

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 Tuesday, September 9, 2014 at 7:00 p.m. by the Zoning Board of Appeals of the Village of Barrington Hills (“Village”) at Countryside School, 205 W. County Line Road, Barrington Hills, concerning a proposed text amendment from James Hammond to the Village’s Zoning Ordinance, Title 5 of the Village Code; specifically a new section in Chapter 3 “General Zoning Provisions” as Section 5-3-14 “Regulations for Commercial Horse Boarding”, to permit as a Special 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. September 9, 2014.

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

PETITION FOR TEXT AMENDMENT

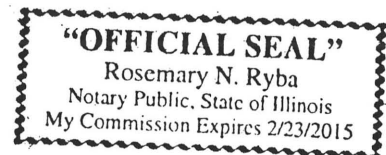
TO THE VILLAGE OF BARRINGTON HILLS ZONING CODE

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

James C. Hammond, 2 Woodcreek Road, Barrington Hills, Illinois, as a 23-year 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 July 31, 2014 and hearing on such amendment be held on Monday, August 18, 2014 or as soon thereafter as can be accommodated by the ZBA.

The purpose of this amendment is to provide a way of bringing into zoning conformance those commercial boarding operations in the Village that may not presently meet the conditions of the Home Occupation Ordinance. Commercial Horse Boarding would become an allowed special use in R-1 Zoning Districts subject to the conditions as outlined in the submitted amendment.

[Handwritten Signature] 7-29-14
Rosemary N. Ryba



Proposed Horse Boarding Text Amendment Overview

Background: During a period from 2009 to 2010, our Barrington Hills Equestrian Commission and Zoning Board of Appeals members worked hand-in-hand to craft zoning text amendments differentiating and regulating “Home Occupation” and “Commercial Boarding” facilities existing within the Village’s Zoning Code.

Countless hours of meetings and language drafting were expended in the effort, only to have the resulting amendments tabled for unknown reasons.

Current Situation: I recently attended a public hearing held by the ZBA on July 21st, 2014, and after listening to all of the comments made concerning the two amendment proposals it occurred to me that resident concerns can be categorized into three groups.

One group of speakers were concerned that the proposals before the board would allow for commercial boarding operations to expand their existing operations, or large new boarding operations could be built on land near to them without neighbors having any say in the matter.

The second group showed concern that existing commercial boarding operations were in jeopardy under the current Home Occupation Ordinance, and wanted them protected with the proposed code amendments. The last group believed that boarding has worked for the last eight years under the Home Occupation Ordinance, so why change it.

Recommendation: I hereby recommend that the Zoning Board consider revisiting the proposed language which the Zoning Board and Equestrian Commission together drafted back in 2010. The amendment which I am proposing is primarily their work, with some changes to criteria differentiating the two classifications of boarding facilities. The key components of this amendment are:

- Any existing facility boarding six or more horses may apply for exemption from applying for a Special Use Permit, provided they meet minimal criteria for the application as outlined in the proposed amendment (see 5-3-14-H).
- Any existing facility boarding five or less horses will continue to operate under the Home Occupation Ordinance.
- Any newly proposed horse boarding facility designed to board six or more horses would be required to apply for a Special Use Permit.
- Any newly proposed stable in excess of 2,700 square feet would require a Special Use Permit.
- A maximum of one boarded horse is allowed per acre dedicated to the keeping of horses.
- Boarding facilities will remain classified as R-1 under codes not covered by this amendment.

There are other definitions and criteria outlined in the original Zoning Board draft amendment that address horse boarding which should be familiar to some members of the Zoning Board.

In advance of presenting to this proposed text amendment that follows, I would like to thank the members of the board for their consideration and their devotion of personal time to address matters such as this important one for all the residents of Barrington Hills.

5-3-14 REGULATIONS FOR COMMERCIAL HORSE BOARDING:

(A) SPECIAL USE: Commercial horse boarding is a permitted special use in the R1 District within the Village, provided, however, no special use permit for commercial horse boarding shall be granted unless such commercial horse boarding operation complies with the provisions of this Section 5-3-14.

(B) PURPOSE AND INTERPRETATION: The purpose of this Section 5-3-14 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 residential 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 5-3-14, defined terms shall have the meanings ascribed to them in Section 5-2-1 and this Subsection 5-3-14(C).

BOARDED HORSES: Horses that are not owned by the owners or occupants of the property where the horses are kept.

BOARDING: The keeping and/or sheltering of Boarded Horses, provided, however, boarding of horses shall not include a livery stable.

COMMERCIAL HORSE BOARDING: The boarding of six (6) or more Boarded Horses and/or the use of a stable or series of stables for boarding operations that exceed, in the aggregate, 2,700 square feet of space under roof.

LIMITED-FACILITY BOARDING: The boarding of five (5) or fewer Boarded 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(D) of the Zoning Code.

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

(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 5-3-14, the Zoning Board of Appeals may limit the number of Boarded 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) proximity of the boarding facility to wetlands, artificial lakes or other watercourses, (v) vehicular access to the boarding facility, (vi) available parking, (vii) available pasture, (viii) manure disposal plan, (ix) such other factors as the Zoning Board of Appeals may deem appropriate for consideration; provided, however, notwithstanding the foregoing, the total number of Boarded Horses shall not exceed one (1) Boarded Horse per acre dedicated solely to the keeping of horses.

(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, location of existing utilities, existing and proposed means of access, fencing and landscaping/screening.

- (ii) A survey of the property prepared by an Illinois licensed land surveyor dated within ninety (90) days of the application.
 - (iii) Such other additional information reasonably requested by the Zoning Board of Appeals.
- (G) EXCLUSIONS: Nothing in this Section 5-3-14, shall be construed to apply to private facilities that shelter horses belonging solely to the owners and/or occupants of the property where such horses are kept and nothing herein shall be construed to limit the number of horses a person may own and keep on their own property other than Boarded Horses.
- (H) LIMITED EXEMPTION: Any commercial horse boarding facility operating outside the limitations of conditions established under the Home Occupation section of the code, and having not been previously cited by the Village for any infractions of the Zoning Code, for a period of 90 days from the date of July 31, 2014, shall be exempt from the conditions of this Section 5-3-14, providing that the property be registered and inspected by the Zoning Enforcement Officer within this time frame. However, should any facility identified as qualifying under this limited exemption expand its operation from current levels of horse boarding, then it would be subject to the conditions of Section 5-3-14.