

VILLAGE OF BARRINGTON HILLS

Zoning Board of Appeals



NOTICE OF MEETING

Monday, October 20, 2014 ~ 7:00 pm
Countryside School – 205 W. County Line Road

AGENDA

1. Organizational
 - 1.1 Call to Order
 - 1.2 Roll Call
2. [Approve] Minutes

PUBLIC MEETING

3. [Approve] Public Participation Rules Amendment
4. [Recommend] Discussion/Vote Text Amendment – Elder, RCBH
Section (s) 5-2-1, 5-3-4, 5-5-2
5. [Recommend] Discussion/Vote Text Amendment – Drury
Section (s) 5-2-1, 5-3-4, 5-10-7
6. [Recommend] Discussion/Vote Text Amendment – Hammond
Section (New) 5-3-14
7. Discussion Horse Boarding Text Amendment – ZBA
 - 7.1 Village Board Inquires
 - 7.2 [Approve] Discussion/Vote Board Amendment Submission
8. Discussion Meeting Calendar
9. Public Comments
10. Adjournment

Chairman: Judith K. Freeman
Next Regular Meeting Monday, November 17, 2014

PROCEDURES Abbreviated for Posting

1. Petitioner or spokesperson will outline requested relief.
2. Witness or Experts in support of request.
3. Questions from members.
4. Questions/Comments from the public as follows:
 - a. If you wish to make a comment during a discussion period, please raise your hand so the Chairman can recognize you.
 - b. For purposes of the official record of the meeting, please identify yourself before making your comment.
 - c. Please restrict yourself to one question or comment at a time and limit your remarks to three minutes in order to give others a fair opportunity to be heard.

NOTICE AS POSTED

**VILLAGE OF BARRINGTON HILLS
ZONING BOARD OF APPEALS
Minutes of a Special Meeting – Countryside School
Tuesday, September 9, 2014**

- 1. Organizational/Call to Order:** The Meeting was called to Order at 7:30 p.m. by Chairman Judith Freeman. On roll call, the following members were present:

Judith Freeman, Chairman
Kurt Anderson
Clerk Benkendorf
Richard Chambers
Karen Rosene
Daniel Wolfgram

Absent: David Stieper

Staff Present: Robert Kosin, Director of Administration
Mary E. Dickson, Legal Counsel

- 2. Public Hearing – Drury Text Amendment (Sections 5-2-1, 5-3-4, 5-10-7)**

Chairman Freeman opened the Public Hearing regarding the Text Amendment proposed by James Drury. Attorney Thomas Burney represented the Applicant, Mr. Drury, and presented information in support of the proposed Text Amendment relative to horse boarding as set for in the Applicant's Petition duly noticed for hearing. Numerous members of the public spoke relative to the proposed Text Amendment.

At the conclusion of the taking of evidence relative to the proposed text amendment, Chairman Freeman closed the public hearing.

- 3. Public Hearing – Hammond Text Amendment (Section 5-3-14)**

Chairman Freeman opened the Public Hearing regarding the Text Amendment proposed by James Hammond. Mr. Hammond presented information relative to the Text Amendment he proposed. Members of the public commented on the proposal.

At the conclusion of the taking of evidence relative to the proposed text amendment, Chairman Freeman closed the public hearing.

- 4. Continue Public Hearing** - Matters set for Public Hearing have been concluded.

- 5. Public Comments:** Chairman Freeman called for public comment.

Cary Magnus, 10290 Church Road commented on the care the ZBA should take relative to the allowance of the number of horses on consideration of any Text Amendment in light of the number of horses on the property adjacent to her own.

6. Adjournment: On a motion by Member Anderson, seconded by Member Benkendorf, the meeting was adjourned, on a voice vote, all members voting “aye.”

Approved: _____

Dated: _____

**VILLAGE OF BARRINGTON HILLS
ZONING BOARD OF APPEALS
Minutes of a Special Meeting - Village Hall
Wednesday, September 10, 2014**

- 1. Organizational/Call to Order:** The Meeting was called to Order at 7:30 p.m. by Acting Chairman Kurt Anderson. On roll call, the following members were present:

Kurt Anderson, Acting Chairman
Benkendorf
Chambers
Karen Rosene
Daniel Wolfgram

Absent: Judith Freeman
David Stieper

Staff Present: Robert Kosin, Director of Administration
Mary E. Dickson, Legal Counsel

2. 3 Saville Row – Gopin Home Occupation Appeal

Acting Chairman Anderson opened the Hearing regarding the Appeal filed by resident Ryan Gopin relative to an order issued to cease and desist the use of his property at 3 Saville Row for the operation of a business, found in violation of the home occupation ordinance. All those present who intended to testify during the Hearing were placed under oath. Mr. Gopin was represented by attorney Nancy Harbottle, the Village was represented by attorney James Busch. The Hearing commenced with the calling of witnesses for Mr. Gopin and the Village, who were subject to direct and cross examination, and questioning by the Members of the Zoning Board of Appeals. Exhibits were introduced and admitted into evidence.

At the close of the taking of evidence, Acting Chairman Anderson closed the Hearing.

Following discussion of the evidence, Member Rosene moved, seconded by Member Chambers, to adopt the following Finding based on the evidence:

That the use of the Property is in violation of the following provisions of Section 5-3-4(D), specifically sections 5-3-4-(D)1, 2c., 3a.2., 3c.(5), (6) and (7), and 3.d. and e. as to traffic limitations, and 3.f. as to the annoyance or discomfort to the public from the sound and noise of traffic.

Roll Call: Members Rosene, Chambers, Benkendorf, Wolfgram and Anderson “aye.” No “Nay” votes being cast, the vote is unanimous.

Member Benkendorf moved, seconded by Member Chambers, to affirm the decision of the Zoning Enforcing Officer that the use of the Property is in violation of the Village code as set forth in the February 27, 2014 Notice of Violation, and that such use shall cease immediately.

Roll Call: Acting Chairman Anderson, Benkendorf, Chambers, Rosene and Wolfgram “aye.” No “Nay” votes being cast, the vote is unanimous.

Pursuant to the Village Code, the action of the ZBA will be reduced to a written order, and provided to Mr. Gopin by September 29, 2014. Attorneys Harbottle and Busch stated they would accept service of the Order on behalf of their clients.

3. Public Comments: Acting Chairman Anderson called for public comment. Mr. Gopin sought information relative to the conduct of his business based on the decision of the ZBA.

4. Adjournment: On a motion by Member Benkendorf, seconded by Member Wolfgram, the meeting was adjourned, on a voice vote, all members voting “aye.”

Approved: _____

**VILLAGE OF BARRINGTON HILLS
ZONING BOARD OF APPEALS
Minutes of a Special Meeting – Barrington High School
Thursday, September 11, 2014**

1. Organizational

Call to Order/Roll Call: The Meeting was called to Order at 7:00 p.m. by Chairman Judith Freeman. On roll call, the following members were present:

Judith Freeman, Chairman
Kurt Anderson
Clerk Benkendorf
Richard Chambers
Karen Rosene
Daniel Wolfgram
David Stieper

Staff Present: Robert Kosin, Director of Administration
Mary E. Dickson, Legal Counsel

2. Public Hearing – Public Hearings Closed on September 9, 2014.

3. Public Meeting - LeCompte Text Amendment

Chairman Freeman opened Board discussion on the first text amendment before it for consideration, that being the text amendment applied for by Benjamin LeCompte to sections 5-2-1, 5-3-4 and 5-10-7 of the Zoning Code.

Member Anderson moved to recommend the LeCompte Amendment for approval to the Village Board, seconded by Member Chambers.

Discussion ensued, with Member Anderson stating he had reviewed the proposed amendment and was prepared to recommend an amendment to the LeCompte Text Amendment. He read the (revised) LeCompte Amendment into the record, and the Board commenced discussion of the revised amendment. Member Stieper asked a series of questions which prompted considerable dialogue relative to whether the amendment has been subject to proper notice, hearing and requisite fact finding.

Member Stieper moved to table, seconded by Member Chambers. On roll call: Members Freeman, Anderson, Rosene and Benkendorf voted “nay.” Members Stieper and Wolfgram voted “aye.” Member Chambers voted “present.” The motion to table failed.

Discussion continued.

On the main question to recommend the LeCompte Amendment, as amended by Member Anderson, a roll call was called, as follows: Anderson, Freeman, Benkendorf, Rosene voted “aye.” Members Chambers, Wolfgram, Stieper voted “nay.” The motion carried.

In regard to the LeCompte/Anderson Text Amendment, Member Anderson moved to approve the following finding in support of the Amendment:

That the ordinance, as proposed, addresses the concerns of the health, safety, and welfare of the community arising out of the breeding and training of horses and riders within the village. It's designed to eliminate or address the issues of nuisance, as well as traffic and safety for residents of the village.

The motion was seconded by (unconfirmed member).

Discussion ensued, with Member Stieper arguing against any adoption of findings as what is before the Board (LeCompte as amended) has not been subject to public hearing on which findings could be made.

On a roll call: Members Anderson, Freeman, Rosene, Benkendorf and Chambers voted "aye," and Members Stieper and Wolfgram voted "no." The motion to adopt this finding carried.

- 4. Public Meeting - Elder/RCBH Text Amendment**
- 5. Public Meeting - Drury Text Amendment**
- 6. Public Meeting - Hammond Text Amendment**
- 7. Horse Boarding Text Amendment**

Chairman Freeman announced that three other text amendments and ZBA discussion of a text amendment are on the agenda for discussion. Given the lateness of the hour, the Board determined to continue the discussion of the remaining amendments to a future meeting.

8. Public Comment

Chairman Freeman called for Public Comment, which commenced with numerous residents providing comment relative to horse boarding text amendments and the Zoning Board of Appeals' process.

9. Adjournment

On a motion by Member Anderson, seconded by Member (identify unconfirmed), the meeting was adjourned, on a roll call, all members voting "aye."

Approved: _____ Dated: _____

Overview of Public Hearings and Participation

The following information pertains to that part of the Agenda in which you may participate. Also, please do not be offended if the Zoning Board of Appeals does not take immediate action on an item before it. Because the Village of Barrington Hills is a public agency subject to many laws and has extensive liability, it must act in a careful, deliberate manner. The Village has learned that in most cases it is better to take matters under advisement before taking action. Hasty actions in many cases lead to future problems for the Village. In addition, you are welcome to submit your comments in writing to the Village Clerk, at any time.

HEARING SCHEDULE

Any person has the right to speak to an item on the agenda after the Public Hearing is opened and confirmation of the public notice is entered into the hearing record but before action is taken. Time is scheduled to allow the public to provide input as testimony to the Zoning Board of Appeals on a particular subject that is the purpose of the Public Hearing.

This is not a question and answer time.

The Board will consider all testimony after the Public Hearing is closed.

PROCEDURE FOR PARTICIPATION

1) Sign up on the sheets provided. 2) When recognized, please proceed to podium. 3) If providing testimony, state your name and address. 4) Please limit your comments to THREE MINUTES.

You may submit your written comments to the Village Clerk.

Comments of a personal nature directed towards individual Board members, employees of the Village or any other individual are not permitted. It is the prerogative of the Presiding Officer of the Board to limit the discussion of any speaker to allow for broad and diverse public participation. Speakers may submit materials, written testimony, or pictures to the Recording Secretary for the consideration of the Board.

OTHER

When other matters come up involving the need for public input, the Chair will announce the question and the process to be used for a response.

Public Participation and Testimony Details

Hearing Room. Doors to the Hearing Room open 30 minutes prior to the start of the hearing.

Formal Scheduled Appearance Check-in. When you arrive at the hearing you will need to sign-in at the roster located at the entrance to the room used for the Hearing. Verify that your item of interest is listed on the agenda for the Hearing. A limited number of copies of the agenda will be available at the entrance. If you do not see your business listed on the agenda please see the Presiding Officer or the designee for more information.

Public Comment Appearances. Speakers presenting comments to the Board during the Public Comments section of a hearing must register on the sign-in roster their intent to speak. The roster will be collected prior to the Public Comments section of the hearing for the presentation of speakers. The Clerk or recording officer will call each registered speaker to the podium to provide his or her comments.

Agendas for all public hearings are filed with the Clerk of the Village of Barrington Hills, and can be viewed or printed at: <http://www.barringtonhills-il.gov/govindex.html>.

Speaker Time Limit. All public testimony is generally limited to three minutes or such longer or shorter time as determined by the Board Presiding Officer. Practice before hand to make sure that you have enough time to communicate your information. The Board Presiding Officer has the discretion to either extend or reduce time limits based on the number of speakers. Speakers called by the Board Presiding

Officer may not cede their time to another person.

Called to Testify. When you are called to testify, proceed to the podium at a microphone facing the Board. Move the microphone close to your mouth and speak directly into it. Please begin your testimony by stating "For the record my name and address is _____." If providing public comments during a public meeting your address is not a prerequisite to speak.

Addressing the Board. All remarks shall be addressed to the Presiding Officer and not to any one Board Member thereof. Address the Board as "Presiding Officer and members of the Board."

Recognition of a speaker by the Presiding Officer is a prerequisite to speaking and is necessary for an orderly and effective hearing. It will be expected that all speakers will deliver their comments in a courteous and efficient manner. Anyone making out-of-order comments or acting in an unruly manner shall be precluded from further participation.

Decorum will be maintained. This includes common courtesy from the audience, staff, and Board to the Presiding Officer and from the Presiding Officer to the Board. Statements considered demeaning or inappropriate shall be ruled out of order and the speaker will be excused. Members of the Board will not engage with individuals giving public testimony.

All public presentations must be limited to issues of concern before the Board and/or related to the Village of Barrington Hills. Questions or concerns about the operation of the Village should generally go to the Village Clerk during regular business hours.

Providing Written Testimony in Addition to Speaking. When you are called to testify and have prepared written testimony give one copy of your testimony to the Recording Secretary. Copies of handouts or public testimony will not be provided to the Board during the Hearing.

Special Accommodations. If you require special accommodation in order to testify before the Board, please make your request to the Village Clerk 847.551.3000 at least 48 hours before the hearing.

Guidelines for Written Testimony. Written testimony is always welcome. In some cases, there may be a deadline to submit written testimony on a particular subject. Telephone or email the Village Clerk to verify testimony deadlines. Identify the agenda item or topic you are providing comments on at the beginning of your letter or e-mail. Written testimony may be submitted by ground mail, e-mail or fax. Fax testimony to: 847.551.3050 E-mail to: clerk@barringtonhills-il.gov

Mail testimony to: Village Clerk

Village of Barrington Hills

112 Algonquin Road

Barrington Hills, IL 60010-5199

Memo

To: Zoning Board of Appeals
From: Robert Kosin, Director of Administration
CC: Village President, Board of Trustees
Date: October 17, 2014
Re: Boarding Text Amendment

During the consideration of the LeCompte Text Amendment as amended by the ZBA, the Board of Trustees posed questions regarding underlying topics involving horse boarding. It is intended that a response from the ZBA is provided to the BOT for which a schedule was proposed of ninety days. The topics are as follows including the likely reference source for a response.

1. HUSBANDRY: What is the allowed number of horses per area? Comment. Information on density of horses has been examined by other jurisdictions but the underlying value has not reference the source. To that end, qualifying academic individuals in the area of equestrian husbandry may be consulted for their opinion on the subject.

2. PROPERTY TAX ASSESSMENT: If horse boarding is an allowed agricultural use, what is the potential property tax impact? Comment. The assessment value of property is that which is set by township assessor (except for Cook County) according to adopted guidelines by the Illinois Department of Revenue. A local assessor may be consulted for an opinion.

3. PLANNING:

[3.1] If horse boarding is an allowed commercial activity, does this create the potential for additional commercial activities in the Village?

[3.2] What is the effect of a permitted use of this type versus making it a special use?

Comment. Both questions go to the basic elements of planning meaning the identification of the trend of development and techniques of zoning regulations. The land use consultant who assisted the Village in the uses and revision of the Comprehensive Plan may be consulted for an opinion.

4. ENGINEERING: What is the potential cause/effect on the Village roads by allowance of commercial boarding (trailers/disposal/hay)? Comment. Traffic loads and volumes are subjects presently address through the duties of the Village Engineer, and may be consulted for an opinion.

5. ENVIORNMENT: What is the effect on the aquifer of large scale commercial boarding? Comment. Ground water is a subject reviewed and opined by BACOG including availability of its consultant to specific geographically and land use concerns. An opinion on this subject may be requested.

6. ENFORCEMENT: What would be the role of the Building Department if the text amendment is adopted? Comment. The Building Department is the general enforcement entity of either the Zoning or Building Code.

7. CLARIFICATION: What are the allowed hours of operation? Comment. Hours of activity are set by the Village dependent on the use.

The ZBA recommends to the Village Board that it pass an ordinance to amend the Zoning Code as follows (strike-through represents language deleted from the existing Zoning Code and bold, underline represents language added to the existing Zoning Code):

Chapter 2 ZONING DEFINITIONS

5-2-1: DEFINITIONS:

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, boarding, and training of horses and riders as a hobby or an occupation) and the necessary accessory uses for handling or storing the 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. ~~;~~ ~~provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.~~ This definition of Agriculture shall not be construed as encompassing or extending to daily or hourly unsupervised rental of horses. Such amended definition is retroactive and in full force and effect as of June 26, 2006.

Chapter 3 GENERAL ZONING PROVISIONS

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.

(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 is it recognized that the accessory building or buildings, such as a 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 .01 (exclusive of garage floor area devoted to permissible parking of vehicles used in connection with the home occupation), with the exception of an accessory building or buildings such as a 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 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 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: The boarding and training of horses and rider instruction shall be a permitted home occupation. For properties of less than ten acres these activities are regulated under Section 5-3-4(D) herein, and in addition must comply with the restrictions under Section 5-3-4(A)2i, iii, and viii. For properties of ten acres or larger, these activities are regulated solely under Section 5-3-4(A)2 herein. 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)~~

Section 5-5-2(A) to be amended to add the following accessory use:

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.