

AN ORDINANCE GRANTING A SPECIAL USE TO PERMIT FOR THE OPERATION AND MAINTENANCE OF AN ANIMAL RESCUE SHELTER ON THE PROPERTY KNOWN AS 142 OLD DUNDEE ROAD

WHEREAS, Section 5-10-7 of the Village of Barrington Hills Zoning Ordinance (the “Zoning Code”) authorizes the Village Zoning Board of Appeals to recommend, and the Board of Trustees to approve, special uses within the zoning districts of the Village; and

WHEREAS, Section 5-5-3 of the Zoning Code classifies Animal Rescue Shelters as a special use; and

WHEREAS, Section 5-10-7(E) of the Zoning Code establishes the six (6) standards that must be met before the Zoning Board of Appeals may recommend approval of a special use; and

WHEREAS, pursuant to Section 5-10-7(F) of the Zoning Code, prior to the granting of any special use, the Zoning Board of Appeals may recommend and the Board of Trustees shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in said Section 5-10-7(E); and

WHEREAS, Section 5-3-4(E) of the Zoning Code sets forth specific additional regulations related to the operation and maintenance of Animal Rescue Shelters; and

WHEREAS, the Zoning Board of Appeals first held a public hearing on October 19, 2009, which was continued to November 16, 2009 and continued again and completed on December 14, 2009 on the Petition for a Special Use submitted by the by Dr. Debra Rykoff, President of Fur Keeps Animal Rescue, Inc. d/b/a Fur Keeps Animal Shelter (“Dr. Rykoff” or the “Petitioner”), owner of the property located at 142 Old Dundee Road, Barrington Hills, Illinois (the “Subject Property”), as legally described on Exhibit A attached hereto, seeking a special use permit in order to operate an Animal Rescue Shelter on the Subject Property and the Zoning Board of Appeals made all necessary findings of fact as to compliance with the standards set forth in Section 5-10-7(E) and the regulations established under Section 5-3-4(E) of the Zoning Code and by unanimous vote for five (5) ayes and zero (0) nays, recommended that the special use be granted subject to conditions and/or restrictions; and

WHEREAS, the conditions for approval contained herein do not conflict with, and are not preempted by, applicable provisions of the Illinois Animal Welfare Act (225 ILCS 605), including but not limited to, the standards for animal shelters; and

WHEREAS, notice of the public hearing was published in a timely manner in the Barrington Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners within two hundred fifty (250') feet of the Subject Property, as recorded in the office of the Barrington Township Tax Assessor and proper signage was posted on the Subject Property.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a Home Rule municipality, the following:

Section 1: Recitals. The foregoing recitals are hereby incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2: Grant of Special Use. The application of Petitioner, for approval of a special use for the operation and maintenance of Fur Keeps Animal Shelter, an animal rescue shelter on the Subject Property is hereby granted pursuant to the provisions of Section 5-10-7 of the Village Zoning Code, subject to the following conditions:

1. The animal rescue shelter on the Subject Property shall at all times be operated and maintained in a manner consistent with Section 5-3-4(E) of the Zoning Code and shall comply with all other applicable ordinances of the Village; and
2. Fur Keeps Animal Shelter may be open to the public only during the hours of 11:00 a.m. to 6:00 p.m. Monday through Friday and 11:00 a.m. to 4:00 p.m. on Saturday and Sunday.
3. The number of shelter dogs residing at Fur Keeps Animal Shelter, and on the property, including privately owned dogs, shall not exceed a total of 43 dogs at any one time by owner or occupant of the Subject Property.
4. The special use permit shall be in effect for a period of two (2) years from the date it is approved by the Village and the Petitioner shall be required to renew the special use permit at the end of such two-year period by filing a petition for renewal with the Zoning Board of Appeals.
5. That there must be continued compliance with the Village's Home Occupation Ordinance with respect to Petitioner's use of the Subject Property as a base for her mobile veterinary practice.

Section 3: Building Permit. The special use granted by this Ordinance shall be effective only for six (6) months from the date hereof unless action is taken by Petitioner to commence operation and maintenance of an animal rescue shelter on the Subject Property within such time.

Section 4: Compliance with Law. Should any part of provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 5: Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form.

PASSED THIS 22nd day of February, 2010

AYES: 5 NAYS: 1 ABSENT: 1 ABSTAIN: _____

APPROVED THIS 23rd day of February, 2010

ATTEST:



Village Clerk



Village President