

July 20, 2011

President and Board of Trustees
Village of Barrington Hills
112 Algonquin Road
Barrington Hills, IL 60010

RE: Commercial Horse Boarding

Dear President and Trustees:

After many months of discussion of the commercial horse boarding issue in Barrington Hills, we have reached a consensus on a proposed manner of regulating boarding in the Village. We are respectfully requesting that you review and discuss our proposal and if it is acceptable to you, that you refer it back to the Zoning Board of Appeals to conduct a public hearing so that we may make the appropriate recommendation to the Board of Trustees for its adoption. The specific language that we have discussed and are proposing is attached hereto as Exhibit A.

As you are aware, this issue has been under consideration for several years and numerous meetings and discussions have taken place with regard to it. We have had various "white papers" submitted to us by the Equestrian Commission and a number of proposals that have been made by the Legal Committee, the Equestrian Commission and others. We are aware of the situation with Oakwood Farms and the recent holding by the Illinois Appellate Court denying the claim by Oakwood Farms that horse boarding is agriculture and therefore a permitted use.

In 2005, the ZBA recommended and the Board of Trustees approved changes to the Home Occupation Ordinance, which allowed horse boarding as a home occupation. While we considered simply allowing all boarding operations to operate as home occupations, we felt that was not the best approach. Larger boarding operations can have impacts on the surrounding properties. In these circumstances, we are recommending that larger boarding operations should be required to obtain a Special Use Permit. The special use permit requirement would allow the community to have some involvement in whether such operations are appropriate at that particular location and, if so, under what conditions they should operate. As a result, we are suggesting that those facilities that board ten (10) horses or more be regulated as Special Uses. We discussed, at length, requiring stables or barns of a certain size to also obtain a Special Use Permit, but in the end determined that was burdensome and potentially overreaching.

We feel that the attached proposal represents a good balance between preserving and protecting the equestrian nature of the Village while taking into account the concerns of residents who might be impacted by larger boarding facilities.

Very truly yours,

Judith Freeman – Chairman
Zoning Board of Appeals

cc: Copy to each of the ZBA members

EXHIBIT A

5-2-1 DEFINITIONS

ANIMAL HUSBANDRY: The breeding, raising, training and boarding of domestic livestock.

LIVESTOCK: Horses, cattle, sheep, llamas, alpacas, donkeys and other domestic farm animals that create a similarly limited impact on property and adjoining landowners and occupants, but specifically excluding dogs and cats.

5-3-4 (A) 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 non-commercial agricultural purposes, except with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for any agriculture purposed upon such land.

5-3-4(D)(3)(g) Home Occupation: The breeding, raising, training and boarding of livestock is a permitted home occupation subject to the provisions of subsections 3(a) – 3(f), excluding 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 or training other than the immediate family residing on the premises, shall be permitted to carry out their activities except between the hours of six o'clock a.m. and eight o'clock p.m. or sunset, whichever is later, other than in emergency situations. It is further provided that no person engaged to facilitate such boarding, breeding, raising or training shall operate machinery or vehicles on the premises other than passenger cars or light trucks except between the hours of six o'clock a.m. and eight o'clock p.m. or sunset, whichever is later. The harvesting of crops in connection with the breeding, racing, training and boarding of livestock after sunset is permitted under this Section.

5-3-13 REGULATIONS FOR COMMERCIAL HORSE BOARDING:

- (A) SPECIAL USE: Commercial horse boarding is a permitted special use in the R1 District within the Village subject to the provision of Section 5-10-7, provided, however, no special use permit for commercial horse boarding shall be granted unless such commercial horse boarding operation also complies with the provisions of this Section 5-3-13.
- (B) PURPOSE AND INTERPRETATION: The purpose of this Section 5-3-13, is to provide specific regulations for the operation of commercial horse boarding facilities within the Village. The boarding of horses in the Village is a desirable activity from the point of view of the equestrian community and the Village at large but such activity 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 neighborhoods. It is the further intent of this ordinance to regulate the operation of commercial horse boarding facilities so that the general public and neighboring residences will enjoy reasonable freedom from fire hazards, excessive noise, light and traffic and other nuisances.
- (C) DEFINITIONS: For purposes of this Section 5-3-13, defined terms shall have the meanings ascribed to them in Section 5-2-1 and this Subsection 5-3-13(C).

BOARDING: The keeping and/or sheltering of horses in which the owners or occupants of the property do not have an ownership interest in exchange for money, provided, however, boarding of horses shall not include a livery stable.

COMMERCIAL HORSE BOARDING: The boarding of ten (10) or more horses.

LIMITED-FACILITY BOARDING: The boarding of nine (9) or fewer horses, which shall be a permitted use without the need for a special use permit, and regulated as a Home Occupation under Section 5-3-4 of the Zoning Code.

LIVERY STABLE: A stable where horses are kept for hire.

PRIVATE STABLE: A barn, stable, arena or other facility where horses owned by the owner or occupant of the property are kept.

(D) FACILITY REQUIREMENTS:

- (i) All buildings, excluding stables, used in connection with commercial horse boarding, shall be considered accessory uses and shall comply with the setback requirements for agricultural buildings and structures.
- (ii) Stables used in connection with commercial horse boarding shall be considered accessory uses and shall comply with the setback requirements for stables
- (iii) All buildings, including, but not limited to stables, used in connection with commercial boarding shall be considered agricultural buildings for the purpose of building permit review and shall be classified as utility buildings under the BOCA 1990 Building Code, so constructed, equipped and maintained to address fire and safety hazards in accordance with Village Ordinances and the BOCA Building Code.

(E) SCOPE: In the course of reviewing any request for a special use permit required under this Section 5-3-13, the Zoning Board of Appeals may limit the number of horses permitted to be boarded at any one time and shall consider the following factors in its determination: (i) location of the property, (ii) configuration of the property, (iii) character of the surrounding neighborhood, (iv) storm water drainage, (v) vehicular access to the boarding facility, (vi) parking plan, (vii) manure disposal plan, (viii) lighting plan, and (ix) such other factors as the Zoning Board of Appeals may deem appropriate for consideration concerning healthy, safety and welfare of the community and surrounding neighborhood.

(F) SPECIAL USE APPLICATION REQUIREMENTS: In addition to any requirements of Section 5-10-7, an applicant for a special use permit for commercial horse boarding shall submit the following documentation and information:

- (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 horse boarding facility, as well as the current on-site land uses and zoning, current adjacent land uses and zoning, adjacent roadways, existing and proposed means of access, fencing and landscaping/screening.
 - (ii) Such other additional information necessary to a decision by the Zoning Board of Appeals.
- (G) EXCLUSIONS: Nothing in this Section 5-3-13, shall be construed to apply to private stables or to limited-facility boarding facilities.

5-9-3(D)(3) Stables: Notwithstanding the foregoing provisions of this Section 5-9-3 (D), any non-conforming barn, stable, arena or other structure used for an equestrian purpose which is destroyed or damaged by fire or other casualty or other acts of God may be restored or rebuilt to the same extent as existed prior to such fire or other casualty, including any such nonconformity.