

# AGENDA FOR THE REGULAR MEETING PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF CAMPTON HILLS

March 22, 2021 at 7:00 P.M.

Held Virtually over Zoom Due to COVID-19, no in person attendance.

Join Zoom Meeting :<https://zoom.us/j/97108503350>

Meeting ID: 971 0850 3350

One tap mobile 1-312-626-6799, then press:97108503350# US (Chicago)

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## 1. CALL TO ORDER

## 2. ROLL CALL

## 3. VIRTUAL PUBLIC COMMENTS –

- a.) An individual may **E-mail** their Public Comment (including full name and question/comment) to [lbaez@villageofcamptonhills.org](mailto:lbaez@villageofcamptonhills.org) prior to **4:45 pm on 3-22-2021** Any Public comments emailed in prior to 5:45 p.m. will be read on the record by the Village Administrator, or Village Clerk, during this section of the Open Meeting.

**OR**

- b.) An individual can also participate during this section of the meeting by notifying the Meeting Host of their question/comment through the **“Raising Hand,” option within the Zoom platform.**
- First join the meeting, to be admitted.
  - Second, find the bottom toolbar option that says “Participants.” Click on **Participants**, which will then open a new window. **If it does not**, you can access this by pressing “Alt U,” on your keyboard as a shortcut.
  - Third, in that window, you will be able to see ALL participants in the live meeting. That window will also present 2-3 additional options, including one that reads, **“Raise Hand.”**
  - By clicking **“Raise Hand,”** the meeting host will be made aware that you would like to participate, as a blue hand will now appear by your name on the righthand side.
  - When it is your turn, the Host will unmute you, and ask you to present your full name and your question/comment to the Board.
  - When your time/question/comment is complete, **please remember to click the “Lower Hand,” option.** We thank you.

Please limit remarks to 3 minutes per person and do not repeat topics previously discussed; total time allotted is 30 minutes.

## 4. Motion to Approve the Regular Meeting Minutes from 2-22-2021.

- 5. **Zoning Code Update Frequently Asked Questions (FAQ) Presentation**
- 6. **Unfinished Business:**
  - a.) **Zoning Code Update Outstanding items**
    - i. **Horse clarification**

**Review last vote, provided by Village Clerk, by Plan Commission & Advise.**

The Board went through and discussed what has currently been recommended of the Draft Zoning Code. Further discussions regarding chickens/poultry came to the consensus from the Board to eliminate the language on the limitations of chickens/poultry but keep the limitation of 5 acres for Roosters as already written in the code.

**Motion to eliminate** the language regarding limitations of chickens/poultry made by Commissioner Carpenter, second by Trustee Zwier.

Roll Call Vote: [AYES:5] [NAYES: 0] [ABSENT: 1] [ABSTAIN: 0]

Motion **CARRIED**

Carpenter	Clarkson
Zwier	
Dragoo	
Prece	
Johnson	

Discussion on Horses came up again. Previously, there was a **motion made** by Commissioner Clarkson that **Carried** at the Oct. 22, 2020 meeting. Being that Commissioner Clarkson was not in attendance at the February 22<sup>nd</sup>. meeting the Board asked Clerk Baez to review the recording and bring back for discussion at the March 22, 2021 meeting.

**Note:** In the preparing of these minutes of February 22, 2021, Clerk Baez did review the recording of October 22, 2020 and after much discussion during the recording regarding horses, it was Commissioner Carpenter that suggested 1 horse/per 1 acre and an additional horse for each ½ acre following. Commissioner Brauer also agreed to that verbiage. Therefore, a motion was put in place by Commissioner Clarkson and seconded by Commissioner Brauer as it is written/stated in the Oct. 22, 2020 minutes.

**\*\*Excerpt from Oct. 22, 2020 meeting minutes:**

**Motion to accept** Mr. Muncie’s Animal Unit Table 1 animal unit per (1) acre – horse, mule, donkey (excluding cattle, swine which requires 2 acres). ½ acre increments for each additional horse with **\*appropriate** manure management in place. Motion made by Commissioner Clarkson, seconded by Commissioner Brauer

\*The Board however, in tonight's meeting of February 22, 2021 would like the wording of **appropriate** changed to **sufficient**.

**ii. RV clarification**

Kane County Code adopted (1979) in 2007 by Village of Campton Hills.

Section 15-2 (15). Prohibits parking any vehicle in the front yard, back yard, corner yard, side yard or any additional area of a lot or parcel of land situated between the public right of way and any residence or accessory building or structure located therein, except that parking is permitted in an area duly improved (meaning a gravel, asphalt or concrete area) for parking purposes and the parking of noncommercial vehicles is permitted in a driveway. Duly improved surfaces must be contiguous to the main driveway accessed from the street. Per Nuisance Code.

Sections 25-9-1-3 and 25-9-5-3. Prohibits storage of boats, recreational vehicles and recreational trailers of any kind closer than required setback line and required side yard width. Applies to Estate and Residential Districts.

**iii. Commercial Vehicle clarification**

Kane County Code adopted (1979) in 2007 by Village of Campton Hills.

Sections 25-9-1-3 and 25-9-5-3. Prohibits the storage or parking of one or more trucks or other commercial vehicles in excess of three-quarter (<sup>3</sup>/<sub>4</sub>) ton, or the storage or keeping of commercial equipment and supplies. Prohibits the storage or keeping of more than one truck or other commercial vehicle or the storage or keeping of commercial equipment and supplies in connection with each family dwelling unit within or without any building located on the premises. Applies to Estate and Residential Districts.

**Open Space clarification [Village Attorney Explanation]**

The following language is from the definition section of the Campton Hills Zoning Ordinance Public Draft:

Section 2.2 - Open Space. That portion of land, either landscaped or left unimproved, which is used to meet active or

passive recreation or spatial needs, and/or to protect water, air, or plant resources.

The Plan Commission may wish to consider, instead of designating two classes of Open Space, the addition of an asterisk followed by the italicized language at the bottom of the Matrix:

Table 7-1: Use Matrix OS\*

\* Open spaces created under any prior rules or regulations, whether on private or public property, shall continue in perpetuity. Nothing in this Section shall be interpreted to limit or discourage the designation of any land within the Village as open space.

Finally, the Planning Commission may wish to consider changing the following permitted/special uses in the Campton Hills Zoning Ordinance Public Draft:

[STAFF RECOMMENDATIONS]

Special Uses Requiring ZBA hearings:

Campground [REQUIRES PERMIT], Farmstand,[REQUIRES PERMIT] Utilities [SPECIAL USE/ZBA]

Permitted Uses Requiring Permit Only:

Cemetery [SPECIAL USE/ZBA], Community Center [SPECIAL USE/ZBA], Cultural Facility [SPECIAL USE/ZBA], Golf Course/Driving Range [SPECIAL USE/ZBA], Government Facility [SPECIAL USE/ZBA], Public Works Facility[SPECIAL USE/ZBA], Stable [SPECIAL USE/ZBA]. Community Garden [REMOVE PER 7.1\*], Nature Preserve [REMOVE PER 7.1\*] Park [REMOVE PER 7.1\*],

#### iv. Review Use Matrix

- b.) Motion to cancel upcoming Public Hearing, scheduled for 4-26-2021 (Announcement of hearing delay until in-person public attendance can be accommodated)

7. **New Business:**
  - a.) Motion to recommend approval of Kane County Application for Zoning Map Amendment and/or Special Use, relating to property 9N410 Burlington Rd., Hampshire, Il (Ludwig Petition)
8. **REMINDER:**
  - a.) Next Regular Meeting is scheduled for Monday, April 26, 2021 at 7 p.m. over Zoom.
9. **ADJOURNMENT**

#### **Mission Statement**

Entrusted by its citizens, the Village of Campton Hills is dedicated to delivering municipal services in the most responsive, cost effective and efficient/proficient manner. Campton Hills is committed to upholding high quality of life standards by supporting its school districts, maintaining family values and agriculture traditions, preserving natural resources, encouraging environmental stewardship, supporting passive and active recreational opportunities, honoring rural heritage and generating a strong business foundation for present and future residents and visitors.

#### **Vision Statement**

Residents of the Village of Campton Hills wish to maintain the semi-rural quality of their environment and its associated lifestyle. They wish to control their own destiny, act so that property values increase over time at a greater rate than market averages and insure the continue excellence of the schools that educate their children.

The Village of Campton Hills will be an aesthetically appealing, fiscally viable, family-oriented community striving to provide excellent educational, social, recreational, and cultural opportunities. The Village will foster a strong residential and business community, with concern for ecological stewardship while cooperating with other governmental bodies and agencies. Campton Hills will also work with area school districts to provide an exceptional education for their children. Campton Hills will strive to be an inviting and safe community that provides for the quality of life needs of its residents while preserving its character and heritage.



These Frequently Asked Questions (FAQs) were selected from the most commonly asked questions by the residents of Campton Hills.

\*\*\*

**Q:** Why is Campton Hills creating new Zoning Regulations? I'd moved here to get away from them.

**A:** This process is NOT creating new zoning regulations. Upon incorporation, in 2007, the Village of Campton Hills adopted the Kane County Zoning Ordinance, which is the same ordinance that governed land use in this community before the incorporation of Campton Hills. This ordinance remains in effect for the Village today. Likewise, this is the same ordinance that Kane County enforces in its unincorporated areas. Area residents are often surprised to learn that *unincorporated* areas have (and enforce) zoning ordinances. This is a crucial starting point in helping people understand that no matter where they live, land use laws are in place to support the vision of any community's Comprehensive Plan. The Village, having adopted this ordinance, has its vision for land use as laid out in its Comprehensive Plan, which promotes a semi-rural environment and open space areas, with high regard for the preservation of natural resources

The Village must also look to the future and ensure that this vision is sustained if/when future development presents itself.

**Q:** When did the update zoning project begin?

**A:** 2013.

**Q:** How come the public was not notified of the proposed zoning changes?

**A:** There have been numerous notifications and postings throughout the entire process. The first of the public input events occurred in 2013. It was well attended, spanning **three** sessions and with direct interactive public participation. From the resident participation the Village's Vision Statement was developed. The meetings were noticed both on the Village website and in the local newspapers. The 3+ years of the Steering Committee were noticed and open to the public. In late 2019, there were **four** sessions specifically geared toward taking public input on the draft zoning amendment. Over the nearly 8 years **ALL** of the meetings and workshops have been noticed and open to the public for observation and comment.

**Q:** What is zoning?

**A:** It is the process and codification by which land and development uses are identified which meet the objectives and vision of the community. The purpose is to ensure the public health, safety and quality of life while protecting the land, air and water quality.

**Q:** Kane County's zoning was good enough. Why change?

**A:** Kane County initially adopted zoning regulations in 1937. It was later amended in 1976 to meet the needs of the ever-expanding County growth requirements. In 2007 The Village of Campton Hills was created, by voter referendum, as a means of protecting our semi-rural community from being consumed into existing municipalities to the north, east and south. The newly formed Village adopted the County's Zoning Code. Essentially, today the County Zoning is the same as the Village's.

**Q:** Why does the Village need more rules and regulations?

**A:** Approximately, 90+% of the draft code still follows the 2007 adopted and current Kane County zoning code. During the 3+ year Steering Committee process urban elements were removed and environmental protections were put into place. By example, environmentally sensitive buffer areas were expanded from 50-foot setbacks to over 200ft. Removed were commercial buildings greater than 2 story; multistory parking garages and car dealership sites. These and others were viewed as being contrary to the future of preserving the semi-rural community interests.

**Q:** I moved here for the semi-rural feel. Why is it necessary to change what we have?

**A:** Protecting the semi-rural feel is the primary focus. The on-going vision and direction of the Committee was to ensure that the semi-rural character was preserved and protected. Removing urban elements from the text make it more difficult for future boards to approve.

**Q:** It appears the Campton Hills is taking away my rights.

**A:** It is difficult to respond to this question without specifics. Again, the current zoning was in place long before the Village came into existence. Consider the question from the perspective of protecting your rights. The Code is not, and has not, been directed at taking away rights. Rather, it can be an enforceable tool when neighbors or businesses abuse land use or place undo hardships on neighboring property owners.

**Q:** Will my taxes change? I live in the Brierwood subdivision and I am zoned as 'farm'.

**A:** No. The Village of Campton Hills does NOT have a municipal tax. In that regard we are a rarity. You may verify this by checking your tax bill. The Assessor's Office (Township and County) does not assess the Equalized Assessed Valuation (EAV) of a property based upon the 'zoning'. Rather, the assessment is based upon the primary use of the property. If you live in a subdivision you and your neighbors are assessed a residential tax rate by the Assessor.

**Q:** The Village is using an urban planner to make a significant number of suburban regulations that are not in line with our semi-rural community.

**A:** Quite the opposite. A financial grant was made available to the Village to provide assistance with the process of updating the adopted zoning and to craft elements which would simplify complex and convoluted language as well as remove incompatible urban elements. Simply, segments of the County's decades old code did not meet our community's Vision. The Steering Committee controlled the direction and content while the consultant provided technical guidance on language and ensured that we met legal requirements.

**Q:** Will I still be able to keep my horses?

**A:** If your property or subdivision was approved for horses, before the incorporation of the Village, the use of your property to keep horses does not change. In fact, the permissions or restrictions of any property / subdivision which were recorded on that property, before the incorporation of the Village, will continue and not be changed provided that such rules do not currently violate State or Federal Laws.

**Q:** Why is the Village considering setting fence heights?

**A:** Many of the residents of Campton Hills take pride and enjoyment in the openness of our spaces. However, there comes the occasional need for residential fences. Fences for inground pools (a State legal requirement for safety) or the containment of pets are a few examples. In 2009 the Village adopted a fence ordinance (O-09-31) to address the County's "No Height Limit" ordinance in residential areas. Imagine your neighbor or neighborhood surrounded with fences with no limit on height.

<https://www.countyofkane.org/FDER/Documents/buildingandzoning/zoning/ResidentialZoningRegulations.pdf>

**Q:** I've always parked my RV on my drive way.



**A:** Nothing is changing in the updated zoning changes. The language remains the same as those currently in Kane County zoning for the *unincorporated* areas, dating back to 1976. This is 28 years before the incorporation of the Village. The issue (Kane or Campton Hills) is not the parking of RVs in driveways. Rather the code is in regards to storage of these vehicles in the driveways. Kane County Code currently requires that these are set behind the building lot line.

**Q:** Our HOA is not active. Will we lose the covenants and restrictions of the HOA?

**A:** No. Although the HOA may be inactive the permissions and restrictions will still prevail.

**Q:** Does the Zoning replace my HOA Covenants?

**A:** No. HOAs are civil agreements between residents of that subdivision and typically run with the land. HOA covenants may be more restrictive than a municipal code. Municipalities do not intervene, monitor or enforcing HOA rules and regulations.

**Q:** Will there be another Public Hearing before the recommendations go to the Village Board?

**A:** Yes. There will be a Public Hearing and presentation once all of the proposed elements of the draft zoning changes are assembled. A public notice of such a hearing is required by law. There will be an opportunity for comment and Q&A. Additionally, there will two or more opportunities for public comment/input before the Village Board, once those draft recommendations are passed along. All of these meetings are noticed and open to the public.

**Q:** Where can I get more information?

**A:** Feel free to contact the Village Hall at 630-584-5700 or email [rsearl@villageofcamptonhills.org](mailto:rsearl@villageofcamptonhills.org) with your questions. We appreciate your patience as the volume or complexity of the question may involve some research. Also note the 'Helpful Links' below. The first is the County's zoning regulations;

**Please reference the Helpful Links on the following page**

## **Helpful Links:**

Kane County Zoning Ordinance

<https://www.countyofkane.org/FDER/Documents/buildingandzoning/zoning/zoningOrdinance.pdf>

Kane County Residential Zoning Rules and Regulations

<https://www.countyofkane.org/FDER/Documents/buildingandzoning/zoning/ResidentialZoningRegulations.pdf>

Village of Campton Hills Zoning (current): Ordinance O-7-14

<https://camptonhills.illinois.gov/village-of-campton-hills-building-zoning/zoning-info/>

**PLEASE NOTE: ‘What’s Happening in Campton Hills’, and others using the Village name, are NOT Village sites. The Village does not contribute to, monitor, or is responsible for its contents. These are administered by a private citizen. Please do not rely on these sites for Village information. Feel free to contact the Village at 630-524-6252, or email us at: [rsearl@villageofcamptonhills.org](mailto:rsearl@villageofcamptonhills.org)**

**Should you wish to receive Village information please visit our official webpage at: <https://camptonhills.illinois.gov/>. To receive our weekly newsletter, scroll to the bottom of the page and sign up to *Community Counts*.**

**KANE COUNTY DEVELOPMENT DEPARTMENT**  
 Zoning Division, Kane County Government Center  
 719 S. Batavia Avenue  
 Geneva, Illinois 60134  
 Office (630) 444-1236 Fax: (630) 232-3411

<i>Received Date</i>

**APPLICATION FOR ZONING MAP AMENDMENT  
 AND/OR SPECIAL USE**

*Instructions:*

*To request a map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.*

*When the application is complete, we will begin the review process.*

**The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.**

<b>1. Property Information:</b>	<b>Parcel Number (s):</b> 05-30-300-005
	<b>Street Address (or common location if no address is assigned):</b> 9N410 Burlington Rd. Hampshire, IL

<b>2. Applicant Information:</b>	<b>Name</b> Stason Ludwig	<b>Phone</b> [REDACTED]
	<b>Address</b> 1100 S. County Line Rd.	<b>Fax</b>
	Maple Park, IL 60151	<b>Email</b> [REDACTED]

<b>3. Owner of record information:</b>	<b>Name</b> Joe Ludwig, LLC	<b>Phone</b> [REDACTED]
	<b>Address</b> 1100 S. County Line Rd.	<b>Fax</b>
	Maple Park, IL 60151	<b>Email</b> [REDACTED]

**Zoning and Use Information:**

2040 Plan Land Use Designation of the property: Agriculture

Current zoning of the property: F

Current use of the property: Rural Residential/Agriculture

Proposed zoning of the property: F1

Proposed use of the property: Rural Residential

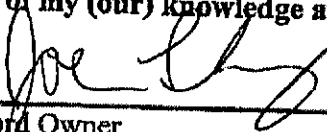
If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)

No new construction or major improvements planned. The house will be separate from farm

**Attachment Checklist**

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion (Available in pdf form at [www.kanedupageswed.org/luo.pdf](http://www.kanedupageswed.org/luo.pdf)), as required by state law, mailed to: The Kane Dupage Soil and Water Conservation District, 545 S. Randall Road, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at <http://dnr.illinois.gov/ecopublic/>) to be filed with the Illinois Department of Natural Resources. (\* This report may best be accessed with Internet Explorer on some computers, per the State)
- List of record owners of all property within 250 feet of the subject property
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

 3/8/21  
Record Owner Date

 3/2/21  
Applicant or Authorized Agent Date

# Findings of Fact Sheet – Map Amendment and/or Special Use

- *The Kane County Zoning Board is required to make findings of fact when considering a rezoning. (map amendment)*
- *You should "make your case" by explaining specifically how your proposed rezoning relates to each of the following factors.*

Stason Ludwig

3/1/2021

*Name of Development/Applicant*

*Date*

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?

The property is already being used as a rural residence, changing the zoning from F to F1 will make the property be in compliance with the county ordinance.

2. What are the zoning classifications of properties in the general area of the property in question?

The majority of the properties in the area are zoned F or F1 but it isn't far from being incorporated

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

As the property sits now it could be in violation of the ordinance for residential use, but it is suitable for residential use as it has its own PIN # and lot separate from the farm

4. What is the trend of development, if any, in the general area of the property in question?

The majority of the development in the area is single family homes or horse farms but it is also close to Plato Center and Compton Hills

5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?

The property will maintain the 2040 Farming Plan by preserving the surrounding field and and creating a conforming rural residence

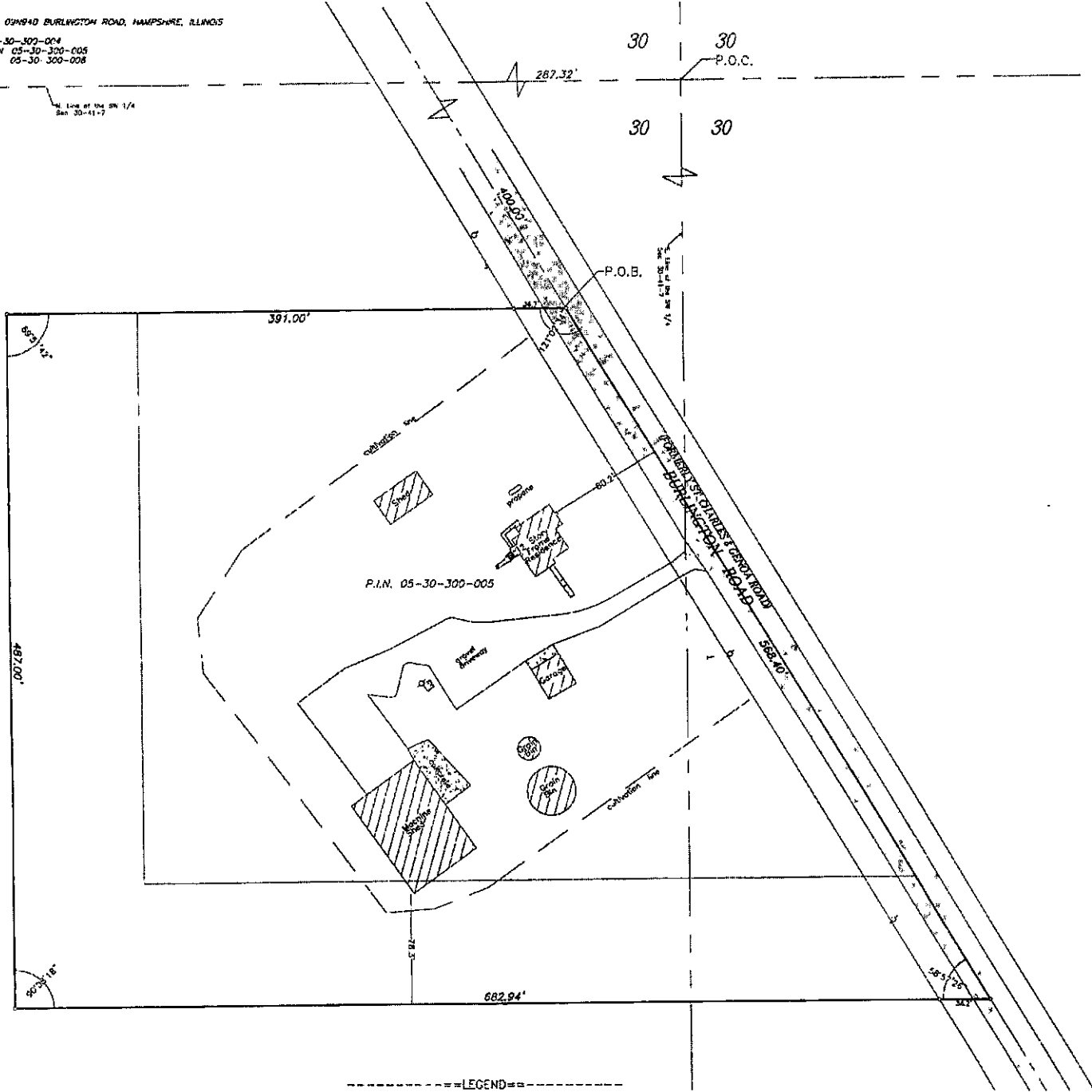
# PLAT AND CERTIFICATE OF SURVEY

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 30, THENCE WESTERLY ON THE QUARTER SECTION LINE 287.32 FEET TO THE CENTER LINE OF THE HIGHWAY COMMONLY KNOWN AS BURLINGTON ROAD, THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HIGHWAY 400 FEET FOR THE POINT OF BEGINNING; THENCE WESTERLY PARALLEL WITH THE SAID QUARTER SECTION LINE OF SAID SECTION, 391.00 FEET, THENCE SOUTHERLY PARALLEL WITH THE CENTER LINE OF SAID SECTION, 487.00 FEET; THENCE EASTERLY PARALLEL WITH THE SAID QUARTER SECTION LINE, 682.94 FEET TO THE CENTER LINE OF SAID HIGHWAY; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID HIGHWAY, 568.40 FEET, TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF PLATO, KANE COUNTY, ILLINOIS.

CONTAINS 6.00 ACRES

ADDRESS: 024940 BURLINGTON ROAD, HAMPSHIRE, ILLINOIS

P.I.N. 05-30-300-004  
PART P.I.N. 05-30-300-005  
05-30-300-008



==LEGEND==

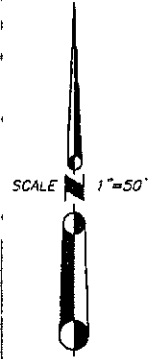
---	Boundary of property surveyed
•	Set iron pipe
#	Utility pole
-	Guy wire
P.O.B	Point of beginning
P.O.C.	Point of commencement

STATE OF ILLINOIS )  
COUNTY OF DEKALB )SS

THIS IS TO CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY I HAVE MADE OF PROPERTY HEREON SHOWN AND DESCRIBED. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF, THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.  
FIELD WORK COMPLETED MARCH 10TH, 2021, WITNESS MY HAND AND SEAL AT DEKALB, ILLINOIS THIS 12TH DAY OF MARCH, 2021.

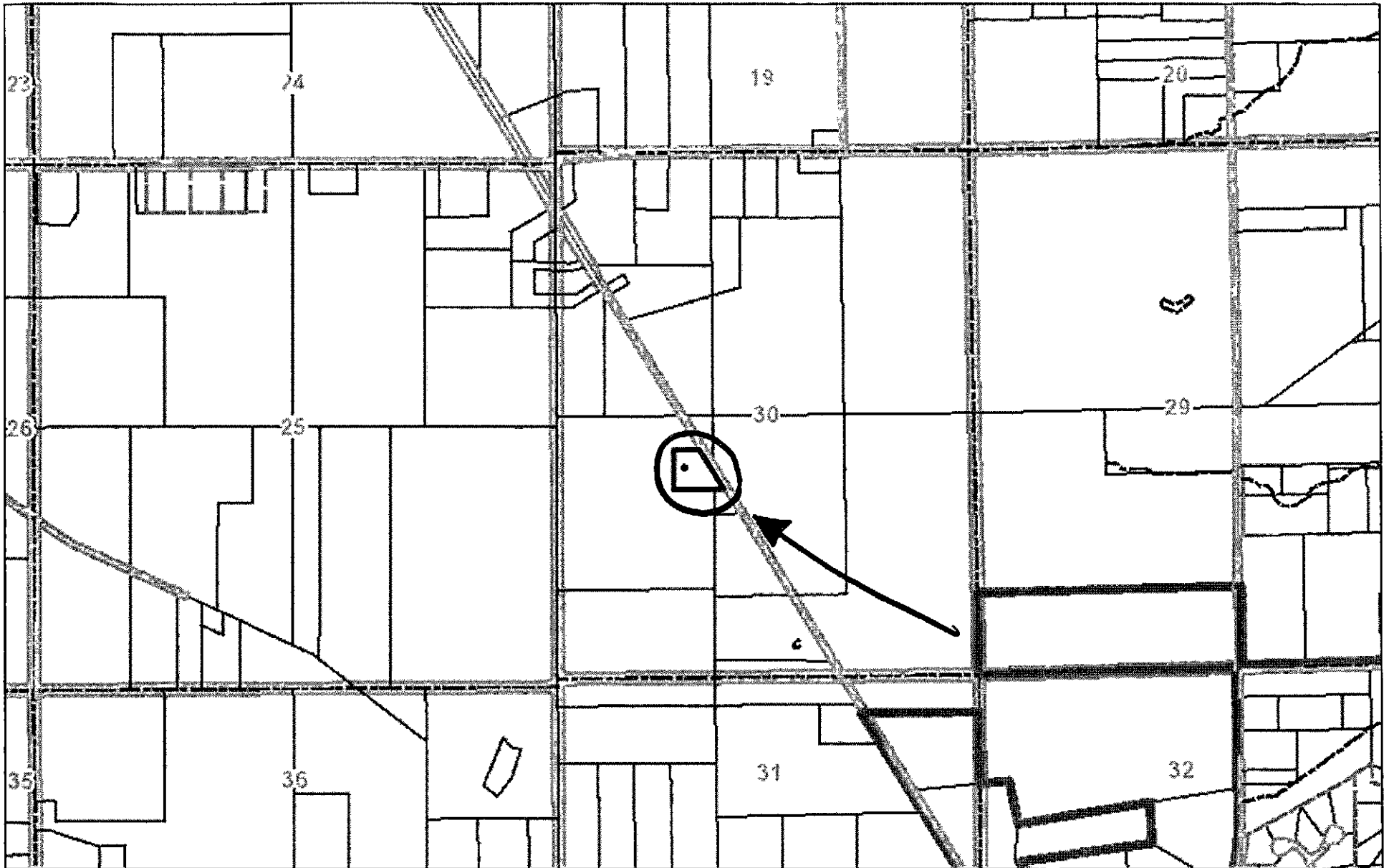
LESLIE AARON DOOGS  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO 3833  
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2022

JADE Hanna Surveyors  
155 W 3rd Street  
Dekalb, IL 60115  
(815) 256-2189  
Info@hannasurveyors.com  
License No. 184006622

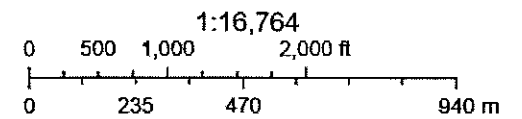


FDR- ROOSTER AG.  
JOB NO. 15702B

# Map Title



March 10, 2021



GIS-Technologies

These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.

GIS-Technologies  
Kane County Illinois