

Clark Benkendorf

From: KURT.ANDERSON@comcast.net
Sent: Wednesday, September 10, 2014 3:48 PM
To: clarkbenkendorf@gmail.com
Subject: Per your request
Attachments: Text_Amend Lecompte KMA Modification.docx

Kurt M. Anderson
312-504-0004

=====
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=====

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Checked by AVG - www.avg.com
Version: 2014.0.4745 / Virus Database: 4015/8190 - Release Date: 09/10/14

PROPOSED TEXT AMENDMENT
TO THE VILLAGE OF BARRINGTON HILLS
ZONING CODE

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, animal and poultry husbandry, the breeding, boarding and training of horses and riders, 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 the 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. 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.

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 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 for agricultural purposes, then, and only then, shall the provisions of this zoning title 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 operations for Boarding and Training Facilities shall be: (i) Employees (not residing on the property): from 6:00AM to 9:00 PM or 30 minutes past dusk whichever is later; (ii) Boarders from 7:00AM to 8:30PM or dusk whichever is later; (iii) Use of machinery, 7:00AM to 9:00PM. These hourly restrictions shall not apply in the event of emergencies.
- II. No property shall contain a Boarding and Training Facility that is not located on the same zoning lot or lots under the same ownership and or control as the residence of the owner and or operator of the 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 on 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 person or animal to cause serious or habitual disturbance of annoyance by frequent or habitual noisy conduct, which shall annoy, injure or endanger safety, health, comfort or repose of others. Noisy conduct shall constitute a violation of this section is the noise 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

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.

(B) PUBLIC UTILITY:.....

(C) TENTS:

(D) Home Occupation:

XFINITY Connect

KURT.ANDERSON@comcast.net

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No retro

From : KURT ANDERSON <KURT.ANDERSON@comcast.net>

Thu, Sep 11, 2014 12:22 PM

Subject : No retro


1 attachment

To : Judith Freeman <jfreeman@kpmg.com>

Kurt M. Anderson
312-504-0004

=====
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49 KB

PROPOSED TEXT AMENDMENT
TO THE VILLAGE OF BARRINGTON HILLS
ZONING CODE

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)~~, and 5-5-2(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 breeding, boarding and training of horses and rider instruction, 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; conducting animal husbandry, and for the breeding, boarding and training of horses and rider instruction. It is recognized specifically that the 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.

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 this zoning title apply.
- 2) Boarding and Training of Horses and Rider Instruction: ~~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 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 the boarding and training, and riding of horses, and to rider instruction including horse riding instruction, from the date of this enactment forward:
- I. The hours of operation for Boarding and Training Facilities shall be: (i) employees (not residing on the property): from 6:00AM to 9:00 PM or 30 minutes past dusk whichever is later; (ii) boarders and riders receiving instruction from 7:00AM to 8:30PM or dusk whichever is later; (iii) Use of machinery, 7:00AM to 9:00PM. 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. 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 on 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 person or 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. ~~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.~~

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~~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 is reasonably minimized, particularly at properties where access is from private roads, and including at times any events such as clinics and or charitable event.~~

~~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 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.~~

~~X. Nothing contain in Section 5-3-4(A)2 shall modify, change or limit any easements, rules, regulations, covenants, conditions or restrictions that encumber property by virtue of recorded easements, covenants, conditions or restrictions, imposed by developers or by inclusion of said property in a homeowners' association and or road owners' association. Section 5-3-4(A)2 should be treated as additive to those restrictions.~~

~~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) AM. 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.

XFINITY Connect

KURT.ANDERSON@comcast.net

+ Font Size -

Per your request

From : KURT ANDERSON <KURT.ANDERSON@comcast.net>

Wed, Sep 10, 2014 03:47 PM

Subject : Per your request


1 attachment

To : clarkbenkendorf@gmail.com

Kurt M. Anderson
312-504-0004

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.....

From: "KURT.ANDERSON@comcast.net" <KURT.ANDERSON@comcast.net>

To: "Freeman, Judith K" <jfreeman@kpmg.com>

Sent: Thu, 11 Sep 2014 17:22:39 +0000

Subject: No retro

Kurt M. Anderson
312-504-0004

=====

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From: "Freeman, Judith K" <jfreeman@kpmg.com>

To: Joseph Messer <messer@messerstlp.com>

Sent: Mon, 8 Sep 2014 14:47:38 +0000

Subject: RE: drafts

It is now fixed

Regards,

Judy Freeman
Partner | KPMG LLP

AON Center | 200 E. Randolph Drive, Suite 5500, Chicago, IL 60601
(Office) 312.665.2037 | (eFax) 312.276.4918 | (Mobile) 847.287.5009
jfreeman@kpmg.com <mailto:bjgelbuda@kpmg.com>

From: Joseph Messer [mailto:messer@messerstlp.com]
Sent: Monday, September 08, 2014 8:15 AM
To: Freeman, Judith K
Subject: RE: drafts

Judy -

I noticed that the Village web site shows the location of the Special ZBA meeting on Thursday the 11th as "TBD". Is it necessary to announce the location now to avoid an argument that proper notice of the meeting wasn't given?

Joseph Messer
Messer, Stimp & Strickler, Ltd.
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(312) 334-3440 Direct
(312) 334-3434 FAX

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From: Freeman, Judith K [mailto:jfreeman@kpmg.com]

Sent: Monday, September 08, 2014 8:06 AM
To: Joseph Messer
Subject: RE: drafts

Right now I have no idea but I should know more by 4pm. Why don't I let you know what my timing is then, and we can try for later in the evening after Scouts or I could also meet tomorrow downtown as I am in my office tomorrow also, but need to leave for the ZBA hearing that evening of course.

Regards,

Judy Freeman
Partner | KPMG LLP

AON Center | 200 E. Randolph Drive, Suite 5500, Chicago, IL 60601
(Office) 312.665.2037 | (eFax) 312.276.4918 | (Mobile) 847.287.5009
jfreeman@kpmg.com <mailto:bjgelbuda@kpmg.com>

From: Joseph Messer [mailto:messer@messerstlp.com]
Sent: Monday, September 08, 2014 8:00 AM
To: Freeman, Judith K
Subject: RE: drafts

When do you think you will be home? I will be available after 7:00pm when I take [REDACTED] to Scouts.

Joseph Messer
Messer, Stimp & Strickler, Ltd.
a Professional Corporation
166 W. Washington, Suite 300
Chicago, IL 60602-2390
(312) 334-3440 Direct
(312) 334-3434 FAX

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From: Freeman, Judith K [mailto:jfreeman@kpmg.com]
Sent: Monday, September 08, 2014 7:51 AM
To: Joseph Messer
Subject: RE: drafts

OK - why don't you let me know your schedule later today (after 4pm) and I can figure out how late I will need to be here by then.

Maybe if you were also going home later I could drive you home and we could have a productive hour in the car?

Regards,

Judy Freeman
Partner | KPMG LLP

AON Center | 200 E. Randolph Drive, Suite 5500, Chicago, IL 60601
(Office) 312.665.2037 | (eFax) 312.276.4918 | (Mobile) 847.287.5009
jfreeman@kpmg.com<mailto:bjgelbuda@kpmg.com>

From: Joseph Messer [mailto:messer@messerstlp.com]
Sent: Monday, September 08, 2014 7:48 AM
To: Freeman, Judith K
Subject: RE: drafts

Will do. Thanks. We could try to meet if it would help.

Joseph Messer
Messer, Stilp & Strickler, Ltd.
a Professional Corporation
166 W. Washington, Suite 300
Chicago, IL 60602-2390
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(312) 334-3434 FAX

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From: Freeman, Judith K [mailto:jfreeman@kpmg.com]
Sent: Monday, September 08, 2014 7:46 AM
To: Joseph Messer
Subject: RE: drafts

Yes, I might still be working downtown at that time but just try my mobile because hopefully I will be in my car by

then, thanks

OR

Regards,

Judy Freeman
Partner | KPMG LLP

AON Center | 200 E. Randolph Drive, Suite 5500, Chicago, IL 60601
(Office) 312.665.2037 | (eFax) 312.276.4918 | (Mobile) 847.287.5009
jfreeman@kpmg.com<mailto:bjgelbuda@kpmg.com>

From: Joseph Messer [mailto:messer@messerstlp.com]
Sent: Monday, September 08, 2014 7:44 AM
To: Freeman, Judith K
Subject: RE: drafts

Judy -

Would you be free to discuss this after 7:00pm today?

Joseph Messer
Messer, Stilp & Strickler, Ltd.
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166 W. Washington, Suite 300
Chicago, IL 60602-2390
(312) 334-3440 Direct
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From: Freeman, Judith K [mailto:jfreeman@kpmg.com]
Sent: Sunday, September 07, 2014 4:25 PM
To: Joseph Messer
Subject: drafts

Joe -

I have been working on documents for the September trustee meeting. When you have a chance, I'd like to discuss a few aspects of the process. Thanks for taking a read.

22

Regards,

Judy Freeman
Partner | KPMG LLP

AON Center | 200 E. Randolph Drive, Suite 5500, Chicago, IL 60601
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jfreeman@kpmg.com <mailto:bjgelbuda@kpmg.com>

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