property, a buffer planting strip ten feet (10') or more shall be suitably planted to form an effective screen.

**ARTICLE V ADMINISTRATION AND ENFORCEMENT \* \* \***

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7-5-7: VARIATIONS:

A. Hardships:

1. The ~~Plan Commission~~Planning & Zoning Commission may, after written application by the subdivider, recommend in writing to the Village Board variations to the regulations set forth in this Chapter 7, subject to such conditions as are specified by the Commission, so that substantial justice may be done and the public interest secured, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this Chapter or the Comprehensive Plan.

2. The ~~Plan Commission~~Planning & Zoning Commission shall not recommend variations or exceptions to the regulations of this Chapter unless they shall make findings based upon the evidence presented to them in each specific case, that:

a. Because of the particular physical surroundings, shape or topography conditions of the specific property involved, a particular and extraordinary hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out;

b. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property;

c. The purpose of the variation is not based exclusively upon a desire to make more money out of the property; and,

d. The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

3. The Village Board may approve variations from these subdivision requirements in specific cases which in its discretion do not affect the Comprehensive Plan or the spirit of this Chapter.

B. Large Scale Developments: The standards and requirements of this Chapter may be modified in the case of large scale developments when the ~~Plan Commission~~Planning & Zoning Commission finds that a plan and program for a new village, complete community, shopping center, industrial park, or neighborhood unit provides adequate public open spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.

\* \* \*

7-5-10: FORMS FOR CERTIFICATIONS:

The following approval certificates, when applicable, shall be included on the final plat of subdivision:

\* \* \*

PLAN COMMISSIONPLANNING & ZONING COMMISSION CERTIFICATE

STATE OF ILLINOIS     )  
  )ss  
COUNTY OF KANE     )

THIS IS TO CERTIFY THAT THE MEMBERS OF THE PLAN COMMISSIONPLANNING & ZONING COMMISSION OF THE VILLAGE OF HAMPSHIRE HAVE REVIEWED AND APPROVED THE ABOVE PLAT.  
DATED THIS \_\_DAY OF \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**CHAPTER 9: PUBLIC WAYS AND PROPERTY**

**DRIVEWAYS**

[9-2-1](#): Permit Requirements, Fees, Bond

[9-2-2](#): Construction Regulations For Pavements

[9-2-3](#): Driveway Maintenance

[9-2-4](#): Violations, Procedure

\* \* \*

**9-2-4: VIOLATIONS, PROCEDURE:**

**A. Work Without A Permit:**

1. If work is done or is in progress without a permit, the superintendent of public works shall issue a violation notice. This violation notice shall be in writing to the owner and contractor.

2. Violation notice shall contain the name of the owner of the property and his address, the address of the building in violation, the name of the contractor and his address, a date for submission of plans and applications for permits. Such compliance date shall be no sooner than twenty four (24) hours from violation notice issuance, nor more than forty eight (48) hours from violation notice issuance.

3. When an owner or contractor in violation makes application for a permit, he shall agree to conform to all codes of the village, and to follow the plan review and building permit application procedures.

4. If the compliance date is not met, the ~~zoning board of appeals~~[Planning & Zoning Commission](#) shall hold a hearing to permit the violator an opportunity to show cause why a complaint should not be filed. The superintendent of public works, the village attorney and the violator or his representative shall be present.

5. If cause is not demonstrated, the village attorney shall prepare and file a complaint.

**B. Failure to Meet Compliance Date on Correction Notice:**

1. Reinspection of the property in violation will be made. (Ord. 01-25, 8-16-2001)

2. The superintendent of public works shall contact the owner or contractor in violation when there has been partial compliance or no compliance. Such contact shall be verbal and also in writing within forty eight (48) hours of the reinspection.

C. The notification shall recommend to the owner or contractor a course of action based upon the reinspection and facts supplied by the owner or contractor. Such notification shall establish a reasonable compliance date and provide for reinspection on said compliance date.

D. The reinspection process shall be repeated as long as satisfactory progress and good faith are demonstrated by the violator.

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- E. If compliance cannot be secured, ~~zoning board of appeals~~Planning & Zoning Commission shall hold a hearing to permit the violator an opportunity to show cause why a complaint should not be filed. The superintendent of public works, the village attorney and the violator or his representative shall be present.
- F. If cause is not demonstrated, the village attorney shall prepare and file the complaint. (1985 Code)

**CHAPTER 14: DEVELOPMENTAL IMPACT FEES** \* \* \*

**14-3-3: DEDICATION OF LAND:** \* \* \*

B. Credit For Private Open Spaces And Recreation Acres: When a developer provides open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services, and depending on the size of the development, all or a portion of the park and recreation area in the proposed development may, at the option of the village, be credited toward the contribution due for park and recreation purposes.

1. The extent to which private park and recreation area may be substituted for the required public park and recreation area shall be determined by the village based upon the nature of the projected areas of such open space, the needs of the projected residents, the adopted plans of the area and after consideration of the total park and recreation land for the general area.

2. In general, a substitution of private park and recreation area for dedicated parks and recreation areas may require a substantially higher degree of improvement and the installation of recreational facilities, including equipment, by the developer as part of his obligation.

3. Detailed plans of such areas, including specification of facilities to be installed, must be approved by the village, and before any credit is given for private parks and recreation areas, the subdivider or developer must guarantee that these private parks and recreation areas will be permanently maintained, by the execution of appropriate legal documents.

4. In addition, if approved by the ~~plan commission~~Planning & Zoning Commission, a substitution of private parks and recreation areas for dedicated parks and recreation areas may also be allowed for conservation purposes through the use of easement rights or other similar techniques used to preserve land in its natural condition.

5. When an adjustment for private park and recreation areas is warranted, it will be necessary to compute the total park and recreation areas land dedication that would have been required from the proposed development and then subtract the credit to be given.

**CHAPTER 16 HISTORIC PRESERVATION COMMISSION**

**16-1-2: HISTORIC PRESERVATION COMMISSION:** \* \* \*

- F. Powers And Duties: The Commission shall have the following powers and duties:
  - 1. To adopt its own procedural regulations.
  - 2. To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas.
  - 3. To recommend to the Village Board of Trustees procedures to protect properties or structures having special historic, community, or architectural value.

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4. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of properties or structures which have special historic, community, or architectural value.

5. To advise property owners on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the County, State or National Register of Historic Places.

6. To inform and educate the citizens of Hampshire concerning the historic and architectural heritage of the Village by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.

7. To accept and administer on behalf of the Village, upon the specific designation of the corporate authorities, such gifts, grants and money as may be appropriate.

8. To testify before all boards and commissions, including the Village ~~Planning Commission and the Zoning Board of Appeals, Planning & Zoning Commission,~~ on any matter affecting historically and architecturally significant properties.

9. To periodically review the Hampshire Zoning Ordinance and to recommend to the Village ~~Planning Commission- Planning & Zoning Commission~~ and the Village Board any amendments appropriate for the protection and continued use of historically or architecturally significant properties.