

**AN ORDINANCE GRANTING A SPECIAL USE TO PERMIT THE
INSTALLATION OF PERSONAL WIRELESS SERVICE FACILITIES
(ALGONQUIN ROAD EAST OF ROYAL WAY ON TOWER #184)**

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 that 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 October 20, 2008, which was continued to and completed on November 17, 2008 on the application for a special use submitted by the Chicago SMSA Limited Partnership d/b/a Verizon Wireless ("Verizon" or the "Applicant"), pursuant to the authorization of Commonwealth Edison Company ("ComEd" or "Owner"), owner of the property located at Algonquin Road east of Royal Way, in Barrington Hills, Illinois (the "Subject Property") granting Verizon permission to apply for a special use to modify ComEd Tower #184 in order to accommodate a Personal Wireless Service Facility (the "Antenna") on the existing ComEd utility tower located on the Subject Property and the Zoning Board of Appeals made all necessary findings of fact as to compliance with the standards 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 one thousand five hundred (1,500') 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 Verizon, for a special use is hereby granted pursuant to the provisions of Section 5-10-7 of the Village Zoning Code to modify ComEd Tower #184 in order to accommodate a Personal Wireless Service Facility (the "Antenna") located on the Subject Property total height not to exceed one hundred forty-five (145') feet, 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 construction design plans and specifications ("Plans") presented at the November 17, 2008 public hearing of the Zoning Board of Appeals 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 power pole attached to and extending through the middle of the ComEd utility tower, with platform, shall not exceed One Hundred Thirty-Seven (137') feet in height and the overall height, including the antenna(s), but not including the lightning rod(s), shall not exceed One Hundred Forty-Five (145') feet in height.
3. A Site License between ComEd and Verizon, in a form substantially similar to the Site License attached as Exhibit A hereto and made a part hereof, shall be executed by the parties not later than February 28, 2009.

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 Verizon 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 15th day of December, 2008

AYES: 6 NAYS: 0 ABSENT: 1

APPROVED THIS 16th day of December, 2008

ATTEST:


Village Clerk


Village President