

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

On this 30 September 2024, the undersigned, Chris Yamamoto, the owner of the property located at 315, Dundee Road, Village of Barrington Hills, Illinois ("Village"), herein petitions the Village of Barrington Hills, for the following Text Amendment to the Village Code (hereafter, "Zoning Code"), and request that a Zoning Board of Appeals ("ZBA") notice of hearing on this amendment be published as prescribed by code, and hearing on such amendment be held on 10/\_\_/2024 (m/d/y) or as soon thereafter as can be accommodated by the ZBA.

Text Amendment is proposed pursuant to Section 5-10-7 of the Zoning Code and is proposed to amend Section 5-5-3(A) (Special Uses) to add to the list of special uses under said subsection: **Agricultural Experience** namely the special use of allowing invitees to participate in and engage with Agriculture (as defined under 5-2-1 and as permitted under Section 5-5-2(A)).

Such an amendment to allow agricultural experience as a special use is in keeping with the list of special uses already provided for in Section 5-5-3, which includes accessory uses that are incidental to and on the same or adjacent zoning lot as the principal use (as established in subsection 5-5-2(A)). This amendment will not negatively impact existing property values. The proposed agricultural experience activities will complement the agricultural character of the area, promoting sustainable farming practices and community engagement. Adoption of this amendment is in the public interest, aligning with the Village's goal of preserving the rural character of Barrington Hills.



Signature



## 5-3-XX: AGRICULTURAL EXPERIENCE SPECIAL USE

### (A) Purpose and Intent

Agricultural experiences, when permitted as a special use, will promote agricultural education, sustainable practices, and community engagement, contributing to the preservation of Barrington Hills' rural character. This provision promotes and enhances the town's existing Comprehensive Plan goals of supporting agriculture, preserving open space, enhancing the rural atmosphere, promoting community engagement, and fostering ecological stewardship.

### (B) Definitions

1. In line with the **Illinois Agricultural Experiences Act** (505 ILCS 10/5), an "agricultural experience" refers to activities related to farming that provide educational opportunities for the public.
2. **For the purpose of this text amendment, an Agricultural Experience is defined as:**  
An agricultural operation that invites visitors to experience or participate in agriculture (as defined in Section 5-2-1). As agriculture is recognized as an accessory use in Barrington Hills, these experiences are designed to complement the village's zoning framework by promoting understanding and appreciation of local farming practices, while maintaining the community's rural character.

### (C) Conditions and Requirements

Special use permits for agricultural experience activities will be subject to the following conditions, which include guidelines for operational limits, eligibility, and permitted activities as defined under 5-5-2(A) for Agriculture:

1. **Seasonal Nature:** Agricultural experience operations are seasonal, active only in certain times of the year, to align with farming schedules and natural growing seasons.
2. **Eligibility**
  - Only properties of 6 acres or more are eligible for a permit.
  - Applicants must be residents of Barrington Hills for at least one year before applying.
  - 60% of direct neighbors (within the special use permit notification area) must not object to the permit application.
  - Properties must be located on non-private roads.
3. **Permitted Activities**
  - The special use permit will allow people to take part in activities allowed under 5-5-2(A) for Agriculture.
  - Outdoor U-picking (e.g., fruits, flowers, vegetables).
  - Sale of agricultural products (e.g., produce, plants).
  - Small group educational workshops.
  - Garden tours.
  - Photography sessions using the farm as a backdrop for professional or amateur photography.

4. **Activity Limitations and Prohibited Activities:** To ensure that agricultural experiences remain focused on agriculture, no unrelated commercial activities (e.g., music festivals, selling non-agricultural products unrelated to the farm's core activities).
- Only one type of agricultural experience activity can occur at a time to avoid overcrowding and ensure a well-managed environment.
  - No retail stores will be permitted.
  - No on-site sale of items unrelated to the farm's agricultural products.
  - No gatherings or high-traffic events that draw more than 50 people at one time, e.g., concerts, live entertainment, festivals, craft fairs, expos.
  - No food or drink sales are allowed.
  - No carnival-type attractions or petting zoos unrelated to the farm's core agricultural mission (educational animal interactions that are part of the farm's regular agricultural activities are permitted).
  - All activities must be operated with no external hired help, to ensure a small-scale, community-oriented experience.
5. **Hours of Operation and Attendance**
- Activities are allowed between **sunrise and sunset or 8 pm, whichever comes first**, and can only occur for a **maximum of 8 hours per day**.
  - Agricultural experience activities are seasonal and **do not occur every day of the year**.  
**Seasonal and infrequent workshops** may occur no more than **1-3 times per quarter**, ensuring small-scale educational programs.
  - Attendance
    - **Visits** are limited to **30-minute slots**, with a maximum of **10 participants per slot**.
    - **Workshops** are limited to **10 participants** and can last up to **3 hours**.
    - **Garden tours** are limited to **40 participants** and can last up to **2 hours**.
  - All visits will be by **appointment only**, with no walk-ins allowed. An online appointment system with **staggered entry times** will be used to control crowd size and prevent overcrowding.
6. **Visitor Control and Transparency**
- Agricultural experience operators must maintain an online appointment system that is publicly accessible, so interested residents and the Village can verify available slots and number of participants who have signed up.
7. **Noise and Visual Disturbances**
- No outdoor lighting may be used after dark to maintain the rural atmosphere.
  - No outdoor audio systems or amplified sound will be permitted
  - Properties must maintain natural tree cover to minimize visibility from neighbors and roads, ensuring that agricultural experience activities remain discreet.
  - Quiet zones must be maintained, meaning no loud or disruptive noises during agricultural experiences operating hours to preserve the peaceful nature of the surroundings.
8. **Traffic and Safety Plan**
- Applicants must submit a site traffic and safety plan to ensure that visitor access and activities do not negatively impact local roads or infrastructure.

- No tour buses are allowed on-site
- No parking will be allowed on public roads; all parking must be contained on the property to avoid disruption to traffic flow and neighbors.

9. **Permit Monitoring and Enforcement**

- The village reserves the right to issue permits on a **probationary basis** and review them **biannually**.
- All neighbors have avenues to voice concerns directly to the Village. Agricultural experience operators must maintain an online appointment system that is publicly accessible, so residents and the Village can monitor scheduled activities if they wish
- The Village will limit the number of permits granted each year, as determined by the Village Board.

10. **Privacy and Security:** To protect privacy and security, and to manage visitor flow in a way that minimizes disruptions to neighbors, the farm's specific address will not be listed on Google Maps. The address will only be shared with visitors who have confirmed appointments and participants in scheduled agricultural experience activities.

## Benefits of this Particular Special Use

While the property is zoned residential, Agricultural use is an important feature to the character and nature of Barrington Hills. The introduction of agricultural experience through special use permits provides a way to preserve the open, rural character of the area. Studies conducted by organizations like the American Farmland Trust have shown that maintaining land for agricultural purposes—whether in agricultural or residential zones—can have several key benefits.

1. **Prevention of High-Density Development:** By promoting low-impact agricultural use of land, agricultural experiences help prevent high-density development. This is particularly relevant in areas like Barrington Hills, where preserving a rural atmosphere and open landscapes is a priority.
2. **Maintaining the Rural Aesthetic:** Small-scale agricultural experiences preserve the scenic views and rural aesthetic of the community. These activities align with the Village's Comprehensive Plan, which supports agriculture while ensuring that development remains minimal and respectful of the town's character. Agricultural activities such as U-pick fields and garden tours are far less intrusive than commercial or high-density residential projects, offering a sustainable way to engage the community while maintaining the peace, privacy, and charm of residential neighborhoods.
3. **Environmental Stewardship:** Agricultural experience promotes environmental stewardship by utilizing sustainable farming practices. By encouraging visitors to engage with sustainable agriculture, these operations help maintain healthy soils, water conservation, and pollinator habitats. Additionally, agricultural experiences support conservation of open space, reducing the pressure for non-agricultural land use and contributing to the ecological health of Barrington Hills.
4. **Rural Character and Community Engagement:** Agricultural experiences are inherently low-impact and are structured to safeguard the peaceful, quiet nature of Barrington Hills. Activities such as U-pick, educational workshops, and farm tours are designed to enhance community engagement without disturbing the area's tranquility. By prohibiting commercial events like retail shops, concerts, or large festivals, this amendment ensures that agricultural experiences remain aligned with the village's rural character while fostering a sense of community through engagement in local agriculture.

## References:

1. Branan RA. Zoning limitations and opportunities for farm enterprise diversification: searching for new meaning in old definitions. Agricultural Law Research Article. Available from: <https://nationalaglawcenter.org/wp-content/uploads/assets/agritourism/Illinois.pdf>
2. Dooley E. Watch where you're steppin' out here: why states should adopt legislation to promote the diversified farming practice of agritourism. Drake J Agric Law. 2010;15:455-483. Available from: <https://nationalaglawcenter.org/publication/note-watch-where-youre-steppin-out-here-why-states-should-adopt-legislation-to-promote-the-diversified-farming-practice-of-agritourism-15-drake-j-agricultural-l-455-483-2010/>
3. Overview of agritourism. National Agricultural Law Center. Available from: <https://nationalaglawcenter.org/overview/agritourism/>
4. H.R. 6408, 117th Congress, 2nd Sess. Available from: <https://www.congress.gov/117/bills/hr6408/BILLS-117hr6408ih.pdf>
5. National Agricultural Library. Agritourism and Farm Tours. U.S. Department of Agriculture. Available from: <https://www.nal.usda.gov/legacy/afsic/agritourism-and-farm-tours>
6. Agritourism tax credit. Illinois Department of Agriculture. Available from: <https://agr.illinois.gov/assistance/agritourism-tax-credit-place.html>
7. Illinois agritourism. National Agricultural Law Center. Available from: <https://nationalaglawcenter.org/wp-content/uploads/assets/agritourism/Illinois.pdf>
8. Guarino J, Endres R, Swanson T, Endres B. Defining the Bounds of Booming Agritourism. farmdoc daily. 2022 Feb 14;(12):19. Department of Agricultural and Consumer Economics, University of Illinois at Urbana-Champaign. Available from: <https://farmdocdaily.illinois.edu/2022/02/defining-the-bounds-of-booming-agritourism.html>
9. Poland L, McCoy L. Agritourism activities and zoning. In: OSU Extension Agricultural & Resource Law Program. The Ohio State University Extension; 2018. Available from: <https://farmoffice.osu.edu/sites/aglaw/files/site-library/Agritourism%20Activities%20and%20Zoning.pdf>
10. Fact sheet on agritourism in Illinois. Available at: <https://aeese.psu.edu/outreach/agritourism/projects/nifa-agritourism/state-factsheets/north-central/2023-il-at-ds.pdf>
11. Listing of pick your own farms categorized by states, country, or type of crop. Available at: <https://www.pickyourown.org/>
12. Cut flowers, an Illinois specialty crop. Available at: <https://www.ilfb.org/resources/learn-about-il-agriculture/local-food/illinois-specialty-crops/>
13. USDA specialty crops. Available at: <https://www.ams.usda.gov/services/grants/scbgp/specialty-crop>
14. Lawn to Lake Integrated Pest Management (IPM). University of Illinois Extension. Available from: <https://extension.illinois.edu/sites/default/files/ipm-lawn-to-lake.pdf>
15. Invasive Plant Species Regulated by the Illinois Exotic Weed Act. University of Illinois Extension. Available from: [https://extension.illinois.edu/sites/default/files/invasive\\_plant\\_species\\_regulated\\_by\\_the\\_illinois\\_exotic\\_weed\\_act.pdf](https://extension.illinois.edu/sites/default/files/invasive_plant_species_regulated_by_the_illinois_exotic_weed_act.pdf)
16. Illinois Laws Regulating Noxious, Exotic Weeds. University of Illinois Extension. 2015. Available from: <https://hyq.ipm.illinois.edu/article.php?id=1300>
17. American Farmland Trust. Farms Under Threat: The State of the States. American Farmland Trust, 2020. Available from: <https://farmlandinfo.org/publications/farms-under-threat-the-state-of-the-states/>
18. American Farmland Trust. Farming on the Edge: Sprawling Development Threatens America's Best Farmland. Farmland Information Center, 2002. Available from: <https://farmlandinfo.org/publications/farming-on-the-edge-sprawling-development-threatens-americas-best-farmland/>
19. American Farmland Trust. Farms Under Threat 2040: Choosing an Abundant Future. American Farmland Trust, 2023. Available from: <https://farmland.org/project/farms-under-threat-2040>



## **AGRICULTURE**

### **(505 ILCS 10/) Agricultural Experiences Act.**

(505 ILCS 10/1)

Sec. 1. Short title. This Act may be cited as the Agricultural Experiences Act.

(Source: P.A. 102-492, eff. 1-1-22.)

(505 ILCS 10/5)

Sec. 5. Agricultural experiences.

(a) In this Section, "agricultural experience" means any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.

(b) To assist in the promotion of agricultural experiences, a county shall not require a conditional use permit, special use permit, special exception, or variance for agricultural experiences on property of which the primary use is agricultural production.

(Source: P.A. 102-492, eff. 1-1-22.)

The Agricultural Experiences Act (505 ILCS 10) reflects the state's support for promoting agricultural experiences on farms. Although the Act limits counties from requiring special use permits, Barrington Hills has the opportunity to take a more tailored approach. By adopting agricultural experiences as a special use, the village retains full control over the scope, scale, and specific requirements of these activities. This would allow Barrington Hills to carefully manage how agricultural experiences fit within the town, ensuring they are compatible with the community's character, while benefiting from the educational and environmental advantages they provide.

By allowing these experiences as a special use, the village ensures local oversight while supporting farms and agricultural education in a way that aligns with state initiatives. This balance offers both community enrichment and the ability to maintain control over agricultural activities, safeguarding the town's rural charm and heritage.

## **Operational Limitations Under Barrington Hills Home Occupation Code (5.3.4)**

### **Farm Activities Require Outdoor Space:**

The nature of agricultural experiences cannot be confined indoors, as required by the home occupation regulations, which mandate that operations must take place entirely within a principal or accessory building.

### **Visitor Participation:**

Agricultural experiences require limited, manageable community engagement through small-scale, scheduled visits, workshops, and events. These activities, while more interactive than traditional home-based businesses, remain modest in scale, ensuring minimal impact on the neighborhood. The home occupation code's limit of four visitors at a time is too restrictive for these experiences, but under a special use permit, such activities can be appropriately regulated to align with Barrington Hills' character and avoid overwhelming the community.

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## **Challenges with Amending the Home Occupation Code**

### **Complexity and Overreach:**

Amending the home occupation code to accommodate agricultural experiences would require broad legislative changes that may disrupt the town's ability to regulate different types of operations effectively.

### **Loss of Control:**

Amending the home occupation code reduces the town's ability to manage specific concerns. The current regulations are finely tuned to address small-scale indoor operations. Expanding them to include outdoor activities not tied to agriculture would dilute the town's control over other home-based businesses, potentially creating enforcement challenges.

### **No Public Input:**

If agricultural experiences operate under the home occupation code, the public would not have the opportunity to participate in the decision-making process. This lack of community engagement means residents are excluded from decisions that impact their neighborhoods.

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## **Current Zoning Limitations**

### **Agricultural Experiences Not Explicitly Recognized as Agriculture:**

Barrington Hills' zoning regulations define agriculture in traditional terms, such as farming, pasturage, and horticulture, but do not recognize agricultural experiences—such as U-pick, workshops, or educational farm visits—as agricultural uses.



**Beyond Conventional Agriculture:**

Agricultural experiences go beyond traditional agricultural production for wholesale or retail purposes. They promote education, community engagement, and a deeper connection to sustainable farming practices.

**Why Amending the Agricultural Code is Not Ideal:**

Amending the agricultural definition to include agricultural experiences would involve extensive legislative changes. This broad adjustment could reduce the town's ability to manage specific concerns related to these activities, making it harder to tailor regulations to the needs of individual operations.

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**Existing Special Uses**

Barrington Hills already accommodates several special uses, each granted with strict conditions to ensure they fit the town's character. Examples include non-commercial event facilities, which have been integrated into the community without compromising its residential or rural nature.

These existing special uses have not led to overdevelopment or a significant change in the character of the town. This shows that the special use permit process, when properly regulated, can allow unique operations to coexist harmoniously with Barrington Hills' goals and values.

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**Special Use Application Process: A Solution for Agricultural Experiences****Thorough Review and Community Input:**

The special use permit process involves comprehensive review and public input, ensuring that each case is evaluated on its individual merits. This method ensures that Barrington Hills is not overrun by special uses, maintaining a balanced and thoughtful approach to development.

**Public Hearings:**

A key aspect of the special use process is public involvement. Residents have the opportunity to participate in hearings, voice their concerns, and engage in the decision-making process. This transparency fosters trust in the system and builds community consensus.

**Custom Conditions:**

Each special use permit can be tailored with specific conditions to address potential concerns. These conditions can regulate aspects like traffic, hours of operation, and the impact on neighboring properties, ensuring minimal disruption to the community.

**Protecting Residential Community:**

The special use process preserves the rural and residential character of Barrington Hills. Unlike broad zoning changes, it is not a blanket approval but a carefully controlled measure to allow

beneficial uses while maintaining community standards. The process provides flexibility to adapt to each unique case while protecting the town's core values.

## Examples From Other Municipalities as a Framework

These examples from other municipalities referenced below provide useful case studies, showing how different towns have incorporated **agricultural experiences** into their zoning codes. While Barrington Hills has its own unique priorities, the village can use these examples as a **framework** to pick and choose which agricultural activities fit its rural character. Whether it's U-pick, small farm tours, or educational workshops, Barrington Hills can design an agricultural experience that reflects its values while ensuring that these activities remain compatible with the local community.

By using these case studies, the village has a **flexible template** to build its own set of agricultural experiences, deciding which activities work best for residents and the environment.

## The Case For Small Farms

Some residents may argue that these experiences should only be allowed on larger farms, but these case studies show that small farms can successfully operate agricultural experiences. Smaller-scale operations provide a more intimate, manageable experience, which minimizes traffic and community impact, without needing large tracts of land.

Incorporating agricultural experiences on small farms supports the preservation of open spaces, local agriculture, and Barrington Hills' rural landscape. This allows the town to remain vibrant without the strain of high-density development.

## References

- **Harvard, IL:** Available at <https://www.cityofharvard.org/> (See page 10 of the Unified Development Ordinance)
- **Spring Grove, IL:** Available at <https://springgrovevillage.com/> (See Chapter-15-Appendix-A-Definitions)
- **Eldorado, IL:** Available at <https://townofeldorado.com/> (See Chapter 17 Zoning)
- **Prairie Grove, IL:** Available at <https://prairiegrove.org/> (See Chapter.021.Art2.May2021)
- **Fox Lake, IL:** Available at [https://codelibrary.amlegal.com/codes/foxlakeil/latest/foxlake\\_il\\_zoning/0-0-0-78](https://codelibrary.amlegal.com/codes/foxlakeil/latest/foxlake_il_zoning/0-0-0-78)
- **Homer Glen, IL:** Available at <https://ecode360.com/29898585?highlight=agritourism&searchId=4293762586797179#28851584>