

# VILLAGE OF BARRINGTON HILLS

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## Board of Trustees

### NOTICE OF SPECIAL MEETING



Wednesday, December 7, 2016 ~ 6:30 pm  
Countryside Elementary School ~ 205 W. County Line Road

### AGENDA

1. Call to Order & Roll Call
2. Pledge of Allegiance
3. Public Comment
4. [Vote] Amending Title 5, Zoning Regulations Set Forth in Chapter 2, 3, 5 and 10 Regarding Horse Boarding - James J. Drury Text Amendment Ord. 16 -
5. [Vote] Amending Title 5, Zoning Regulations Set Forth in Chapter 2, 3, 5 and 10 Regarding Horse Boarding - Zoning Board of Appeals Text Amendment Ord. 16 -
6. Adjournment

### NOTICE AS POSTED

112 Algonquin Road ~ Barrington Hills, IL 60010-5199 ~ 847.551.3000

# James J. Drury Text Amendment

**AN ORDINANCE AMENDING TITLE 5, ZONING REGULATIONS SET FORTH IN CHAPTERS 2, 3, 5 AND 10 REGARDING HORSE BOARDING – JAMES J. DRURY TEXT AMENDMENT**

**WHEREAS**, the Village of Barrington Hills (hereinafter the “Village”) is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the Village of Barrington Hills is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to regulate properties located within the municipal boundaries of the Village; and

**WHEREAS**, in furtherance of this authorization, the Village of Barrington Hills has adopted a zoning code, set forth in Title 5 Zoning Regulations of the Village’s Municipal Code to, among other purposes, effectuate the Village’s planning program and to regulate individual property use by establishing use districts, building site requirements, setback, density, parking and height regulations, and by specifying external impact standards for noise, smoke, odor, glare and vibration; and

**WHEREAS**, Section 5-10-6 of the zoning code of the Village of Barrington Hills authorizes the Village Zoning Board of Appeals to recommend in writing, upon the making of appropriate findings of fact, and the Board of Trustees to approve, amendments to the text of the zoning code; and

**WHEREAS**, horse boarding is regulated in the Village, as set forth in the zoning code, and

**WHEREAS**, upon review of the Title 5 Zoning Regulations, and particularly, its authorization regarding horse boarding, the Village’s Zoning Board of Appeals received an Application for amendment to the existing text concerning horse boarding; and

**WHEREAS**, the Application was tendered for consideration by resident James J. Drury III in accordance with Section 5-10-6 of the zoning code, which Application (“Drury Text Amendment”) is attached hereto and made a part hereof by reference as Exhibit “A;” and

**WHEREAS**, Notice of Public Hearing with respect to the Drury Text Amendment was published in the Daily Herald Newspaper in the Village of Barrington Hills, and additional notice of the Hearing was provided via personal notice as set forth in the record of the public hearing of the Drury Text Amendment, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Zoning Board of Appeals of the Village of Barrington Hills conducted a Public Hearing on the Drury Text Amendment commencing on June 18, 2016, and continuing thereafter from time to time, as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the Application, the Zoning Board of Appeals voted unanimously against recommending approval of the Drury Text Amendment, said vote resulting in a recommendation to deny the application; and

**WHEREAS**, the Zoning Board of Appeals has forwarded its findings and recommendation in regard to the Drury Text Amendment to the Village Board, in the Findings and Recommendation, attached hereto and incorporated herein by reference as Exhibit “B;” and

**WHEREAS**, the President and Village Board of Trustees has considered the matter and determined that the recommended text amendment to Title 5 Zoning Regulations relative to horse boarding be approved, as such action is believed to be in the best interests of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Barrington Hills, a home rule community located in Cook, Lake, Kane and McHenry Counties, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That Title 5 Zoning Regulations, Chapters 2, 3, 5 and 10 be amended as set forth in Exhibit "A."

**SECTION THREE:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ayes:            Nays:            Absent:

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 7<sup>th</sup> day of December, 2016.

APPROVED:

ATTEST:

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk

EXHIBIT A

DRURY TEXT AMENDMENT

**PETITION FOR TEXT AMENDMENTS TO THE VILLAGE OF BARRINGTON HILLS  
ZONING CODE**

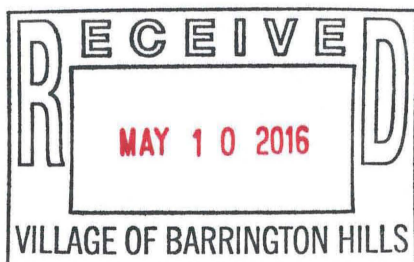
May 10, 2016

To: Ken Garrett, Zoning Enforcement Officer, Village of Barrington Hills, Illinois

The undersigned, James J. Drury III, a landowner and resident of the Village of Barrington Hills, Illinois ("Village"), with an address of 7 Deepwood Road, and affected by the subject matter addressed herein hereby petitions the Village for the following Text Amendments to the Village Code (hereafter, "Zoning Code"), and request that a Zoning Board of Appeals ("ZBA") notice of hearing on these amendments be published as prescribed by code no later than May 26, 2016 and hearing on such amendment be held on June 20, 2016 or as soon thereafter as can be accommodated by the ZBA.

The proposed Text Amendments amend Zoning Code Sections:

1. 5-2-1 (Zoning Definitions - Agriculture)
2. 5-3-4 (A) (Regulations for Specific Uses)
3. 5-3-4 (D) 2 (b) (Home Occupation Definition)
4. 5-3-4 (D) 3 (c) (2) (Home Occupation Use Limitations)
5. 5-3-4 (D) 3 (c) (8) (Home Occupation Use Limitations)
6. 5-3-4 (D) 3 (g) (Home Occupation - Boarding and Training of Horses)
7. 5-5-2-(A) (Permitted Uses R-1 Accessory Uses)
8. 5-5-3 (Special Uses)
9. 5-10-7 (Special Uses)



Zoning Code Sections 5-3-4 (A) (Regulations for Specific Uses)

5-3-4: REGULATIONS FOR SPECIFIC USES:

(A) Agriculture.

1) Other than those regulations specifically provided for in section 5-3-4(A)2(a) below, the provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or setback lines. In the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the this-zoning title shall apply.

2) Boarding and Training of Horses and Rider Instruction:

a) Regulations: The following provisions listed in this subsection 5-3-4(A)2(a) shall apply to the boarding and training of horses and rider instruction:

i.) The hours of operation of Boarding and Training Facilities shall be (a) employees (not residing on the property): from six o'clock (6:00) AM to nine o'clock (9:00) PM or 30 minutes past dusk, whichever is later; (b) boarders and riders receiving instruction: from seven o'clock (7:00) A.M. to eight thirty o'clock (8:30) P.M. or dusk, whichever is later; (c) use of machinery, seven o'clock (7:00) AM to nine o'clock (9:00) PM. These hourly restrictions shall not apply in the event of emergencies.

ii.) No property shall be allowed to conduct the activities subject to the regulations under this Section 5-3-4(A)2 that is not located on the same zoning lot or lots under the same ownership and/or control as the residence of the owner or operator of the related facility.

iii.) All barns shall have an animal waste management protocol consistent with published acceptable standards and in full compliance with 7-2-5 of the Village's Municipal Code.

iv.) Lighting for barns, stables and arenas shall only be directed onto the property for which such uses occur such that there is no direct illumination of any adjacent property from such lighting. In all respects, lighting for any activities or structures used in agriculture shall comply with all other provisions of the Village Code.

v.) Nuisance causing activities: It is unlawful for any person operating a Boarding and Training Facility to allow or permit any animal to cause serious or habitual disturbance or annoyance by frequent or habitual noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. Noisy conduct is defined as noise which can be heard continuously within an enclosed structure off the property of the Boarding

and Training Facility for more than fifteen (15) minutes and which annoys, injures or endangers the safety, health, comfort or repose of others. In addition to the foregoing specific limitations, no Boarding or Training Facility shall cause or create any act, which endangers public health or results in annoyance or discomfort to the public, said act being defined as a nuisance under Title 7, Chapter 1 of this Code.

vi) There shall be a limit on the number of horses that a Boarding and Training Facility is allowed to board such that there shall not be in excess of two boarded horses per zoning lot acre.

vii) Properties subject to the provisions of this Section 5-3-4(A)(2) shall ensure that traffic associated with the agricultural operations is reasonably minimized, particularly at properties where access is from private roads, and including at times any events such as charity outings or clinics.

viii) Properties subject to the provisions of this Section 5-3-4(A)(2) shall provide indoor toilets for use by employees, boarders and riders and shall not rely on outdoor portable toilets for ordinary operations.

ix) Properties subject to the provisions of this Section 5-3-4(A)(2) shall comply with the maximum floor area ratio requirements applicable to single family detached dwellings as specified in Section 5-5-10-1 herein.

#### Zoning Code Section 5-2-1 (Zoning Definitions - Agriculture)

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry; and (including the breeding, boarding, and training of horses and riders as a hobby or as an occupation; but not the boarding of horses) and the necessary accessory uses needed for handling or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities, following: the handling or storing of produce, conducting animal husbandry, and for the breeding, boarding, and training of horses and rider instruction. It is recognized specifically that buildings, stables or structures associated with the breeding, boarding, and training activities (boarding and training facilities) may exceed the size of building associated with residential or other uses of the land, without affecting a determination that the use of such land is deemed agricultural. This definition of agriculture shall not be construed as encompassing or extending to daily or hourly rental of horses. Such amended definition is retroactive and in full force and effect as of June 26, 2006.

#### Zoning Code Section 5-3-4 (D) 2 (b) (Home Occupation Definition)

b. Is incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes, except that it is recognized that any barn, stable, or arena, may exceed the size of the dwelling unit; and



**Zoning Code Section 5-3-4 (D) 3 (c) (2) (Home Occupation Use Limitations)**

(2) The floor area ratio (FAR) of the area of the building used for any such home occupation shall not exceed 0.01 (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation), ~~with the exception of any barn, stable, or arena.~~

**Zoning Code Section 5-3-4 (D) 3 (c) (8) (Home Occupation Use Limitations)**

~~(8) There shall be a limit on the number of horses that are subject to the home occupation activity such that there shall not be in excess of one boarded horse per zoning lot acre.~~

**Zoning Code Section 5-3-4 (D) 3 (g) (Home Occupation - Boarding and Training of Horses),**

~~g. Boarding And Training Of Horses And Riders: The boarding and training of horses and rider instruction shall be a permitted home occupation. For properties of less than ten (10) acres these activities are regulated under this subsection (D), and in addition must comply with the restrictions under subsections (A)2a(1), (A)2a(3), and (A)2a(8) of this section. For properties of ten (10) acres or larger, these activities are regulated solely under subsection (A)2 of this section. (Ord. 14-19, 12-15-2014)~~

Notwithstanding anything to the contrary contained in this subsection (D), the boarding of horses in a stable and the training of horses and their riders shall be a permitted home occupation; provided that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later, and further provided that no vehicles or machinery, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises except during the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later. (Ord. 06-12, 6-26-2006

**Zoning Code Section 5-5-2(A) (Permitted Uses R-1 Accessory Uses)**

~~Breeding, boarding, and training of horses, and rider instruction, as regulated under Section 5-34(A)(2) or Section 5-3-4(D) as applicable.~~

## ORDINANCE AMENDING SECTIONS 5-2-1, 5-3-4, 5-5-3 and 5-10-7

### 5-2-1 Definitions:

That the following defined terms be added:

AFFECTED PARTIES: Adjacent property owners, private road association (if there is private road access from any Boarding Facility), and non-adjacent property owners located on the same public road as the Boarding Facility within one-quarter (1/4) mile in either direction.

BOARDED HORSES: Horses that are not owned by the landowners or occupants of the property where the horses are kept.

BOARDING FACILITY: Any facility or property space proposed to be used or used in connection with a Commercial Boarding operation.

COMMERCIAL BOARDING: The boarding of five (5) or more boarded horses on any property; provided that the maximum number of boarded horses shall not exceed twenty (20). Commercial Boarding is permitted where the landowner receives a Special Use Permit.

GRAZING ACRE: That fenced-in portion of a property onto which horses are normally allowed during daylight hours. Grazing acres include pastures, mud lots and paddocks, but not those portions of the property that include the residence, pool, tennis court or other sports fields, nor shall it include agricultural or hay fields, streams and wetlands, or other portions of the property not suitable for the pasturing of horses.

HORSE BOARDING: Supplying food and lodging to boarded horses for pay. Boarding of four (4) or fewer horses is permitted under and subject to the Home Occupation Ordinance.

### 5-3-4 REGULATIONS FOR SPECIFIC USES

#### 5-5-3 SPECIAL USES

Section 5-5-3 (A) shall be amended to include the term "Commercial Boarding" to the list of Special Uses.

#### 5-10-7 SPECIAL USES

A new subsection (1), Commercial Boarding, shall be added to Section 5-10-7, as follows:

Commercial Boarding is a permitted Special Use in R1 Districts within the Village, provided such Commercial Boarding operation complies with the provisions of this Section 5-10-7 (J). Special Use permits issued under this subsection (1) shall not exceed a period of five (5) years from the date of issuance, and thereafter, the property owner will need to reapply for another Special Use permit. In addition, no Special Use permit for Commercial Boarding shall be granted to any property owner or boarding operator who has been found in violation of Village zoning laws or for whom their Boarding Facilities do not or have not complied fully with the building permits issued them.

**1. PURPOSE, INTENT AND INTERPRETATION:** The purpose of this Section is to provide specific regulations for the operation of Commercial Boarding facilities within the Village. The boarding of horses for a Commercial Boarding operation must be managed in the context of the residential nature of the Village and its desire to maintain the peace, quiet and domestic tranquility within all of the Village's residentially zoned areas. In permitting Commercial Boarding, this Section shall be interpreted to respect and protect the rights of all residents to live in a peaceful, quiet and tranquil environment, and enjoy freedom from fire hazards, excessive noise, light and traffic and other nuisances associated with commercial operations.

**2. APPLICATION:** All landowners seeking a Commercial Boarding Special Use permit must comply with subsections (A) through (H) of this Section 5-10-7, and in addition to the requirements set forth in subsection (C) must submit to the ZBA with applicant's permit application:

(i) A site plan clearly indicating the size, location and setback from property lines of any buildings and other improvements, structures or facilities, such as pasturage, parking areas and riding arenas, intended by the applicant to be used in connection with the operation of a Commercial Boarding facility, as well as the current on-site land uses and zoning, current adjacent land uses and zoning, adjacent roadways, location of existing utilities, existing and proposed means of access, fencing and landscaping/screening.

(ii) A survey of the property prepared by an Illinois licensed land surveyor dated within ninety (90) days of the application.

(iii) Written statements by all Affected Parties granting their permission to the proposed Commercial Boarding.

(iv) A fire emergency plan developed in conjunction with and approved by the local fire department covering the subject property.

(v) Proof of availability of business insurance with the Village as named the party being covered sufficient to protect the Village from liabilities arising from the operation of the Commercial Boarding facility. The amount of insurance coverage shall be specified by the Village based on the size of the Commercial Boarding operation and such other factors as deemed relevant by the Village after consultation with its auditors and or insurance advisors.

(vi) Such other additional information as shall be requested by the ZBA.

**3. CONSIDERATION:** In considering a request for a Commercial Boarding Special Use permit, the ZBA shall consider the following factors:

(i) location of the property

(ii) configuration of the property

(iii) character of the surrounding neighborhood

(iv) proximity of each Boarding Facility to wetlands, artificial lakes or other watercourses

(v) vehicular access to each Boarding Facility

- (vi) available parking
- (vii) available pasture Grazing Acres
- (viii) manure disposal plan
- (ix) access, shared or otherwise
- (x) such other relevant factors as the ZBA may deem appropriate.

In addition, the Village Board of Trustees shall have the right to place further restrictions or requirements on the applicant as conditions for granting a Special Use permit.

In considering each Commercial Boarding Special Use, the ZBA will record in the public record the number and names of Affected Parties who have granted and denied their permission. If less than all Affected Parties have granted permission to the proposed Commercial Boarding, then the applicant shall have the burden of proving that the proposed operation will NOT interfere with the peace, quiet and domestic tranquility of all Affected Parties. Overriding the failure to obtain the unanimous permission of the Affected Parties shall require a simple majority vote by both the ZBA and Village Board of Trustees.

**4. USE LIMITS:** Special Use permits shall not exceed the following restrictions:

a. Horses

- (i) One (1) horse (boarded or resident/landowner-owned) per Grazing Acre
- (ii) A maximum of twenty (20) boarded horses per Commercial Boarding operation regardless of the total amount of Grazing Acres

b. Hours of operation:

- (i) Employees: from 6:00 A.M. to 7:00 P.M.; animal health emergencies may be addressed at any hour, if needed
- (ii) Boarding customers: from 8:00 A.M. to 7:00 P.M.
- (iii) Use of machinery: from 9:00 A.M. to 5:00 P.M.

**5. FACILITIES AND OPERATIONS**

a. Barn, riding, auxiliary buildings and parking area size: A Commercial Boarding FAR of 0.04, with a maximum combined Boarding Facility (not including the residence or other buildings not involved in the Commercial Boarding operation) limit of 25,000 square feet for barns, riding arenas, auxiliary buildings and parking areas, regardless of total property acreage.

b. Setback requirements for barn, arenas, auxiliary buildings and parking area: Minimum of one-hundred (100) feet PLUS thirty-seven (37) feet for each 5,000 square feet of combined barn/arena/auxiliary buildings/parking area, calculated proportionally, from all non-public road property lines. Setback requirements from public road property lines shall be as specified in the Village Zoning Code for R-1 properties. However, if the Affected Parties grant their written permission for an exception, this setback may be

reduced, provided the minimum setback is one hundred (100) feet. If an existing Commercial Boarding operator cannot meet the setback requirements and the Affected Parties will not provide their written permission to a reduction, the Village may grant the applicant a waiver, provided the applicant otherwise meets all other zoning requirements, there were no past or existing complaints by the Affected Parties with respect to the subject Commercial Boarding operation, and there are no current or past violations of the applicant with respect to compliance with the Village's zoning ordinances.

c. Fire Safety: Every Boarding Facility stable (not including the indoor arena) over 5,000 square feet must be equipped with readily accessible Fire Department approved fire extinguishers (1 for each 1,500 square feet of stable), an automated fire monitoring system connected to the local fire department system, and illuminated fire exits (signs and area emergency lighting). In addition, barns over 10,000 square feet must be equipped with a sprinkler or other fire suppressant system that covers all fire escape routes. Boarding Facilities must work with the Fire Department to train employees on evacuation procedures and extinguisher operation, and conduct drills quarterly. Upon request, the Commercial Boarding operator shall provide written procedures and logs demonstrating the conduct of the quarterly drills.

d. Traffic and Parking: The limits shall be:

(i) Parking lot size: Limited to 1 car space per boarded horse stall with a maximum of ten (10) spaces.

(ii) Events will require a Special User permit. Event parking can use paddock/pasture areas.

(iii) Private road access: Requires written permission of the road association

(iv) Class size: Will be limited to maximum size of 6; and no more than two classes per day.

e. Horse Trailer Parking: No overnight parking of non-resident horse trailers is permitted.

f. Lighting: The area immediately around entrances and walkways may be lighted for safety purposes. No other exterior night lighting is permitted. Outdoor arenas may not be lighted at night. Further, no light may emanate from the interior, such as from riding arena windows or translucent panels, if that light presents a non-residential profile or non-residential lumen levels.

g. Indoor bathroom facilities: Facilities shall be provided for employees and customers. Outdoor portable facilities shall not be used for Commercial Boarding operations.

h. Waste & Manure:

(i) Stalls must be cleaned (mucked) daily and the waste manure/bedding mix stored in an appropriately sized dumpster, then hauled to a public waste processing facility not less than once a week. Storage or spreading of manure on the property is not permitted. If manure is kept on premise, placement cannot be closer than 300 feet to neighboring properties

(ii) Piles of manure in pastures or paddocks are not allowed, and must be picked up and disposed of in accordance with the terms of subsection (viii)(a) above.

(iii) For all Commercial Boarding operations with an average of more than ten (10) horses (Boarded Horses or applicant-owned horses), the Village reserves the right to test nearby well water and streams and ponds for manure and animal related pollutants in excess of federal EPA and Illinois EPA guidelines and regulations. If there are excess levels that reasonably appear to be the result of the Commercial Boarding operation, the Commercial Boarding operation shall be closed immediately and remain closed until the remedies are implemented to avoid future problems, and the pollutants abate.

i. Facilities Upkeep: All Boarding Facilities must be maintained to a high level, inside and out, including painting or staining all wooden fences and walls, and sound roofing materials.

**LIABILITIES:** Each Commercial Boarding operator shall maintain business liability insurance to protect the Village from negligence and other lawsuits in amounts specified by the Village auditor or insurance advisor, which amount shall not be less than \$1,000,000.

**NON-COMPLIANCE:** In the case of non-compliance with the provisions of this Section and/or any additional restrictions imposed in the Special Use permit, the Village shall provide written notice to the Commercial Boarding operator. The written notice shall specify the area(s) of non-compliance and provide the operator with fourteen (14) calendar days to remedy the non-compliance (the "cure period"). If, after the expiration of the 14-day period, the Commercial Boarding operator has not complied with the terms of this Section or any additional restrictions imposed in the Special Use permit, the Village shall issue a cease and desist letter and such operator shall immediately suspend all Commercial Boarding operations until a compliance plan is submitted to the Village and approval of such plan is voted on by the Village Board of Trustees. If the Commercial Boarding operator continues to operate in non-compliance with the terms of this Section and any additional restrictions imposed in the Special Use permit beyond the 14-day cure period, the operator shall be subject to a fine of \$1,000 per day. Further, in connection with any enforcement action required to be taken by the Village against operator for continued violations after the cure period, operator shall reimburse the Village for any and all enforcement costs, including attorneys' fee and expenses.

**EFFECTIVE DATE:** Such amended definitions and additions contained herein are retroactive and in full force and effect as of June 26, 2006.

**EXHIBIT B**

**ZBA FINDINGS OF FACT/RECOMMENDATION**

November 29, 2016

To: President and Board of Trustees  
Village of Barrington Hills

RE: Application for Text Amendment -  
James Drury III - Horse Boarding

This is to advise you that the Zoning Board of Appeals (ZBA) held a public hearing over a period of several nights regarding a proposed amendment to the zoning code relative to horse boarding. The Application for such purpose was submitted by James J. Drury, III. The public hearing commenced on July 18, 2016 and continued to August 1, and August 30, 2016. The hearings were held initially at the Village Hall, and then moved to Countryside Elementary School, where a quorum was present for each hearing date. Notice of the initial hearing was published in compliance with the Open Meetings Act, and published in a timely manner in the Daily Herald. Personal Notice of the commencement of the public hearing was also made to the residents who expressed interest in the issue of horse boarding, said list being a part of the public hearing record in this cause.

The ZBA heard testimony from counsel for the Applicant and from the public at large.

### FACTS

The Village zoning code, Title 5 – Zoning Regulations, Chapter 5 Administration, Section 5-10-6 allows for amendments to the zoning code. Section 5-10-6 (A) provides:

Authority: For the purposes of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the village, and lessening or avoiding congestion in the public roads and highways, the president and the board of trustees of the village may, from time to time, in the manner hereinafter set forth, amend the regulations imposed and the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire Village, and the uses to which property is devoted at the time of the effective date hereof. (Ord. 63-1, 4-1-63)

For purposes of an amendment to the text of the zoning code, the ZBA must make findings of fact and its recommendation to the Board of Trustees in writing, pursuant to section 5-10-6(F), which provides:

F) Findings of Fact and Recommendations of the Zoning Board of Appeals:  
Within a reasonable time after the close of the hearing on a proposed



amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the Board of Trustees of the Village. . . .

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. . . .

The transcript of the public hearing is available through the Office of the Village Clerk.

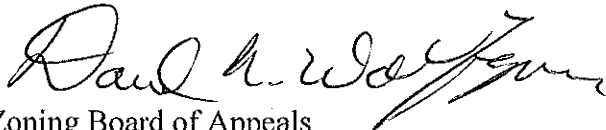
### **FINDING**

Member Stieper moved to recommend adoption of the Text Amendment finding that it satisfied the factual findings required for such purpose, solely to allow the issue to be placed before the ZBA for discussion. The motion was seconded by Member Hennelly. Discussion ensued relative to horse boarding and the current zoning text. Member Stieper commented that he would vote “no” on the text amendment, in favor of a text amendment he planned to propose which would repeal the amendment adopted in 2014, which is commonly referred to as the “Anderson Amendment” in favor of returning the text to what existed before the Anderson Amendment, which allowed for boarding via a home occupation.

### **RECOMMENDATION**

The Application for Text amendment, submitted by Mr. Drury, was recommended for approval on a unanimous vote of 0-7, with no members voting in favor of the amendment. The motion to recommend failed.

Respectfully submitted,



Zoning Board of Appeals  
Village of Barrington Hills

# Zoning Board of Appeals Text Amendment

**AN ORDINANCE AMENDING TITLE 5, ZONING REGULATIONS SET FORTH IN CHAPTERS 2, 3, 5 AND 10 REGARDING HORSE BOARDING – ZONING BOARD OF APPEALS TEXT AMENDMENT**

**WHEREAS**, the Village of Barrington Hills (hereinafter the “Village”) is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the Village of Barrington Hills is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to regulate properties located within the municipal boundaries of the Village; and

**WHEREAS**, in furtherance of this authorization, the Village of Barrington Hills has adopted a zoning code, set forth in Title 5 Zoning Regulations of the Village’s Municipal Code to, among other purposes, effectuate the Village’s planning program and to regulate individual property use by establishing use districts, building site requirements, setback, density, parking and height regulations, and by specifying external impact standards for noise, smoke, odor, glare and vibration; and

**WHEREAS**, in accordance with its power and authority, on February 23, 2015, the Village Board adopted Ordinance 14-19 “An Ordinance Amending Title 5, Zoning Regulations Set Forth in Chapter 2, 3, and 5 Regarding Horse Boarding;” and

**WHEREAS**, earlier this year, the Zoning Board of Appeals commenced discussion of the current zoning regulations regarding commercial horse boarding in the Village; and

**WHEREAS**, Section 5-10-6(B) of the Village’s Municipal Code provides that the Zoning Board of Appeals may initiate an amendment to the zoning code; and

**WHEREAS**, pursuant to this authority, the Zoning Board of Appeals initiated an amendment (“Amendment”) to the zoning code to remove from the village code the changes to regulations regarding commercial horse boarding which were made through adoption of Ordinance No. 14-19; and

**WHEREAS**, the Amendment, attached hereto and made a part hereof by reference as Exhibit “A,” was submitted for public hearing in compliance with the requirements of the zoning code and statutes of the State of Illinois; and

**WHEREAS**, Notice of Public Hearing with respect to the Amendment was published in the Daily Herald Newspaper in the Village of Barrington Hills, as required by the village code and statutes of the State of Illinois; and

**WHEREAS**, pursuant to said Notice, the Zoning Board of Appeals of the Village of Barrington Hills conducted a Public Hearing on the Amendment on November 9, 2016 and after hearing the Amendment, the Zoning Board of Appeals voted 6-1 to recommend approval of the Amendment, said vote resulting in a recommendation to the Village Board to adopt the Amendment; and

**WHEREAS**, the Zoning Board of Appeals has forwarded its findings and recommendation in regard to the Amendment to the Village Board, in the Findings and Recommendation, attached hereto and incorporated herein by reference as Exhibit “B;” and

**WHEREAS**, the President and Village Board of Trustees has considered the matter and determined that the ZBA proposed text amendment to Title 5 Zoning Regulations relative to horse boarding be approved, as such action is believed to be in the best interests of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Barrington Hills, a home rule community located in Cook, Lake, Kane and McHenry Counties, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

**SECTION TWO:** That Title 5 Zoning Regulations, Chapters 2, 3, 5 and be amended as set forth in Exhibit “A.”

**SECTION THREE:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ayes:            Nays:            Absent:

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 7<sup>th</sup> day of December, 2016.

APPROVED:

ATTEST:

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk

**EXHIBIT A**

**ZBA TEXT AMENDMENT**

## Proposed Text Amendment:

The following proposed text amendment would repeal the changes to horse boarding approved in 2014, and return the text to that which existed prior to such amendment.

Text which is stricken will be eliminated, underline text will be returned to the Code, and rest will remain as written.

### Section 5-2-1

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry (including, ~~and the breeding and raising of horses as an~~, ~~boarding, and training of horses and riders as a hobby or occupation~~ (and, the necessary accessory uses needed for the following: the handling or storing of the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. ~~, conducting animal husbandry, and for the breeding, boarding, and training of horses and rider instruction.~~ It is recognized specifically that buildings, stables or structures associated with the breeding, boarding, and training activities (boarding and training facilities) may exceed the size of building associated with residential or other uses of the land, without affecting a determination that the use of such land is deemed agricultural. This definition of agriculture shall not be construed as encompassing or extending to daily or hourly rental of horses. Such amended definition is retroactive and in full force and effect as of June 26, 2006.

### Section 5-3-4

(A) Agriculture: The provisions of this title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or set back lines. In the event that the land ceases to be used solely for agricultural purposes, then, and only then, shall the provisions of the zoning title apply.

- ~~1. Permits: Other than those regulations specifically provided for in subsection (A)2a of this section, the provisions of this title shall not impose regulations or require permits with respect to land used or to be used for agricultural purposes.~~
- ~~2. Boarding And Training Of Horses And Rider Instruction:~~

a. Regulations: The following provisions listed in this subsection (A)2a shall apply to the boarding and training of horses and rider instruction:

(1) Hours: The hours of operation of boarding and training facilities shall be: a) employees (not residing on the property): from six o'clock (6:00) A.M. to nine o'clock (9:00) P.M. or thirty (30) minutes past dusk, whichever is later; b) boarders and riders receiving instruction: from seven o'clock (7:00) A.M. to eight thirty o'clock (8:30) P.M. or dusk, whichever is later; c) use of machinery: seven o'clock (7:00) A.M. to nine o'clock (9:00) P.M. These hourly restrictions shall not apply in the event of emergencies.

(2) Activities Located On Same Lot: No property shall be allowed to conduct the activities subject to the regulations under this subsection (A)2 that is not located on the same zoning lot or lots under the same ownership and/or control as the residence of the owner or operator of the related facility.

(3) Waste Management: All barns shall have an animal waste management protocol consistent with published acceptable standards and in full compliance with section 7-2-5 of this code.

(4) Lighting: Lighting for barns, stables and arenas shall only be directed onto the property for which such uses occur such that there is no direct illumination of any adjacent property from such lighting. In all respects, lighting for any activities or structures used in agriculture shall comply with all other provisions of this code.

(5) Nuisance Causing Activities: It is unlawful for any person operating a boarding and training facility to allow or permit any animal to cause serious or habitual disturbance or annoyance by frequent or habitual noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. "Noisy conduct" is defined as noise which can be heard continuously within an enclosed structure off the property of the boarding and training facility for more than fifteen (15) minutes and which annoys, injures or endangers the safety, health, comfort or repose of others. In addition to the foregoing specific limitations, no boarding or training facility shall cause or create any act, which endangers public health or results in annoyance or discomfort to the public, said act being defined as a nuisance under title 7, chapter 1 of this code.

(6) Number Of Horses: There shall be a limit on the number of horses that a boarding and training facility is allowed to board such that there shall not be in excess of two (2) boarded horses per zoning lot acre.

(7) Traffic: Properties subject to the provisions of this subsection (A)2 shall ensure that traffic associated with the agricultural operations is reasonably minimized, particularly at properties where access is from private roads, and including at times any events such as charity outings or clinics.

~~(8) Toilets: Properties subject to the provisions of this subsection (A)2 shall provide indoor toilets for use by employees, boarders and riders and shall not rely on outdoor portable toilets for ordinary operations.~~

~~(9) Floor Area Ratio: Properties subject to the provisions of this subsection (A)2 shall comply with the maximum floor area ratio requirements applicable to single family detached dwellings as specified in section 5-5-10-1 of this title. (Ord. 14-19, 12-15-2014)~~

### **Section 5-3-4 (D)**

(D) Home Occupation: The intent of this subsection is to provide peace, quiet and domestic tranquility within all residential neighborhoods within the village and in order to guarantee to all residents freedom from nuisances, fire hazards, excessive noise, light and traffic, and other possible effects of business or commercial uses being conducted in residential districts. It is further the intent of this subsection to regulate the operation of a home occupation so that the general public will be unaware of its existence. A home occupation shall be conducted in a manner which does not give an outward appearance nor manifest characteristics of a business which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units or infringe upon or change the intent or character of the residential district.

1. Authorization: Subject to the limitations of this subsection, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any residential zoning district.

2. Definition: A "home occupation" is any lawful business, profession, occupation or trade conducted from a principal building or an accessory building in a residential district that:

a. Is conducted for gain or support by a full time occupant of a dwelling unit; and

b. Is incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes, ~~except that it is recognized that any barn, stable, or arena, may exceed the size of the dwelling unit;~~ and

c. Does not change the essential residential character of such dwelling unit or the surrounding neighborhood.

3. Use Limitations:

a. Employee Limitations:

(1) The owner of every home occupation shall be a person that is a full time occupant of the dwelling unit where such occupation is conducted.



- (2) No more than two (2) employees or subcontractors, other than the full time occupants of a dwelling unit shall be engaged or employed in connection with, or otherwise participate in the operation of, a home occupation at any one time. This limitation on the number of employees or subcontractors shall not apply to employees or subcontractors who are not present and do not work at the dwelling unit devoted to such home occupation.

b. Structural Limitations:

- (1) No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
- (2) No separate entrance from the outside of the building where the home occupation is located shall be added to such building for the sole use of the home occupation.

c. Operational Limitations:

- (1) Every home occupation shall be conducted wholly within either: a) a principal building or b) an accessory building, but not both.
- (2) The floor area ratio (FAR) of the area of the building used for any such home occupation shall not exceed 0.01 (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation). ~~with the exception of any barn, stable, or arena.~~
- (3) There shall be no direct retail sales of merchandise, other than by personal invitation or appointment, nor any permanent display shelves or racks for the display of merchandise to be sold in connection with the home occupation.
- (4) No routine attendance of patients, clients, customers, subcontractors, or employees (except employees and subcontractors as provided in Subparagraph 3.a.(2) of this Section) ~~subsection (D)3a(2) of this section~~ associated with any home occupation shall be permitted at the premises of the home occupation, provided, however, that the attendance of up to four (4) persons at any one time may be allowed for the purpose of receiving private instruction in any subject of skill. "Routine attendance" means that the conduct of the home occupation requires persons, other than the owner or permitted employees and subcontractors, to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.
- (5) No vehicle or mechanical, electrical, or other equipment, that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the principal building or accessory building containing the home occupation that is greater or more frequent than that typical of vehicles or equipment

used in connection with residential occupancy shall be used in connection with any home occupation.

- (6) All storage of goods, materials, products or merchandise used or sold in conjunction with a home occupation shall be wholly within the principal building or accessory building containing the home occupation.
- (7) No refuse in excess of the amount permitted under section 5-3-9 of this title chapter shall be generated by any home occupation.
- ~~(8) There shall be a limit on the number of horses that are subject to the home occupation activity such that there shall not be in excess of one boarded horse per zoning lot acre.~~

d. Signage And Visibility:

- (1) No exterior business signs on a principal building, accessory building or vehicle used in connection with the home occupation, shall be permitted in connection with any home occupation unless otherwise permitted under section 5-5-11 of this title.
- (2) There shall be no exterior indications of the home occupation or exterior variations from the residential character of the principal building or accessory building containing the home occupation.

e. Traffic Limitations: No home occupation shall generate significantly greater vehicular or pedestrian traffic than is typical of residences in the surrounding neighborhood of the home occupation.

f. Nuisance Causing Activities: In addition to the foregoing specific limitations, no home occupation shall cause or create any act, which endangers public health or results in annoyance or discomfort to the public, said act being defined as a nuisance under title 7, chapter 1 of this code.

g. Boarding And Training Of Horses And Riders: Notwithstanding anything to the contrary contained in this Section 5-3-4(D), the boarding and training of horses in a stable and the training of horses and their riders and rider instruction shall be a permitted home occupation; provided that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of 8:00 AM and 8:00 PM or sunset, whichever is later, and further provided that no vehicles or machinery, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises except during the hours of 8:00 AM and 8:00 PM or sunset, whichever is later. ~~For properties of less than ten (10) acres these activities are regulated under this subsection (D), and in addition must comply with the restrictions under subsections (A)2a(1), (A)2a(3), and (A)2a(8) of this~~

~~section. For properties of ten (10) acres or larger, these activities are regulated solely under subsection (A)2 of this section. (Ord. 14-19, 12-15-2014)~~

**Section 5-5-2(A)**

~~Breeding, boarding, and training of horses, and rider instruction, as regulated under Section 5-3-4(A)(2) or Section 5-3-4(D) as applicable.~~

**EXHIBIT B**

**ZBA FINDINGS OF FACT/RECOMMENDATION**

November 29, 2016

To: President and Board of Trustees  
Village of Barrington Hills

RE: **Application for Text Amendment -  
ZBA - Horse Boarding**

This is to advise you that the Zoning Board of Appeals (ZBA) held a public hearing on November 9, 2016 regarding a proposed amendment to the zoning code relative to horse boarding. The Application for such purpose was submitted by the ZBA, on a vote of 3-2 with two absent for consideration, pursuant to Section 5-10-6 (B) of the Village Code. The public hearing was held at Countryside Elementary School, where a quorum was present. Notice of the hearing was published in compliance with the Open Meetings Act, and published in a timely manner in the Daily Herald.

The ZBA heard testimony from ZBA members in presentation of the proposed amendment, and from the public at large.

#### **FACTS**

The Village zoning code, Title 5 – Zoning Regulations, Chapter 5 Administration, Section 5-10-6 allows for amendments to the zoning code. Section 5-10-6 (A) provides:

Authority: For the purposes of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the village, and lessening or avoiding congestion in the public roads and highways, the president and the board of trustees of the village may, from time to time, in the manner hereinafter set forth, amend the regulations imposed and the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire Village, and the uses to which property is devoted at the time of the effective date hereof. (Ord. 63-1, 4-1-63)

For purposes of an amendment to the text of the zoning code, the ZBA must make findings of fact and its recommendation to the Board of Trustees in writing, pursuant to section 5-10-6(F), which provides:

F) Findings of Fact and Recommendations of the Zoning Board of Appeals: Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the Board of Trustees of the Village. . . .

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. . . .

The ZBA text amendment, as proposed, would remove all changes wrought by what has been referred to as the "Anderson II amendment" in its entirety through amendment as written under Sections 5-2-1, 5-3-4(A), 5-3-4(D)2(b), 5-3-4(D)3(c)(2), 5-3-4(D)3(c)(8), 5-3-4(D)3(g), 5-5-2(a), 5-5-3 and 5-10-7 of the Village Zoning Code of Barrington Hills and reinstate the prior home occupation ordinance under Section 5-2-1 and 5-3-4 of the Village Code.

The transcript of the public hearing relative to the text amendment is available through the Office of the Village Clerk.

**FINDING**

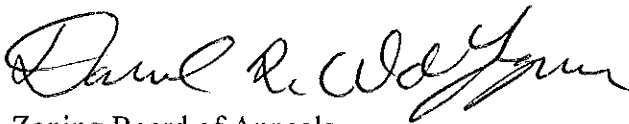
Following the close of the public hearing on November 9, 2016, the ZBA commenced discussion of the facts presented on the ZBA Application for Text Amendment.

From the facts presented, the Text Amendment is proposed by the ZBA, thus it does not serve to benefit any one applicant, and the ZBA concludes that it serves the interests of the Village in that the amendment will remove from the village code the language of "Anderson II" which allows commercial horse boarding as of right within the R-I zoned district.

**RECOMMENDATION**

The ZBA recommends, on a vote of 6-1, the adoption of the ZBA-proposed Text Amendment.

Respectfully submitted,



Zoning Board of Appeals  
Village of Barrington Hills

# **PUBLIC COMMENTS**

Public Comments are submitted by the public and are not reviewed or endorsed by the Village.

**Public Comment for the Board of Trustees Regarding the Zoning Amendment  
Recommended by the Zoning Board of Appeals**

I am J.R. Davis, Chairman of Barrington Hills Farm, and a resident of the Village of Barrington Hills. I am speaking on behalf of myself, a landowner and resident of Barrington Hills, and as Chairman of Barrington Hills Farm, a 602-acre tract of land in the northwest corner of Barrington Hills, originally owned by Alex and Barbara MacArthur known as Strathmore Farms, and then by Fritz Duda.

I would like to comment on the zoning amendment recommended to you by the Village's Zoning Board of Appeals (the "ZBA") that would delete Ordinance 14-19 from our Village Zoning Code.

First, the vast majority of Village residents who have submitted comments regarding the ZBA's efforts to amend the horse boarding provisions of the Zoning Code are opposed to changing the Village Code's horse boarding provisions. Since the ZBA began discussions regarding a horse boarding amendment to the Village Code this summer, hundreds of residents have submitted form statements to the Village in opposition to any such amendment. Residents submitted form statements in response to the zoning amendment proposed by Village resident James Drury, and to the zoning amendment proposed by ZBA Member David Stieper, which you are considering tonight. Every form statement submitted to the Village in opposition to both the amendment proposed by Mr. Drury and the amendment proposed by Mr. Stieper states, "Furthermore, I believe the current language as proposed by the ZBA in Ordinance 14-19 and adopted by the Board of Trustees in 2015 provides the right balance of neighbor protection and freedom to operate best practice horse boarding, and does not need revision or review at this time." We counted all of these form statements. In total, 557 individuals submitted a form



statement in opposition to changing the Village's horse boarding provisions.<sup>1</sup> Specifically, 342 households owning R-1 property in the Village are opposed to amending the Village Code's horse boarding provisions in any fashion. Additional statements opposing Mr. Stieper's proposed amendment continue to be delivered, and we are continuing to count such statements. Pursuant to Section 5-10-6(G) of the Village Code, if there is a "written protest against any proposed amendment signed and acknowledged by the owners of twenty percent (20%) of the property proposed to be altered," then a two-thirds vote by the Board of Trustees is required to enact the amendment.

Second, there is no evidence that Ordinance 14-19 has increased horse boarding complaints in the Village. In fact, since the adoption of the Anderson II amendment on February 23, 2015, through the time the ZBA began its discussions regarding a horse boarding amendment this summer, the Village of Barrington Hills had received zero complaints regarding horse boarding activities in the Village.<sup>2</sup> Indeed, this proposed amendment will not rectify any problems currently facing the Village or its residents.

Third, this proposed amendment will reintroduce confusion and uncertainty regarding whether, and in what form, horse boarding is permitted in our equestrian Village. As you recall, Ordinance 14-19 was the result of months of public comment and debate regarding the Village's horse boarding regulations, which became a source of debate after an Illinois Appellate Court ruled that one particular horse boarding operation did not coincide with the Village's permitted

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<sup>1</sup> These statements were submitted in multiple ZBA meeting packets beginning with the July 18, 2016 ZBA Meeting Packet.

<sup>2</sup> On June 28, 2016, Barrington Hills Farm through its attorneys submitted a Freedom of Information Request to the Village seeking "[a]ny and all complaints sent to the Village of Barrington Hills (the "Village") regarding horse boarding activities between February 23, 2015 and today." On July 15, 2016, the Village's attorneys responded to this request stating: "To confirm, the Village does not have any records responsive to item 1 (complaints regarding horse from February 23, 2015 to present)."

uses for R-1 property. Thus, the Village enacted Ordinance 14-19, permitting and regulating horse boarding on R-1 property. While some residents have argued that this legislation is not perfect, this ordinance does contain regulations for horse boarding operations, including the hours of operation, number of horses, floor area ratio requirements, and applicable standards for waste management, lighting, nuisances, toilets, and traffic. (Village Code, 5-3-4(A)(2)(a).) In contrast, the amendment before you tonight would delete these regulations, and instead reenact the “Notwithstanding” clause from the former Home Occupation Ordinance, which states:

Notwithstanding anything to the contrary contained in this Section 5-3-4(D), the boarding of horses in a stable and the training of horses and their riders shall be a permitted home occupation; provided that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of 8:00 AM and 8:00 PM or sunset, whichever is later, and further provided that no vehicles or machinery, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises except during the hours of 8:00 AM and 8:00 PM or sunset, whichever is later.

Returning to this language will remove the regulations included in Ordinance 14-19, and increase the controversy and confusion regarding horse boarding operations in our village.

Please consider the support for the regulations that this amendment proposes to delete, and the uncertainty and ambiguity that will result from reinstating the Home Occupation Ordinance. I urge you to listen to the voices of the hundreds of residents that continue to submit statements and letters to you by voting against this amendment. Thank you for your time and service as representatives of our Village.

# Jack E. Reich

December 5, 2016

Mr. Martin J. McLaughlin  
President  
Village of Barrington Hills  
112 Algonquin Road  
Barrington Hills, Illinois 60010-5199

## **Subject: Commercial Boarding Text Amendment Comments**

Dear Mr. McLaughlin and Trustees;

Please accept our letter of support to overturn Anderson II; immediately restoring previous Home Occupation rights and our residential code. **The attached** table is from information provided and verified by the Village Clerk as accurately representing Anderson II code. Anderson II was passed to protect a single property owner involved in litigation, Oakwood Farms, expand boarding, and promote Barrington Hills as a commercial destination at the expense of our residential zoning.

Below highlights consequences of Anderson II on our unique 5-10 acre neighborhoods:

1. Anderson II changed code:
  - a. Allowing a 5 acre property to commercially board 10 horses PLUS unlimited owned horses for an unlimited total number of horses and *eliminates Home Occupation protections*.
  - b. Increases the ability for a 5 acre property to install a 10,890 square foot building nearly 4 x previous allowances and a commercial intrusion to 5-10 acre neighborhoods.
  - c. Increases commercial traffic allowances from 6 AM to 9 PM, 7 days per week.

*During recent ZBA public testimony, an equestrian "expert" called by Mr. JR Davis offered valuable insight. He stated that every property is unique and requires different restrictions for impacts from water pollution, grazing, etc. (Special Use). When asked by ZBA Member Chambers, the "expert" suggested a common restriction is 1 horse per acre. Trustee Gohl clearly supported this approach in previous hearings.*

*Imagine 5 acre and 10 acre residential neighborhoods in the Village suddenly facing this unbridled commercial expansion with loss of any Home Occupation protections for the rights of tranquility and privacy tests, long the tradition of the Village.*

2. Anderson II was adopted for the specific purpose of favoring one property owner in a legal dispute, Oakwood Farms. *The 7 year retroactive provision of Anderson II is likely illegal; and certainly unethical abuse.* In 2011, ZBA Chairperson Freeman supported in writing special use and Home Occupation for commercial boarding. However, because the Appellate Court found Oakwood Farms violated code, the ZBA adopted Anderson II in November, 2014. On June 17, 2014, Member Anderson advised me that any change in the code must include protections for Oakwood.

Mr. Martin J. McLaughlin  
Page 2  
December 5, 2016

3. Consequences of Anderson II negatively impact R-1 zoning and are a slippery slope toward further commercialization. Concerns expressed by ZBA Members and Trustees punctuate that Anderson II may invalidate our residential (R-1) code and map.

The courts must be allowed to settle the dispute involving Oakwood Farms and not be legislated through special interest favoritism. The issues involving commercial boarding are NOT an indication of residents being pro or anti equestrian, but rather desire to maintain Village traditions for equestrian use AND the open spaces, tranquility, and privacy desires of all residential owners in our Village.

Please immediately restore R-1 zoning and Home Occupation rights by eliminating Anderson II.

Respectively submitted,



Jack E. Reich

cc: Ms. Colleen Konicek-Hannigan, Trustee  
Mr. Fritz Gohl, Trustee  
Mr. Michael Harrington, Trustee  
Mr. Bryan C. Croll, Trustee  
Ms. Michelle Nagy Maison, Trustee  
Mr. Brian Cecola, Trustee  
Mr. Dan Wolfgram, ZBA Chairperson  
Ms. Anna Paul, Village Clerk  
Mr. Patrick Bond, Village Attorney

Attachment:

- Table of Anderson II Highlights from information provided and verified by the Village

## Anderson II Text Amendment Allows

	5 Acres	10 Acres
Commercial Boarded horse limits	<b>10 horses</b>	<b>20 horses</b>
Owned horse limits	<b>unlimited</b>	<b>unlimited</b>
<b>Total Horses Allowed</b>	<b>Unlimited</b>	<b>Unlimited</b>
Prior Approvals required for commercial boarding	<u>None required</u> , effectively eliminating neighbor rights under Home Occupation	
Floor Area Restrictions for all buildings, etc.	10,890 sq. ft.	21,780 sq. ft.
	0.5 times total lot area	
Commercial operations	<b>6AM to 9 PM, 7 days per week</b>	