

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 5, ZONING REGULATIONS  
SET FORTH IN CHAPTERS 2, 3 AND 5  
REGARDING HORSE BOARDING – RIDING CLUB/ELDERS  
TEXT AMENDMENT**

**WHEREAS**, the Village of Barrington Hills (hereinafter the “Village”) is a duly organized and existing Illinois home rule municipality pursuant to the Illinois 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, effectuate the Village’s planning program and to regulate individual property use 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**, the Village has established zoning classifications within the Village, which provide for allowable uses and conditional uses in each zoning district; and

**WHEREAS**, Section 5-10-6 of the zoning code of the Village of Barrington Hills authorizes the Village Zoning Board of Appeals to recommend in writing, upon the making of appropriate findings of fact, and the Board of Trustees to approve, amendments to the text of the zoning code; and

**WHEREAS**, horse boarding is regulated in the Village, as set forth in the zoning code, as a home occupation; and

**WHEREAS**, upon review of the Title 5 Zoning Regulations, and particularly, its authorization regarding horse boarding as a home occupation, the Village’s Zoning Board of Appeals has received four Applications for amendment to the existing text concerning horse boarding; and

**WHEREAS**, the four applications were tendered for consideration in accordance with Section 5-10-6 of the zoning code; and

**WHEREAS**, among the applications was one submitted for consideration by resident Jason Elders and the Riding Club of Barrington Hills (“Riding Club Text Amendment”), which application is attached hereto and incorporated herein as Exhibit “A;” and

**WHEREAS**, Notice of Public Hearing with respect to the Riding Club Text Amendment was published in the Daily Herald Newspaper in the Village of Barrington Hills, and additional notice of the Hearing was provided, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notices, the Zoning Board of Appeals of the Village of Barrington Hills conducted a Public Hearing on the Riding Club Text Amendment on July 21, 2014 as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, voted unanimously against recommending approval of the Riding Club Text Amendment, said vote resulting in a recommendation to deny the application; and

**WHEREAS**, the Zoning Board of Appeals has forwarded its findings and recommendation in regard to the Riding Club Text Amendment to the Village Board, in the Findings and Recommendation, attached hereto and incorporated herein by reference as Exhibit “B;” and

**WHEREAS**, the President and Village Board of Trustees has considered the matter and determined that the recommended text amendment to Title 5 Zoning Regulations, Chapters 2, 3 and 5 be granted notwithstanding the recommendation of the Zoning Board of Appeals, 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, Chapters 2, 3 and 5 be amended as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

**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.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of  
Barrington Hills, this 18th day of December, 2014.

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**EXHIBIT A**  
**TEXT AMENDMENT**



2) Boarding, Breeding, Riding And Training Of Horses:

a) Regulations: The following provisions listed in this subsection 5-3-4(A)2(a) shall apply to the boarding, training, breeding and riding of horses:

- I. The hours of operation of a property engaged in the boarding, breeding, riding and training of horses shall be 6 am to 8 pm for employees other than the immediate family residing on the premises, and 8 am to 8 pm or dusk (whichever is later) for boarders, 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 6 am and 8 pm. These hourly restrictions shall not apply in the event of veterinary emergencies.
- II. All properties subject to these 5-3-4(A)2 provisions 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.
- III. 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.
- IV. Properties subject to the provisions of this Section 5-3-4(A)2 shall ensure traffic associated with affected operations is reasonably minimized, particularly at properties where access is from private roads, and including at times of any charity or other event, such as a clinic.
- V. The number of horses to be maintained at any facility subject to the provisions of this Section 5-3-4 shall be two horses per acre, plus one horse per each boxed stall.
- VI. Properties subject to this Section 5-3-4(A)2 shall provide for indoor (including within a barn or stable) toilets for use by employees and boarders, and shall not rely on the use of outdoor portable toilets for ordinary operations.

(B) ~~5-3-4(D)(3)(g) 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) A.M. 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)~~

In addition, the petitioners request that Section 5-5-2(A) be amended to add the following accessory uses:

Boarding, breeding, riding and/or training of horses, which are hereby regulated under Section 5-3-4(A)(2).

**EXHIBIT B**

**ZBA FINDINGS OF FACT/RECOMMENDATION**

December 11, 2014

To: President and Board of Trustees  
Village of Barrington Hills

RE: Application for Text Amendment -  
Elders/Riding Club  
Horse Boarding Amendment

This is to advise you that the Zoning Board of Appeals (ZBA) held four separate Public Hearings regarding proposed amendments to the zoning code relative to horse boarding. Applications for such purpose have been submitted by Benjamin LeCompte, the Barrington Hills Riding Club and Jason Elder, James Drury and James Hammond. Public Hearings on the LeCompte and Riding Club Applications were held on July 21, 2014, and Public Hearings on the Drury and Hammond Applications were held on September 9, 2014. The Hearings were held at Countryside Elementary School, where a quorum was present for each Hearing. Notice of each Hearing was published in compliance with the Open Meetings Act, and published in a timely manner in the Daily Herald Newspaper.

At each hearing, the ZBA heard testimony from the Applicants and/or their representatives, and from the public at large.

**FACTS**

The Village zoning code, Title 5 – Zoning Regulations, Chapter 5 Administration, Section 5-10-6 allows for amendments to the zoning code. Section 5-10-6 (A) provides:

Authority: For the purposes of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property throughout the village, and lessening or avoiding congestion in the public roads and highways, the president and the board of trustees of the village may, from time to time, in the manner hereinafter set forth, amend the regulations imposed and the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantage of the entire Village, and the uses to which property is devoted at the time of the effective date hereof. (Ord. 63-1, 4-1-63)

EXHIBIT B

For purposes of an amendment to the text of the zoning code, the ZBA must make findings of fact and its recommendation to the Board of Trustees in writing, pursuant to section 5-10-6(F), which provides:

F) Findings of Fact and Recommendations of the Zoning Board of Appeals:  
Within a reasonable time after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendation to the Board of Trustees of the Village. . . .

The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. . . .

On September 11, 2014, the ZBA met in public session to commence discussion on the facts presented on each of the four Applications for Text Amendment. Discussion continued to a meeting of the ZBA held on October 20, 2014. Concerning the application for Text Amendment filed by Jason Elders and the Riding Club of Barrington Hills (“Riding Club Text Amendment”), the ZBA discussed the proposed amendment, adopted Findings of Fact, and held a vote to recommend that the Village Board adopt the Riding Club Text Amendment. Based on the Findings adopted, the vote to recommend adoption of the Riding Club Text Amendment failed.

### **FINDING**

The ZBA, after having examined the Riding Club Text Amendment, and taking into consideration the testimony heard in the public hearing, adopted the following finding as to the Riding Club Text Amendment:

Motion by Member Anderson that the ZBA find that it is not in the public’s interest to recommend the text amendment as presented because of the threat of litigation as well as redundancy of previously submitted text amendments. The motion was seconded by Member Rosene.

Roll Call: Members Benkendoff, Anderson, Rosene, Chambers, Stieper, Wolfgram, Chairman Freeman voting “aye.” The vote was unanimous. The Motion Carried.

President and Board of Trustees  
Village of Barrington Hills  
December 11, 2014  
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**RECOMMENDATION**

A motion to recommended adoption of the Text Amendment to the Village Board was made by Member Anderson, seconded by Member Benkendorf.

Roll Call: Members Benkendorf, Anderson, Rosene, Stieper, Wolfgram, Chairman Freeman voting “nay,” Member Chambers voting “aye.”

The Motion to recommend this Text Amendment for adoption by the Village Board failed.

Respectfully submitted,

Zoning Board of Appeals  
Village of Barrington Hills