

**NOTICE OF SPECIAL MEETING  
OF THE COMMUNITY DEVELOPMENT  
COMMITTEE**

A Special Meeting of the Community Development Committee is scheduled for Tuesday, December 12, 2017, beginning at 6:45 p.m. in the

Council Chambers located at the  
Village Hall of Tinley Park  
16260 South Oak Park Avenue  
Tinley Park, Illinois

A copy of the agenda for this meeting is attached hereto.

Kristin A. Thirion  
Clerk  
Village of Tinley Park

**NOTICE OF A SPECIAL MEETING**  
**OF THE COMMUNITY DEVELOPMENT COMMITTEE**

Notice is hereby given that a special meeting of the Community Development Committee of the Village of Tinley Park, Cook and Will Counties, Illinois, will begin at 6:45 p.m. on Tuesday, December 12, 2017, in the Council Chambers at the Village Hall of Tinley Park, 16250 S. Oak Park Avenue, Tinley Park, Illinois.

1. OPEN THE MEETING.
2. CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD ON NOVEMBER 14, 2017.
3. DISCUSS TEXT AMENDMENT – FENCES.
4. DISCUSS TEXT AMENDMENT – SMALL CELL WIRELESS TELECOMMUNICATIONS.
5. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION  
VILLAGE CLERK

**MINUTES**  
**Special Meeting of the Community Development Committee**  
**November 14, 2017 - 6:45 p.m.**  
**Village Hall of Tinley Park – Council Chambers**  
**16250 S. Oak Park Avenue**  
**Tinley Park, IL 60477**

Members Present: M. Glotz, Chairman  
B. Younker, Village Trustee  
W. Brady, Village Trustee

Members Absent: None

Other Board Members Present: M. Pannitto, Village Trustee  
M. Mangin, Village Trustee  
C. Berg, Village Trustee

Staff Present: D. Niemeyer, Village Manager  
Pat Carr, Interim Assistant Village Manager  
S. Neubauer, Police Chief  
F. Reeder, Fire Chief  
P. Wallrich, Interim Community Development Director  
P. Hoban, Economic Development Manager  
J. Urbanski, Assistant Public Works Director  
K. Karczewski, Code Enforcement Officer  
P. Connelly, Village Attorney  
L. Godette, Deputy Village Clerk  
L. Carollo, Commission/Committee Secretary

**Item #1** - The Special Meeting of the Community Development Committee Meeting was called to order at 7:12 p.m.

**Item #2 – CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL COMMUNITY DEVELOPMENT COMMITTEE MEETING HELD ON SEPTEMBER 19, 2017** – Motion was made by Chairman Glotz, seconded by Trustee Younker, to approve the minutes of the Special Community Development Committee Meeting held on September 19, 2017. Vote by voice call. Chairman Glotz declared the motion carried.

**Item #3 – DISCUSS PUBLIC HEARING SIGNS POSTED ON SUBJECT SITE** - Paula Wallrich discussed in an effort to improve notification and increase transparency in relation to public hearings staff is recommending the posting of informational signs on properties subject to a public hearing process. Staff recommends the Village purchase ten (10) aluminum signs that will reference a link to the Village website, providing all pertinent information regarding the subject property's public hearing. A deposit will be taken at the time the planning application is received to ensure its return. Petitioners will be required to post Public Notice signage on the property at least 15 days ahead of the public hearing and must be removed within 7 days of the hearing. The cost of the signs is estimated to be less than \$2000, which can be absorbed in the current budget. Staff is seeking approval of this new policy and direction to prepare the appropriate ordinance for Village Board approval.

Motion was made by Trustee Younker, seconded by Trustee Mangin, to recommend directing staff to prepare the ordinance for posting informational signs on properties subject to a public hearing process for Village Board approval. Vote by voice. Chairman Glotz declared the motion carried.

**Item #4 – DISCUSS FOREST GLEN BUILDING MATERIAL WAIVER** - Paula Wallrich stated Dan Walsh is requesting a waiver of the masonry requirement for the construction of his new home located at 16972 Forest Glen Drive. The Tinley Park Comprehensive Building Code Section 305 B.1. requires all single family dwellings to be constructed of masonry and to be installed to the top of the first story. Mr. Walsh is requesting a waiver of this requirement to install masonry to a height of approximately 3 feet along the front façade as opposed to the required top of the first floor. The sides and rear façade will follow the same elevation; however, due to a significant grade drop, a brick façade will extend approximately 8 feet tall along the rear of the home. Ms. Wallrich suggested a possible hybrid solution, requiring the front façade to meet code and allow the sides and rear of the home as Mr. Walsh is proposing. Mr. Walsh stated he feels the house was not designed in accordance with the masonry code and to do so would cheapen the look of the house. It also would not detract from other houses in the area.

Motion was made by Chairman Glotz, seconded by Trustee Younker, to recommend waiving the masonry requirement for the new home located at 16972 Forest Glen Drive. Vote by voice. Chairman Glotz declared the motion carried.

**Item #5 – DISCUSS MOWING CODE FOR VACANT PARCELS** - Ken Karczewski stated the Code Compliance officers are continuously questioned by residents about the maintenance of underdeveloped property. This becomes an issue when substantial vacant acreage abuts residential property. The Village has a grass/weed ordinance of 8 inches, but does not address standards to be met on large underdeveloped properties. Staff recommendations the following:

- Any parcels below 4 acres must be maintained to the current Village ordinance of 8 inches.
- Parcels in excess of 4 acres must maintain a 20 foot mowed buffer strip from streets, sidewalks, or neighboring lot lines.
- Cultivated farmland must maintain a mowed area between the cultivated areas and public right-of-way (ROW).
- Wooded lots will be maintained consistent with the size thresholds as above, although removing trees from the buffer strip will not be necessary. All branches within 10 feet above ground must be removed if the tree is located within 20 feet of a street, sidewalk, or lot line.

Staff is seeking approval of staff's recommendation and direction to prepare the necessary text amendments for Village Board approval.

Motion was made by Chairman Glotz, seconded by Trustee Younker, to recommend preparing the necessary text amendments for Village Board approval on the mowing code for vacant parcels. Vote by voice. Chairman Glotz declared the motion carried.

**Item #6 – DISCUSS WAIVING OF FIRST READING POLICY** - Paula Wallrich stated in an effort to streamline projects by the Plan Commission (PC) and Zoning Board of Appeals (ZBA), staff recommends establishing a policy for waiving First Reading so that less complex/controversial projects can be approved quickly by the Village Board. Approvals automatically having the First Reading waived include:

- Plat of easement
- Plat of subdivision

- Right-of-way vacation, dedication or abrogation
- Letter of credit establishment of reduction
- Adoption of official zoning map

Approvals that may be considered for waiving of First Reading (with staff support and unanimous PC-ZBA recommendation) include:

- Variance (signs, fences, bulk regulations, parking) with unanimous PC/ZBA recommendation
- Special Use Permit with unanimous PC-ZBA recommendation
- Any of the above may be considered for waiving of First Reading for Economic Development reasons.

Approvals requiring two readings include:

- Variance without unanimous recommendation
- Special Use Permit (substantial deviations, cell towers) without unanimous recommendation
- Rezoning
- Text amendment
- Planned unit development
- Any of the above may be considered for waiving of First Reading for Economic Development reasons

Staff is requesting the Community Development Committee to consider these recommendations and direct staff to prepare a policy for Village Board consideration.

Motion was made by Chairman Glotz, seconded by Trustee Brady, to recommend staff to prepare a policy for Village Board consideration. Vote by voice. Chairman Glotz declared the motion carried.

**Item #7 – RECEIVE COMMENTS FROM THE PUBLIC** - Mike Paus thanked Paula Wallrich for keeping the two-reading rule on text amendments. Mr. Paus also commended Ms. Wallrich regarding signage on property to be rezoned.

#### **ADJOURNMENT**

Motion was made by Chairman Glotz, seconded by Trustee Younker, to adjourn this Special Meeting of the Community Development Committee. Vote by voice call. Chairman Glotz declared the motion carried and adjourned the meeting at 7:35 p.m.

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# Interoffice Memo

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**Date:** ~~December 7, 2017~~ December 12 2017

**To:** Village of Tinley Park Community Development Committee

**From:** Stephanie Malmborg, AICP - Planner I

**Subject:** Text Amendment to the Zoning Ordinance: Fence Regulations

Staff has been working on draft Text Amendments to the Zoning Ordinance for fence regulations in order to reduce the number of variance requests for fences on residential properties. The main issue is often where fences are allowed on single-family residential corner lots. The second most common issue is where fences can be located on older lots that do not meet the current setback requirements.

Both the Zoning Board of Appeals and the Plan Commission have reviewed the previous version of the draft. The draft includes regulations for location, materials, and height. Additionally, Staff included administrative review for fences proposed within a secondary front yard on a corner lot (commonly referred to as the "corner side yard"). Such fences must meet certain requirements in order to be approved administratively; otherwise, the fences must be approved through a variance process. The draft also includes regulations for permit requirements, temporary fences and nonconforming fences. New definitions for terms related to fences are also included in the draft. The draft fence regulations would apply to all properties outside the Legacy District (which utilizes fence regulations within the Legacy Code).

Staff has concerns about the aesthetics of fencing, such as the use of certain materials like chain-link, and allowing fence encroachments within front yard setbacks. Staff seeks direction from the Community Development Committee regarding appropriate regulations for fences in order to convey the Village's vision for the community.

Please see the attached Draft Text Amendment for Fence Regulations.

## VOTP Zoning Ordinance – Proposed Fence Regulations

### J. Fence Regulations *(this amendment involves re-alphabetizing subsequent sections)*

#### 1. Permit Required

- a. A building permit is required for all work performed in association with the construction, alteration, or relocation of a fence except as outlined in Section III.J.1.b.
- b. Exemptions: The following circumstances do not require a building permit; however, they are subject to the regulations within Section III.J.2.:
  - (1) Repairs of not more than one (1) eight foot (8') section of fencing per year on a legally permitted fence;
  - (2) Fences two feet (2') in height or less; and
  - (3) Planting of continuous living fences.

#### 2. Regulations for All Zoning Districts

##### a. Location

##### (1) Permitted Fence Location

<b>PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE</b>				
<b>LOT TYPE</b>	<b>YARD TYPE</b>			
	<b>Front/Primary Front</b>	<b>Secondary Front</b>	<b>Side</b>	<b>Rear</b>
<b>Interior Lot</b>	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
<b>Interior Key Lot</b>	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
<b>Corner Lot</b>	Fence Permitted at or behind Required Setback Line	See Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
<b>Reversed Corner Lot</b>	Fence Permitted at or behind Required Setback Line	See Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
<b>Through Lot</b>	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
<b>Corner Through Lot</b>	Fence Permitted at or behind Required Setback Line	See Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
<b>Flag Lot</b>	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line

## VOTP Zoning Ordinance – Proposed Fence Regulations

### (2) Rights-of-Way, Drainage, and/or Utility Easements:

- (i) No private fences shall be allowed or constructed within public street, highway, or alley right-of-ways.
- (ii) Fences may, by permit and written approval, be placed on drainage and/or public utility easements, so long as the fence does not interfere in any way with existing drainage patterns, underground, ground, or above-ground utilities.
- (iii) Fences shall not obstruct access to utilities. A gate or moveable section of fencing may be required.
- (iv) The Village or any utility company having authority to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged, or destroyed by virtue of the lawful use of said easement.

### b. Materials

- (1) Fences shall consist of materials that are found by the Zoning Administrator or their designee to be durable and weather resistant. Fencing shall be painted, rust-proofed or otherwise protected against damage and decay so as to present an orderly appearance.
- (2) All fences shall be maintained in good, structurally sound repair and in a neat, clean, presentable and attractive condition.

### (3) Allowable Materials:

- (i) PVC/vinyl
- (ii) Wood
- (iii) Wrought iron
- (iv) Aluminum
- (v) Galvanized steel (open style fencing only)
- (vi) Masonry
- (vii) Chain-link (without slats)
- (viii) Living fences (plant material/hedges)
- (ix) Perimeter fencing – stone or concrete
- (x) Similar as approved by the Zoning Administrator

### (4) Prohibited Materials:

- (i) Chain-link with or without slats
- (ii) Glass
- (iii) Barbed wire



## VOTP Zoning Ordinance – Proposed Fence Regulations

- (5) Orientation of Finished Side: When a fence has a finished or decorative side, it shall be oriented to face outward toward adjacent parcels or street rights-of-way (away from the interior of the lot upon which the fence is erected).
- (6) Fencing shall not have sharp edges.
- (7) Fencing shall be neutral/natural colors – uniform color

### c. Height

#### (1) Maximum Height:

- (i) Top of Posts: six feet, six inches (6'6") when measured from grade.
- (ii) Top of Panel: six feet (6') when measured from grade.

### GRAPHIC

### 3. Fences in Secondary Front Yards

- a. Administrative Review Required: Fences proposed within secondary front yards are subject to review by the Zoning Administrator or their designee. The fence shall be reviewed in context with the surrounding area and must meet certain requirements.

- (1) Appeals: In the instance that the Zoning Administrator or their designee denies the fence location as proposed, the Petitioner may appeal the denial before the Zoning Board of Appeals.

#### b. Requirements:

- (1) The property must be within a residential zoning district (R-1, R-2, R-3, R-4, R-5, R-6, & R-7).
- (2) The fence must be consistent with the aesthetics of other fences in the surrounding area.
- (3) The fence cannot cause a negative impact to safety of pedestrians or vehicles.
- (4) The fence cannot abut a neighboring front/primary front yard.

## VOTP Zoning Ordinance – Proposed Fence Regulations

- (5) The fence must be a maximum height of four feet, six inches (4'6") at the top of the posts and four feet (4') at the top of the rails when measured from grade. If the proposed fence is intended to enclose an existing pool then the fence may have a maximum height of five feet (5').
- (6) The fence must be open or decorative in style and have a minimum of fifty percent (50%) open space between rails and posts.

### c. Permitted Location:

- (1) A fence meeting the requirements in Section III.J.3.b. may be permitted, subject to Administrative Review, to encroach up to ten feet (10') into the required front yard setback.
- (2) In the instance that a residential structure is nonconforming to the required front yard setback, a fence meeting the requirements in Section III.J.3.b. may be permitted, subject to Administrative Review, to encroach into the required front yard setback to align with the established setback of the residential structure.

## 4. Temporary Fences

- a. Temporary fences may be authorized by the Zoning Administrator or their designee for the purposes of securing or enclosing an area for a limited period of time (ex. construction sites, special events, and unsafe structures).
5. Nonconforming Fences: Fences existing at the time of the enactment of this Section III.J., or any amendment thereto, or at the time of annexation to the Village of the property on which they are located and not conforming to the provisions of this Section III.J., shall be regarded as nonconforming fences – either a legal nonconforming fence or an illegal nonconforming fence.
- a. Legal Nonconforming Fences: These fences were constructed with a permit on file with the Village. Minor ordinary repairs and maintenance (not exceeding repair on one (1) eight foot (8') wide section of fencing per year) may be completed on such fence. Nonconforming fences shall not be changed or altered in any manner that would increase the degree of its nonconformity or structurally altered to prolong its useful life.
  - b. Illegal Nonconforming Fences: These fences were constructed without a permit. Such fences shall be immediately removed by the property owner or a variance must be obtained.

## VOTP Zoning Ordinance – Proposed Fence Regulations

### Consider the Following Definitions for Section II of the Zoning Ordinance:

**CLEAR VISION TRIANGLE**: A Clear Vision Triangle is a triangular area on private property that must be free of visible obstructions in a vertical zone measured two (2) feet to eight (8) feet above grade. The purpose of a Clear Vision Triangle is to ensure pedestrian, bicycle, and vehicular safety.

**FENCE**: A Fence is a linear structure or partition of definite height and location erected upon or near the dividing line between adjoining property owners. Fences are intended to serve as: a physical barrier to property ingress and egress; a screen from objectionable views or noise; a marker; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this Ordinance when placed in a manner and position to meet the intentions of a structural fence.

**FENCE HEIGHT**: Fence Height is the vertical distance measured from the adjacent grade to the top of the fence posts or rails.

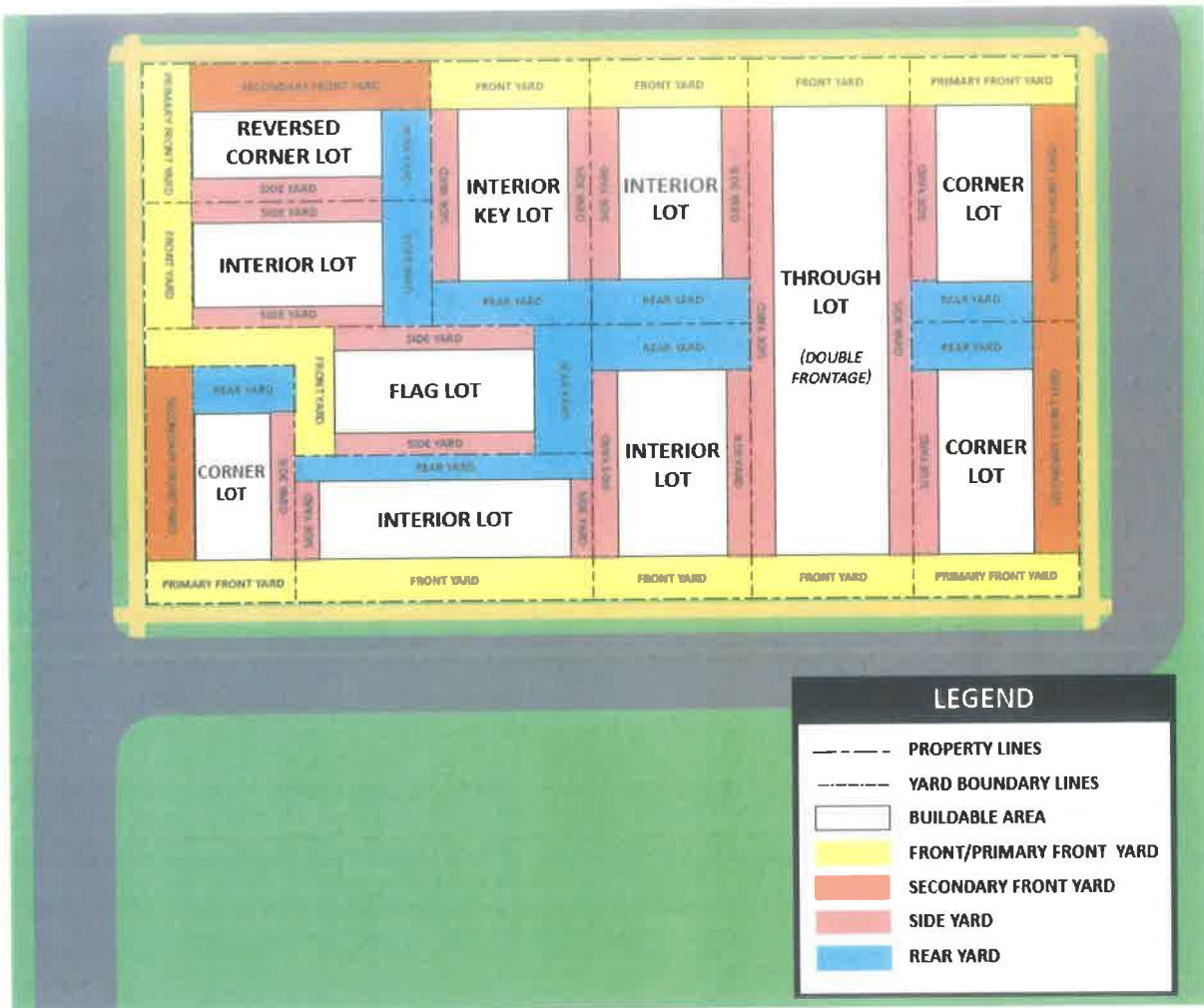
**FENCE, SOLID/PRIVACY**: A Solid/Privacy Fence is a fence, including gates, designed and constructed so that the surface area of any segment of such fence is more than fifty percent (50%) opaque.

**FENCE, OPEN/DECORATIVE**: An Open/Decorative Fence is a fence, including gates, designed and constructed so that the surface area of any segment of such fence contains at least fifty percent (50%) open spaces, as compared to solid materials.

**FENCE, LIVING**: A Living Fence is a hedge of vegetation used as a fence. At the time of maturity said vegetation would prevent an “open” effect and would block the normal line-of-sight.

**LOT**: A Lot is a parcel of land occupied or intended for occupancy by a use, building, or structure together with its accessory uses, open spaces, and areas required by this Ordinance, and having its principal frontage upon a public street or upon an officially-approved private way utilized for street purposes. A Lot need not be a Lot of Record.

## VOTP Zoning Ordinance – Proposed Fence Regulations



**LOT, CORNER:** A Corner Lot is a lot having at least two (2) adjacent sides that abut for their full length upon streets. Both such lot lines shall be considered front lot lines.

**LOT, CORNER THROUGH (TRIPLE FRONTAGE):** A Corner Through Lot is a lot having at least three (3) adjacent sides that abut for their full length upon streets. All such lot lines shall be considered front lot lines.

**LOT, FLAG:** A Flag Lot is a lot having only a narrow access strip fronting on a street.

**LOT, INTERIOR:** An Interior Lot is a lot with a single frontage on a street.

**LOT, INTERIOR KEY:** An Interior Key Lot is a lot with a side lot line that abuts the rear lot line of one or more adjoining lots.

**LOT, REVERSED CORNER:** A Reversed Corner Lot is a corner lot with a rear lot line abutting a side lot line of another lot (typically, an interior key lot).

## VOTP Zoning Ordinance – Proposed Fence Regulations

**LOT, THROUGH (DOUBLE FRONTAGE):** A Through Lot is a lot having frontage on two (2) nonintersecting streets. Both such lot lines shall be considered front lot lines.

**YARD, FRONT/PRIMARY FRONT:** A Primary Front Yard is a street-side yard that measures the smallest dimension on a corner lot. Lots will only have one primary front yard. In situations where the dimensions are similar or unclear, the Zoning Administrator or their designee will determine the primary front yard.

**YARD, REAR:** A Rear Yard is a yard extending across the rear of a lot measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots, the Rear Yard shall be at the opposite end from the primary front yard. On interior lots the Rear Yard shall in all cases be at the opposite end of the lot from the front yard.

**YARD, SECONDARY FRONT:** A Secondary Front Yard is a street-side yard that measures the larger dimension on a corner lot. Through lots that are also corner lots may have more than one secondary front yard. In situations where the dimensions are similar or unclear, the Zoning Administrator or their designee will determine the secondary front yard(s).

**YARD, SIDE:** A Side Yard is a yard extending between the front yard and rear yard and situated between the side lot line and the face of the principal building.



# Interoffice Memo

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**Date:** December 7, 2017

**To:** Village of Tinley Park Community Development Committee

**From:** Stephanie Malmborg, AICP – Planner I

**Subject:** Text Amendment to the Zoning Ordinance: Cellular Regulations

During 2017, Planning Staff received several inquiries about small cell antennas, which are currently not regulated within the Village's Zoning Ordinance. Staff began researching how to regulate such technology through zoning practices. Additionally, Staff noted the current regulations for cell towers and co-locations have room for improvement; therefore, Staff drafted a new Section III.V. of the Zoning Ordinance that encompasses regulations for all telecommunication service facilities (TCSF), including cell towers, antenna co-locations, small cell antennas, and distributed antenna systems. Staff also proposes some changes to definitions related to TCSF. Planning Staff requested input on the draft from the Village Attorney and the Public Works Department.

## **Background**

Regulations for telecommunication service facilities (TCSF) are a necessary component of a community's codes/ ordinances. Cellular technology is constantly changing and the Village's regulations must be updated from time to time in order to minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services.

The Telecommunications Act of 1996 states that local governments cannot "prohibit or have the effect of prohibiting wireless facilities," but also preserves local zoning authority over the "placement, construction, and modification of wireless facilities." It should also be noted that the Act states that a municipality cannot regulate wireless services based on environmental effects of radio frequency emissions.

Many municipalities have converted their "cell tower ordinance" into a comprehensive "wireless facilities ordinance" to address new technologies and incorporate the most recent regulatory changes.

Please see the following photos and attached Draft Text Amendment for Cellular Regulations.

## Types of Telecommunication Service Facilities (TCSF)

### Freestanding Cell Towers



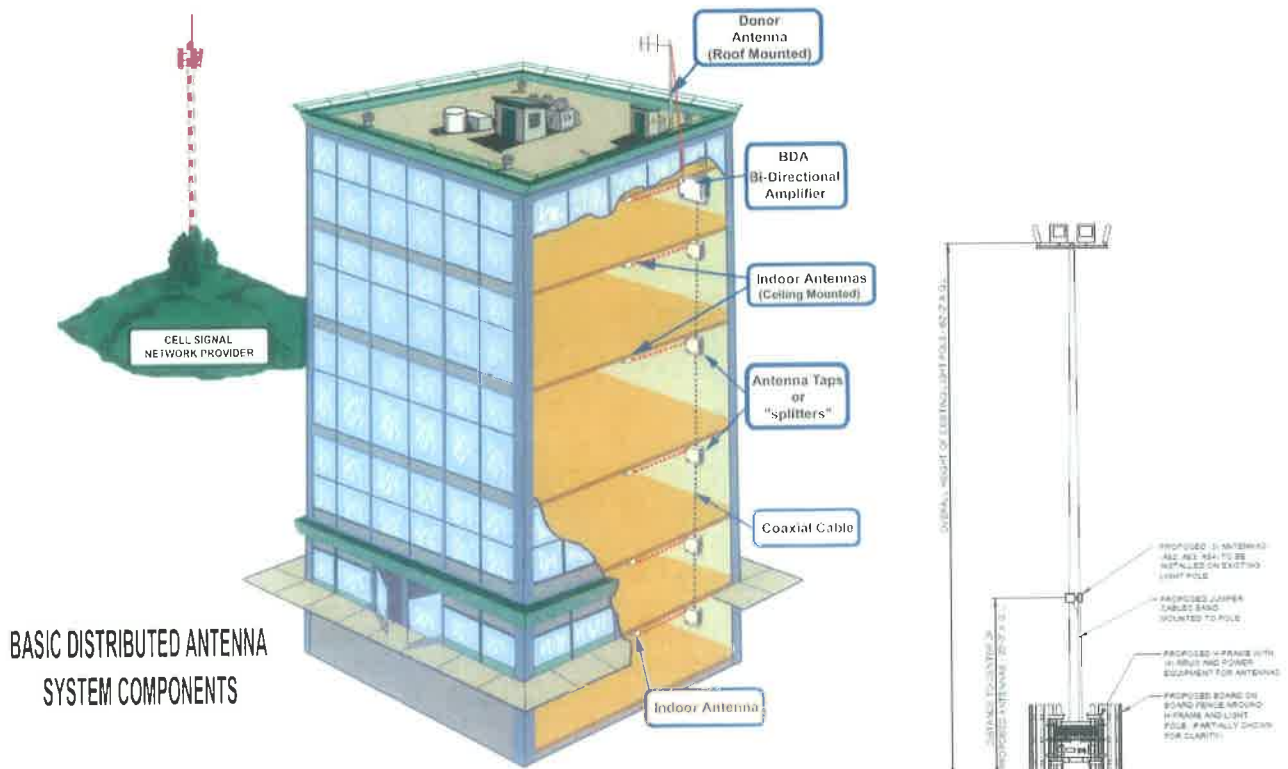
### Antenna Co-Locations



Small Cell Antennas



Distributed Antenna Systems





## V. REGULATIONS FOR TELECOMMUNICATION SERVICE FACILITIES (TCSF)

### 1. Purpose and Intent

- a. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- b. Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services;
- c. Encourage the location and collocation of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- d. Accommodate the growing need and demand for wireless communications services;
- e. Encourage coordination between providers of wireless communications services in the Village;
- f. Protect the character, scale, stability, and aesthetic quality of the residential districts of the Village by imposing certain reasonable restrictions on the placement of residential communication facilities;
- g. Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;
- h. Provide for the removal of discontinued antenna supporting structures.

### 2. Exemptions

- a. The Village is exempt from the regulations herein when there is a demonstrated need for telecommunication services provided by the Village. Such needs shall be accommodated on freestanding cell towers provided by the Village on Village-owned property.

### 3. General Regulations:

- a. The Petitioner shall demonstrate that the proposed antenna(s) and support structure(s) are safe and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.

**VOTP Zoning Ordinance – Proposed Regulations for Cell Towers/Small Cell Antennas**  
*Last Edited 12/07/2017 by SM*

- b. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturer;
- c. All towers and antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and antennas;
- d. A TCSF may not have signage other than signage required by federal law or regulations;
- e. No new monopole, utility pole, or tower having the primary purpose of supporting small cell wireless facilities or other personal wireless telecommunications facilities shall be installed on rights-of-way within the corporate limits of the Village.
- f. **Co-Location and Location on Existing Structures Preferred:** In order to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers and location of antennas on existing buildings or structures shall take precedence over the construction of new freestanding towers. If a new, freestanding cell tower is proposed, Special Use Approval shall not be granted unless the Petitioner demonstrates compliance with the following:
  - 1) A diligent effort has been made to locate the antenna on an existing structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
  - 2) Covenants shall be recorded which require that the Petitioner allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other antennas to co-locate on the proposed freestanding tower, where such co-location is technologically feasible; and
  - 3) The Site Plan for the construction of a new, freestanding tower shall delineate an area, either on site or on adjacent property, near the base of the tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new freestanding tower is adequate to allow co-location on such site, the Petitioner must allow, on a commercially reasonable basis, other providers to locate on site.
- g. **Structural Integrity:** A TCSF, including antenna(s), other component parts, and all related equipment anchorage, shall be designed to withstand the wind force referenced in the applicable building and/or electrical codes currently adopted by the Village including loading without the use of guy wires. As part of the permit application process, the Petitioner shall provide the Village with a structural

**VOTP Zoning Ordinance – Proposed Regulations for Cell Towers/Small Cell Antennas**  
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evaluation of each specific location establishing that the proposed installation meets or exceeds the standards described herein. The evaluation shall be prepared by a structural engineer licensed in the State of Illinois.

h. Abandonment:

- 1) In the event the use of a tower or antenna is discontinued for a period of sixty (60) consecutive days, the tower or antenna shall be deemed to be abandoned. The Community Development Director shall determine the date of abandonment based on documentation required from the tower owner/operator or other appropriate sources. Upon abandonment, the tower owner/operator shall have an additional sixty (60) days within which to:
  - i. Reactivate the use of the tower either by said owner/operator or transfer of the tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the tower to another owner/operator shall not require Special Use Approval provided use of the tower is re-activated within the sixty (60) day period, and that the use of the tower complies with all conditions of the original Special Use Approval and the terms of this Ordinance;
  - ii. Dismantle and remove the tower at which time any Special Use shall become null and void; and
  - iii. Request approval from the Village Board to allow the abandoned tower or antenna to remain for a specified period of time. If said approval is granted, the tower shall be reactivated or removed within the time period approved by the Village Board as per regulations herein.

**4. Regulations for New Freestanding Cell Towers and Antenna Co-Locations on Existing Freestanding Cell Towers or Existing Structures**

a. Location Requirements for New Freestanding Cell Towers

- 1) Hierarchy of Locations for New Freestanding Cell Towers: New freestanding cell towers shall be sited in accordance with the hierarchy below.
  - i. A new freestanding cell tower shall be located on Village-owned property.
  - ii. If there are no sites available on Village-owned property, then a new freestanding cell tower shall be located on property owned by a municipal body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform their due diligence and demonstrate there are no suitable locations available on Village-owned property.

**VOTP Zoning Ordinance – Proposed Regulations for Cell Towers/Small Cell Antennas**  
*Last Edited 12/07/2017 by SM*

- iii. If there are no suitable sites available on Village-owned property or property owned by a municipal body or district, then a new freestanding cell tower shall be located on property within the M-1 (General Manufacturing) Zoning District, provided that the proposed freestanding cell tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village-owned property or property owned by a municipal body or district.
- iv. If there are no sites available on Village-owned property, property owned by a municipal body or district, or property within the M-1 (General Manufacturing) Zoning District, then a new freestanding cell tower shall be located on property within the ORI (Office and Restricted Industrial) Zoning District, provided that the proposed freestanding cell tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village-owned property, property owned by a municipal body or district, or property within the M-1 (General Manufacturing) Zoning District.

1) Yards and Setbacks:

- i. A freestanding cell tower and the associated ground equipment shall only be allowed in a rear yard and shall not be located within a front yard or side yard, unless:
  - a) It is shown that an alternate location results in more effective screening or blending of the tower into the surrounding landscape;  
or
  - b) The location has the effect of interfering with the operations of the principal use on the subject property; provided, however, such personal wireless service facilities nevertheless may not be located between the principal building and the street or in the front yard of the lot in question.
- ii. A freestanding cell tower and the associated ground equipment must be set back at least ten feet (10') from the principal structure and ten feet (10') from property lines.

b. Location Requirements for Antenna Co-Locations on Existing Freestanding Cell Towers

**VOTP Zoning Ordinance – Proposed Regulations for Cell Towers/Small Cell Antennas**  
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- 1) Antennas shall be attached to existing freestanding cell towers or on existing non-residential structures.
  - 2) Attachment to Existing Freestanding Cell Tower: Antennas shall not project above the top of the monopole and shall not interfere with other antennas on the monopole.
  - 3) Attachment to Existing Non-Residential Building:
    - i. Antennas shall not be attached to the front wall of a building unless the Petitioner can provide evidence that other locations are not feasible.
    - ii. Antennas shall be made to effectively blend into the architecture of the building.
    - iii. Antennas shall not be visible from the public right-of-way whenever possible.
- c. Conditions for New Freestanding Cell Towers and Antenna Co-Locations
- 1) Maximum Height:
    - i. A freestanding cell tower's monopole may extend up to 100' from grade. A lightning rod may extend up to 5' above the top of the monopole.
    - ii. Antennas attached to an existing freestanding cell tower shall not project above the top of the monopole.
    - iii. Antennas attached to an existing building must not exceed ten feet (10') above the top of the building. Antennas may not project more than two feet (2') from the side of a building.
  - 2) Color:
    - i. A freestanding cell tower, antennas, and all related equipment and appurtenances, shall be a color that blends with the surroundings.
    - ii. The use of reflective materials is prohibited.
    - iii. Any wiring must be covered with an appropriate cover or cable shield.
  - 3) Co-Location: All new freestanding cell towers must allow for a minimum of one (1) co-location by other potential users.
  - 4) Disguised Towers: The Village encourages the use of disguised freestanding cell towers such as flag poles, monopines, or architectural elements.

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- 5) Screening:
- i. The freestanding cell tower shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
  - ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
  - iii. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.
- d. Approval for New Freestanding Cell Towers
- 1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
  - 2) The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
  - 3) If located on Village property the Petitioner must complete a lease agreement with the Village prior to approval of the Special Use Permit.
  - 4) The Petitioner must obtain a Building Permit from the Community Development Department.
- e. Approval for Antenna Co-Location on Existing Freestanding Cell Tower or Existing Structure
- 1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission if the co-location involves changes to ground equipment that would alter the existing footprint of the existing ground equipment enclosure.
  - 2) The Petitioner must obtain a Special Use Permit for an antenna co-location on an existing structure with review by the Plan Commission and approval by the Village Board.
  - 3) If located on Village property the Petitioner must complete a lease agreement with the Village. When a Special Use Permit is required, such agreement must

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be completed prior to approval of the Special Use Permit.

- 4) The Petitioner must obtain a Building Permit from the Community Development Department.

**5. Regulations for Small Cell Wireless Facilities/Antennas**

a. Location

- 1) All small cell wireless facilities must be installed on an existing utility pole within public rights-of-way that are at least 66.0 feet in width.
- 2) Hierarchy of Locations for Small Cell: New small cell wireless facilities shall be sited in accordance with the hierarchy below.
  - i. Small cell wireless facilities shall be located on Village rights-of-way.
  - ii. If there are no Village rights-of-way that meet the Petitioner's needs, then small cell wireless facilities shall be located on County rights-of-way. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village rights-of-way.
  - iii. If there are no Village or County rights-of-way that meet the Petitioner's needs, then small cell wireless facilities shall be located on State rights-of-way. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village or County rights-of-way.
  - iv. If there are no Village, County, or State rights-of-way that meet the Petitioner's needs, then small cell wireless facilities shall be located on Federal rights-of-way. The Petitioner must perform their due diligence and demonstrate there are no locations available on Village, County, or State rights-of-way.
- 3) Separation Requirement: Small cell wireless facilities may be attached to a utility pole located at least five hundred (500) feet from any other utility pole on which a small cell wireless facility is mounted. A lesser separation may be approved if the Petitioner proves that the lesser separation is necessary to close a significant gap in the Petitioner's services or to otherwise provide adequate services to customers, and the proposed small cell wireless facility location is the least intrusive means to do so.

b. Conditions

- 1) Maximum Number of Antennas: Not more than one (1) small cell wireless facility may be located on a single utility pole.

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2) Surface Area of Antenna:

- i. The small cell antenna, including antenna panels, whip antennas or dish-shaped antennas, shall not have a surface area of more than seven (7) square feet. Surface area shall be calculated by measuring all faces of the antenna visible from the public right-of-way.
- ii. No single dimension shall exceed seven (7) feet.
- iii. Omnidirectional or whip antennas may not extend more than seven feet (7').

3) Height:

- i. The top of the highest point of the antenna may not extend more than seven feet (7') above the highest point of the utility pole.
- ii. The operator of a small cell wireless facility shall, whenever possible, locate the base of the equipment or appurtenances at the highest height possible on the utility pole, but no lower than nine (9) feet above grade.
- iii. Extensions to utility poles utilized for the purpose of connecting a small cell wireless facility shall be fabricated from non-metallic material of a neutral color approved by the Village, and shall have a degree of strength capable of supporting the entire small cell wireless facility and cabling and capable of withstanding wind forces and ice loads in accordance with the structural integrity standards set forth in subsection (1), below. An extension shall be securely bound to the utility pole perpendicular to the ground in accordance with applicable engineering standards for the design and attachment of such extensions. No extensions fabricated from wood shall be permitted.

4) Color:

- i. A small cell wireless facility, including the antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the utility pole on which it is mounted.
- ii. The use of reflective materials is prohibited.
- iii. Any wiring must be covered with an appropriate cover or cable shield.

- 5) Antenna Panel Covering: A small cell antenna shall include a radome, cap, or other antenna panel covering or shield and shall be of a color that blends with the color of the utility pole on which it is mounted.



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- 6) Guy Wires: No guy or other support wires shall be used in connection with a small cell wireless facility unless the small cell wireless facility is proposed to be attached to an existing utility pole that incorporated guy wires prior to the date that an Petitioner has applied for a permit.

c. Approval

- 1) The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
- 2) If located within a Village right-of-way the Petitioner must complete a lease agreement with the Village prior to approval of the Special Use Permit.
- 3) The Petitioner must obtain a Building Permit from the Community Development Department.

**6. Regulations for Distributed Antenna Systems**

a. Location

- 1) All distributed antenna systems must be installed on private property.
- 2) Exterior antennas shall be located upon existing poles or structures.
- 3) Associated exterior equipment shall only be allowed in a rear yard or on the roof of a principal structure and shall not be located within a front yard or side yard.

b. Conditions

- 1) Surface Area of Antennas: Each antenna within a distributed antenna system shall not have a surface area of more than seven (7) square feet. Surface area shall be calculated by measuring all faces of the antenna visible from the public right-of-way.
- 2) Height:
  - i. The top of the highest point of the antenna may not extend beyond the height of the existing structure that the antenna is mounted upon.
  - ii. Associated equipment located on the roof of a principal structure shall not exceed ten feet (10') in height.
- 3) Color:

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- i. A distributed antenna system, including the antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the structure on which it is mounted.
- ii. The use of reflective materials is prohibited.
- iii. Any wiring must be covered with an appropriate cover or cable shield.

4) Screening:

- i. The distributed antenna system shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
- ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
- iii. All associated equipment located on the roof of a principal structure shall be screened from view from the public right-of-way.
- iv. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

c. Approval

- 1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- 2) The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
- 3) The Petitioner must obtain a Building Permit from the Community Development Department.

**VOTP Zoning Ordinance – Proposed Changes to Definitions Related to TCSF**  
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**Consider the Following Definitions for Section II of the Zoning Ordinance:**

**ANTENNA**: Any device or array that transmits and/or receives electromagnetic signals for voice, data or video communication purposes, including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications, but excluding satellite earth stations less than six feet in diameter, any receive-only home television antennas and any antenna supported by a structure not greater than 72 feet in height, which is owned and operated by an amateur radio operator licensed by the FCC.

**ANTENNA SUPPORT STRUCTURE**: Any structure designed and constructed for the support of antennas, including any tower or disguised support structure, but excluding support structures not greater than 72 feet in height, owned and operated by an amateur radio operator licensed by the FCC. Such term shall also include any related and necessary cabinet or shelter.

**CABINET**: Casing or console, not including a shelter, used for the protection and security of communications equipment associated with one or more antennas, where direct access to equipment is provided from the exterior and do not exceed height of seven feet.

**CO-LOCATION**: The location and use of two or more antennas on a single antenna support structure.

**DISTRIBUTED ANTENNA SYSTEM**: A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. Such systems can be either indoor or outdoor.

**DISGUISED SUPPORT STRUCTURE**: Any freestanding, manmade structure, designed for the support of one or more antenna, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include, but are not limited to, clock towers, campaniles, observation towers, artificial trees, light standards, or similar alternative design mounting structures that camouflage or conceal the presence of a wireless service facility.

**FREESTANDING CELL TOWER**: A cell tower designed and constructed to stand alone on its own foundation, free of architectural or other supporting frames, or attachments, including, but not limited to, self-supporting (lattice) towers and monopoles.

**GUYED TOWER**: A tower that has tensioned cables attached to the tower and anchored at a distance from the structure's base.

**MONOPOLE**: A structure composed of a single spire, pole or tower used to support antennas or related equipment.

**PERSONAL WIRELESS TELECOMMUNICATION EQUIPMENT**: Equipment, inclusive of an antenna, that is part of a personal wireless telecommunications facility.

**PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY**: An antenna, equipment and related improvements used, or designed to be used, to provide wireless transmission of

**VOTP Zoning Ordinance – Proposed Changes to Definitions Related to TCSF**  
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voice, data, images or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

**SHELTER**: A structure for the protection and security of communications equipment associated with one or more antennas, where access to equipment is gained from the interior of the structure.

**SMALL CELL WIRELESS FACILITY**: A personal wireless telecommunications facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area supported on structures not initially designed to support such equipment.

**TCSF**: Telecommunication service facilities, as well as the collective use of the terms "antenna," "antenna support structure," "cabinet," "disguised support structure," "freestanding tower," "shelter" and "tower" to describe telecommunication service facilities.

**TOWER**: A structure designed for the support of one or more antennas, including self-supporting (lattice) towers, monopoles, or other freestanding towers, but not disguised support structures, or buildings.

**UTILITY POLE**: An upright pole or structure supporting electric cables and may also support telephone cables, telecommunication cables and related facilities owned and maintained by Commonwealth Edison, AT&T, or the Village of Tinley Park.

V. REGULATIONS FOR PERSONAL WIRELESS SERVICE FACILITIES

1. Locations:

- a. Subject to Site Plan Approval, any such personal wireless service facilities shall be considered a Permitted Use if located on an existing freestanding tower, including co-locations, on Village-owned property. Provided no such Village-owned property meets the needs of the Petitioner, location on an existing freestanding tower, including co-locations, on non-Village owned property shall be considered a Permitted Use. Prior to construction of such facilities, the Petitioner must receive Site Plan Approval from the Plan Commission pursuant to the Site Plan review process set forth in Section III,T of this Ordinance;
- b. Except as provided in Subsection V.1.a above, a Special Use Permit is required and may be requested pursuant to the Special Use process set forth in Section X.J for any use that satisfies the definition of personal wireless service facility, as defined herein, provided that the proposed location satisfies any one of the criteria listed below:
  - (1) The proposed facility is a new structure on Village-owned property pursuant to an agreement with the Village and further provided that such facilities are so designed so as to allow and encourage co-location by other potential users;
  - (2) The proposed facility is a new structure and is on property owned by a municipal body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform its due diligence and demonstrate there are no locations available that satisfy the criteria provided in V.1.a and V.1.b(1) above;
  - (3) The proposed facility is within the M-1 General Manufacturing District and (a) is not within one thousand (1,000) feet of a Residential Zoning District, or (b) is separated from Residential Zoning Districts by a freeway or principal arterial as defined by the Village of Tinley Park Comprehensive Plan. Further, the Petitioner must perform its due diligence and demonstrate there are no locations that satisfy the criteria provided in V.1.a, V.1.b(1) and V.1.b(2) above. If any such locations do exist, the Special Use Permit may be denied; and
  - (4) The proposed facility is attached to an existing structure within a non-residential or non-historic District. The Petitioner must perform its due diligence and demonstrate there are no locations that satisfy the criteria provided in V.1.a, V.1.b(1), V.1.b(2), and/or V.1.b(3) above. If any such locations do exist, the Special Use Permit may be denied.

2. Maximum Height for Personal Wireless Service Facilities:

## VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

An applicant for approval of a personal wireless facility shall demonstrate that the personal wireless facilities do not exceed the minimum height required to function satisfactorily. Under any circumstances, personal wireless facilities shall not exceed the following height restrictions unless otherwise specifically approved by grant of a Special Use Permit as per Section X.J hereof:

- a. The maximum height of a freestanding tower shall not exceed one hundred (100) feet provided; however, that an applicant requesting a freestanding tower shall demonstrate that the tower antenna is the minimum height required to function satisfactorily;
- b. If mounted on the roof of an existing building or structure, the height of an antenna shall not exceed ten (10) feet above the height of the existing structure provided; however, that the maximum height may be increased if: (1) the radio signal would be impaired or blocked off if the antenna was located near the middle of the roof; and (2) the Village Board determines that it is preferable to locate the antenna at a location other than near the edge of the roof; and
- c. An antenna attached to the side of a building, structure, or tower shall not extend above the roof of the building, structure, or tower; provided, however, if the radio signal is distorted or blocked by structures located on the roof of the building, the Village may allow the height to exceed the height of the building, structure or tower in its discretion.

### 3. Screening and Site Location for Personal Wireless Service Facilities Attached to Freestanding Towers:

- a. Support structures and antennas shall have a non-contrasting blue, gray, or similar color that minimizes their visibility and is compatible with the surrounding landscape;
- b. Personal wireless service facilities should be architecturally compatible with the surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical; and
- c. Personal wireless service facilities attached to a freestanding tower shall not be located between a principal building and a street or in the front yard of the lot in question. Such freestanding tower shall be located adjacent to the rear wall of the principal building unless: (1) it is shown that an alternate location results in more effective screening or blending of the tower into the surrounding landscape; or (2) the location has the effect of interfering with the operations of the principal use on the subject property; provided, however, such personal wireless service facilities nevertheless may not be located between the principal building and the street or in the front yard of the lot in question.

## VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

### 4. Screening and Site Location for Personal Wireless Service Facilities Attached to Existing Buildings or Structures:

- a. Personal wireless service facilities may be attached to the wall or roof of a building subject to height restrictions in this Subsection therein. Such facilities shall not be attached to the front wall of a building unless it can be shown that other locations are not feasible and that the facilities shall be made to effectively blend into the architecture of the building;
- b. Personal wireless service facilities and their support structures attached to an existing building or structure shall be of a color identical to the building or that maximizes the blending of the facilities and support structures into the architecture of the building or structure; and
- c. Personal wireless service facilities and their support structures attached to an existing building or structure shall not extend more than twenty-four (24) inches beyond the wall of such building or structure.

### 5. Screening and Site Location for Ground Level Equipment and Buildings:

- a. Personal wireless service facilities may be attached to the wall or roof of a building subject to the height restrictions set fourth in this Subsection V;
- b. Landscaping consisting of shrubs and similar materials shall be provided surrounding the foundation of ground level buildings, structures, and fences subject to the review and approval of the Community Development Director;
- c. Ground level buildings and structures shall be designed and located to blend with the existing architecture and landscaping of the subject property and the surrounding area. Masonry facades shall be required for such buildings or structures unless otherwise allowed as a condition of the Special Use Approval; and
- d. Fencing may be provided as a condition of the Special Use Approval for the purpose of enclosing and screening freestanding towers or antennas and their support facilities. Such fencing shall comply with the requirements for residential fences contained in this Ordinance, except as specifically authorized by conditions for approval of a Special Use.

### 6. Compliance with Governmental and other Safety Regulations:

- a. The applicant shall demonstrate that the proposed antennas and support structure are safe and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris. All support structures shall he fitted with anti-climbing devices, as approved by the manufacturer;

## VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities

- b. All towers and antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and antennas; and
- c. Upon application and approval, the Building Commissioner shall issue a Building Permit prior to construction of any tower or antenna. Said Building Permit shall verify that towers and antennas are constructed in compliance with applicable Village Building Codes and any requirements of the Electronic Industries Standards and the Federal Communications Commission, as well as the provisions herein.

### 7. Co-Location and Location on Existing Structures Preferred:

In order to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers and location of antennas on existing buildings or structures shall take precedence over the construction of new freestanding towers. If a new, freestanding tower is proposed, Special Use Approval shall not be granted unless the applicant demonstrates compliance with the following:

- a. A diligent effort has been made to locate the antenna on an existing structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
- b. Covenants shall be recorded which require that the applicant allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other antennas to co-locate on the proposed freestanding tower, where such co-location is technologically feasible; and
- c. The Site Plan for the construction of a new, freestanding tower shall delineate an area, either on site or on adjacent property, near the base of the tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new freestanding tower is adequate to allow co-location on such site, the applicant must allow, on a commercially reasonable basis, other providers to locate on site.

### 8. Abandonment of Towers or Antennas:

In the event the use of a tower or antenna is discontinued for a period of sixty (60) consecutive days, the tower or antenna shall be deemed to be abandoned. The Community Development Director shall determine the date of abandonment based on documentation required from the tower owner/operator or other appropriate sources. Upon abandonment, the tower owner/operator shall have an additional sixty (60) days within which to:



**VOTP Zoning Ordinance – Current Regulations for Personal Wireless Service Facilities**

- a. Reactivate the use of the tower either by said owner/operator or transfer of the tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the tower to another owner/operator shall not require Special Use Approval provided use of the tower is re-activated within the sixty (60) day period, and that the use of the tower complies with all conditions of the original Special Use Approval and the terms of this Ordinance;
- b. Dismantle and remove the tower at which time any Special Use shall become null and void; and
- c. Request approval from the Board of Trustees to allow the abandoned tower or antenna to remain for a specified period of time. If said approval is granted, the tower shall be reactivated or removed within the time period approved by the Board of Trustees as per regulations herein.

**VOTP Zoning Ordinance – Current Definitions Related to  
Personal Wireless Service Facilities**

**ANTENNA:** An Antenna is any exterior apparatuses at a fixed location designed for telephonic, radio, data, internet, or other communications through the sending and/or receiving of electromagnetic waves, including equipment attached to a tower or building for the purpose of providing personal wireless services as defined herein.

**ANTENNA HEIGHT:** Antenna Height is the vertical distance measured from the lowest grade level within five (5) feet of the base of an antenna support structure to the highest point of the structure even if said highest point is an antenna.

**PERSONAL WIRELESS SERVICE/PERSONAL WIRELESS SERVICE FACILITIES:**  
As defined in Title 47, United States Code, Section 332(c)(7)(C), as amended now or in the future.

**TOWER, FREESTANDING:** A Freestanding Tower is a structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio transmission towers, microwave towers, common carrier towers, cellular telephone towers, or personal communications services towers, alternative tower structures, and similar structures.

**COMMENTS FROM  
THE PUBLIC**

**ADJOURNMENT**