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VILLAGE OF BARRINGTON

ORDINANCE NO. 06-3318

AN ORDINANCE AMENDING THE OFFICIAL COMPREHENSIVE PLAN
OF THE VILLAGE OF BARRINGTON

(RE: AMENDMENTS TO THE BARRINGTON SUBDIVISION REGULATIONS
RELATIVE TO
THE LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE)

ADOPTED BY THE CORPORATE AUTHORITIES OF THE
VILLAGE OF BARRINGTON, ILLINOIS

THIS 25th DAY OF September, 2006

Published in pamphlet form by authority of the Corporate Authorities of the Village of
Barrington, Cook and Lake Counties, Illinois, this 26th day of September, 2006.

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OF THE VILLAGE OF BARRINGTON

(RE: AMENDMENTS TO THE BARRINGTON SUBDIVISION REGULATIONS
RELATIVE TO
THE LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE)

WHEREAS, on or about March 20, 2000 the Corporate Authorities of the Village of Barrington, Cook and Lake Counties, Illinois (sometimes hereinafter referred to as the "Village") amended and restated in its entirety the Official Comprehensive Plan of the Village; and

WHEREAS, the said Subdivision Regulations of the Village of Barrington, as originally adopted by Village of Barrington Ordinance No. 1341, as they have been amended from time to time, have previously been incorporated into said Official Comprehensive Plan; and

WHEREAS, a portion of the property within the corporate limits of the Village of Barrington is located in the County of Cook, and a portion of the property within the corporate limits of the Village of Barrington is located in the County of Lake; and

WHEREAS, the County of Lake, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted the Lake County Watershed Development Ordinance on or about November 8, 2005 and January 10, 2006, effective November 8, 2005 and January 10, 2006, establishing rules and regulations for floodplain and stormwater management throughout the County of Lake and superseding any less restrictive municipal rules and regulations therein; and

WHEREAS, the Village of Barrington has from time to time adopted an ordinance with provisions consistent with the Lake County Watershed Development Ordinance so that the Village of Barrington, as a Certified Community, would have the right to review and approve plans for new developments to determine their compliance with the Lake County Watershed Development Ordinance and with the Village of Barrington Village Code; and

WHEREAS, the County of Lake, pursuant to the powers granted to it by 55 ILCS 5/5-1062, adopted amendments to the Lake County Watershed Development Ordinance on or about November 8, 2005 and January 10, 2006, effective immediately; and

WHEREAS, the President and Board of Trustees of the Village of Barrington find it to be in the best interests of the Village of Barrington and its residents to require all development of property within the corporate limits of the Village of Barrington to meet at least the minimum standards prescribed by the Lake County Watershed Development Ordinance to the fullest extent practicable; and

WHEREAS, the Plan Commission on August 22, 2006, held a public meeting and did review the proposed amendments to the Barrington Subdivision Regulations relative to the Lake County Watershed Development Ordinance and has forwarded its recommendations to the Corporate Authorities of the Village; and

WHEREAS, the Corporate Authorities of this Village on September 25, 2006 after due publication of notice as required by law, held a public hearing and did review the proposed amendments to the Barrington Subdivision Regulations relative to the Lake County Watershed Development Ordinance; and

WHEREAS, the Corporate Authorities of this Village have given due consideration and deliberation to the said Plan Commission recommendation and to the information and matters provided in the Public Hearing and as a result thereof find that certain revisions and amendments to the Official Comprehensive Plan and the Subdivision Regulations which are part thereof, relative to the adoption of the Watershed Development Ordinance, as hereinafter set forth are in the best interests of the public health, safety and welfare of the Village of Barrington and its residents:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, as follows:

SECTION 1: The President and Board of Trustees find that the facts as stated in the preamble of this Ordinance are true and correct and adopt the same as their findings the same as if they were set out herein in their entirety.

SECTION 2: The Village of Barrington Official Comprehensive Plan, Ordinance No. 00-2853, as subsequently amended from time to time, is hereby further amended as follows:

A. The section entitled "Unimproved Properties to be Developed" in Chapter 3, "Municipal Boundaries" shall be and is hereby amended to read as follows:

"Property owners and developers should take note that the Village is under no legal obligation to annex any property. Development in the Village of Barrington is to be considered a privilege, not an inherent right. With regard to annexation of undeveloped properties, the following policies have been adopted:

1. The Village shall consider annexation requests with a specific planned development and annexation agreement.

2. Residential density for new subdivisions shall be based, among other parameters, upon an average net lot size per dwelling unit of 25,000 square feet or larger and a minimum lot size of 21,780 square feet.
3. Floodplain and hydric soil areas are to be left undeveloped to promote better storm water management and ground water infiltration.
4. Wet soil areas designated by W330 and 330 are to be left undeveloped or mitigated, if applicable, in accordance with appropriate regulations, to promote better storm water management.
5. Any low areas defined by floodplain, organic soils areas, or wet soils areas that have been filled since January 1, 1975, shall have all fill removed and/or the site reconfigured to its natural topography.
6. Properties of less than 40,000 net square feet shall be serviced with Village water and sewer.
7. Developer payments to the School District, Park District, Library District and the Village shall be made, or arranged for in an annexation agreement. A purpose of these payments is to cover public service costs between the time of occupancy and the receipt of real estate taxes by the respective taxing bodies.
8. In order to promote effective stormwater management, on April 24, 2006, the Village of Barrington by Ordinance No. 06-3303 adopted the Lake County Watershed Development Ordinance as Chapter 9 of Title 10 of the Village of Barrington Village Code ("Stormwater Management Regulations"), which Chapter 9 restates said Watershed Development Ordinance in its entirety. The provisions of Chapter 9 of Title 10 of the Barrington Village Code, "Stormwater Management Regulations", as they may be amended from time to time, are hereby incorporated by reference to the same extent as if fully set forth herein.
9. In order to promote the preservation of trees; on August 23, 1999 the Village of Barrington passed Ordinance Nos. 99-2805, 2806, 2807, 2808.
10. Negotiate public improvements including, but not limited to, streets, pedestrian ways, sewer service and water service."

B. The Subdivision Regulations of the Village of Barrington, as originally adopted by Village of Barrington Ordinance No. 1341 on December 9, 1974, and thereafter amended from time to time, are hereby incorporated by reference into said Village of Barrington Official Comprehensive Plan, and said Subdivision Regulations are hereby amended as follows:

Paragraph G of Section V of said Subdivision Regulations and Paragraph F of Section VIII of said Subdivision Regulations are hereby deleted in their entirety and in lieu thereof, a new Paragraph G of Section V and a new Paragraph F of Section VIII are hereby added which shall each read as follows:

"The provisions of Chapter 9 of Title 10 of the Barrington Village Code, "Stormwater Management Regulations", as they may be amended from

time to time, are hereby incorporated by reference to the same extent as if fully set forth herein.”

SECTION 3: Any provision or regulation in conflict with any regulation contained in this Ordinance shall be and is hereby repealed insofar as it is in conflict with that section.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. If any provision of this Ordinance or the application thereof to any person or circumstances is declared unconstitutional or invalid by a court of competent jurisdiction, such partial invalidity shall not affect the other provisions or applications of this Ordinance, the invalid provision shall be deemed stricken from this Ordinance as if it were not a part hereof, ab initio, and the remainder of this Ordinance shall continue in full force and effect.

SECTION 5: The Corporate Authorities declare that it is their collective intent that each of the provisions in this Ordinance is intended to amend the text of the Village of Barrington Comprehensive Plan and Subdivision Regulations by the addition of new provisions and there is no intent to delete or repeal any provisions now in the text of said Comprehensive Plan and Subdivision Regulations. Accordingly, if the designation of any new provision added to said Comprehensive Plan and Subdivision Regulations by the terms of this Ordinance is the same as the designation of any existing provision of said Comprehensive Plan and Subdivision Regulations, then such new designation by an existing provision's number or letter (“misdesignation”) shall be deemed to be a scrivener's error only and shall not be deemed to amend or repeal in any way any such existing provision of said Comprehensive Plan and Subdivision Regulations so that with the existing provision and the new provisions adopted in this Ordinance shall both be and remain in full force and effect. In the event of any such misdesignation, the newly adopted provision(s) in this Ordinance shall be deemed to be designated by the next consecutive and appropriate number and/or letter.

SECTION 6: This Ordinance shall take effect and be in full force and effect immediately on and after the expiration of ten (10) days after the date of filing of the notice of the adoption hereof with the respective recorders of Cook and Lake Counties, Illinois, subsequent to passage, approval and publication all as provided by law.

SECTION 7: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

PASSED THIS 25th DAY OF September, 2006 BY ROLL CALL VOTE AS

FOLLOWS:

AYES: Justin Quinn, Kent, Alunga, Miller, Roberts and Anderson

NAYS: None

ABSENT: None

ABSTAIN: None

RECUSED: None

APPROVED THIS 25 DAY OF September, 2006

Karen Y. Darch
Karen Y. Darch,
Village President

ATTESTED AND FILED THIS 25th
DAY OF September, 2006.
Ron M. Koppelman
Ron M. Koppelman, Village Clerk

PUBLISHED IN PAMPHLET FORM THE 26th DAY OF September, 2006.