

VILLAGE OF BARRINGTON HILLS

Zoning Board of Appeals NOTICE OF MEETING



Monday, July 18, 2016 ~ 7:30 pm
Village Hall - 112 Algonquin Road

AGENDA

1. Call to Order & Roll Call
2. [Public Comments](#)
3. [Vote] [Minutes June 20, 2016](#)

PUBLIC HEARING

4. [Horse Boarding Text amendment filed by James J. Drury III to Title 5 of the Zoning Ordinance, specifically, an amendment to Sections 5-2-1 Zoning Definitions – Agriculture; Sections 5-3-4\(A\) Regulations for Specific Uses; 5-3-4\(D\)2\(b\) Home Occupation Definition; 5-3-4\(D\)3\(c\)\(2\) and \(8\) Home Occupation Use Limitations; 5-3-4\(D\)3\(g\) Home Occupation – Boarding and Training of Horses; 5-5-2\(A\) Permitted Uses R-1 Accessory Uses; 5-5-3 Special Uses and 5-10-7 Special Uses.](#)

PUBLIC MEETING

5. [Discussion] Zoning History Relative to Horse Boarding
6. [Vote] [Horse Boarding Text amendment filed by James J. Drury III to Title 5 of the Zoning Ordinance, specifically, an amendment to Sections 5-2-1 Zoning Definitions – Agriculture; Sections 5-3-4\(A\) Regulations for Specific Uses; 5-3-4\(D\)2\(b\) Home Occupation Definition; 5-3-4\(D\)3\(c\)\(2\) and \(8\) Home Occupation Use Limitations; 5-3-4\(D\)3\(g\) Home Occupation – Boarding and Training of Horses; 5-5-2\(A\) Permitted Uses R-1 Accessory Uses; 5-5-3 Special Uses and 5-10-7 Special Uses.](#)
7. Adjournment

Chairman: Dan Wolfgram

NOTICE AS POSTED

VILLAGE OF BARRINGTON HILLS

Zoning Board of Appeals Meeting Minutes

Monday, June 20, 2016 ~ 7:30 pm

MacArthur Room

1. **Call to Order/Roll Call:** The Meeting was called to Order at 7:30 by Chairman Dan Wolfgram. On roll call, the following members were present:

- ❖ Dan Wolfgram, Chairman
- ❖ Debra Buettner
- ❖ Richard Chambers
- ❖ Patrick J. Hennelly

- ❖ David Stieper
- ❖ Jim Root
- ❖ Jan Goss

Absent: None

Staff Present: Robert Kosin, Village Administrator
Mary Dickson, Legal Counsel

2. **Public Comments:**

Chairman Wolfgram made a call for public comment. Public comment was received from nine residents, eight of whom spoke about the ZBA revisiting the horse boarding text, and one regarding the Old Hart Road project and the taking of a portion of her land as a result.

3. **Minutes:**

April 18, 2016

Member Goss moved, seconded by Member Chambers to approve the minutes of April 18, 2016, with the following correction: to show Member Stieper returning to the ZBA following hearing and the vote on the application regarding 337 Ridge Road.

On a voice vote, all Members voted “aye.” The Motion Carried.

4. **Discussion of Horse Boarding**

Discussion ensued regarding the current zoning text relative to horse boarding. Chairman Wolfgram reported that a new application for text amendment had been filed, and the Board of Trustees had provided some information for review. Counsel Dickson advised that the Board was interested in having the ZBA revisit the issue of horse boarding, and provided information therefore.

Chairman Wolfgram distributed a proposed flow chart for discussion, relative to the process the ZBA might undertake relative to consideration of an amendment to the existing horse boarding zoning text, if it was interested.

After discussion, all members indicated their support for revisiting the issue of horse boarding. Dates were discussed as follows: July 18, the ZBA will discuss historical information relative to horse boarding; August 15, members of various boards and commissions will be asked to present information relative to horse boarding. Thereafter ZBA members inclined to suggest other textual language will be invited to do so. Future meeting dates will be scheduled as needed.

The application filed by resident James Drury III will be considered for hearing in September.

5. **Adjournment**

Motion to adjourn by Member Stieper, seconded by Member Hennelly. On a voice vote, all members voting “aye.” The meeting stands adjourned at 8:55 p.m.

Approved: _____

Dated: _____

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

PUBLIC HEARING
Before the Zoning Board of Appeals
Village of Barrington Hills
Re: Text Amendment/Horse Boarding and Training

Notice is hereby given that a Public Hearing will be held on Monday, July 18, 2016 at 7:30 p.m. by the Zoning Board of Appeals of the Village of Barrington Hills at the Village Hall, 112 Algonquin Road, Barrington Hills, concerning a proposed text amendment to Title 5 of the Village's Zoning Ordinance relative to Horse Boarding filed by James J. Drury, III. Specifically, Applicant seeks an amendment to Sections 5-2-1 Zoning Definitions - Agriculture; Sections 5-3-4(A) Regulations for Specific Uses; 5-3-4 (D)2(b) Home Occupation Definition; 5-3-4(D)3(c) (2) and (8) Home Occupation Use Limitations; 5-3-4(D)3(g) Home Occupation - Boarding and Training of Horses; 5-5-2(A) Permitted Uses R-1 Accessory Uses; 5-5-3 Special Uses and 5-10-7 Special Uses.

A copy of the Zoning Ordinance and the proposed amendment thereto are available for examination at the office of the Village Clerk at the Village Hall, 112 Algonquin Road, weekdays between 9:00 a.m. and 5:00 p.m. Also a copy of this notice and amendment is available at the Village website www.barringtonhills-il.gov. All interested parties are invited to attend the Public Hearing and will be given an opportunity to be heard. Written comments on the application for text amendment to be made part of the record of this proceeding will be accepted in person, by fax or email in the office of the Village Clerk through 5 p.m. Friday, July 15, 2016
By: Village Clerk
Village of Barrington Hills
clerk@barringtonhills-il.gov
Fax 847.551.3050
Published in Daily Herald
July 1, 2016 (4445579)

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood, Sugar Grove, North Aurora, Glenview

County(ies) of Cook, Kane, Lake, McHenry and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 7150, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published July 1, 2016 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Laula Baltz
Authorized Agent

Control # 4445579



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

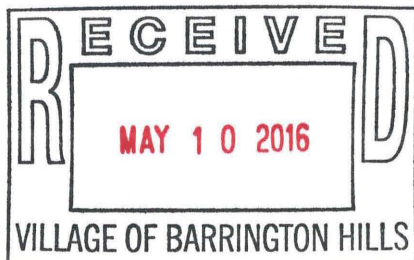
May 10, 2016

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.

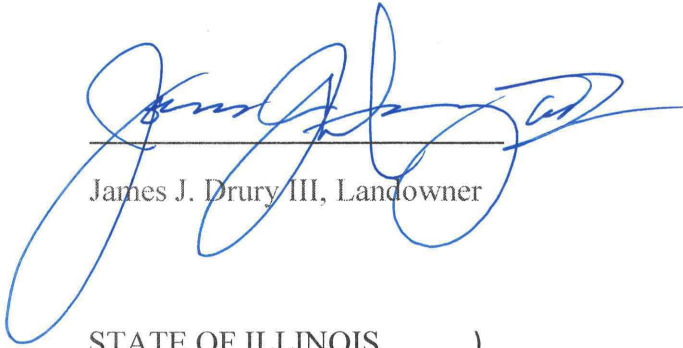
LIABILITIES: Each Commercial Boarding operator shall maintain business liability insurance to protect the Village from negligence and other lawsuits in amounts specified by the Village auditor or insurance advisor, which amount shall not be less than \$1,000,000.

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.

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Proposed Commercial Boarding Text Amendment

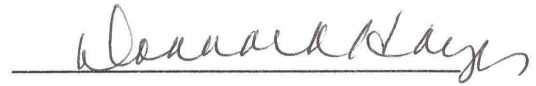


James J. Drury III, Landowner

May 10, 2016

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Subscribed and sworn to before me this 10th day of May, 2016.



Notary Public



PUBLIC COMMENTS

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



Anna Paul <apaul@barringtonhills-il.gov>

Horse Boarding Codes

Jameschammond@aol.com <Jameschammond@aol.com>

Wed, Jul 13, 2016 at 10:49 AM

To: apaul@barringtonhills-il.gov

Anna,

PLEASE inform the ZBA these documents were not prepared for Monday's hearing, but instead were submitted some years ago during another hearing process. I want to be sure they are clear on that.

Thank you again.

Jim

Village and County Horse Ordinance Examples, Environmental Considerations and Recommendations

Overview:

A number of villages similar to Barrington Hills have zoning regulations that address horse management, and most have a standard of one horse per acre. Some have also established rules specifying maximum private stable size and boarding of horses.

With groundwater contamination, waste management and other considerations, Barrington Hills should not allow a density of horses on private properties that can negatively affect and possibly threaten the groundwater supply for Barrington Hills residents or neighboring villages.

Villages Comparable to Barrington Hills:

Homer Glen: “Excluding horses owned by the property owner or occupant, up to three (3) horses may be boarded for remuneration provided that the total number of horses on the zoning lot not exceed 1 horse per acre.”

“Private stables, horse boarding and private indoor riding arenas must be located on a zoning lot of 2 acres or greater in size.”

Source: Homer Glen Zoning Ordinance 8.41 Private Stables, Private Indoor Riding Arena, Horse Boarding

Mettawa: “Horses, except as set forth in Section 15.309A, in a number not to exceed the resultant quotient obtained by dividing the total square foot area the single family residential lot upon which the horses are to be maintained by the number 40,000, provided that in the R-1, Single-Family Residence district, no horse shall be permitted upon any lot which does not contain at least 80,000 contiguous square feet of land. In addition, any accessory building intended or used for the stabling of horses shall contain a stall for each horse consisting of a minimum inside area, of eleven and one-half feet by eleven and one-half feet (11½ x 11½) but shall not exceed spaces for five (5) horses unless a special use permit therefore has been obtained pursuant to the terms of this Code. However, a loafing shed having a roof and at least three (3) enclosed sides, with the open side facing south shall be allowable as an accessory building.”

Source: Mettawa Zoning Ordinance 15.1202 Permitted Uses

Wadsworth: “STABLE, PRIVATE: A building housing equines and associated equipment. All private stables shall conform to Lake County Health Department

regulations. A lot for a private stable shall contain at least two (2) acres for the first equine and at least one additional acre for each additional equine. No equine shall be stabled, boarded, kept or trained for hire.

Source: Wadsworth Village Code 10-2-3: Definitions

Wayne: “Wayne allows one horse or pony per acre with a minimum lot size of two acres.”

“STABLE, PRIVATE: A building or structure, accessory in nature, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing not more than one allowable horse or pony per acre, which horses or ponies are primarily for the use of the occupants of the dwelling, but in no event for hire.”

Source: Laura Shepard, Deputy Clerk - Village of Wayne (630-584-3090)

Counties In Barrington Hills:

Cook County: “Stables, private. Zoning lots must be at least three acres in size. No more than three horses are allowed on three acres, with one additional horse allowed for every acre in excess of three acres.” – Code 4.5A.6. L

Kane County: “Kane County does not have an ordinance, but they do have a standard operating procedure that says you can have one horse per acre, but use common sense with the way you plan it, making sure you have enough pasture for these horses.”

Source: Kendall County Ad Hoc Zoning Ordinance Committee Meeting Minutes of June 24, 2009

McHenry County: “The minimum lot or parcel for a private stable shall be two (2) acres.”

“The minimum gross lot area per horse over eight (8) months of age shall be fourteen thousand (14,000) square feet. However, private stables located on parcels of ten (10) or more acres shall not be subject to a minimum lot area per horse.” *Note: The minimum area per horse (14,000 SF) is considered to be the area dedicated to horse keeping according to meeting minutes.*

“No more than two (2) horses not belonging to the owner of a private stable may be boarded in such private stable.”

Source: McHenry County Code 403 Horses and Other Equines

Environmental Considerations:

“However, the hobby farm and equine facility horse populations¹ are increasing. Poor manure management practices, including spreading manure on frozen or compacted soils, manure application in excess of crop requirements, and improper manure storage can result in the contamination of surface and groundwater.”

Source: McHenry County Groundwater Protection Action Plan – October 2009

“A good rule of thumb is that a horse needs at least a gallon of water per 100 lbs of body weight. For your average horse, this equals 10 gallons a day. Water requirements vary greatly according to the weather and the level of work that the horse is doing. For instance, if your horse is exercising in hot, humid weather, he may need *2-4 times* the minimum amount.”

Source: Tufts Cummings School of Veterinary Medicine

“The nitrogen load from horse and goat waste can migrate to and impact ground water with elevated concentrations of nitrate and pathogenic bacteria. Limiting the density of animals per acre and managing wastes can prevent this. For example, the State of Montana has ordinance of one horse per acre. The risk to ground water depends on if the animal is corralled or allowed to roam, and if the area is grass covered or bare ground.

Horses have a habit of defecating and urinating in the same location in a corral which increases the risk of nitrogen contamination reaching ground water. For waste management ideas go to the UNR Extension web site <http://www.unce.unr.edu/water> and click on ‘Protecting Nevada’s Water’”. *Note: Montana’s total population is less than one fifth that of Cook County, IL alone.*

Source: www.ndep.nv.gov/bwpc/docs/domest_animals.pdf

“When not managed properly, horse manure (feces and urine) can pollute the environment, mainly as ground or surface water pollution due to the nutrients nitrogen, phosphorus, and carbon (organic matter). These nutrients can reach waterways as surface runoff or leachate from the manure pile.”

Source: <http://www.esc.rutgers.edu/publications/stablemgt/FS036.htm>

“Recent studies prepared for the Northeastern Illinois Planning Commission (Now CMAP) and separately for BACOG have indicated that groundwater quantity continues

1 A single horse produces seven to nine tons of manure a year.

to be the most limited natural resource that will influence the use and character of development in Barrington Hills and surrounding BACOG area.”

“Developing trends towards higher usage of the shallow aquifer, the vulnerability of the shallow aquifer to contamination, and constraints on alternative water supplies have resulted in concern for the sustainability of groundwater in the BACOG area.”

“As the significant land holders, the equestrian community of Barrington Hills may have the greatest opportunity to assure that horse raising, riding and associated activities have a positive impact on the environmental condition of land and water in the village. Safeguarding surface water (creeks, rivers, ponds, etc.) and groundwater must be an important everyday part of horse keeping.”

“Keep the size of intensively used (horse) areas small to help reduce the volume of polluted water.”

“Manage pastures to prevent heavy grazing. Avoid soil compaction and excessive removal of vegetation by timing the use of pastures and controlling the number of horses.”

Source: Village of Barrington Hills 2030 Comprehensive Plan, Amended July 14 2008

“One of the most significant discoveries was that the western edge of the Barrington area - dominated by Barrington Hills - is the area where the underground aquifers are most quickly recharged by water from the surface.” *Note: Aquifer waters migrate west to east in Barrington Hills.*

Source: December 2, 2009 Daily Herald: <http://www.dailyherald.com/story/?id=341183>

“As we grow population, we are using water at a rate that is not sustainable. Thus, groundwater supplies cannot be guaranteed beyond 2050”

“These reports suggest we must begin to make changes to the way we use, recharge, and protect the aquifers that have supplied us all these years. Many people think the water we use is primordial and comes from deep underground reservoirs of ancient glacial water. This is not the case in the Barrington area. Our ground water is supplied from surface water seeping and filtering into the shallow aquifers, typically 150 feet deep. This water is anywhere from months to decades old”

“Additionally, aquifers do not respect any boundaries”

- Robert G. Abboud, Barrington Hills Village President

Source: Quintessential Barrington March/April 2010 Issue

Recommendations:

Craft an ordinance that specifies the number of horses allowed per acre or square footage that is *dedicated* on residential property (i.e. fenced) to the keeping of horses. Establish a ratio of owned versus boarded horses for the purposes of the ordinance to accommodate for varying lot sizes in the village for private stable owners.

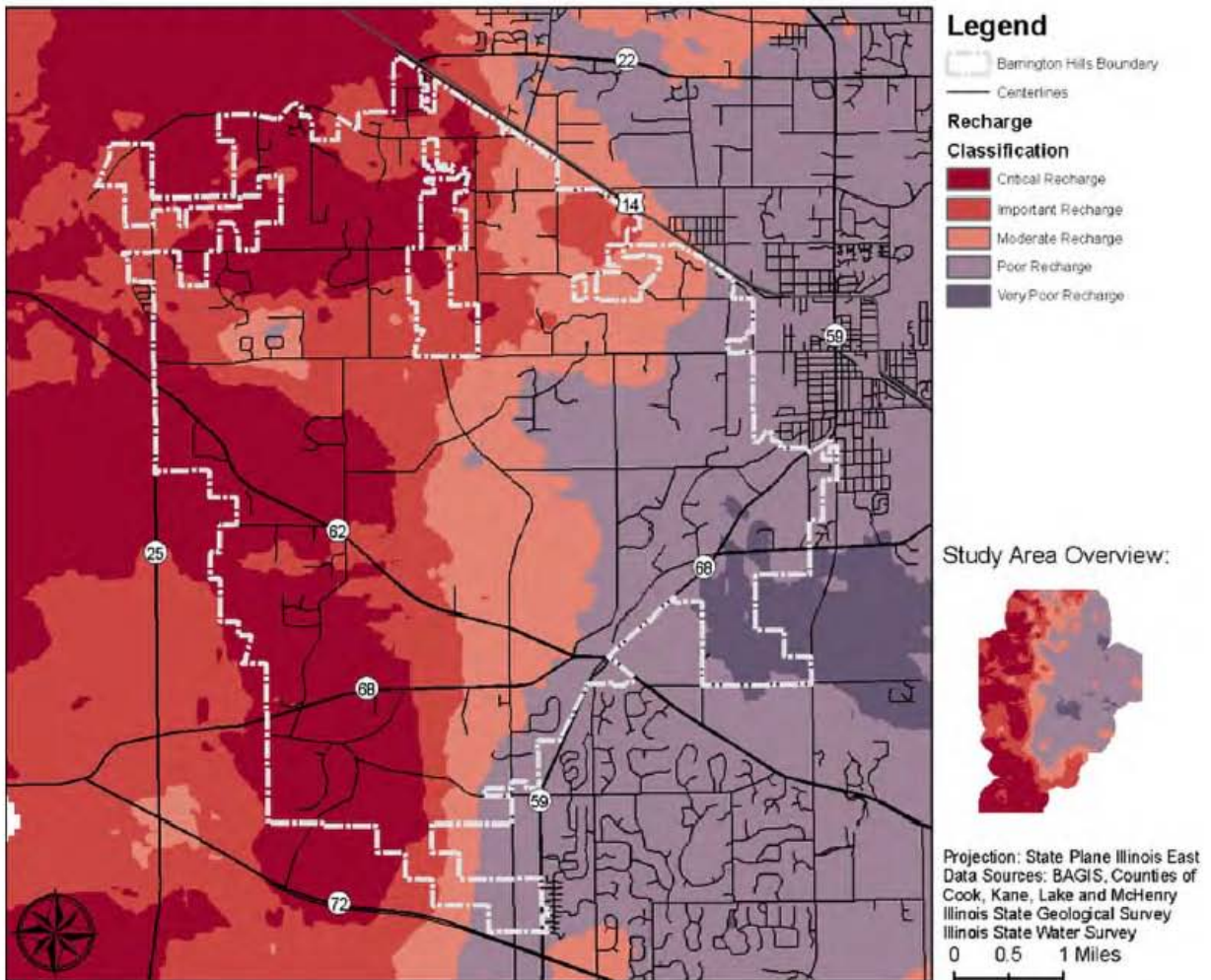
Since the boarding of horses is not licensed or inspected by the Illinois Department of Agriculture (unlike kennels or shelters for animals), there is no way to protect the welfare of horses, nor is there a system for Illinois or Barrington Hills to monitor or proper waste management or potential stored waste run off to adjacent properties or water resources.

Accordingly, the Equestrian Commission should work in conjunction with equestrian community to offer seminars and training on proper, environmentally conscious animal waste management practices. Furthermore, direct the Equestrian Commission to draft a simple waste management plan/report that considers the Illinois Livestock Management Act of 1996 and Illinois EPA guidelines for residents owning horses, regardless of number, for horse owners to submit on a reasonably periodic basis to the village.

Heavy, flooding rains are not uncommon in our area and contaminants from animal waste piles that are not contained on a suitable properly drained pad can travel miles to vital watersheds and neighboring properties. Since groundwater is so vital to village residents and surrounding communities, perhaps animal waste management should be the point of our present discussions. Protection of our environmental resources, present and future, should be the key theme of discussions.

Finally, consider the map that follows that depicts how critical water resource recharge from our village is to Barrington Hills residents and our neighbors to our east.

Barrington Hills Recharge Map



This is the portion of the recharge map that covers the Barrington Hills area. The entire western portion of the Barrington Hill area is a segment of the most important recharge area in the immediate region. Water from this recharge area supplies the groundwater in the region's drift aquifers as well as the underlying bedrock aquifer.

The poorer recharge areas, shown in grays, are in the eastern areas, and are found at higher surface elevations. The higher areas are associated with the glacial moraine which is largely composed of fine-grained materials such as silts and clays. Remember, these aquiclude and aquitard materials do not readily transmit water – a characteristic that defines poor recharge.

Comparisons of Village Horse Boarding Codes

Is horse boarding considered to be a “Home Occupation” in your village?

Bull Valley	No
Homer Glen	No
Mettawa	No
Wadsworth	No
Wayne	No
Barrington Hills Horse Boarding Amendment	Yes

What permission is required if a resident wishes to board horses in your village?

Bull Valley	Special Use Permit plus \$1,000 annual fee
Homer Glen	None
Mettawa	Special Use Permit
Wadsworth	Conditional Use Permit
Wayne	None
Barrington Hills Horse Boarding Amendment	None

Are there limitations to barn/stable size beyond the total Floor Area Ratio (FAR) of all combined property structures before a Special Use Permit is required?

Bull Valley	No
Homer Glen	Yes
Mettawa	Yes
Wadsworth	Yes
Wayne	Yes
Barrington Hills Horse Boarding Amendment	No

Does your village limit the number of horses kept on a residential property?

Bull Valley	“A reasonable number for family enjoyment”
Homer Glen	Yes, and no more than 3 boarded horses
Mettawa	Yes
Wadsworth	Yes
Wayne	Yes
Barrington Hills Horse Boarding Amendment	No

BURKE, WARREN, MacKAY & SERRITELLA, P.C.

MEMORANDUM

TO: Village of Barrington Hills
FROM: Burke, Warren, MacKay & Serritella, P.C.
RE: Comparison of Agricultural/Equestrian Zoning Ordinances
DATE: August 18, 2011

Village of Barrington Hills

OVERVIEW: The Village of Barrington Hills permits agricultural uses in all zoning districts but does not consider horse boarding to be an agricultural use. Horse boarding is only permitted in the context of the Home Occupation Ordinance.

1. Definitions:

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry (including the breeding and raising of horses as an occupation) and the necessary accessory uses 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.

Village of Wayne

OVERVIEW: The Village of Wayne's Zoning Ordinance contains a separate Chapter entitled "Equestrian Development and Uses" that deals specifically with commercial and private equestrian uses and facilities and creates a separate zoning district called, "E commercial equestrian". Commercial and private stables can also be special uses in residence districts.

1. Definitions:

Agriculture: The use of twenty (20) acres or more of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities

Village of Mettawa

OVERVIEW: The Village of Mettawa permits small scale boarding in residential districts as an accessory use and larger-scale boarding in residential districts pursuant to a special use permit.

1. Definitions:

Agriculture: All the processes of planting, growing, harvesting or crops in the open excluding the raising and feeding of livestock and poultry, dairy farming, farm buildings, and farm dwellings, and truck gardens, but including, flower gardens, apiaries, aviaries, nurseries, orchard, forestry, non-commercial green houses, and vegetable growing, however, no retail and/or roadside sales shall be permitted.

Stable: A detached accessory building the primary use of which is the keeping of horses

Stable, Private: A building or structure, accessory in nature, which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing not more than one allowable horse or pony per acre, which horses or ponies are primarily for the use of occupants of the dwelling, but in no event for hire.

Private Stable: A stable in which all horses kept on the premises are owned by the owner of the premises or members of his family, stable hands, and/or bona fide guests.

Semiprivate stable: A stable at which the operator provides for a fee, facilities to owners of horses for boarding care or training of ten (10) or more horses, including instruction in horsemanship. A bona fide sale of a horse shall not be considered to be supplying or renting of a horse by the operator to a member of the public.

2. Accessory Building:

No specific requirements for stables.

2. Accessory Buildings:

Private Stables: Stalls must be a minimum of 10' X 12'. On land between 2 and 3 acres in size, a maximum of 1,070 square feet is permitted. Size of stable increases with each additional acre, for example, a 5 acre parcel would permit a 1,745 square foot stable, up to a maximum of 2,800 square feet for any property, unless the property is over 10 acres and the owner obtains a special use permit.

2. Accessory Buildings:

Accessory buildings intended for the stabling of horses shall contain one stall for each horse and such stall must be a minimum of 11.5' X 11.5' and shall not exceed five (5) stalls without a special use permit.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include agricultural buildings and structures and private stables.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include private stables and noncommercial pursuit of agriculture, provided that no more than four (4) horses shall be kept on a 4-acre lot with one (1) additional horse permitted for each additional 4 acres.

3. Accessory Uses in Residence Districts:

Accessory uses in single-family districts include agriculture use and the keeping of horses not to exceed a certain number based on the property's square footage and further provided that the property must contain at least 80,000 square feet.

4. Special Uses:

No special use required for stabling of horses, which is currently only permitted in the context of the Home Occupation Ordinance.

4. Special Uses:

Special uses include commercial equestrian and commercial stables as well as private equestrian facilities, which are permitted in any zoning district. A special use for a commercial stable requires property containing at least twenty 20 acres. A special use for a private stable requires property containing at least 10 acres.

5. Commercial Equestrian District (as of right).

A Commercial stable in this District must be on property containing at least twenty (20) acres. If the horses are kept outside, then no more than one (1) horse per acre is permitted. If the horses are kept indoors, then one stall is required for each horse and such stall shall be a minimum of 12' X 12' with a maximum of 45 stalls and the no more than 100 horses is permitted on any property zoned for a commercial stable.

4. Special Uses:

Special Uses include agricultural buildings and structures including riding arenas and large stables for horses on owner-occupied property with no more than one (1) horse stall permitted per 40,000 square feet of land.



Village Clerk <clerk@barringtonhills-il.gov>

Submission of written testimony for the June 18 ZBA meeting

Jennifer Rousseau <rousseaj@dls.net>
To: clerk@barringtonhills-il.gov

Fri, Jul 15, 2016 at 9:55 AM

Please find the attached for inclusion in the ZBA meeting packet, thank you,

Jennifer Rousseau

Tudor Oaks Farm

L'Esprit Equestrian

2 attachments



2016 Horse Boarding - Contribution to the Community.docx
23K



2016 Horse Boarding Text Amendment in Barrington Hills submitted to VBH fv.docx
19K

Horse Boarding and Training in Barrington Hills:

Contributing to the Community for the Short and Long Term

Personal Introduction

- Jennifer Rousseau, residing at 127 Buckley Rd, Barrington Hills. Trainer and manager of all equestrian operations at Tudor Oaks Farm, located at 401 W. Cuba Rd, Barrington Hills, and owner, chief of instruction for L'Esprit Equestrian. I am a USEA Nationally Certified Level III instructor, meaning I am certified to train equestrians for the Olympic discipline of Eventing, also known as the triathlon of horse sports. I am also an advisor to the USEA Instructor Certification Program. In addition I am certified by the USHJA, which governs another Olympic equestrian discipline known as show jumping.

It is crystal clear that the will of our organized equestrian groups, equestrian residents, farm owners and concerned citizens, who fought for and supported every effort to amend the old zoning code, is directly in line with the Village of Barrington Hill's Comprehensive Plan:

- *Barrington Hills is an equestrian, intentionally open countryside oasis within a more chaotic urban metropolitan area.*
- *The largest percentage of land within the Village is devoted to "Equestrian Residential" use, or residential uses in excess of five (5) acres, totaling 72.3%.*
- *Barrington Hills is a community of residents acting as stewards for a quiet, secure and natural environment, unique within the metropolitan area, which supports the long term, sustainable use of property for equestrian-oriented, open countryside living.*
- *One characteristic which distinguishes Barrington Hills from other members of the BACOG is its equestrian tradition and the interrelationship with the natural environment in which the keeping of horses and the maintenance of the equestrian community requires the large-lots and interwoven trail system which, in turn, supports the long term sustainability of the sensitive natural environment.*

Providing necessary services for an equestrian community

- Horses are more than just pets; they are very large animals which require a great deal of care, attention and expertise. Horses are not machines; they are living, breathing beings with hearts and minds of their own. They can be unpredictable, unruly or simply may have had bad experiences, which cause their owners to seek professional help – sometimes only for the sake of their personal safety.
- Horse owners may use horses for trail riding and pleasure riding, or they may choose to be competitive in the Olympic disciplines of Eventing, show jumping or dressage. They may be interested in competing in the additional World Championship disciplines of endurance riding, combined driving, reining or vaulting, in the classic traditional sports of racing, or polo, or one of a number of growing horse sports, such as team penning or extreme cowboy competitions. Barrington Hills has produced many top equestrians, most recently, Olympic team hopeful Allison Springer.
- ***Whether horses are used for pleasure or sport, owners and riders need qualified expertise they can access, in their neighborhoods.***

- By offering riding lessons, local professional experts encourage people to try the sport.
- Professionally managed equestrian facilities may cater to both residents and non-residents, but they provide a valuable “feeder program” for new residents, new property owners, community leaders, and future stewards of our lifestyle.
- Local professionals train and coach equestrians in their equestrian pursuits, whether their goals are as modest as competing in the local mini-event or as lofty as representing the USA in the Olympic Games, or as simple as riding safely down the trails.
- All of these different equestrian enthusiasts need safe training areas with enclosed arenas; both indoor and outdoor arenas. These are large, safe enclosures where they can train young or difficulty horses, where they can learn to ride, gain skills, and learn best practices in horse management, riding and training.
- It is far more practical to have several large training facilities accessible to multiple horse owners, than to expect every horse owner to build an indoor and outdoor arena on their five acre lot.
- People who ride horses tend to cluster together for the conveniences that facilitate equestrian pursuits: Easy access to veterinary and farrier services, fencing and equestrian landscaping experts, feed, bedding and hay providers. They also seek access to equestrian professionals and training facilities. That is how equestrian communities are born – that is how Barrington Hills was born.

Preservation of open green space, rolling pastures and conservation of parks and wildlife

- When you drive through our community, the green spaces, rolling pastures, four board fencing over acres of beautiful grass dotted with horses is the “signature” landscape of our town.
- In fact, commercial boarding is our best guardian of the look and feel of the community. It is only by protecting the larger breeding and boarding operations that we will be able to retain this pastoral setting for future generations.
- The Village of Barrington Hill’s own published goals are specific:
 - *Support the continuation of appropriate agricultural, equestrian and ancillary uses land uses.*
 - *Encourage only those development patterns which enhance the equestrian based character of the community and avoid encroachment on natural resources and open space.*
 - *Protect the extensive system of public and private equestrian trails from the intrusion of other conflicting use, and assure the long term maintenance and preservation of the system which benefits property owners and riders throughout the community.*
- Equestrians are by definition conservationists. They are passionate warriors for the protection of parks, trails and wildlife refuges. The Spring Creek Forest Preserve which is the centerpiece of Barrington Hills is one of the last public lands which has been preserved in a very natural state with no intrusion of soccer fields, bicycle paths, parking lots and picnic tables. This is thanks to a comprehensive agreement between the different governing bodies including Cook County, the Barrington Hills Park District, with participation and input from the Fox River Valley Pony Club and the Riding Club of Barrington Hills
- As custodians of this beautiful park, members of the equestrian community work tirelessly to protect and preserve it for all to enjoy.

Response to Some of the Criticism and Opposition

- The primary quality necessary for any horse keeping operation is sufficient acreage. The Village of Barrington Hills is committed to the protection of large tracts of land:
 - *Perpetuating the keeping of horses and agricultural activities as a viable element of the community, along with the expansion of the interwoven open space and equestrian trail system*
 - *Preserving a community character which provides personal opportunities consistent with a countryside environment.*
- The term “horse factory” is not a valid term. Such an operation simply does not exist outside of PMU farms in Canada. The extremely high land value in Barrington Hills prohibits any viable commercial equestrian use other than a very high end operation serving a serious and dedicated brand of equestrian customer. Using the terms “horse factory” or “horse feed lots” are attempts to generate fear among non-equestrian property owners, using scare tactics and absolute fabrication of situations that will never, ever exist here, with or without regulation.
- The Village of Barrington Hills Comprehensive Plan also considers the historical nature of the town as follows:
 - *Equestrian activity is not a recent phenomenon to Barrington Hills or to the countryside area of the Village of Barrington. Since before World War I, equestrian farmers supplied the region with carriage or riding horses, and their names survive today in such roads as Otis, Buckley, and Hart.*
 - *Similar support existed when in 1994 the Riding Club of Barrington Hills conducted a survey of residents, over 90% of who responded that equestrian activity is an important part of the community character.*
 - *Such sentiment is borne out that since 1957 the Village has issued more building permits for stables for personal use than tennis courts, swimming pools, or other outdoor recreational structures. It is often been said that on horseback one can appreciate the environmental character of Barrington Hills, one tree at a time.*
- With respect to number of horses per acre: Every published study cited is referring to the amount of acreage required to **sustain a horse nutritionally**. In other words, they are studies of the grass/forage yield per acre relative to the nutritional requirements of the average equine. A horse consumes approximately 2.5% of his body weight per day, and so requires approximately 25 pounds of food per day. Horses are somewhat selective, meaning they will choose to eat some types of grass and not others; however, the yield of one acre of "mixed grasses" is generally considered to be sufficient to sustain one horse. The yield per acre can be enhanced with careful management, such as seasonal over seeding, manure removal, aeration, etc., but the one horse/one acre rule of thumb is a good start when a landowner is trying to keep horses nutritionally sustained by pasture.

Two things many of these studies do not address: Climate, and the stable-kept horse. Our northern climate requires that pasture kept horse be fed supplemental feeds for approximately 6 months of the year, and requires shelter or stabling for that same period.

In contrast to the pasture-kept horse, the stable-kept horse receives his entire ration of a hay and grain in the stables - with little or no pasture grass diet whatsoever. Typically, the stable-kept horse spends anywhere from 1 to 8 hours outside in a paddock designed for light exercise, not nutritional sustenance.

These "paddocks" are generally small, safe enclosures that several horses can be rotated through in the course of a day. **Therefore, the acreage required by the stable-kept horse is considerably less; arguably insignificant compared to horses kept outside on pasture.** I hope this clarifies the current language regarding number of horses that on ten or more acres, two horses per acre is permissible, and on less than ten acres, one horse per acre (not necessarily pastured acre) is the permissible number. That language is specifically designed to acknowledge the keeping of horses in stables as opposed to nutritionally sustained on pasture.

- Recently some ZBA members spoke on record and indicated that the current law is a "bad law", or "could be better". The simple fact is that the current law protects equestrians and non-equestrians in the best possible balance. By adding horse boarding and rider training to our existing permitted agricultural uses, we have closed the door to any other type of commercial activity, and provided for the safe and supportive resource of professional horse keeping and rider training, which is so necessary to a thriving equestrian community.

In summary, I would like to say that we feel a great sense of community here in our home of Barrington Hills, due in large part to the equestrian culture which is shared by so many of us, and which has historically been the common ground for so many residents. Common sense, education, discussion, openness to accept each other, with due consideration of our neighbors new and old, and respect for our heritage should be the path that brings us to great decisions for our community now, and for the future. The Zoning Board's actions going forward clearly must be to protect the character of the village, and to preserve the intent of the community, which is and always has been, as an equestrian community. The lawful presence of horse training and boarding facilities are inherent to that outcome.

Summary Notes for the 2014 Horse Boarding Text Amendment in Barrington Hills

Submitted by Jennifer Rousseau, 127 Buckley Rd, Barrington Hills, IL

History:

There was a single catalyst which drove the changes to the zoning code which were passed in December of 2014. That catalyst was the publishing of the court opinion from the 2011 lawsuit Drury v. LeCompte. In that published ruling, the judge made it clear in multiple statements that, in his opinion, ***“horse boarding did not comport with the village code”*** (as it was written at that time). Many farm owners and the local Riding Club sought legal counsel following that publication to try and understand how such a ruling might affect all other horse boarding in the village. The consensus, from multiple legal advisors and municipal experts, was that this published court ruling would indeed set precedent, and ***place all horse boarding within the village at legal risk***. At that time, the ZBA took on the challenge of considering amendments to the zoning code to accommodate the activity of horse boarding, while protecting the rights of all landowners.

This language was not prepared in a vacuum, but rather came as the result of cumulating years of expert advice and testimony on the subject. However, it is important to understand that some of the expert testimony and equestrian commission recommendations were solicited prior to the above mentioned court ruling. The context of that pre-ruling testimony was that we were under the assumption that the home occupancy provision (as was written at that time) ***permitted horse boarding***. The published court document changed that context 180 degrees. When considering testimony and recommendations prior to the published court opinion, please recognize that the circumstances changed dramatically, which renders some prior recommendations and testimony invalid.

Legal Status:

In 2015 James Drury sued the village for passing the text amendment, citing three issues:

1. The process was flawed.

2. The text amendment was written for the benefit of a single land owner: Berry LeCompte (who has been locked in a legal battle with Drury for many years).
3. That the trustees who voted in favor of the amendments were involved in a conflict of interest.

The village president quickly structured a settlement which would rescind the text amendment in exchange for the dropping of the lawsuit. It is important to understand that Mr. Drury has spent a great deal of money, reportedly in excess of 3 million dollars, in his legal battle with Mr. LeCompte. The speedy series of events from the filing of the lawsuit to the village's quick resolution smelled of collusion.

However, the village was thwarted in their attempt to settle, because 12 other landowners took up the battle to protect the text amendment as it stands today. They petitioned the court to co-defend against the Drury lawsuit, citing that if the village would not defend, then they had rights that were protected by the text amendment which they were entitled to defend. The judge:

1. Granted the 12 landowners the right to co-defend against the Drury lawsuit (agreeing that their rights were at stake)
2. Read the 12 landowners' statements in defense of the text amendment.
3. Dismissed the lawsuit on all three points due to lack of evidence.
4. Provided the plaintiff an opportunity to amend his complaint. He did so. The defendants, excluding the village, have filed motions to dismiss it on similar grounds to those in the successful dismissal granted this spring.

Clearly, this "test" of the 2014 text amendment validity, legality and impact was significant, and should be a strong measure of the resolve of local landowners to protect their rights to board horses and protect open space and the equestrian lifestyle that this village is renowned for.

Current status:

Mr. Drury is clearly not finished in his obsessive battle to "win" at all costs, regardless of the damage to the village community and other landowners. His

recent submission of his own text amendment, designed solely to benefit his court case, is firm evidence of his skewed motive.

Since enacting the text amendment, there has been no reporting of complaints or questionable operations, and no open floodgates of people building massive equestrian operations involving hundreds of horses. That is because, if you actually take the time to read carefully both the provisions and the restrictions that the current language encompasses you will see that, in fact, there are a full set of checks and balances which have and will continue to provide all landowners with equal protection of their rights and privacy.

Please accept this pared down examination of the current horse boarding language in our zoning regulations. I have tried to emphasize what the amendment does provide for, as well as, what it does not permit. There was a great deal of fear mongering and drama adherent to the process leading up to the passing of this amendment, and the facts were often lost in the melee.

What the ZBA Text Amendment, as passed in December 2014, **does:**

- Adds the words “boarding and training of horses and training of riders” to the ***existing definition of permitted agricultural use, within*** a residentially zoned property:
 - Existing permitted uses: Farming, dairying, pasturage, horticulture, floriculture, viticulture, breeding and animal husbandry including the breeding of horses.
- Recognizes that the buildings associated with breeding, boarding and training of horses and riders may exceed the size of the residence.
- Provides that properties under ten acres continue to be regulated under home occupation, with a limit of one horse per acre, and properties of ten or more acres be regulated under agriculture, with a maximum of two horses per acre.
- Requires that all buildings adhere to the **existing** setback rules, and that the maximum floor area ratio adheres to the **existing** code for residential properties.
- Adds specific hours for farm employees, riding instruction, and the operation of equipment.

- Limits and regulates waste management, lighting and nuisance such that it conforms to the **existing** zoning language.
- Addresses excessive road use and prohibits the use of portable toilets.
- Is consistent with the state of Illinois recognition of horse boarding under agriculture (as is the case in most states).
- **Mirrors the language which has protected our greatest historical equestrian communities, such as Middleburg, VA, Ocala, FL, Aiken, SC and many others.**
- Specifically, the retro-active provision: Protects the trustees who presided between 2006 and 2014, as well as the landowners who boarded horses during this time period, from any legal action, by applying this recognition retroactively to 2006, corresponding with the date when the **vague and indefensible** “notwithstanding” clause which was added to the zoning rules. This is the old wording: *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 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 (8:00) P.M. or sunset, whichever is later. (Ord. 06-12, 6-26-2006). **The 2011 published court opinion in Drury v LeCompte clearly stated that horse boarding did not comport with this zoning code language, therefore landowners and trustees alike were legally exposed.***
- **Balances the rights of all residents, equestrian and non-equestrian, while protecting our large equestrian tracts of land under the most long-term effective categorization, which is agriculture.**

What the ZBA Text Amendment, as passed in December 2014, **does not do:**

- **Does not** open the door to commercial zoning of any kind, because it is very **specific to agriculture**. Gas stations and 7-11's are not agriculture. (Note: In other equestrian communities across the country, removing horse boarding from agriculture and applying case by case special use permits has opened the door to challenges from other types of commercial and retail operations, costing those communities dearly to defend)
- **Does not** change the rate of taxation of properties to agriculture. The State of Illinois has its own criteria for what constitutes agricultural property – **that has not changed**. All of Barrington Hills is zoned residential, and the first five acres is taxed as such – **that has not changed**. **Barrington Hills permits agricultural activities within their residential zoning – that has not changed**.
- **Does not** incentivise residents to start mass boarding of horses – *bees and beehives would be a much cheaper and easier way to get an agricultural tax break.*

Summary:

Do not underestimate the resolve of the equestrian community and many other local landowners to protect the rights afforded under the 2014 text amendment. To date, the amendment is working. The road to the passing of this amendment represents a very divisive and contemptuous period in our village history. It would be a sad mistake for the current village board and the ZBA to take us back down that road at this moment for no apparent reason, other than to pacify Mr. Drury and his questionable motives. Please familiarize yourselves with all aspects of the process and the amendment, from the critical course change which was required after the publishing of the court opinion, to the testimony presented throughout the process, and in particular, to the failure of Drury to use his financial and legal strong-arm to block the democratic process. I thank you for your time and due consideration,

Jennifer Rousseau



Village Clerk <clerk@barringtonhills-il.gov>

(no subject)

JR Davis <JDavis@davisbancorp.com>
To: "clerk@barringtonhills-il.gov" <clerk@barringtonhills-il.gov>

Fri, Jul 15, 2016 at 4:59 PM

For inclusion in ZBA packet.

J.R. Davis

Chairman and CEO

[Davis Bancorp](#)

(847) 998-9000 ext 4460

jdavis@davisbancorp.com



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2 attachments

 **CHISR01A-#956339-v1-Public_Comment-ZBA_Meeting_7-18-16.docx**
37K

 **Email from Village Attorney-July 15, 2016.pdf**
181K

Public Comment for the Zoning Board of Appeals Meeting Scheduled for July 18, 2016

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 Barrington Hills Farm and myself.

First, we want to thank each of you for your volunteer service on the Zoning Board of Appeals. Thank you for serving our community.

Unfortunately, Barrington Hills Farm is troubled by the Agenda posted for tonight's meeting. I attended the last ZBA meeting held on Monday, June 20, and listened to numerous public comments regarding the need to preserve horse boarding in the Village. During that meeting the ZBA engaged in a thoughtful conversation regarding the Village Code and whether there was a need to reconsider the provisions related to horse boarding. I left that meeting with the understanding that this would be a thoughtful process, which would take place over at least the next three ZBA meetings. It was my understanding that the ZBA would not be considering proposed amendments for horse boarding until this September, at the earliest. My understanding is similarly reflected in the minutes from that June 20 meeting. Yet, here we are, less than one month after that meeting, and the ZBA is purportedly voting on a horse boarding text amendment submitted by a single property owner. Barrington Hills Farm is deeply concerned with the recent change in scheduling and is disappointed that such a decision was made outside of the public eye.

Putting the new schedule aside, I urge each of you to think carefully about this proposed text amendment. The proposed amendment essentially seeks to repeal Village Ordinance 14-19, which was passed by the Village Board of Trustees on February 23, 2015, to expressly delineate the rights and obligations involved with boarding horses on R-1 property in the Village. The proposed amendment included on tonight's agenda was submitted by a single

property owner, but is positioned to impact the property rights of every R-1 property in the Village. Under Section 5-10-6 (F) of the Village Code, “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.” Because the property owner proposing this amendment is currently engaged in two separate lawsuits regarding horse boarding activities in the Village, this amendment will advance his individual interests.

However, your role as the Zoning Board of Appeals is to consider the interests of the general public. As a member of the general public, this issue is very important to me, and to Barrington Hills Farm. First, the Village holds itself out to the community as an equestrian community. As stated in the Village’s Comprehensive Plan, “Barrington Hills is a community of residents acting as stewards for a quiet, secure and natural environment, unique within the Chicago metropolitan area, which supports the long term, sustainable use of property for equestrian-oriented, open countryside living. One characteristic which distinguishes Barrington Hills from other [] communities is its equestrian tradition.” Maintaining this vision requires ordinances that allow for horse boarding. Further, since the adoption of the 2015 horse boarding text amendment on February 23, 2015, the Village of Barrington Hills has received zero complaints regarding horse boarding activities in the Village.¹

¹ On June 28, 2016, Barrington Hills Farm through its attorneys submitted a Freedom of Information Request to the Village seeking, “Any and all complaints sent to the Village of Barrington Hills (the “Village”) regarding horse boarding activities between February 23, 2015 and today. For purposes of this request, the Village includes all Village personnel, Village representative bodies, and members of those representative bodies, including but not limited to: the Village Board, the Village Board Members (Colleen Konicek Hannigan, Fritz Gohl, Michael Harrington, Bryan C. Croll, Michell Nagy Maison, and Brian D. Cecola), the Village President (Martin J. McLaughlin), the Village Zoning Board of Appeals Members (Daniel Wolfgram, David Stieper, Richard Chambers, Jim Root, Jan C. Goss, Debra Buettner, and Patrick J. Hennelly), the Village Clerk (Anna Paul), the Director of Administration (Robert Kosin), and any past Village Board Member or Zoning Board of Appeals Member, during that time period he/she was serving the Village.” On July 15, 2016, the Village’s

(cont'd)

Second, Barrington Hills Farm acquired a substantial portion of land in and adjacent to the Village with the intention of boarding horses for two non-profit organizations, the Hooved Animal Rescue & Protection Society of Barrington, Illinois (“HARPS”) and Veterans R&R. HARPS is a non-profit organization that takes in, rehabilitates, and finds new homes for horses and other hooved animals that have been abused and neglected by their owners. Veterans R&R is a non-profit organization that works to improve the lives of Veterans and Active Duty Military members. Barrington Hills Farm invested significant money and effort based on the Village’s identity as an equestrian community and the current ordinances in the Village Code. Barrington Hills Farm is committed to providing a benefit to the community at large and to veterans. This commitment is compatible with the Village’s Comprehensive Plan and the current Village Code. Both the Village’s longstanding image as an equestrian community, and Barrington Hills Farm’s purpose in acquiring land in Barrington Hills, will be devastated if this proposed amendment is adopted.

I urge each of you to consider the Village’s longstanding commitment to equestrian uses, and our interest as residents in maintaining the current Village Code provisions regarding horse boarding. Please do not deviate from your past plans to advance the interests of a single property owner. Instead, listen to your constituents and take the time to hear from the appropriate Village entities. I urge you to vote against this proposed amendment to the Village Code. Thank you.

(cont'd from previous page)

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).”

Winterhalter, Brooke Anderson (CHI)

From: Sean Conway <seanconway@bond-dickson.com>
Sent: Friday, July 15, 2016 4:05 PM
To: Berman, Jennifer H (CHI)
Subject: Re: June 28, 2016 FOIA - Village of Barrington Hills

Hi Jennifer,

It was nice speaking with you in connection with this FOIA Request. To confirm, the Village does not have any records responsive to item 1 (complaints regarding horse from February 23, 2015 to present) or item 3 (transcript of the June 20, 2016 ZBA meeting). The Village is still working on a search of its records concerning item 2 and I will have the Village get those records to you as soon as possible. Thanks.

Sean P. Conway
Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187
Phone: (630) 681-1000
Fax: (630) 681-1020

On Fri, Jul 15, 2016 at 12:58 PM, Berman, Jennifer H <Jennifer.Berman@skadden.com> wrote:

Sean,

We just learned that the Village ZBA will be holding a public hearing and vote on James Drury's proposed Horse Boarding Text amendment during the upcoming ZBA meeting on Monday, July 18. We previously agreed to a two-week extension of the Village's time to respond to our FOIA requests—giving the Village until July 19 to respond—in reliance on the ZBA's representations that Mr. Drury's text amendment would not be considered for hearing until September. (See ZBA Meeting Minutes, June 20, 2016 (attached above)). However, in light of the fact that the hearing and vote has now been advanced to Monday, July 18, we would like to request that the Village provide its responses to our FOIA requests by 12 pm that day, so that we can review the responses in advance of the public hearing.

Please let me know whether you will be able to accommodate this request.

Best,

Jennifer

From: Sean Conway [mailto:seanconway@bond-dickson.com]
Sent: Tuesday, July 05, 2016 5:34 PM
To: Berman, Jennifer H (CHI)
Subject: Re: June 28, 2016 FOIA - Village of Barrington Hills

Thanks Jennifer. Much appreciated.

Sean P. Conway
Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187
Phone: [\(630\) 681-1000](tel:(630)681-1000)
Fax: [\(630\) 681-1020](tel:(630)681-1020)

On Tue, Jul 5, 2016 at 5:31 PM, Berman, Jennifer H <Jennifer.Berman@skadden.com> wrote:

Sean,

Apologies for the delay. We are fine with the Village's request for an extension to respond to our FOIA requests until July 19.

Thanks,

Jennifer

On Jul 5, 2016, at 4:59 PM, Sean Conway <seanconway@bond-dickson.com> wrote:

Hi Jennifer,

In the event the requested extension is not agreeable to you, the Village will need to extend its response time under section 3(e)(iv)(v) and (vi) of FOIA. Can you let me know at your earliest convenience? Thanks.

Sean P. Conway
Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187
Phone: [\(630\) 681-1000](tel:(630)681-1000)
Fax: [\(630\) 681-1020](tel:(630)681-1020)

On Tue, Jul 5, 2016 at 3:23 PM, Sean Conway <seanconway@bond-dickson.com> wrote:

Hi Jennifer,

I hope all is well. I am assisting the Village with this FOIA request. The Village is still working on gathering the records you have requested but is in need of some additional time to provide a full response. The Village anticipates having this request filled on or before July 19, 2016. Can you let me know if this response date is agreeable to you? Thank you for any courtesy on this and if you have any follow-up questions, do not hesitate to contact me.

Sean P. Conway
Bond, Dickson & Associates, P.C.
400 S. Knoll Street, Unit C
Wheaton, IL 60187
Phone: [\(630\) 681-1000](tel:(630)681-1000)
Fax: [\(630\) 681-1020](tel:(630)681-1020)

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.



Robert Kosin <rkosin@barringtonhills-il.gov>

Public comment

Jan-Dirk Lueders <jdl@cmtam.com>

Mon, Jul 18, 2016 at 3:22 PM

To: "rkosin@barringtonhills-il.gov" <rkosin@barringtonhills-il.gov>

Cc: Frauke Lueders <frauke.lueders@cmtam.com>

Dear Mr. Kosin:

In regards to this evening's ZBA meeting I would like it to be taken to protocol, that I am strongly opposed to the Horse Boarding Text amendment as filed by James J. Drury III. As you know the motivation behind the proposal is a personal neighborhood dispute and it does not serve the greater good of the community of Barrington Hills. James Drury is attempting to micro manage an activity that should be fostered and supported instead. If adopted it will have a significant negative impact on many properties in Barrington Hills and it will change forever the Barrington Hills "special way of life" that is so core to the history and present of our village.

Let's protect Barrington Hill's uniqueness. James Drury's proposal will destroy it.

Regards,

Jan-Dirk Lueders and Family, Barrington Hills residents since 2005

Jan-Dirk Lueders
[REDACTED]