

**ORDINANCE AMENDING SECTIONS 5-2-1 AND 5-3-4 OF THE VILLAGE
CODE BY REDEFINING AND ADDING RULES AND REGULATIONS
PERTAINING TO "HOME OCCUPATIONS" WITHIN THE VILLAGE**

WHEREAS, the Village of Barrington Hills (the "Village") regulates "Home Occupations" operating within the boundaries of the Village in order 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; and

WHEREAS, Section 5-2-1 of the Village Code, presently contains the following definition of Home Occupation:

A 'home occupation' is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for consultation, emergency treatment or performance of religious rites but not for the general practice of his profession. No accessory building shall be used for such home occupation. Notwithstanding the foregoing, the boarding of horses in a stable and the training of horses and their riders shall be a permitted home occupation; provided further that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of 8:00 AM and 8:00 PM or sunset, whichever is later, and additionally provided that no vehicles or machinery, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises except during the hours of 8:00 AM and 8:00 PM or sunset, whichever is later.

WHEREAS, in order to promote the health, safety, morals and general welfare of the Village and to better and more accurately regulate Home Occupations within the Village, the President and the Board of Trustees of the Village find and believe it to be in the best interest of the Village that Sections 5-2-1 and 5-3-4 of the Village Code be amended as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

Section 1. Incorporation of Preambles. The Village Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate them into this Ordinance by this reference.

Section 2. Definitions. That portion of Section 5-2-1 of the Village Code, Definitions, titled, "Home Occupation," shall be, and the same hereby is, deleted in its entirety.

Section 3. Regulations for Specific Uses. Section 5-3-4 of the Village Code, Regulations for Specific Uses, shall be, and the same hereby is, amended by adding the following:

"(D) HOME OCCUPATION

INTENT AND PURPOSE:

The intent of this section 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 Section 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 Section, any home occupation that is customarily incidental to the principle 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; 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 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 (i) a principal building or (ii) 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).
- (3) There shall be no direct retail sales of merchandise, other than by personal invitation or appointment, nor any permanent display shelves or racks for the display of merchandise to be sold in connection with the home occupation.
- (4) No routine attendance of patients, clients, customers, subcontractors, or employees (except employees and subcontractors as provided in Subparagraph 3.a.(2) of this Section)

associated with any home occupation shall be permitted at the premises of the home occupation, provided, however, that the attendance of up to four persons at any one time may be allowed for the purpose of receiving private instruction in any subject of skill. "Routine attendance" means that the conduct of the home occupation requires persons, other than the owner or permitted employees and subcontractors, to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.

- (5) No vehicle or mechanical, electrical, or other equipment, that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the principal building or accessory building containing the home occupation that is greater or more frequent than that typical of vehicles or equipment used in connection with residential occupancy shall be used in connection with any home occupation.
- (6) All storage of goods, materials, products or merchandise used or sold in conjunction with a home occupation shall be wholly within the principal building or accessory building containing the home occupation.
- (7) No refuse in excess of the amount permitted under Section 5-3-9 of this Title shall be generated by any home occupation.

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 the Village Code.

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

Section 4. Validity. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 5. Superseder and Effective Date. All resolutions, motions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded; and this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 26th day of June, 2006.

AYES: 7 NAYS: 0 ABSENT: 0.

APPROVED THIS 26th day of June, 2006.

ATTEST:



Village Clerk, Deputy



Village President