

5-3-12 REGULATIONS FOR COMMUNICATION TOWERS:

(A) SPECIAL USE: No special use permit for personal wireless service facilities shall be granted unless such personal wireless service facilities comply with the provisions of this Section 5-3-12.

(B) PURPOSE AND INTERPRETATION:

1. The purpose of this Section 5-3-12 is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Section 5-3-12 are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless services, nor shall the provisions of this Section 5-3-12 be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this Section 5-3-12 are inconsistent with or conflict with any other provision of the Zoning Code, the provisions of this Section 5-3-12 shall be deemed to control.

2. In the course of reviewing any request for a special use permit required under this Section 5-3-12 made by an applicant to install personal wireless service facilities, the Zoning Board of Appeals or the Village Board of Trustees, as the case may be, shall act within a reasonable period of time after the application is duly filed with the Village, taking into account the nature and scope of the special use. Any decision to deny such an application shall be in writing and supported by substantial evidence contained in a written record.

(C) DEFINITIONS: For the purpose of this Section 5-3-12, the following terms shall have the meanings ascribed to them as follows:

ANTENNA: Any exterior apparatus or apparatuses designed for telephonic, radio, data or internet communications through the sending and/or receiving of electromagnetic waves, including equipment attached to an antenna support structure for the purpose of providing personal wireless services.

ANTENNA HEIGHT: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of such height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE: Any pole, telescoping mast, tower, tripod or other structure which supports an antenna.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

PERSONAL WIRELESS SERVICES, PERSONAL WIRELESS SERVICE FACILITIES: Shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as amended, personal wireless facilities may also be referred to as a “facility” or “facilities”.

SITE: A lot or parcel of land that contains personal wireless service facilities, including any antenna, antenna support structure and accessory buildings, and may include other uses associated with and ancillary to personal wireless services.

(D) EXISTING PERSONAL WIRELESS SERVICE FACILITIES:

1. Existing Facilities Permitted: Any personal wireless service facility installed and operating prior to the enactment of this ordinance, which would be prohibited under this Section 5-3-12, shall be considered a legal non-conforming use and/or a legal non-conforming structure, as the case be, and shall be subject to the rules on non-conforming uses or structures provided in Chapter 9 of this Title.

2. Maintenance: Routine maintenance shall be permitted on existing personal wireless facilities.

3. Construction Other Than Maintenance: New construction other than routine maintenance on existing personal wireless facilities, shall comply with the provisions set forth in this Section 5-3-12.

(E) APPLICATION REQUIREMENTS:

1. Required Information: An applicant for a special use permit for personal wireless service facilities shall submit site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:

- a. A scaled site plan clearly indicating the location, type and height of the proposed facility, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, fencing, landscaping/screening and elevation drawings of the proposed facility.
- b. A survey prepared within ninety (90) days of the application showing the location of the proposed facility and setbacks from property lines.
- c. Legal description of the site.

- d. Distance between the proposed facility (measured from the base pad of the facility) and the nearest single-family detached dwelling.
- e. A landscape plan showing specific landscape materials.
- f. A statement under oath signed by the applicant stating the tower and antenna will comply with all applicable federal and state laws and regulations (including specifically FAA and FCC regulations) and this Section.
- g. A statement by the applicant as to whether construction of the facility will accommodate collocation of additional antenna(s) for future providers.
- h. Certification that the usage of the facility will not interfere with transmission or reception functions of other communications facilities.
- i. Identification of the providers installing or using antennas on the facility.
- j. Each personal wireless services provider using the facility must demonstrate that it is licensed by the FCC, if required to be licensed under FCC regulations.
- k. The applicant, if not the personal wireless services provider, shall submit proof of agreements with FCC licensed personal wireless services providers if such providers are required to be licensed by the FCC.
- l. The applicant or provider shall demonstrate how the site fits into its overall network within the Village, and whether the applicant is able or unable to collocate on an existing structure. The applicant shall submit information requested by the corporate authorities related to the availability of suitable existing structures or alternative technology. If the applicant believes that collocation is unavailable to the applicant and that no reasonable alternative structure or technology exists to accommodate the applicant's proposed facility, then the applicant shall submit evidence to demonstrate that no existing structure or alternative technology can accommodate the applicant's proposed facility, and said evidence may consist of one or more of the following:
 - (1) No existing antenna support structures are located within the geographic area which meet applicant's requirements.

- (2) Existing antenna support structures are not of sufficient height to meet applicant's requirements.
- (3) Existing antenna support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (4) The applicant's proposed facility would cause electromagnetic interference with other antennas on existing antenna support structures, or the antenna on the existing antenna support structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs, or contractual provisions required by the owner of the existing support structure in order to share an existing tower or structure or to adapt an existing antenna support structure for sharing are unreasonable. Costs exceeding new facility development are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing antenna support structures unsuitable.
- (7) The applicant demonstrates that an alternative technology that does not require the use of an antenna support structure, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new personal wireless facility development shall not be presumed to render the technology unsuitable.

(F) LOCATION OF PERSONAL WIRELESS FACILITIES:

1. Site Selection Criteria: The site proposed by an applicant will be evaluated, using the following criteria, which are not listed in order of priority:
 - a. Topography as it relates to line of sight transmissions.
 - b. Availability of road access. Access roads must remain capable of supporting all of the emergency response equipment.
 - c. Availability of electric power.

- d. Availability of land based telephone lines or microwave link capability.
- e. Sites whose owners want facilities to be located on their properties.
- f. Screening potential of existing vegetation, structures and topographic features.
- g. Compatibility with adjacent land uses.
- h. The least number of sites needed to cover the desired area.
- i. The greatest amount of coverage, consistent with physical requirements of the facility.
- j. Opportunities to mitigate possible visual impact of the facility.
- k. Availability of suitable existing structures for the facility.

2. Village Site Selection Criteria:

- a. In addition to the criteria stated in subsection (F)1 of this Section, the applicant is required to demonstrate, using technological evidence, that the facility must be placed in the approximate location of the site which is proposed in order to satisfy its function in the provider's grid system. Further, the applicant must demonstrate by technological evidence that the antenna height requested is the minimum antenna height, with a necessary allowance for the potential collocation by other personal wireless service providers, necessary to fulfill the site's function within the coverage area of the specified geography.
- b. Consistent with providing personal wireless service, personal wireless service facilities should be located and designed to minimize any adverse effects they may have on residential property values. Sites should be located where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening. Location and design of sites should consider the impact of the site on the surrounding land uses.

3. Priorities: The following establishes a general order of priorities for locating new personal wireless service facilities:

- a. Place facilities on Village property.

- b. Place antennas on existing antenna support structures.
- c. Place facilities in business or industrial zoning districts.
- d. Place facilities at locations which minimize the impact on adjoining residential neighborhoods.
- e. Place facilities in residential zoning districts only if personal wireless service facilities cannot be located on sites specified in a through d above.

4. Placement In Residential Zoning Districts:

- a. An applicant for a special use permit for a personal wireless service facility to be located in a residential zoning district shall demonstrate that a diligent effort has been made to locate the proposed facility on an existing structure within a nonresidential zoning district, and that due to valid considerations, including physical constraints and economic or technological feasibility, no other appropriate location is available.
- b. The applicant shall demonstrate that it contacted the owners of tall structures (at least ___ feet high) within a [one mile] radius of the site proposed, asked for permission to install the antenna on those structures, and was denied.
- c. The information submitted by the applicant shall include a map of the geographic area to be served by the proposed personal wireless service facilities, its relationship to other facilities in the applicant's network, and an evaluation of the suitability of existing structures within [one mile] of the proposed facility.

5. COLLOCATION: To minimize adverse visual impacts associated with the proliferation of personal wireless service facilities, collocation of antennas by more than one provider on existing or new antenna support structures shall be preferred rather than the construction of new single use antenna support structures as follows:

- a. Collocation Preferred: Providers may, and are encouraged to, collocate antennas onto existing antenna support structures, provided, such collocation is accomplished in a manner consistent with the policy, site criteria, landscape/screening and all other provisions contained in this Section 5-3-12, then such collocations are permitted by right, and a new or additional special use permit is not required.

- b. Collocation on New Facilities: Unless the corporate authorities of the Village determine that collocation is not feasible, any new personal wireless facility permitted under this Section 5-3-12 shall be designed to accommodate antennas and additional equipment for more than one user.

(G) DESIGN CRITERIA:

1. Antenna Support Structures: New proposed personal wireless facility shall meet the following design criteria:

- a. Monopole: Every new antenna support structure shall be a monopole rather than lattice type tower, unless otherwise authorized by the Village for good cause shown.
- b. Yards: No personal wireless facility shall be located in the front yard of any lot.
- c. Setbacks: All personal wireless service facilities shall have a setback of one foot for each foot of antenna height. In no event shall any personal wireless service facility be less than two hundred twenty five feet (225') from the closest residential structure.
- d. Lights, Signals And Signs: No signals, lights or signs shall be permitted on an antenna support structures unless required by the FCC or the FAA.
- e. Safety: The applicant shall demonstrate that the proposed wireless service facility is safe and the surrounding areas will not be negatively affected by the failure of any part of the facility, including, falling ice or other debris or interference. All antenna support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- f. Structural Design: Antenna support structures shall be constructed to the standards promulgated from time to time by the Electronics Industry Association (EIA), which may be amended from time to time, and all applicable construction/building codes. Further, any improvements and/or additions to existing antenna support structures shall require submission of plans sealed and verified by a professional engineer which demonstrate compliance with the EIA standards and all other good industry practices in effect at the time of said improvement or addition. Said plans shall be submitted and reviewed at the time a building permit is requested.

2. Antennas: To the extent feasible, antennas attached to an antenna support structure shall be subject to the following design criteria:

- a. The antenna must be architecturally compatible with the antenna support structure which it is mounted and designed and located so as to minimize any adverse aesthetic effect.
- b. The applicant shall demonstrate that the antenna is the minimum height required to function in accordance with acceptable industry standards.
- c. The antenna shall be constructed and painted to match as closely as possible the color and texture of the antenna support structure on which it is mounted, unless otherwise authorized by the Village for good cause shown.

3. Color: All components of a personal wireless facility shall be of a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible. The paint on the facility shall be properly maintained.

4. Equipment Structures: Ground level equipment and buildings and the base of the antenna support structure shall be adequately screened. The standards for the equipment buildings are as follows unless otherwise authorized by the Village for good cause shown:

- a. The maximum floor area is four hundred (400) square feet and the maximum height is twelve feet (12'), and the structure shall be designed and constructed so as to facilitate an adjoining equipment structure of another provider which would abut the original equipment structure.
- b. Ground level buildings shall be screened from adjacent properties by landscape plantings, fencing or other appropriate means, as specified herein, unless otherwise required to be visible for security.
- c. Equipment mounted on the roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antennas may also be located within the building on which the antennas are mounted, subject to good engineering practices. Antennas and related equipment shall occupy no more than twenty five percent (25%) of the total roof area of a building.

- d. Ground level buildings shall be illuminated in accordance with acceptable industry standards so that the facility is visible for security purposes.

(H) LANDSCAPING AND SCREENING:

1. Landscaping Required: Reasonable landscaping, as described herein, shall be required to screen as much of the personal wireless facility at ground level as reasonable and feasible. The fencing surrounding the facility shall be designed to soften the appearance of the facility's site. The Village may permit any combination of existing vegetation, berming, topography, walls, decorative fences or other features instead of landscaping, if this achieves the same objective of screening the facility. If the antenna is mounted flush on an existing building, and all other equipment is either housed inside an existing building or screened from view, landscaping shall not be required.

2. Landscaping and Screening Specifications: The visual impact of the personal wireless service facility shall be mitigated through landscaping or other screening materials at ground level. The following landscaping and buffering shall be required around the perimeter of the facility. Landscaping shall be installed on the outside of fences. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or to supplement compliance with landscaping requirements.

- a. A row of evergreen trees a minimum of ten feet (10') tall at planting and a maximum of six feet (6') apart shall be planted around the perimeter of the fence unless adequate landscaping or screening is in place, or the Village determines otherwise.
- b. A continuous hedge at least thirty six inches (36") high at planting capable of growing to at least forty eight inches (48") in height within eighteen (18) months shall be planted in front of the tree line referenced above unless adequate landscaping or screening is in place or the Village determines otherwise.
- c. Each owner, operator, lessee, or licensee shall maintain all fencing and landscaping, including replacing any landscaping if necessary. If the Village specifically requests the owner, operator, lessee, or licensee to replace fencing or landscaping, the owner, operator, lessee or licensee shall promptly comply with any such request.

3. Fencing: A well constructed wood fence, stucco, masonry or stone wall or other fencing ("fencing") not less than six feet (6') in height from finished grade shall be provided around each facility. The type of fencing shall be subject to review and approval of the Village. Security fencing should be colored or should be of a design which blends into the character of the existing environment. Access to the facility shall

be through a locked gate. The Village Police Department shall be provided keys or a code to allow access to the facility for security purposes.