

**AN ORDINANCE GRANTING AN EXTENSION TO THE EXISTING SPECIAL USE PERMITTING 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**, on February 22, 2010, the Board of Trustees adopted Ordinance No. 10-01, granting a special use permit to Fur Keeps Animal Shelter on the terms and conditions contained therein (the “Special Use”), including the condition that the Special Use remain in effect for two (2) years; and

**WHEREAS**, the Zoning Board of Appeals held a public hearing on February 13, 2012, on the Petition for renewal of the Special Use submitted 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 the extension of the Special Use for the operation of an Animal Rescue Shelter on the Subject Property; however Petitioner failed to serve proper notice on the adjoining owners as required by the Zoning Code; and

**WHEREAS**, the Zoning Board of Appeals held a second public hearing on April 16, 2012 after confirming that all proper notices had been given; and

**WHEREAS**, the Zoning Board of Appeals having considered the evidence presented at both the February 13 and April 16 meetings and hearing no opposition from any of the neighbors, 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 seven (7) ayes and zero (0) nays, recommended that the Special Use be extended for a period of five (5) years to February 28, 2017, on the same terms and conditions as contained in the Special Use; 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 Renewal Special Use.** The application of Petitioner, for approval of the renewal of the Special Use for the operation and maintenance of Fur Keeps Animal Shelter, an animal rescue shelter on the Subject Property is hereby granted for an additional three (3) years to February 28, 2015, on the same terms and conditions contained in the Special Use, with the following additional conditions:

1. The owners, employees or volunteers of the Animal Shelter shall walk or exercise the animals held or kept by the Animal Shelter on the Subject Property; no animals shall be walked or exercised in the public way or on any adjoining property.
2. All vehicles belonging to the owners, employees, volunteers or invitees of the Animal Shelter shall be parked upon the Subject Property and no vehicles shall be parked along or within the public way. The Petitioner shall provide signage acceptable to the Village so as to indicate this parking restriction.
3. No Veterinarian services shall be rendered at the Animal Shelter except with respect to animals held by the Animal Shelter

**Section 3: 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.

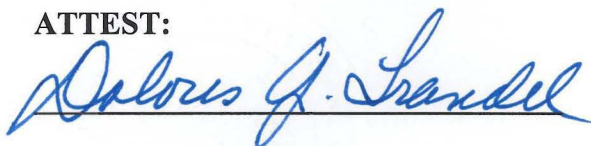
**Section 4: Effective Date.** This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form.

PASSED THIS 21st day of May, 2012

AYES: 5 NAYS: 1 ABSENT: 1

APPROVED THIS 21st day of May, 2012

ATTEST:



Village Clerk



Village President