

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 21, 2014 at 7:30 p.m. by the Zoning Board of Appeals of the Village of Barrington Hills at Countryside School, 205 W. County Line Road, Barrington Hills, concerning a proposed text amendment from Benjamin B. LeCompte to the Village's Zoning Ordinance, Title 5 of the Village Code; specifically an amendment to Section 5-3-4 of the Zoning Ordinance, "Regulations for Specific Uses" eliminating, as a home occupation, boarding and training of horses, and adding, as a newly defined specific use, the boarding and training of horses, with specific regulations governing such use.

A copy of the Zoning Ordinance and the proposed amendment is 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. July 21, 2014.

By: Village Clerk
Village of Barrington Hills
clerk@barringtonhills-il.gov
Fax 847.551.3050

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

To: Don Schuman, Zoning Enforcement Officer, Village of Barrington Hills, Illinois

Benjamin B. LeCompte, III, residing at 350 Bateman Road, Barrington Hills, Illinois, and as a resident affected by the subject matter of the proposed amendment, hereby petitions for the following text amendment to the Village Zoning Code and requests that a ZBA notice of hearing on this amendment be published as prescribed by code no later than June 20, 2014 and hearing on such amendment be held on Monday July 7, 2014 or as soon thereafter as can be accommodated by the ZBA. The zoning code shall be amended by deleting section 5-3-4(D)3(g), and amending sections 5-2-1, and 5-3-4(A) such that the respective sections of section 5-3-4 shall now read:

5-2-1: DEFINITIONS:

The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry (including the boarding and training of horses, horse riding instruction, as well as 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.

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 zoning title apply.**

2) **Boarding And Training Of Horses:** For the purpose of clarification of existing law and not modifying its intent, and irrespective of the fact that boarding horses in a pasture or stable, training of horses, and horse riding instruction represent, by definition, commercial activities, such activities have never violated and do not presently violate the spirit and intent of the Village's Zoning code and are and have always been legally permitted uses.

a) **Regulations:** The following provisions listed in this subsection 5-3-4(A)2(a) shall apply prospectively to all boarding, training, and riding of horses, including horse riding instruction, from the date of this enactment forward:

- I. No persons engaged to facilitate such boarding, riding or training, other than the immediate family residing on the premises and the individual horses owners shall be permitted to carry out their functions except between the hours of six o'clock (6:00) AM and eight o'clock (9:00) PM, and 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 six o'clock (6:00) AM and nine o'clock (9:00) PM. These hourly restrictions shall not apply in the event of veterinary emergencies.
- II. No outdoor riding, training, or riding lessons, other than by the immediate family residing on the premises shall take place before 8:00 AM or after 8:30 PM.
- 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 and arenas shall only be directed onto the property on which such uses occur such that there is no direct illumination of

any adjacent property from such lighting.

V. While no one wants excessive traffic and noise that would infringe upon their neighbors' rights to the peaceful enjoyment of their properties, the term excessive is relative and ripe for abuse in interpretation by either the barn owner or the neighbor. Accordingly, any complaint about such shall be handled in an independent and objective manner, which is specifically set forth in section 5-3-4(A)2(c) below.

VI. There shall be a limit on the number of horses that any facility is allowed to board such that:

1. For all horses boarded in a pasture for which there is no indoor stall there shall not be in excess of one boarded horse per zoning lot acre.

2. For all horses boarded in a barn with supplemental nutrition there shall not be in excess of 2 boarded horses per zoning lot acre, without regard to whether those acres also have pasture boarded horses.

3. These restrictions on number of boarded horses shall only apply prospectively and, furthermore, shall not pertain to any barn that was in operation prior to June 16, 2014.

b) Compliance: Should any resident be aggrieved by an alleged violation of any regulation in this section 5-3-4(A), said resident, before taking any other action, must report such alleged violations to the zoning enforcement officer, at which time said officer shall inspect the property, commission an independent

study of the alleged violation, and perform any further due diligence such officer feels appropriate.

If at the conclusion of such due diligence the zoning officer finds the property to be in non-compliance, based on the data collected and how such data compares with like facilities in the Village, the property owner shall be given 30 days to bring their facility into compliance. At the end of such period the zoning officer shall again inspect the property, and if, in the discretion of the officer, the property remains non-compliant, the zoning officer shall issue a cease and desist of all non owner equestrian activity until such time that the property can be brought into compliance and accepted as such by the zoning officer.

If a cease and desist is issued the property owner shall have 45 days to appeal the zoning officer's decision to the ZBA for hearing. If within such period the property owner has not appealed to the ZBA the decision of the zoning officer shall become final and the cease and desist shall remain in effect until such time that the property is brought into compliance, as determine by the zoning officer. All other compliance regulations shall be subordinate to this section 5-3-4(A)2(b)

c) Retroactivity: Subject to the severability clause in section 1-2-4, with the exception of the above subsection 5-3-4(A)2(a), which specifically states otherwise, the entirety of the additions in 5-2-1 and 5-3-4(A) and the deletion of 5-3-4(D)3(g) shall be primarily and secondarily retroactive and are in full force and effective as of June 26, 2006, *nunc pro tunc*.

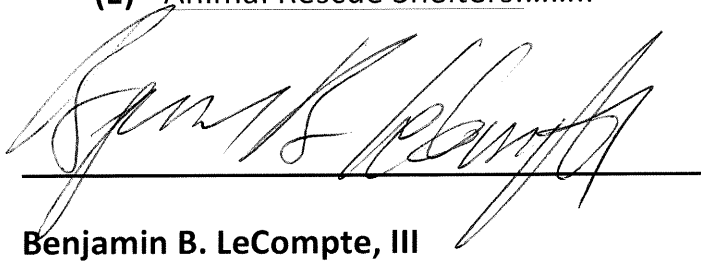
(B) Public Utility:.....

(C) Tents:.....

(D) Home Occupation:.....~~3(g) Boarding And Training Of Horses: Notwithstanding anything to the contrary contained in this subsection (D), the boarding of horses in a~~

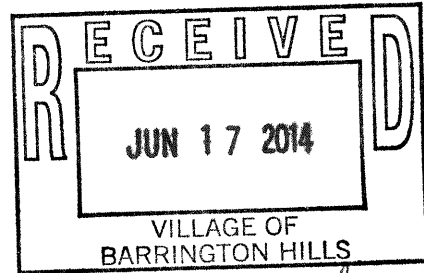
~~stable and the training of horses and their riders shall be a permitted home occupation; provided that no persons engaged to facilitate such boarding, other than the immediate family residing on the premises, shall be permitted to carry out their functions except between the hours of eight o'clock (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)~~

(E) Animal Rescue Shelters:.....



Benjamin B. LeCompte, III

June 17, 2014



Dolores Trandel