

**VILLAGE OF CAMPTON HILLS
AN ORDINANCE APPROVING REZONING TO A PLANNED UNIT DISTRICT
(CIAMPI PROPERTY, 2N190 HARLEY ROAD
AND ADJACENT VACANT CIAMPI PROPERTY)**

WHEREAS, Stephen Gary Ciampi and Kathleen Ciampi, individually, and Stephen Gary Ciampi, not individually but as Trustee of the Stephen Gary Ciampi Trust, Owners of Record of the property located at 2N190 Harley Road, Village of Campton Hills, Kane County, Illinois and adjacent property ("Owner"), and legally described on Exhibit A of this Ordinance (the "Subject Property"), petitioned the Village of Campton Hills, Kane County, Illinois (the " Village") for rezoning of the Subject Property to Planned Unit Development ("PUD") District, upon annexation of the Subject Property; and

WHEREAS, the Owner proposes to develop in the future the Subject Property in accordance with the provisions and standards of Village Ordinance No. O-09-42 except as modified by the terms and provisions of this Ordinance; and

WHEREAS, the Petition was referred to the Plan Commission of the Village, and the Plan Commission, after due publication and due notice, has held a public hearing pursuant to law and the Plan Commission has made recommendations to the Corporate Authorities of the Village for approval of rezoning to the PUD Zoning District; and

WHEREAS, the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois do hereby find that:

1. The Subject Property is a tract of land consisting of approximately 28 acres which tract is under single ownership or unified control and will be developed under single ownership or unified control.
2. The uses permitted in this PUD Zoning Ordinance are of the type and located as to exercise no undue detrimental influence upon surrounding properties and the said uses will not endanger the public health, welfare or safety, nor substantially diminish or impair property values in the neighborhood in which it is located and are appropriate in the vicinity.

WHEREAS, the President and Board of Trustees of the Village agree to rezone the Subject Property to the PUD Zoning District subject however, to each and every one of the conditions and restrictions and variations provided herein:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Campton Hills, Kane County, Illinois that:

Section 1: Findings

The President and Board of Trustees find that the facts stated in the preamble of this Ordinance are true and correct and are incorporated into the text of this Ordinance to the same extent as if each had been set forth herein its entirety.

Section 2: Planned Unit Development Zoning

The Subject Property is hereby rezoned as PUD District subject to the following terms and conditions:

A. It is understood and agreed that Owner is not submitting for approval any Concept Plan, or Preliminary Development Plan for the Subject Property at this time but shall do so prior to development of Subject Property.

Notwithstanding the lack of a plan for the property at this time:

1. At the time of development, Owner shall be allowed to divide the Subject Property into not more than 7 lots in total, each not less than 1.25 acres in size, on which a single family residence may be constructed or be permitted to continue to exist, otherwise in compliance with the Village Code and other applicable regulations.

2. There already exists on the Subject Property one dwelling unit, on what has been designated as Lot 2 of Ciampi's Assessment Plat, PIN: 08-34-376-001, being a lot of 3.75 acres in size, more or less, and Owner may accordingly divide the Subject Property and erect up to 6 additional dwelling units on the Subject Property.

3. Review and approval of any future Concept Plan, Preliminary Development Plan and Final Development Plan shall be in accordance with the requirements of the Village Zoning Ordinance, including Village Ordinance No. O-09-42, except as modified by this Ordinance.

4. Owner and the Village shall comply with such procedures as are then in effect and generally applicable for the review and approval of a Preliminary Development Plan and Final Development Plan for a Planned Unit Development in the Village.

5. Departures from the requirements of the Village Subdivision Regulations shall be as follows (in addition to any further departures which the Village may elect to grant at that time on the request of the Owner):

(i) The roadway into the Property may be a cul-de-sac, of a length exceeding five hundred (500') feet, with a T-turnaround at its western terminus. The western terminus of the roadway shall be at the west line of the Subject Property and designed to provide for extension of the roadway to serve the property lying west of the Subject Property with motor vehicles, bicycles, and pedestrians, unless such requirement is waived by the Village Board at the time of approval of the Final Development Plan.

(ii) The presently-existing requirement under the Village Subdivision Regulations, designated as Sec. 19-143, that approval of any Planned Unit Development shall be valid for a period of not more than ten (10) years from the date of approval, shall not apply to the Subject Property, or any Preliminary Development Plan or Final Development Plan approved regarding same.

(iii) The presently-existing requirement under the Village Subdivision Regulations, designated as Sec. 19-143, that the Village be allowed to review any such plan for the Subject Property after the expiration of such ten year period, "for possible adjustments in light of current conditions" shall not apply to the Subject Property or to any plan approved for the Subject Property.

(iv) The restriction of Sec. 12.1-4(a) of the Village Zoning Regulations shall not apply to the Subject Property and home occupations as defined by Section 3.1 of the Zoning Ordinance shall be allowed in any of the dwelling units to be constructed on the Subject Property. In addition, farming may be continued, excluding livestock (except that bees, equestrian uses and 4-H type projects may be permitted), subject to approval by the Corporate Authorities; prior to granting such approval, notice shall be given to all property owners within 250 feet of the Subject Property

(v) Further departures from the general design standards of Article III of the Village Subdivision Regulations, regarding dimensions of facilities or improvements on the Subject Property, will be reasonably considered by the Village in light of the needs of traffic, drainage, pedestrian circulation, lot layout, and other features on the Subject Property.

6. The current uses of the Subject Property are (i) farming and (ii) a residence on PIN: 08-34-376-001 (collectively, the "Current Uses"). Any existing or future Village Ordinances to the contrary notwithstanding, the Subject Property may be used for the Current Uses listed in this Section. The existing residence that may not comply with any applicable Village ordinance or regulation shall be considered as legal non-conforming uses, but may be rebuilt or reconstructed even if totally destroyed or discontinued (provided the time of such discontinuance shall not exceed a period of one (1) year.

7. Owner waives any objection to the payment of Impact Fees imposed by the Village Code at the date of approval of this Ordinance, provided, the amount(s) of such fees shall be the amount(s) that are generally applicable to other property within the Village at the time of payment. Notwithstanding the foregoing, the Village agrees that it shall not charge the Owner or impose on the Subject Property any such Impact Fees or other fees or seek any land dedications from the Owner unless and until the Subject Property is further developed, and then only in an amount or amounts applicable to other properties of the Village at that time.

8. The Subject Property is not within the WASCO Sanitary District and may be developed with individual water wells and septic fields in accordance with applicable regulations of the Village and Kane County, as the case may be.

9. No change or modification of any ordinance, code or regulation shall be applied for a period of twenty (20) years from the date of approval of this Ordinance so as to adversely affect the zoning classification of the Subject Property or the uses permitted thereunder by the zoning ordinance of the Village in effect as of the date of approval of this Ordinance or hereinafter adopted as hereinbefore provided; and shall not:

- (a) result in any reduction of the number of zoning lots allowed under the terms of this Ordinance; and
- (b) eliminate the departures allowed hereunder; and
- (c) result in any lot or lots or structure erected on any lot pursuant to this Ordinance being classified as non-conforming.

The foregoing notwithstanding, in the event that the Village is required to modify, amend, or enact any ordinance or regulation, and to apply the same to the Subject Property, pursuant to the express and specific mandate of any superior governmental authority, such ordinance or regulation shall apply to the Subject Property and Owner shall comply with same; provided, however, that any so-called grandfather provision contained in such superior governmental authority mandate which would serve to exempt or delay implementation against the Subject Property shall be given full force and effect.

Except as modified by the terms and provisions of this Ordinance, Owner shall comply in all respects with the conditions and requirements of all ordinances, rules and regulations of the Village applicable to similar property within the Village as they may exist from time to time including, but not limited to, those requiring the issuance of permits or the payment of fees thereof, except that no permits shall be required or fees payable (other than as provided in this Ordinance) unless and until a Development permit has been issued as provided for in this Ordinance. Irrespective of whether or not the Village adopts new ordinances, rules or regulations, the Owner shall cooperate with the Village as to requirements applicable to the Subject Property:

- a) that pervious surfaces be utilized for driveways and walks on individual lots where practical;
- b) that exterior lighting fixtures be consistent with principles of "Dark Sky" Ordinances;
- c) that development shall be designed to optimize water retention on site which may include utilization of rain barrels and rain gardens (with such rain gardens being permitted to serve multiple lots), or cisterns in lieu of rain barrels and rain gardens; and
- d) that sensitivity to the environment be encouraged, including in the design and in selection of building materials.

10. Prior to Village approval of the Final Development Plan for the Subject Property, Owner shall cause a Homeowners' Association ("HOA") to be created which shall

provide that all owners of lots shall be members of the HOA, and shall, provide for mandatory dues in amounts sufficient to pay for:

(a) maintenance, repair and restoration of all open space and conservation easements (other than open space within individual lots which is the responsibility of lot owners), common area retention/detention areas, and stormwater management areas; provided that the creation of conservation easements shall be subject to approval of the Corporate Authorities; and

(b) maintenance, repair and restoration of property within dedicated rights of way other than the paved portions of roadways; and

(c) maintenance, repair, restoration and replacement of individual sewage disposal systems in the event that individual lot owners fail to do so (with provisions for assessing the costs against said individual lot owners); and

(d) maintenance, repair, restoration and replacement of drainage structures.

(e) native plantings may be required to enhance water retention.

11. The Village may create a back up or dormant special service area (the "Back-up SSA") to provide funding for the obligations of the HOA as set forth in Section 11 of this Ordinance in the event that the HOA fails to fulfill its obligations.

a) Owner agrees that the Village may create such a Back-up SSA for such purposes at any time on the Subject Property. Owner, its successors and assigns, agrees to waive all notices provided by law, agrees not to object thereto and further agrees not to take steps in the future, either directly or indirectly, to contest the validity of such Back-up SSA or the taxes levied thereto, provided the Village complies with the following provision: the maximum tax rate authorized upon creation of the Back-up SSA shall be no higher than one and one-half percent (1.50%) of the equalized assessed valuation of the Subject Property.

b) Prior to any tax being levied pursuant to the Back-up SSA, the Village shall provide the Owner or the HOA thirty (30) days written notice specifying the nature of the work to be done and an opportunity to cure the deficiencies.

12. This Ordinance shall inure to the benefit of and be binding upon the successors in title and assigns of the Owner, and each of them, and upon the successor Corporate Authorities and successor municipalities of the Village.

13. If any provision or part of this Ordinance is held to be invalid by any court of competent jurisdiction, such provision or part shall be deemed to be excised from this Ordinance, and the invalidity thereof shall not affect any of the other provisions contained herein.

14. Any notices required or permitted pursuant to this Ordinance shall be either personally delivered or shall be sent by certified mail, return receipt requested, or by facsimile transmission with proof of facsimile receipt, as follows:

If to the Village:

Village of Campton Hills
40W115 Campton Crossing Drive, Unit B
Campton Hills, Illinois 60175
Attention: Patsy Smith, Village President
Facsimile: (630) 584-5775

with a copy to:

J. William Braithwaite
Arnstein & Lehr LLP
2800 West Higgins Road, Suite 425
Hoffman Estates, Illinois 60169
Facsimile: (847) 843-3355

If to the Owner:

Stephen Gary Ciampi, Individually and as Trustee; and
Kathleen Ciampi
P. O. Box 965
Elburn, Illinois 60119

with a copy to:

Mark Schuster
Bazos, Freeman, Kramer, Schuster, Vanek & Kolb
1250 Larkin Avenue, Suite 100
Elgin, Illinois 60123
Facsimile: (847) 742-9777

Any such notice shall be deemed received on the third (3rd) day after mailing, or the actual date of receipt, whichever shall be earlier. Any party may designate a different address for service of notice by serving notice of the change in the manner provided in this Section. Service by facsimile transmission shall be deemed personal delivery, so long as a confirmation copy is also sent by regular United States Mail on the same date as the facsimile transmission.

Section 3

This Ordinance shall be in full force and effect upon passage, approval and publication pursuant to law. This Ordinance shall be published in pamphlet form.

Passed this 16th day of February 2010 by roll call vote:

	AYES	NAYS	ABSENT	ABSTAIN
Trustee Laura Andersen	X			
Trustee Susan George		X		
Trustee Jim Kopec	X			
Trustee Albert Lenkaitis, Jr.	X			
Trustee Mike Millette	X			
Trustee John Strauss			X	
President Patsy Smith				

APPROVED THIS 16th DAY OF FEBRUARY 2010.



Patsy Smith, Village President

(SEAL)

ATTEST: 


Carolyn Higgins, Village Clerk

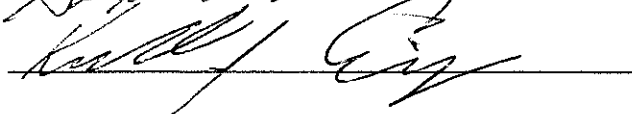
Published in pamphlet form on February 17, 2010.

Accepted and Agreed to:

The undersigned hereby accept the provisions of the foregoing Ordinance and agree to be bound by the provisions thereof.

Dated: 3-17-2010







Stephen Aoy Ciompi Trustee.

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

PARCEL 1: Lot 1 of Ciampi's Assessment Plat, being legally described as follows:

That part of the Southwest Quarter of Section 34, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of said Quarter; thence Northerly along the East line of said Quarter 659.65 feet to the South line of the North Half of the South Half of said Quarter; thence continuing Northerly along said East line 350.0 feet for a Point of Beginning; thence Westerly parallel with said South line 842.44 feet to the Easterly line of a tract of land conveyed by Document 98862 as evidenced by an old fence line; thence Northerly along said Easterly line 1194.32 feet to a point that is 437.05 feet Southerly of the North line of said Quarter (measured along said Easterly line); thence Easterly parallel with said North line 848.48 feet to said East line; thence Southerly along said East line 1191.84 feet to the Point of Beginning, in Campton Township, Kane County, Illinois. Constituting 23.157 acres more or less.

PIN: 08-34-326-001
Common Address: Harley Road, Campton Township, Kane County, Illinois.

PARCEL 2: Lot 2 of Ciampi's Assessment Plat, being legally described as follows:

That part of the Southwest Quarter of Section 34, Township 40 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast corner of said Quarter; thence northerly along the East line of said Quarter 659.65 feet to the South line of the North Half of the South Half of said Quarter; thence continuing Northerly along said East line 300.0 feet for a point of beginning; thence Westerly parallel with said South line 435.64 feet; thence Southerly parallel with said East line 300.0 feet to said South line; thence Westerly along said South line 405.05 feet to the Easterly line of a tract of land conveyed by Document 98862 as evidenced by an old fence line; thence Northerly along said Easterly line 350.00 feet; thence Easterly parallel with said South line 842.44 feet to said East line; thence Southerly along said East line 50.00 feet to the Point of Beginning, in Campton Township, Kane County, Illinois. Constituting 3.742 acres more or less.

PIN: 08-34-376-001
Common Address: Harley Road, Campton Township, Kane County, Illinois.