

**ORDINANCE NO. 2003-12-138**

**An Ordinance Approving A Special Use Permit**

(Establish a Cellular Tower Use in the CRE, Conservation-Recreation-Education Zoning District / 1501 S. Maryland Drive, Plan Case No. 1872-SU-03)

WHEREAS, the subject property, 1501 S. Maryland Drive, is zoned CRE, Conservation-Recreation-Education, and a Telecommunication Tower use is allowed only as a Special Use in this zoning district.

WHEREAS, Verizon Wireless has petitioned the Urbana Plan Commission in Case No. 1872-SU-03 to consider a request for a special use permit to allow a Cellular Tower use located at 1501 S. Maryland Drive; and

WHEREAS, after due publication, a public hearing was held by the Urbana Plan Commission on November 20, 2003 concerning the petition filed by the petitioner in Plan Case No. 1872-SU-03; and

WHEREAS, on November 20, 2003, the Urbana Plan Commission voted 5 ayes and 0 nays to forward the case to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the conditions as outlined in Section 1 herein; and

WHEREAS, the conditions placed on the approval in Section 1 herein should minimize the visual impact of the tower; and

WHEREAS, the approval of the Special Use Permit, with the conditions set forth below, is consistent with the requirements of Section VII-6 of the Urbana Zoning Ordinance, Special Use Permit

Procedures, and Section V-11, Telecommunications Facilities, Towers, and Antennas, and with the general intent of these Sections of the Ordinance; and

WHEREAS, the findings of the Plan Commission indicate that approval of the special use permit would promote the general health, safety, morals, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow the establishment of a Cellular Tower use in the CRE, Conservation-Recreation-Education Zoning District with the following conditions upon approval:

1. That the tower use and subsequent construction conform to the submitted site plan.
2. That the tower shall meet the applicable building code requirements by obtaining necessary building permits through Urbana Building Safety and necessary inspections to verify compliance.
3. That the landscaping requirements for the tower be waived. The 8-foot wall surrounding the site should be made with brick veneer material with a wrought-iron style gate as submitted in the site plan.

LEGAL DESCRIPTION:

Lot 4 and Lot 8 in Gallivan's Addition to the City of Urbana, situated in the County of Champaign, in the State of Illinois.

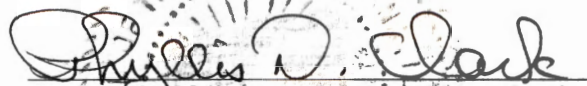
Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

**PASSED** by the City Council this 1st day of December, 2003.

AYES: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman

NAYS:

ABSTAINS:

  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 8<sup>th</sup> day of December, 2003.

  
Tod Satterthwaite, Mayor



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

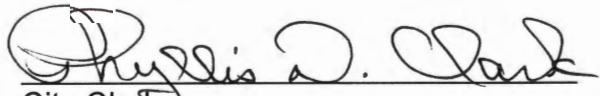
I certify that on the 1st day of December, 2003 the Corporate Authorities of the City of Urbana passed and approved Ordinance No. 2003-12-138, entitled:

**"AN ORDINANCE APPROVING A SPECIAL USE PERMIT (Establish a Cellular Tower Use in the CRE, Conservation-Recreation-Education Zoning District / 1501 S. Maryland Drive, Plan Case 1872-SU-03)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2003-12-138 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 8<sup>th</sup> day of December, 2003, and continuing for at least ten (10) days thereafter. Copies of said Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 9th day of December, 2003.

  
City Clerk

