

To the PLAN COMMISSION of the  
VILLAGE OF BARRINGTON HILLS

A Committee of the Commission consisting of Messrs. Alberts, Mueller, Younger and Galloway met on Sunday, January 25th, and drove around the periphery of Barrington Hills for over ~~two~~<sup>3</sup> hours. We compared the BACOG map in the new Comprehensive Plan with the Barrington Hills zoning map and two older Barrington Hills zoning maps. We also used The Chicago Tribune land map and a street guide and map for Barrington and Lake Zurich. We also looked at the map on Page 7 of the Comprehensive Plan but that is very difficult to interpret since it is so small. Following are our comments in random sequence:

1. Donlea Road has been closed from just west of Sutton to Bateman.
2. There is a strip on the west side of Sutton which is now zoned five acres and is not in the Forest Preserve. This probably extends all the way to County Line Road. This is not shown on the BACOG map.
3. The map on Page 7 of the Plan is very difficult to interpret. The Grassy Lake area at the corner of Otis and Brinker on this map is shown as open space. It probably is in a flood plain and this should probably be noted on the BACOG map. Likewise,

a good part of the Flint Creek area on the Page 7 map is shown as open space and probably is flood plain and perhaps should be shown on the BACOG map. Incidentally, when the flood plain map comes out, it might be helpful to have it as an overlay to the BACOG map.

4. The Barrington Hills map is probably in error in the following respects:

(a) There is an additional area, Barrington Estates, just east of Barrington Bourne north of County Line Road which is zoned less than 5 acres.

(b) The area north of Plum Tree Road around Surry Lane is probably zoned partially 1 acre, partially 2 acres, and partially 3 acres. This is better shown on an earlier Barrington Hills zoning map.

(c) Pagonica which is north of Oak Knoll is probably shown wrong on the Barrington Hills map. My recollection is that the property immediately north of Oak Knoll remains zoned at 5 acres and the PUD only starts as you get toward Flint Creek.

5. On the BACOG map there is an area shown for 1 to 2 acre zoning on both sides of Plum Tree Road immediately east of the power line. The northern part probably is not in Barrington Hills

and the southern part south of Plum Tree probably is zoned 5 acres. In addition, a good part of the property north of Plum Tree from Surry west is probably 5 acres but shows on BACOG as 2 to 5 acres. The land at the triangle where Plum Tree crosses the tracks has an effective zoning of a good deal less than 5 acres probably because of pre-existing uses. This is not properly shown on any map.

6. The BACOG map shows a very large part of the property west of 25 extended and north of Algonquin Road as being in BACOG. Actually, only 2 or 3 sawteeth in that area are in Barrington Hills.

7. The triangle between Lake Cook, Algonquin and 25 may or may not be in Barrington Hills, probably not, but it is shown as being in BACOG on the BACOG map. That triangle is business or commercial. In addition, on the south side of Algonquin Road just east of 25, there is some business or commercial including a Commonwealth Edison substation and the old Police Department. In the same general area on the east side of 25 there is some business or commercial including a Shell filling station and Jim Saines.

8. There is a church rectory house on the <sup>western</sup>~~eastern~~ most part of Barrington Hills, south of Helm Road, more or less opposite Sunnyhill School.

9. The red dot adjacent to Algonquin Road, east of 25, is unidentifiable to us. In addition, my recollection is that some property was purchased partly with federal money, partly with District No. 1 money, and perhaps partly with Carpentersville Park District money, immediately north of Hickoy Hill School for "open space" and use by Hickory Hill. That property may be in Barrington Hills.

10. South of Higgins Road (72) to the Tollway shows as BACOG land and indicates 2 to 5 acre zoning. On the Barrington Hills map it is not in Barrington Hills but is indicated to be 5 acre zoning. It may be some of this land was annexed to South Barrington but we do not know.

11. The area around the Lucke property on the BACOG map is shown as the south half being 5 acres and the north half being 1 to 2 acres. The dividing line is impossible to identify on the ground. These are not in conformity with the Barrington Hills map.

12. Cuba Road, west of the tracks, shows on the BACOG map as 2 to 5 acre zoning which is not on the Barrington Hills map.

13. The Riding Club on the east side of Bateman is shown as 5 acre zoning on the BACOG map.

I personally would redo the Barrington Hills map, taking out the solid colors and putting in enough lines so that properties can be identified. The thick lines are nice to read but very difficult to use to determine zoning.

The BACOG map apparently does not show suggested land uses for areas outside of BACOG. If there are such areas which are unincorporated, I would suggest that the BACOG map refer at least to the suggested zoning within the one and one-half mile radius as adopted by the various Villages including Barrington Hills. This would be important on the northwest side of Barrington Hills in the general area of Plum Tree and 25 extended and south to Algonquin. It may also be important in the area south of Palatine Road and west of Barrington Road.

It has been suggested that the BACOG Plan be discussed informally with the adjoining villages not in BACOG and particularly with Carpentersville. Barrington Hills helped Carpentersville prevent the use of the gravel pits for land fill and some think that Carpentersville is grateful for this and would like more cooperative action or at least lines of communication.

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2. There is a strip on the west side of Sutton which is now zoned five acres and is not in the Forest Preserve. This probably extends all the way to County Line Road. This is not shown on the BACOG map.

*Yes - see your map w/all lot on  
is not included - owner D. Smith  
one pasture from Donlea to C Ln*

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(c) Pagonica which is north of Oak Knoll is probably shown wrong on the Barrington Hills map. My recollection is that the property immediately north of Oak Knoll remains zoned at 5 acres and the PUD only starts as you get toward Flint Creek.

5. On the BACOG map there is an area shown for 1 to 2 acre zoning on <sup>2 NORTH?</sup> both sides of Plum Tree Road immediately east of the power line. The northern part probably is not in Barrington Hills

*1 acre zoning  
Part of DuPont - sold later  
now to be developed - now being  
done by Joe Lala - 1 acre.*

*yes*

*See aid. 66-5  
66-6 - Legals  
will give bounds.*

*Owner - San Phillips  
is good - 1-2 acre  
he wants it returned to 5. Some  
asked he file necessary papers  
No action date.*

and the southern part south of Plum Tree probably is zoned 5 acres. In addition, a good part of the property north of Plum Tree from Surry west is probably 5 acres but shows on BACOG as 2 to 5 acres. The land at the triangle where Plum Tree crosses the tracks has an effective zoning of a good deal less than 5 acres probably because of pre-existing uses. This is not properly shown on any map. *See ordinance 68-7 - Sieberts Ridge*

*Lots are 5 aces., 3, & 2 -*

6. The BACOG map shows a very large part of the property west of 25 extended and north of Algonquin Road as being in BACOG. Actually, only 2 or 3 sawteeth in that area are in Barrington Hills.

*yes.*

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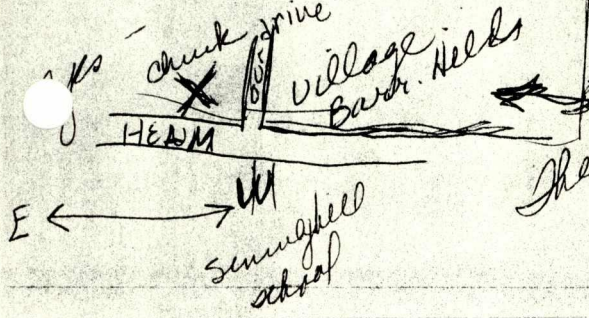
*It is not in village*

business or commercial. In addition, on the south side of Algonquin Road just east of 25, there is some business or commercial including a Commonwealth Edison substation and the old Police Department. In the same general area on the east side of 25 there is some business or commercial including a Shell filling station and Jim Saines.

*True - however  
in between are  
several homes on  
2 acre parcels -  
existing varieties  
rather than  
zoning*

8. There is a church <sup>and</sup> rectory house on the ~~eastern~~ <sup>western</sup> most part of Barrington Hills, south of Helm Road, more or less opposite

Sunnyhill School.



*Therefore not on western most part.*



9. The red dot adjacent to Algonquin Road, east of 25, is unidentifiable to us. In addition, my recollection is that some property was purchased partly with federal money, partly with District No. 1 money, and perhaps partly with Carpentersville Park District money, immediately north of Hickory Hill School for "open

space" and use by Hickory Hill. That property may be in Barrington Hills. *Map is wrong. School district 220 owns vacant that is between Saines & those houses on Rt. 25, extending east.*

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*all of it is V.B. Hills.*

*It is unclear  
date Cook Co  
perhaps the  
zone did. reflects  
5-acre zoning - if not it shows  
Our limits don't  
cross Dundee  
to west. Possible  
Cook Co unincorporated  
zoning here too.*

*no comment  
should be public  
open space - I'm not sure  
of the boundaries there.*

A joint regional planning commission for a region encompassing parts of more than one county is also provided for. Ill. Rev. Stat. c. 34, §3003 (1969). Such joint commissions are authorized, in addition to customary planning powers to propose zoning ordinances and building codes and, when adopted, to assist member counties in administering and enforcing such ordinances.

Once again, counties under 500,000 population in the Northeastern Illinois Metropolitan Plan Commission area are given exceptional powers. §3006 of Chapter 34 grants such counties substantially the same planning and subdivision powers as municipalities. Compare §3006, Chapter 34 and §11-12-5, Chapter 24, Ill. Rev. Stats. (1969).

## **B. Extra-Territorial Municipal Powers**

### **1. [§3.8] Zoning**

Under the authority of §11-13-1 of the Illinois Municipal Code, Illinois municipalities situated in counties which have not adopted zoning ordinances may exercise their municipal zoning powers for a distance of 1½ miles beyond their corporate boundaries provided that no part of such extra-territorial area is within another municipality or is properly included within the comprehensive plan which a neighboring city or village has adopted pursuant to its municipal planning power. Ill. Rev. Stat. c. 24, §11-12-4, *et seq.* (1969). Should property within 1½ miles of a municipality which exercises this extra-territorial zoning authority subsequently be annexed to another municipality, the latter's zoning jurisdiction prevails and similarly, if the county in which the property is located subsequently adopts a zoning ordinance, the county regulations are controlling.

### **2. [§3.9] Subdivision and Planning: Municipal-County Conflicts**

Municipalities are also authorized to exercise their planning and subdivision powers for a distance of 1½ miles beyond their corporate limits. This authority is exercisable irrespective of whether the county in which the municipality is located has adopted a zoning ordinance or, indeed, subdivision regulations.

The obvious area of conflict between county and municipal planning and subdivision regulations has been resolved in favor of the cities and villages. §11-12-11 of the Illinois Municipal Code provides that, if a municipality has adopted a comprehensive plan, then unincorporated lands within the 1½ mile extra-territorial sphere of influence are exempt from "the application of any less restrictive rules or regulations" of the county. Thus, the subdivider has to meet the highest or most restrictive standards and requirements of both governmental units.

One area of conflict between county and municipal regulations remains unresolved and apparently untested. Clearly, when a county

exercises its authority to zone, it excludes the exercise of extra-territorial zoning power of a municipality (Ill. Rev. Stat. c. 24, §11-13-1 (1969)), and the county zoning ordinance would appear to apply to all unincorporated land irrespective of its inclusion in a city's or village's 1½ mile extra-territorial planning area. One of the express planning powers which municipalities are empowered to exercise in this 1½ mile area, however, is the regulation of "the size of lots to be used for residential purposes." Ill. Rev. Stat. c. 24, §11-12-5(1)(a) (1969). Query: Does this municipal authority supersede the county's regulation or residential lot size in the exercise of its zoning power? The language of §3151 of the county zoning enabling act to the effect that the act shall not be construed "to restrict the powers granted by statute to cities, villages and incorporated towns as to territory contiguous to but outside of the limits . . ." may provide the answer.

Possible conflicts of the 1½ mile planning and subdivision jurisdiction between neighboring municipalities is resolved by §11-12-9, which authorizes such municipalities to agree upon a jurisdictional boundary line between them. In the absence of such an agreement, a median line equidistant between the boundaries of the two is established as the jurisdiction boundary.

Municipalities' subdivision jurisdiction over the 1½ mile area contiguous to their borders is effectively enforced by the requirement of §11-12-12 that no plat of subdivision of lands within such area be accepted for recording unless compliance with municipal regulation is evidenced on the plat by the signature of the city or village clerk. Even in the absence of extra-territorial zoning power, this provision has given cities and villages substantial control over the development of lands near their borders at least when the subdivision of land is involved. As many subdividers and developers can attest cities and villages have used this extra-territorial control effectively. The popularity of the planned development of the unincorporated lands is due in part, at least, to the absence of any requirement of subdivision and thus the avoidance of municipal control.

### **C. [§3.10] Considerations in Making Choice**

A developer can select the political subdivision under whose jurisdiction he will develop his property only if it presently is in the unincorporated area of the county and subject to annexation by a municipality. As will be noted later in this Chapter, there are a limited number of statutory means of annexing property to a municipality and all but one requires the concurrence of the city council or village board of trustees. The inability to win the favor of the municipal authorities and requirement of contiguity of the land to be annexed to the corporate boundaries are conditions which frequently eliminate any choice on the part of the developer.