

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT ALLOWING
FOR THE CONSTRUCTION, USE AND MAINTENANCE OF
AN ARTIFICIAL LAKE AT 789 PLUM TREE ROAD**

WHEREAS, the Village of Barrington Hills (“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, Section 5-10-7 of the Village’s Zoning Code authorizes the 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, the SanFilippo Family Generation-Skipping Trust dated December 31, 1999 (“Applicant”) applied for a Special Use Permit to allow for the construction, use and maintenance of an artificial lake on property located at 789 Plum Tree Road (“Property”), within the R-1 Residential District; 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 special use permit, 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, and notice of said hearing was properly posted on the Property; and

WHEREAS, Section 5-10-7(D) of the Village Zoning Code provides that for each application for a special use, the ZBA shall report to the Board of Trustees of the Village its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest; 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 be granted, as are set forth in the Findings of Fact and Recommendations in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the Board of Trustees may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of twenty percent (20%) of the property adjacent to the property proposed

for a special use, and filed with the Village Clerk, such special use shall not be granted except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the Board of Trustees; and

WHEREAS, as reported by the ZBA, a petition setting forth a written protest against the special use sought in the application has been filed with the Village Clerk, which has been signed and acknowledged by the owners of property adjacent to the property proposed for a special use, therefore consideration must be given as to whether the protest requires the heightened vote for approval of the special use requested by the Applicant.

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, which artificial lake shall be constructed in substantial compliance with the plans submitted for purposes of the ZBA public hearing on September 21, 2015, and that said permit is hereby granted, subject to the following conditions, in keeping with the standards set forth in Section 5-10-7(E):

1. The Village's engineer must first approve final engineering plans submitted, and on the Village's receipt of Army Corps of Engineers permit for the proposed wetland impacts, and Lake County approvals as needed.

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 effect from and after its passage and approval as provided by law.

Ayes: 5 Nays: 2 Absent: 0

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 26th day of October, 2015.

APPROVED:


Village President

ATTEST:


Village Clerk