

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
ALLOWING FOR THE CONSTRUCTION, USE AND MAINTENANCE  
OF AN ARTIFICIAL LAKE AT 385 SPRING CREEK ROAD**

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

**WHEREAS**, Gary and Kristen DiCicco ("Applicants") applied for a Special Use Permit to allow for the completion and maintenance of an artificial lake on property they own located at 385 Spring Creek Road ("Property"), within the R-1 Residential District, which Application is on file with the Village's Building Department as of the date of hearing; and

**WHEREAS**, Section 5-5-3(A) of the Village Zoning Code classifies an artificial lake as a special use within the R-1 Residential District; and

**WHEREAS**, on September 21, 2015, the Zoning Board of Appeals ("ZBA"), with six members present and voting on this matter, held a public hearing on the application for amendment, prior to which time all notice of the public hearing was published in a timely manner in the Daily Herald as well as posted in the Village Hall, and individual notice was provided to all property owners within two hundred fifty feet (250) of the Property, as recorded in the most recent County real estate tax records was properly posted on the Property; and

**WHEREAS**, Section 5-10-7(E) of the Village Zoning Code establishes standards which must be met before the ZBA may recommend approval of a special use; and

**WHEREAS**, at the close of the public hearing, the ZBA made all necessary findings of fact as to compliance with the standards set forth in Section 5-10-7(E) of the Village Zoning Code, and recommended on a unanimous vote of the six members present and voting that the special use permit be granted, as are set forth in the Findings of Fact and Recommendation in Exhibit A attached hereto and incorporated herein by reference.

**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 ONE:** The special use permit is hereby granted to allow for the construction, use and maintenance of an artificial lake on the Property, in substantial compliance with the plans submitted for purposes of the ZBA public hearing on September 21, 2015, and that said artificial lake is hereby granted, subject to the following condition, in keeping with the standards set forth in Section 5-10-7(E):

1. The Applicants shall secure a Temporary Construction Easement which would substantially comply with the requirements of the Village engineer, to allow use of neighboring property for construction related activities relative to grading of the pond.

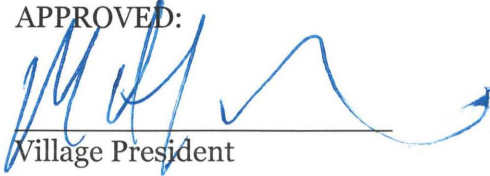
**SECTION TWO:** If any part or provision of this Ordinance shall be held or deemed invalid, such invalidity shall not have the effect of rendering another part or provision of this Ordinance invalid.

**SECTION THREE:** This Ordinance shall be in full force and affect from and after its passage and approval as provided by law.

Ayes: 7 Nays: 0 Absent: 0

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 28<sup>th</sup> day of September, 2015.

APPROVED:



Village President

ATTEST:



Village Clerk