

ORDINANCE AMENDING SECTION 5-3-4 OF THE VILLAGE CODE

WHEREAS, The President and the Board of Trustees of the Village of Barrington Hills, a home rule municipality, find and believe it to be in the best interest of the Village that Section 5-3-4 of the Village Code be amended.

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. Agriculture. Section 5-3-4(A) of the Village Code shall be, and the same hereby is, deleted in its entirety.

(A) **Intentionally Omitted.** ~~Agriculture: The provisions of this Title shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes may be required to conform to building or 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 zoning Title apply.~~

Section 3. Home Occupation. Section 5-3-4 9(D) of the Village Code shall be and the same hereby is amended as set forth below:

(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 in a residential district from a principal building ~~or an~~ accessory

building in a residential district or in the case of a use pursuant to Subsection 3(g) of this Section 5-3-4(D), an area of land on the subject property, 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 (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. In the case of a home occupation use pursuant to Subsection 3(g) of this Section 5-3-4(D), the home occupation may also be conducted on areas of land on the subject property, including but not limited to pastures, paddocks, fields, riding arenas and bridle trails.

(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 Subsection (D)3a(2) of this Section 5-3-4(D)) 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. In the case of a home occupation use pursuant to Subsection 3(g) of this Section 5-3-4(D), storage of materials used in conjunction with the home occupation may be on land provided the materials are stored at least 100 feet from the property line of the subject property.

(7) No refuse in excess of the amount permitted under Section 5-3-9 of this Chapter 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 Chapters.

(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: ~~Notwithstanding anything to the contrary contained in this Subsection (D),~~ The breeding, raising, training and boarding of horses in a stable and the training of horses and their riders shall be equines is a permitted home occupation subject to the provisions of Subsections 3(a) to 3(f), inclusive, but excluding Subsections 3(a)2, 3(b)2, 3(c)2, and 3(c)4 of this Section 5-3-4(D); provided that no persons engaged to facilitate such boarding breeding, raising, training and boarding activities, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight six o'clock (86:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later, and other than in emergency situations. It is further provided that no persons engaged to facilitate such boarding,

breeding, raising or training activities shall operate vehicles or machinery on the premises, other than that belonging to the immediate family residing on the premises shall be permitted to be operated on the premises passenger vehicles and light trucks, except during between the hours of eight six o'clock (86:00) A.M. and eight o'clock (8:00) P.M. or sunset, whichever is later. The harvesting of crops in connection with the breeding, raising, training or boarding of equines after sunset shall be permitted under this Section 5-3-4(D)4g.

Section 3. 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 this Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 4. 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 _____ day of _____, 2012.

AYES: _____ **NAYS:** _____ **ABSENT:** _____.

APPROVED THIS _____ day of _____, 2012.

ATTEST:

Village Clerk

Village President