

VILLAGE OF ELBURN

---

ORDINANCE NO. *96-46*

AN ORDINANCE AMENDING THE VILLAGE OF ELBURN  
ZONING ORDINANCE

---

ADOPTED BY  
THE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF ELBURN

---

Published in pamphlet form by authority of the Board of Trustees  
of the Village of Elburn, Kane County, Illinois  
this *20<sup>th</sup>* day of *December*, 1996.

**AN ORDINANCE AMENDING THE VILLAGE OF ELBURN  
ZONING ORDINANCE**

**WHEREAS**, the Board of Trustees of the Village of Elburn, at its regular meeting on October 21, 1996, approved a Motion to Impose a Six-Month Moratorium Upon the Siting of Telecommunications Towers in the Village of Elburn; and

**WHEREAS**, at that time the Board of Trustees instructed Village staff to schedule an appropriate public hearing to amend the Village's Zoning Ordinance accordingly; and

**WHEREAS**, a public hearing on the issue of imposing a moratorium on the siting of telecommunication antennas and towers in the Village of Elburn, and, correspondingly, a moratorium on the approval of special use permits, variances and zoning map amendments pertaining to telecommunication antennas and towers was held, pursuant to notice, on November 26, 1996, before the Village of Elburn Planning Commission; and

**WHEREAS**, at said public hearing the Planning Commission made certain findings of fact and recommended a text amendment to the Village's Zoning Ordinance to impose said moratorium; and

**WHEREAS**, the Board of Trustees of the Village of Elburn, Kane County, Illinois, does adopt the Planning Commission's recommendation together with the following findings of fact made by the Planning Commission of the Village of Elburn at said public hearing, to wit:

- 1) The Village of Elburn is a small residential community

with approximately one thousand nine hundred citizens.

- 2) The Federal Telecommunications Act was signed into law in February of 1995. The effect of this Act upon the Village's ability to regulate wireless communication facilities requires study by the Village.
- 3) The Village's current Zoning Ordinance does not incorporate standards consistent with current technology and/or the provisions of the 1996 Telecommunications Act.
- 4) Changes in wireless telecommunications technology, additional licenses granted by the Federal Communications Commission and the increased demand for wireless communication services have led to a significant increase in the demand for wireless communication facilities within the Village. One wireless communication provider has expressed a desire to locate a facility within the Village. Additional requests are expected.
- 5) The potential aesthetic and financial effects and health hazards of such facilities on neighboring properties and the community as a whole cannot be determined at the present time.
- 6) The Village requires sufficient time to determine if information is available, from industry and governmental agencies that have studied current

technology, that establishes that wireless communication facilities can be designed and installed in ways that will minimize aesthetic, financial and health concerns.

- 7) That an emergency exists in that the issuance of special use permits, variances and zoning map amendments for telecommunications antennas and towers without adequate study of wireless providers and without study of the ability of wireless providers to eliminate or minimize aesthetic, financial and health concerns is likely to result in adverse effects on the health, welfare and safety of the citizens of Elburn.

**THEREFORE**, Be It Ordained by the President and Board of Trustees of the Village of Elburn, Kane County, Illinois, as follows:

**Section 1:** The Village of Elburn Zoning Ordinance is amended generally to provide for a six month moratorium upon the building and siting of telecommunications towers and antennas, and upon the issuance of variances, special use permits and zoning map amendments pertaining to telecommunications towers and antennas.

**Section 2:** That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section 3: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

Section 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees.

AYES: Trustees: Ekstrom, Henderson, Ludwig, Peterson, Tupy, Willey.

NAYS: None

ABSENT: None

PRESENTED to the Board of Trustees of the Village of Elburn, Kane County, Illinois this 2nd day of December, 1996.

PASSED by the Board of Trustees of the Village of Elburn, Kane County, Illinois this 2nd day of December, 1996.

SIGNED by the President of the Board of Trustees of the Village of Elburn, Kane County, Illinois this 4th day of December, 1996.

S. Michael Hryba  
President, Board of Trustees  
of the Village of Elburn, Kane  
County, Illinois

Aussay M. Pincipito  
Clerk, Village of Elburn,  
Kane County, Illinois



STATE OF ILLINOIS     )  
  )SS  
COUNTY OF KANE        )

PUBLICATION IN PAMPHLET FORM

I, Susan M. Principato, certify that I am the Village Clerk of the Village of Elburn, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that, as of the date hereof, Ordinance No. 96-46, adopted by the corporate authorities on December 2, 1996, entitled "AN ORDINANCE AMENDING THE VILLAGE OF ELBURN ZONING ORDINANCE " been duly published in pamphlet form in accordance with Section 1-2-4 of the Illinois Municipal Code.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 4th day of December, 1996.

(SEAL)



Susan M. Principato  
Village Clerk