

ORDINANCE NO. 2022-03

AN ORDINANCE GRANTING A SPECIAL USE PERMIT UNDER SECTION 82-234(b) CC-COMMERCIAL COMMUNITY DISTRICT - SPECIAL USES AND A VARIANCE FOR SIDE YARD SETBACKS UNDER THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS TO ALLOW A CELL TOWER TO BE CONSTRUCTED FOR THE PROPERTY DESCRIBED AS PART OF PIN: 16-02-126-001

WHEREAS, the Village of Cherry Valley, Illinois has received a request to construct a cell tower on Village owned property that is currently zoned under Section 82-234 CC – Commercial Community District of the Code of Ordinances for the Village of Cherry Valley, Illinois; and,

WHEREAS, to allow for the construction of a cell tower on property that is zoned under Section 82-234 CC – Commercial Community District of the Code of Ordinances for the Village of Cherry Valley, Illinois, it is necessary to issue a special use permit under Section 82-234(b); and,

WHEREAS, the Board of Trustees for the Village of Cherry Valley has been presented with a request for a variance from the East boundary of the lot line for the property legally described as part of PIN: 16-02-126-001; and,

WHEREAS, on November 30, 2021 the Planning and Zoning Commission for the Village of Cherry Valley, Illinois, did hear the request for the issuance of the special use permit and a variance for the installation of a cell tower ; and,

WHEREAS, the Planning and Zoning Commission for the Village of Cherry Valley, Illinois, did convene on November 30, 2021 and did make the necessary findings to recommend the issuance of the special use permit requested and the issuance of a variance as requested; and,

WHEREAS, the Planning and Zoning Commission on November 30, 2021 unanimously recommended the issuance of the special use permit under Section 82-234(b) CC – Commercial Community District, special uses and the issuance of a variance to the side yard setback for the property legally described as part of PIN: 16-02-126-001, the exact location of the special use permit and the variance is indicated on attached “Exhibit A”.

NOW, WHEREFORE, be it ordained by the President and Board of Trustees for the Village of Cherry Valley, Illinois, as follows:

SECTION 1: A special use permit under Section 82-234(b) CC – Commercial Community District under the Code of Ordinances for the Village of Cherry Valley, Illinois, to allow for the construction of a cell tower at the location indicated on “Exhibit A” which is attached hereto and made a part hereof, shall and hereby is granted for that portion of PIN: 16-02-126-001.

SECTION 2: A Variance shall and hereby is granted to allow a side yard setback from the East boundary of the property legally described as part of PIN: 16-02-126-001, said property being depicted on a map attached hereby as “Exhibit A”.

SECTION 3: This Ordinance shall be in full force and effect from and after its approval, passage and publication in pamphlet form.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: MIKE NEVILLE

BY ROLL CALL VOTE THIS 18TH DAY OF JANUARY, 2022

AS FOLLOWS:

VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK,
MIKE NEVILLE, BRANDI PEARSE, DAVID SCHROEDER

VOTING "NAY": NONE
ABSENT, ABSTAIN, OTHER: NONE

ATTEST: APPROVED JANUARY 18, 2022


KATHY TRIMBLE, VILLAGE CLERK


JIM E. CLAEYSSEN, VILLAGE PRESIDENT