

**AN ORDINANCE GRANTING A SPECIAL USE TO PERMIT THE
INSTALLATION OF PERSONAL WIRELESS SERVICE FACILITIES
(56 OTIS ROAD)**

WHEREAS, Section 5-10-7 of the Zoning Code of the Village of Barrington Hills (the "Village") 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 5-3-12 of the Village Zoning Code classifies as a special use personal wireless service facilities; and

WHEREAS, Section 5-10-7(B) of the Village Code dictates who may apply for a special use; and

WHEREAS, Section 5-10-7(E) and Section 5-3-12 of the Village Zoning Code establishes standards which must be met before the Zoning Board of Appeals may recommend approval of a special use; and

WHEREAS, the Zoning Board of Appeals first held a public hearing on April 21, 2008, which was continued to and completed on August 18, 2008 on the application for a special use submitted by the Denali Spectrum Operations, LLC d/b/a Cricket Communications ("Cricket"), pursuant to authorization from Owen Wheeler, owner of the property commonly known as 56 Otis Road, Barrington Hills, Illinois, ("Subject Property") granting Cricket permission to apply to the Village for a special use and the Zoning Board of Appeals made all necessary findings of fact as to compliance with the standard set forth in Section 5-10-7(E) and Section 5-3-12 of the Village Zoning Code; 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 proved to all property owners within two hundred fifty feet of the Subject Property, as recorded in the office o the Barrington Township Tax Assessor; and

WHEREAS, pursuant to Section 5-10-7(F) of the Village Zoning Code, prior to the granting of any special use, the Board of Trustees must 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).

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 Special Use. The application of Cricket, for a special use is hereby granted pursuant to the provisions of Section 5-10-7 of the Village Zoning Code to install a personal wireless service facility antenna on the existing grain elevator with a total height not to exceed seventy-nine (79') feet located on the Subject Property and accompanying personal wireless service facility transmission equipment upon a ten (10') by fifteen (15') leased area located on the Subject Property at the base of the existing grain elevator, subject to the following conditions:

1. The antenna and transmission cabinetry and appurtenant items shall be installed and assembled on the Subject Property in a manner consistent with the design plan ("Plan") presented at the public hearing or as may be amended hereinafter to comply with any other applicable ordinances, regulations of the Village and conditions of the approval contained herein; and
2. The use of the existing grain elevator shall be limited to the purpose of a cellular mobile telephone system and in no event shall the operation of such a system create electronic interference to radio, television and telephone communication, especially the public safety equipment of the Village; and
3. Cricket shall submit a landscaping plan, including, without limitation, the fencing requirements of the Village, to the Village and the granting of the Special Use Permit shall be subject to approval of such landscaping plan by the Village. Further, Cricket shall maintain such landscaping as may be necessary to bring such facilities up to a standard of maintenance consistent with the requirements of the Village and the Village staff; and
4. The transmission cabinetry shall be set back from Otis Road not less than Forty-Two (42') feet consistent with the Plan.; and
5. In the event that the telecommunication equipment is abandoned or ceases to be used its intended purpose, the antenna and transmission cabinetry shall be removed within twelve (12) months of notice from the Village to Owner and/or Cricket or Cricket's successor.

Section 3: Building Permit. The special use granted by this Ordinance shall be effective only for six (6) months from the date hereof unless action is taken by Cricket to obtain the appropriate building permit from the Village within such time.

Section 4: 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 5: Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form.

PASSED THIS 22nd day of September, 2008

AYES: 7 NAYS: 0 ABSENT: 0

APPROVED THIS 23rd day of September, 2008

ATTEST:


Village Clerk Deputy


Village President