

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT ALLOWING FOR THE  
CONSTRUCTION, USE AND MAINTENANCE  
OF AN ARTIFICIAL LAKE AT 300 DONLEA 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**, Michael and Jamie Lerner ("Applicant") applied for a Special Use Permit to allow for the construction, use and maintenance of an artificial lake on property they own located at 300 Donlea 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's Zoning Code classifies an artificial lake as a special use within the R-1 Residential District; and

**WHEREAS**, on September 21, 2015 and continuing to October 19, 2015, the ZBA, with six members present and voting on this matter, held a public hearing on the application for Special Use, 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 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 Permit; 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 Recommendations 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 by Land Technology, Inc., last revision date 10/8/2015, at the ZBA public hearing on October 19, 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. Village Engineer's approval of the survey to be submitted showing appropriate lot lines.

**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: 6 Nays: 0 Absent: 1

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 19<sup>th</sup> day of November, 2015.

APPROVED:

  
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Village President

ATTEST:

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