

VILLAGE OF GLENCOE
ZONING COMMISSION

MONDAY, JUNE 4, 2012
7:30 P.M.

Regular Meeting
Village Hall Council Chamber
675 Village Court

The Village of Glencoe is subject to the requirements of the Americans With Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact the Village of Glencoe at least 72 hours in advance of the meeting at (847) 835-4111, or please contact the Illinois Relay Center at (800) 526-0844, to allow the Village of Glencoe to make reasonable accommodations for those persons.

A G E N D A

1. CALL TO ORDER AND ROLL CALL

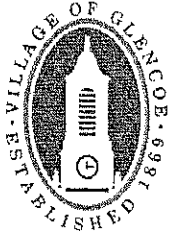
Barbara Miller, Chair
James Clark
David Friedman
Ed Goodale
Jim Nyeste
Howard Roin
Steve Ross

2. PUBLIC COMMENT TIME.

3. PUBLIC HEARING TO RECOMMEND TO THE VILLAGE BOARD AMENDMENTS TO THE ZONING CODE RELATING TO PERSONAL WIRELESS SERVICE AND PUBLIC UTILITY FACILITIES AND INFRASTRUCTURE.

The Agenda Supplement is attached.

4. ADJOURNMENT.



Village of Glencoe

Zoning Commission Memorandum

TO: Zoning Commission

MEETING DATE: June 4, 2012

SUBJECT: Referral from Village Board to Consider PWS Devices on Village Right-of-Way

FROM: John Houde, Building & Zoning Administrator

Background: AT&T Mobility ("**Mobility**") is proposing to deploy new antennae and related wireless ("**PWS**") facilities on existing utility poles located within the rights-of-way in the Village. Mobility has taken the position that its PWS facilities are exempt from Village zoning requirements when located in the rights-of-way and that only the Village's right-of-way regulations apply.

The Village's zoning regulations for PWS and utility provisions are more than 15 years old and technological changes have affected the nature and profile of such facilities. A re-examination would allow the Village to ensure proper regulations of such facilities without unnecessarily burdening the providers (and the Village) with repeated special use or other zoning procedures.

Analysis: In order to address such potential problems in the short and long term, the Village board directed the Zoning Commission to consider amendments to the Zoning Code regarding expanding the permitted PWS uses in residential districts to include certain PWS facilities on existing utility poles in rights-of-way subject to certain parameters, amending the special use provisions in residential districts to authorize special uses on "rights-of-way" as well as zoning lots,

and modifying the ability for utilities to pursue a special use permit. In conjunction with the zoning changes, complementary modifications of the Village right-of-way regulations might also be warranted.

Attached is a referral resolution from the Village Board on this item.

A legal notice of this hearing date was published in the May 17, 2012 Glencoe News.

Recommendation:

Staff recommends the Zoning Commission hold its public hearing and make a recommendation to the Village Board on potential amendments to the Zoning Code relating to PWS and public utility facilities infrastructure located in the Village's right-of-way.

Motion:

If the Zoning Commission concurs with the recommendation of staff, a motion may be made as follows:

Move that the Zoning Commission recommend Amendments to the Zoning Code Relating to Personal Wireless Service and Public Utility Facilities and Infrastructure.

VILLAGE OF GLENCOE

Resolution No. R-09-2012

A RESOLUTION DIRECTING THE ZONING COMMISSION TO CONSIDER POSSIBLE AMENDMENTS TO THE ZONING CODE RELATING TO PERSONAL WIRELESS SERVICE AND PUBLIC UTILITY FACILITIES AND INFRASTRUCTURE

WHEREAS, the Village of Glencoe Zoning Code contains existing regulations for public utility and personal wireless service ("**PWS**") facilities, and related infrastructure; and

WHEREAS, changes in technology have impacted the development, use, character, and deployment of PWS and utility facilities in the Village; and

WHEREAS, to facilitate the improvement and extension of such facilities and related infrastructure within the Village, the Village Board has determined that it is beneficial to the Village to examine the existing regulations and consider any changes that may be necessary to provide an effective and efficient means for fostering the improvement and extension of PWS facilities and utility infrastructure, preserve the character of the Village, and protect the property interests of the Village residents, including the following:

1. Amending Sections 3-102A7 and 4-102E4 of the Zoning Code to expand the permitted PWS uses in residential and business districts to include the installation of certain PWS facilities on existing utility poles on rights-of-way subject to certain parameters regulating the size, height, and overall mass of facilities to be attached and the location of the poles vis-à-vis other developments (e.g., residential units);
2. Amending Sections 3-103G and 4-103E of the Zoning Code to authorize certain PWS facilities as special uses on "rights-of-way" as well as zoning lots; and
3. Amending Section 8-101D of the Zoning Code to modify the extent of the existing exemption for certain utilities and authorize non-exempt utilities to have the ability to pursue a special use permit for certain PWS facilities (collectively, the "**Potential Amendments**"); and

WHEREAS, the Village Board desires the Glencoe Zoning Commission to conduct a public hearing and consider the Potential Amendments to the Zoning Code relating to PWS and public utility facilities and infrastructure;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLENCOE, COUNTY OF COOK, STATE OF ILLINOIS, as follows:

SECTION ONE: **Recitals:** The foregoing premises are hereby incorporated into and made part of this resolution.

SECTION TWO: Conduct Hearing on PWS and Utility Facilities and Infrastructure. The President and Board of Trustees hereby refer to the Zoning Commission for public hearing and recommendation the consideration of the Potential Amendments to the Zoning Code relating to PWS and public utility facilities and infrastructure located on zoning lots and rights-of-way within the Village, including, without limitation, review of the following sections of the Zoning Code: 3-102A7, 3-103G, 4-102E4, 4-103E, and 8-101(D).

SECTION THREE: Time Frame. The Zoning Commission is to conclude the public hearing process and forward written recommendations for potential amendments to the Zoning Code relating to PWS and public utility facilities and infrastructure to the Village Board no later than June 8, 2012.

SECTION FOUR: Effective Date. This resolution shall be in full force and effect upon its passage and approval in the manner provided by law.

PASSED THIS 26th DAY OF APRIL, 2012.

AYES:

NAYS:

ABSENT:

APPROVED THIS 26th DAY OF APRIL, 2012.

Scott M. Feldman
Village President

ATTEST:

Paul M. Harlow
Village Clerk

VILLAGE OF GLENCOE

ORDINANCE NO. 2012-_____-_____

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE
GLENCOE ZONING CODE RELATING TO PERSONAL WIRELESS
SERVICE AND PUBLIC UTILITY FACILITIES AND INFRASTRUCTURE**

WHEREAS, the Village of Glencoe Zoning Code contains existing regulations for public utility and personal wireless service ("**PWS**") facilities, and related infrastructure; and

WHEREAS, changes in technology have impacted the development, use, character, and deployment of PWS and utility facilities in the Village; and

WHEREAS, pursuant to Resolution R-__-2012, the Village Board authorized and directed the Zoning Commission to conduct a public hearing and recommend proposed amendments to the Village's Zoning Code regarding consideration of potential amendments to the Zoning Code relating to PWS and public utility facilities and infrastructure located on zoning lots and rights-of-way within the Village (collectively, the "**Facilities**"), including, without limitation, review of the following sections of the Zoning Code: 3-102A7, 3-103G, 4-102E4, 4-103E, and 8-101(D); and

WHEREAS, pursuant to notice duly published in the *Glencoe News*, the Zoning Commission of the Village of Glencoe did on June 4, 2012 commence a public hearing on possible modifications to the Glencoe Zoning Code regarding the Facilities, which public hearing concluded on _____, 2012; and

WHEREAS, based on the evidence presented at that public hearing, the Zoning Commission recommended approval of certain amendments to the Zoning Code regarding the Facilities; and

WHEREAS, having considered the recommendations of the Zoning Commission, the President and Board of Trustees have determined that the best interests of the Village and its residents will be served by amending the Village's Zoning Code as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Glencoe, County of Cook, State of Illinois, as follows:

SECTION ONE: **Recitals.** The foregoing recitals are by this reference made a part of this Ordinance as if fully set forth in this Section.

SECTION TWO: **Amendments to Section 3-102A7 of the Glencoe Zoning Code.**
Paragraph 7, entitled "Personal Wireless Services Antennae," of Subsection A, entitled "R-A and R-B Single Family Residential Districts, of Section 3-102, entitled "Permitted Uses," of Article III, entitled "Residential Districts," of the Glencoe Zoning Code, shall be and is hereby amended to hereafter be and read as follows:

"3-102 PERMITTED USES

The following uses and no others are permitted as of right in residential districts.

A. R-A and R-B Single Family Residential Districts

7. Personal Wireless Services Antennae, with or without antenna support structures and related equipment, but only if located on property owned or occupied by the Village and lying west of the Edens Expressway or on existing utility poles on zoning lots or rights-of-way, subject to the standards in Paragraph 5-101D12 of this Code, and not including personal wireless services antennae located on a tower.

SECTION THREE: **Amendments to Section 3-103G of the Glencoe Zoning Code.**
Subsection G, entitled "Personal Wireless Service Antennae with or without Antenna Support Structures or Located on Towers," of Section 3-103, entitled "Special Uses," of Article III, entitled "Residential Districts," of the Glencoe Zoning Code, shall be and is hereby amended to hereafter be and read as follows:

"G. Personal Wireless Service Antennae with or without Antenna Support Structures or Located on Towers, provided that such personal wireless services antennae may be located only on a zoning lot owned or occupied by the Village, the Glencoe Park District, the Glencoe Elementary School District, the Forest Preserve District of Cook County, a place of public worship, a public right-of-way, or a private golf club. No special use permits authorizing construction of a new antenna support structure or addition to, enlargement of, or expansion of use of an existing antenna support structure shall be authorized unless the

applicant is able to demonstrate: (1) that no lawfully pre-existing antenna support structure, or (2) for a proposed tower, that no lawfully pre-existing building or structure is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services. Any such personal wireless services antennae shall also be subject to the standards in Paragraph 5-101D12 or Paragraph 5-101D13, as applicable.

SECTION FOUR: Amendments to Section 4-102E4 of the Glencoe Zoning Code.

Paragraph 4, entitled "Personal Wireless Services Antennae," of Subsection E, entitled "Transportation and Utility Services," of Section 4-102, entitled "Permitted Uses," of Article IV, entitled "Business Districts," of the Glencoe Zoning Code, shall be and is hereby amended to hereafter be and read as follows:

"4. Personal Wireless Services Antennae, with or without antenna support structures and related equipment, but only if located on property owned or occupied by the Village or on existing utility poles on zoning lots or rights-of-way, and subject to the standards in Paragraph 5-101D12 of this Code, and not including personal wireless services antennae located on a tower.

SECTION FIVE: Amendments to Section 5-101D12 of the Glencoe Zoning

Code. Subsection D, entitled "Special Regulations Applicable to Particular Accessory Structures and Uses," of Section 5-101, entitled "Accessory Structures and Uses," of Article V, entitled "District Regulations of General Applicability," shall be and is hereby amended by adding a new Paragraph 14 to be entitled "Personal Wireless Services Antennae and Related Equipment on Existing Utility Poles," which new Paragraph 14 shall hereafter be and read as follows:

14. Personal Wireless Services Antennae and Related Equipment on Existing Utility Poles. Personal wireless services antennae and related equipment shall be permitted to be attached to existing utility poles within public rights-of-way and on zoning lots in the Residential and Business Districts, subject to the following regulations:

(a) Unavailability of Village Sites; Rights-of-Way. No personal wireless services antenna shall be permitted on any utility pole located on a lot that is not owned or occupied by the Village unless the applicant is able to demonstrate that no such Village-

owned or occupied property is available, on commercially reasonable terms, and sufficient for the location of an antenna necessary for the provision of personal wireless services. Any personal wireless services antenna or related equipment may only be attached to an existing utility pole within a public right-of-way in accordance with the requirements of Article IX of Chapter 30 of the Village Code (or any successor provisions of the Village Code governing construction of utility facilities in the rights-of-way).

(b) Number Limitation. [To be determined]

(c) Attachment to Utility Poles; Limitations. No such personal wireless services antenna or antenna support structure shall be attached to a utility pole unless all of the following conditions are satisfied:

(i) Size. The personal wireless services antenna and related equipment shall not exceed _____ square feet in antenna surface area or _____ feet in any dimension.

(ii) Height. The personal wireless services antenna and related equipment shall not extend more than _____ feet above the height of the utility pole to which it is attached.

(iii) Mounting. The personal wireless services antenna and related equipment shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires.

(iv) Color. The personal wireless services antenna and related equipment shall be a color that blends with the trees surrounding the pole on which it is mounted.

(v) Grounding. The personal wireless services antenna and related equipment structure shall be bonded to a grounding rod.

(vi) Other Standards. The personal wireless services antenna and related equipment shall satisfy such other design and construction standards as are required in the Building Code and other ordinances, codes, or regulations to ensure safe construction and maintenance of the personal wireless services antenna and its support structure.

(d) Separation and Setback Requirements. Personal wireless services antennae and related equipment attached to a utility pole shall be located no closer than ___ feet to any residential building, and no closer than _____ feet from any other personal

wireless services antenna, unless expressly authorized in writing by the Village Manager or the Manager's designee pursuant to Article IX of Chapter 30 of the Village Code.

(e) Guy Wires Restricted. No guy or other support wires shall be used in connection with such personal wireless services antenna or its related equipment.

(f) Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services antenna shall comply fully with the Article IX of Chapter 30 of the Village Code.

(g) Screening. See Subsections 5-106E of this Code for landscaping and screening requirements applicable to ground mounted antennae and related equipment.

(h) Licenses and Permits. The provider of every personal wireless services antenna shall maintain all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna. In addition, any such operation shall provide copies of such licenses and permits and provide evidence of renewal or extension thereof when requested by the Village Manager.

(i) Abandonment and Removal. When one or more personal wireless services antennae or related equipment are not operated for the provision of personal wireless services for a continuous period of 12 months or more, such personal wireless services antenna, antenna support structure, or related equipment may be deemed to be abandoned by the Village. The owner of such personal wireless services antenna or related equipment shall remove such items within 90 days following the mailing of written notice that removal is required. Such notice shall be sent by certified or registered mail, return receipt requested, by the Village to such owner at the last known address of such owner.

SECTION SIX: Amendments to Section 8-101D of the Glencoe Zoning Code.

Subsection D, entitled "Exempt Uses," of Section 8-101, entitled "General Applicability," of Article VIII, entitled "Applicability, Scope, and Construction," of the Glencoe Zoning Code, shall be and is hereby amended to hereafter be and read as follows:

D. Exempt Uses. The following utility uses are exempt from the provisions of this Code: poles, wires, cables, postal boxes, conduits, vaults, laterals, pipes, mains, and valves, but not including substations located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewage or surface water. All such uses

Comment [A1]: The language below is the current language in the Village Zoning Code. Amending Section 8-101D of the Zoning Code to modify the extent of the existing exemption for certain utilities (presumably based on size) and authorize non-exempt utilities to have the ability to pursue a special use permit for certain PWS facilities

shall, however, comply with the subdivision and other applicable ordinances of the Village.

SECTION SEVEN: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, publication in pamphlet form, and posting in the manner provided by law.

PASSED THIS ____ DAY OF _____, 2012.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS ____ DAY OF _____, 2012.

Village President

ATTEST:

Village Clerk

Published in pamphlet form this ____ day of _____, 2012.

Village Clerk

Posted this ____ day of _____, 2012.

Village Clerk

Approved as to form.

Village Attorney