

ORDINANCE AMENDING SECTION 5-3-3 and 5-5-3(A) OF THE VILLAGE’S ZONING REGULATIONS TO ALLOW AGRITOURISM AS A SPECIAL USE IN THE R-1 ZONING DISTRICT

WHEREAS, the Village of Barrington Hills (hereinafter the “Village”) is a duly organized and existing Illinois home rule municipality pursuant to the IL Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village of Barrington Hills is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village of Barrington Hills, to regulate properties located within the municipal boundaries of the Village; and

WHEREAS, in furtherance of this authorization, the Village of Barrington Hills has adopted a zoning code, set forth in Title 5 Zoning Regulations of the Village’s Municipal Code to, among other purposes, to regulate individual property uses by establishing use districts, building site requirements, setback, density, parking and height regulations, and by specifying external impact standards for noise, smoke, odor, glare, and vibration; and

WHEREAS, Section 5-10-6(B) of the Village’s Municipal Code provides that a person owning or having an interest in property in the Village may apply for consideration of an amendment to the zoning ordinance; and

WHEREAS, Chris Yamamoto, 315 Dundee Road, Barrington Hills, IL, the owner of property in the R-1 District, applied to amend the zoning ordinance to add to the list of special uses allowed in the R-1 Zoning District to provide for “Agritourism” and regulate Agritourism; and

WHEREAS, Notice of Public Hearing with respect to the proposed text amendment was published in the Daily Herald Newspaper in the Village of Barrington Hills, as required by the Village Code and statutes of the State of Illinois; and

WHEREAS, pursuant to said Notice, the Zoning Board of Appeals of the Village of Barrington Hills conducted a Public Hearing on the proposed text amendment at a special meeting held on August 20, 2024, and after hearing testimony regarding the amendment, the Zoning Board of Appeals voted 2-4 on a motion to recommend adoption of the text amendment; and

WHEREAS, the Zoning Board of Appeals has forwarded its findings and recommendation in regard to the text amendment to the Village Board, in the Findings and Recommendation, attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the President and Village Board of Trustees have considered the matter and determined that those proposed text amendments to Title 5 Zoning Regulations, section 5-5-3(A) be approved, as such action is believed to be in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, a home rule community located in Cook, Lake, Kane, and McHenry Counties, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That Title 5 Zoning Regulations, Chapter 5, 5-3-3 (H), and 5-5-3(A) shall be amended to the following (new text underlined and in blue):

5-3-3: SCOPE OF REGUALTIONS:

...

(H) Agritourism:

1. Purpose and Intent: Agritourism activities permitted in designated zoning districts as a special use to promote agricultural education, community engagement, and sustainable farming practices while preserving the rural character of Barrington Hills.
2. Definitions:
Agritourism: an Agricultural (as defined under 5-2-1) operation that invites visitors to experience an agricultural, horticultural, or agri-business setting for enjoyment, education, or active participation in agricultural activities and taking place in an agricultural setting to foster education and community interaction, where visitors engage directly with agricultural activities, learn about agricultural practices, and often participate in related experiences like picking produce, farm tours, livestock interaction or workshops on agricultural techniques or specific crops.
3. Conditions and Requirements:
 - Special use permits for Agritourism activities shall allow invitee participation in all activities permitted under 5-5-2(A) for Agriculture.
 - Operational standards:
 - Hours of operation: From sunrise until 8 p.m.
 - Parking requirements: Onsite; prohibit street parking
 - Noise and light pollution:
 - Implement measures to limit the number of visitors at any given time.
 - Prohibit activities during nighttime hours to prevent noise disturbances.
 - Sustainability: When applicable, Agritourism activities should aim to implement sustainable farming practices including conservation of water, management of soil health, pollinator habitat preservation, adoption of integrated pest management systems, or active removal of known invasive species and noxious weeds.

5-5-3: SPECIAL USES

...

(A) Special Uses, R1 District: The following special uses may be allowed in the R1 district:

...

Agritourism

SECTION THREE: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Ayes:
Nays:
Absent:

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 26th day of August, 2024.

APPROVED:

ATTEST:

Village President

Village Clerk

Exhibit A

Zoning Board of Appeals Findings of Fact and Recommendation

August 23, 2024

To: President and Board of Trustees
Village of Barrington Hills

RE: Application for Text Amendment
Agritourism

This is to advise you that at a public hearing of the Zoning Board of Appeals (“ZBA”) held at 7:30 P.M. on Tuesday, August 20, 2024, in the MacArthur Room of the Village Hall, where a quorum was present, the ZBA considered the application of Christopher Yamamoto (“Applicant”) for a text amendment to the Zoning Code to include in the list of special uses in the R-1 Zoning District Agritourism. Applicant also requests an amendment to add (H) to section 5-3-3 as follows (new text underlined and in blue):

5-3-3: SCOPE OF REGULATIONS:

...

(H) Agritourism:

4. Purpose and Intent: Agritourism activities permitted in designated zoning districts as a special use to promote agricultural education, community engagement, and sustainable farming practices while preserving the rural character of Barrington Hills.
5. Definitions:
Agritourism: an Agricultural (as defined under 5-2-1) operation that invites visitors to experience an agricultural, horticultural, or agri-business setting for enjoyment, education, or active participation in agricultural activities and taking place in an agricultural setting to foster education and community interaction, where visitors engage directly with agricultural activities, learn about agricultural practices, and often participate in related experiences like picking produce, farm tours, livestock interaction or workshops on agricultural techniques or specific crops.
6. Conditions and Requirements:
 - Special use permits for Agritourism activities shall allow invitee participation in all activities permitted under 5-5-2(A) for Agriculture.
 - Operational standards:
 - Hours of operation: From sunrise until 8 p.m.
 - Parking requirements: Onsite; prohibit street parking
 - Noise and light pollution:
 - Implement measures to limit the number of visitors at any given time.
 - Prohibit activities during nighttime hours to prevent noise disturbances.
 - Sustainability: When applicable, Agritourism activities should aim to implement sustainable farming practices, including conservation of water, management of soil health, pollinator habitat preservation, adoption of integrated pest management systems, or active removal of known invasive species and noxious weeds.

5-5-3: SPECIAL USES

...

(A) Special Uses, R1 District: The following special uses may be allowed in the R1 district:

...

[Agritourism](#)

Notice of the hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall. Prior to the start of testimony, all those who wished to testify were placed under oath.

FACTS

The Applicant seeks a text amendment to allow Agritourism, as defined in the text amendment, as a special use in the R1 Zoning District, and to add (H) to section 5-3-3. He and his wife currently own property at 350 Dundee Road, Barrington Hills, IL; the property is commonly known as Little Ducky Farms, where they grow flowers. He testified that the text has been reviewed by Cook County and the Illinois Farm Bureaus to ensure that it complies with sustainable practices. The special use is controlled by the definition of Agriculture already in the Zoning Code. The purpose of the special use will be to allow a unique, intimate opportunity to learn about agriculture. It will allow those who secure a special use permit to have an agricultural operation and to invite visitors to participate in the agricultural setting. To a large degree, the use would be seasonable. Such a use would maintain the character of the Village and would remain consistent with the Comprehensive Plan Objections. Due to the use of outdoor activities, the use proposed does not fit within the Village's Home Occupancy provisions.

The Applicant referenced six entities in Illinois which presently define and allow agritourism. There is state and federal support for agritourism.

Testimony was also heard from:

Kimberly Van Fossan, 5 Bow Lane, Barrington Hills, IL. Ms. Van Fossan testified in opposition to the Application, stating that the Village should protect the tranquility of the Village. She stated that in communities where agritourism is permitted, the minimum acreage for such uses varies from as low as 40 acres to several hundred acres. She testified that use of social media would increase the number of visitors to an agritourism property which would impact the current residential use. Agritourism could take over and become dangerous.

Sarah Gul, 315 Dundee Road, Barrington Hills, IL. Ms. Gul is the Applicant's wife and current co-owner and operator of Little Ducky Farms. Ms. Gul testified that the Village could approve this text amendment without allowing any use to become too big. For example, she testified that Little Ducky is only run by her and her husband, and that they limit the number of individuals who can visit at any one time. Agritourism can be permitted without detracting from the character of the Village. Due to the special use allowance, the Village can choose low-impact, low-noise activities, and can deny larger activities which would detract from the Village. Each applicant for a special use would have to go through the public hearing process, and the Village could ensure that each applicant would not open the door to commercialization. The Applicant supports 5-acre zoning, and this text amendment would not undermine it.

Paul DiMasi, 3215 N. Carriage Way Drive, Arlington Heights. He supports the text amendment. He testified that he has brought his child to Little Ducky Farms, and it was an experience which allowed them to explore and interact with agriculture. There is value to what such small-scale tourism brings to the Village.

Liz Blum, 102 Brinker Road, Barrington Hills, IL. She spoke on her own behalf and stated she was also speaking on behalf of seven neighbors, all of whom support the text amendment. Allowing the text amendment would allow people in the Village to engage directly in agricultural activities. Little Ducky

aligns with the character of the Village, it is rural, and preserves the beauty of the Village. The special use allows the Village to set clear guidelines on agricultural use to ensure that the use aligns with community values.

Joe Atamian, 200 Dundee Road, Barrington Hills, IL. He supports the Applicant. The special use process will allow the Village to control agritourism.

Peggy Hirsch, 41 Steeplechase Road, Barrington Hills, IL. Ms. Hirsch opposes the text amendment. Agritourism is a commercial business, which does not belong in the R1 Zoning District. If anything, such use should be a Home Occupation. She opposes the text amendment to support the beauty and tranquility of the Village.

Matt Homes, 1793 Tamarack Lane, Barrington Hills, IL. He is supportive of the text amendment. Agritourism fits in the R-1 District, and in the Village, which has a rural, agrarian lifestyle, with a lot of equestrian activities. Further, the requirement of a special use grants the Village discretion allowing it to tailor requests to best meet the requirements of the Village.

Michael Higdon, 21022 N. 20th Street, Barrington, IL. He is supportive of the text amendment. He is a teacher and mentor. Agritourism brings all ages to an experience which allows interaction with agriculture, livestock, etc. There is value in doing so because it allows young individuals to see those who are living alongside agriculture.

Patty Fahey, 71 Windrush Lane, Barrington Hills, IL. She supports the text amendment. She testified she moved to the Village looking for land and space. She appreciates the space everyone has. Allowance of agritourism allows people to experience and become educated in agriculture which provided relief from a fast-paced world. She has visited Little Ducky Farms and had a good experience. She states she wants people to want to share what they have. Agritourism can educate and provide experiences.

Britany Avery, 70 Windrush, Barrington Hills, IL. She grew up on a farm and moved to the Village from Chicago. The draw was the Village's five-acre minimum. Neighbors are at a distance. She believes the special will allow the Village to showcase its agricultural properties.

Brittney DiMasi, 3215 N. Carriage Way Drive, Arlington Heights, IL. She supports the text amendment, studied agriculture in college, and grew up on a soybean farm. The village has rural appeal with access to other amenities.

Matthew Blume, 102 Brinker Road, Barrington Hills, IL. He supports the text amendment. It is a commercial enterprise, in that people would be paying, but it is unique in that it is tied to agricultural activities, such a text amendment will not open the village up to other non-agricultural uses.

Dominic Green, 82A Meadow Hill Road, Barrington Hills, IL. He supports the text amendment. He questioned whether the Village could custom-write a code to allow agritourism in a way which would be best for the community. With a special use, the Village still has the power to allay fears of residents but would accommodate those who support agritourism.

Alistair Truong, 603 S. Cook St., Barrington, IL. He supports the text amendment. He visited Little Ducky Farms. Having agritourism, one can learn to be respectful and get off devices and go outside.

David Borsodi, 159 Helm Road, Barrington Hills, IL. He does not support the text amendment. He recognizes that a special use allows for regulation, but the text amendment is concerning, and he wants to keep the R-1 the way it is.

Jim Hammond, 2 Woodcreek Road, Barrington Hills, IL. He testified that the Village does not enforce its codes now, and it would be hard to enforce the operation of a special use such as proposed.

FINDINGS

The ZBA, after having examined the facts as presented, and taking in consideration the testimony set forth during the public hearing, voted 2-4 to recommend approval of the Application for the Text Amendment, finding that the application is not in the best interests of the Village.

The ZBA discussed the application, with members Kortner and Carfora in support of it. In particular, Member Koertner stated there is a lot of support for the Text Amendment, however some valid concerns were voiced. She asked whether the ZBA could figure out a way to craft a text amendment to make everyone happy. Discussion ensued as to how the ZBA could do so, with the Applicant indicating his willingness to work on such a measure. Chairman Wolfgram cited public comment received which questioned the tax ramifications of the text amendment and whether it would comport with the Comprehensive Plan. He also questioned whether the Village would be able to enforce operational limitations on agritourism special uses. Member Root was not supportive of the text amendment, stating the Village is known for two things: minimum 5-acre zoning and residential uses. The Village is a residential community, and the text amendment would intrude on that. Member Cernick did not support the text amendment because it would encourage use of property not in keeping with R-1. The majority of the ZBA Members did not believe the text amendment was in the public interest.

RECOMMENDATION

Following discussion, the ZBA voted 2 – 4 to recommend approval of the Application for Text Amendment [a recommendation to deny].

Respectfully submitted,

Zoning Board of Appeals
Village of Barrington Hills