



**AGENDA FOR REGULAR MEETING  
VILLAGE OF TINLEY PARK  
PLAN COMMISSION**

**April 18, 2019 – 7:00 P.M.  
Council Chambers  
Village Hall – 16250 S. Oak Park Avenue**

**Regular Meeting Called to Order**

**Pledge of Allegiance**

**Roll Call Taken**

**Communications**

**Approval of Minutes:** Minutes of the April 4, 2019 Regular Meeting

**Item #1**

**PUBLIC HEARING: TELECOMMUNICATION SERVICE AND SMALL  
CELL WIRELESS FACILITIES – TEXT AMENDMENT**

Consider a proposed Text Amendments to consider recommending that the Village Board approve Text Amendments to amend Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for Telecommunication Service and Small Cell Wireless Facilities.

**Good of the Order**

**Receive Comments from the Public**

**Adjourn Meeting**



**MINUTES OF THE REGULAR MEETING OF THE  
PLAN COMMISSION, VILLAGE OF TINLEY PARK,  
COOK AND WILL COUNTIES, ILLINOIS**

**April 4, 2019**

The Regular Meeting of the Plan Commission was held in the Council Chambers of Village Hall on April 4, 2019 at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Plan Commissioners: Ken Shaw, Chairman  
Tim Stanton  
Lucas Engel  
Garrett Gray  
Eduardo Mani  
MaryAnn Aitchison  
Stephen Vick  
Chuck Augustyniak

Absent Plan Commissioner(s): Angela Gatto

Village Officials and Staff: Paula Wallrich, Community Development Director  
Kimberly Clarke, Planning Manager  
Dan Ritter, Senior Planner  
Barbara Bennett, Commission Secretary

**CALL TO ORDER**

PLAN COMMISSION CHAIRMAN SHAW called to order the Regular Meeting of the Plan Commission for April 4, 2019 at 7:03 p.m.

**COMMUNICATIONS**

CHAIRMAN SHAW gave notice of his resignation. He advised that this will be his last meeting. He noted he has enjoyed serving on the Plan Commission for the last three years. He also noted he has enjoyed working with the Commissioners and the Staff. Community Development Director, Paula Wallrich noted on behalf of staff she wanted to thank him for his service and dedication to the Village. She stated that she knows how much Chairman Shaw cares and is passionate about Tinley Park and he will be missed.

**APPROVAL OF MINUTES**

Minutes of the March 21, 2019 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER STANTON, seconded by COMMISSIONER AITCHISON, to approve the minutes as presented. The Motion was approved by voice call. CHAIRMAN SHAW declared the Motion approved as presented.

**TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES**  
**FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION**  
**SUBJECT: MINUTES OF THE APRIL 4, 2019 REGULAR MEETING**

**Item #1      WORKSHOP: TELECOMMUNICATION SERVICE AND SMALL CELL WIRELESS FACILITIES – TEXT AMENDMENT**

Consider a proposed Text Amendments to consider recommending that the Village Board approve Text Amendments to amend Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for Telecommunication Service and Small Cell Wireless Facilities.

Present were the following:

Plan Commissioners:      Ken Shaw, Chairman  
   Tim Stanton  
   Lucas Engel  
   Garrett Gray  
   Eduardo Mani  
   MaryAnn Aitchison  
   Stephen Vick  
   Chuck Augustyniak

Absent Plan Commissioner(s): Angela Gatto

Village Officials and Staff:      Paula Wallrich, Community Development Director  
   Kimberly Clarke, Planning Manager  
   Dan Ritter, Senior Planner  
   Barbara Bennett, Commission Secretary

Guests:      None

Dan Ritter, Senior Planner gave a presentation as noted in the Staff Report. The current regulations for cell towers and co-locations were originally drafted in 2017. The regulations were ready for adoption in January 2018 but were placed on hold at the direction of legal counsel due to concerns about proposed state and federal bills and rules that would preempt many local regulations.

The proposed text amendments will further regulate small cell antennas on private property and will establish design standards required for all small cell facilities, including those covered by the state law. Staff drafted a new Section III.W. that encompasses regulations for all telecommunication service facilities, including cell towers, antenna co-locations, small cell antennas, and Distributed Antenna Systems

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.” This act prevents local authorities from outright banning telecommunications facilities from certain areas, which makes it difficult to regulate telecommunication facilities based upon traditional zoning district classifications that may cover large areas and constitute a prohibition. It should also be noted that the Act states that a municipality cannot regulate wireless services based on environmental or health effects of radio frequency emissions.

Illinois S.B. 1451, known as Small Wireless Facilities Deployment Act was approved by the Illinois General Assembly and signed into law in April 2018. The law establishes state-wide regulations for collocation of small cell antennas located within the public right-of-way and on private commercial and industrial properties. The goal of this Act was to streamline the approval process for wireless providers who provide cellular access to the public. The Act pre-empted the local authority to regulate the siting of small cell antennas and requires that any small cell antenna co-located in accordance with the Act shall be considered a permitted use within a public right-of-way or on certain commercial or industrial properties. The FCC has set stricter rules that municipalities must follow including time limits for when applications must be acted on. The “shot clock” requires telecommunication facilities to be treated similarly to other public utilities that serve the public. There is a certain amount of time to respond for approval or denial. This review process cannot be dragged out.

Staff proposed changes in late 2017 and received a unanimous recommendation of approval from the Plan Commission following a number of public meetings on the subject. Staff has made a few additional changes to those regulations that include:

1. Exemption of small cell wireless facilities in the public right-of-way that comply with the Small Cell Wireless Facilities Deployment Act.
2. Introduction of design standards for all small cell wireless facilities, including those permitted within the public right-of-ways.
3. Require disguising new TCSF locations when requested (via Special Use Permit) within 1,000 feet of a Residential Zoning District.
4. Consistency in terms and increased strength in wording of regulations.
5. Reorganization to clearly indicate a hierarchy of permitted locations for cellular facilities. The hierarchy must be followed by requiring clear due diligence efforts showing the least obtrusive location in the hierarchy is being utilized. A Special Use is required for all new tower installations.
6. The proposed hierarchy from most preferred to least is as follows:
  - a. Co-location of antennas on existing cellular tower or non-residential structure (including municipal water towers).
  - b. New cellular facility on Village-owned property.
  - c. New cellular facility on public/taxing body property.
  - d. New cellular facility on M-1 zone property, not within 1,000 feet of a Residential Zoning District.
  - e. New cellular facility on ORI, not within 1,000 feet of a Residential Zoning District.
  - f. New cellular facility on Business (B-1 through B-5) and Residential (R-1 through R-7) Districts.
  - g. New cellular facility within the Legacy Districts.
7. Site Plan approval is required for any co-location with new ground equipment screening and any new TCSF location.

Mr. Ritter displayed examples of freestanding Cell Towers, Co-locations, Small Cell Antennas, Small Cell Deployments, and Distributed Antenna Systems.

Mr. Ritter distributed Current Regulations and Definitions for Personal Wireless Service Facilities and the Proposed 2019 Regulations and Definitions. He went through the Design Guidelines within the Proposed Regulations. The draft text may be tweaked prior to the Public Hearing due to Attorney review and feedback from this meeting.

Some topics for further discussion:

- Historically all new towers required a Special Use. This allowed for public input. Understanding that the Telecommunication Act does not allow a municipality from regulating wireless services based on environmental or health effects of radio frequency emissions, does the Commission wish to allow certain locations by right as a permitted use? This would then not allow for public input in these instances where they prove there is no other options and they comply with all other design and location requirements.
- Is the Commission comfortable with the location hierarchy that has been imposed with Village owned property as the first choice for location of a new tower and the Legacy Districts as the least favored choice? The hierarchy would require due diligence to proof they cannot meet a more desired location on the hierarchy.
- The proposed ordinance requires a masonry enclosure for equipment. Does the Commission wish to require this of all installations and require the applicant to request a variance if they want something else; or does the Commission feel comfortable allowing PVC vinyl fencing in all or some locations (i.e. Com Ed Easement, or sites not visible from public ROW)
- Does the Commission agree with staff's recommendation to require antenna attached to a structure to be permitted only on the rear (opposite of main entrance/façade) and sides of a building?
- Small Cell locations on decorative light poles as least desirable? This would allow location on private property or construction of a new small cell pole before this is permitted.

CHAIRMAN SHAW asked for comments from the Commissioners.

CHAIRMAN SHAW noted there were only two Special Uses that came before the Commission in his experience. He inquired as to whether staff anticipates more in the future. Mr. Ritter replied that staff is not anticipating more for the new antennas but the regulations still need to be in place. The majority will likely be for Small Cell.

COMMISSIONER STANTON inquired about the existing length of the current location approvals and if they will have to be renegotiated. Mr. Ritter replied they will have to renegotiate with the private property owner. However, if they were approved with a special use or variation, those can remain without meeting the current code. It can't be required to take them down or make changes unless there is damage to them or are inactive for a certain amount of time.

COMMISSIONER AUGUSTYNIAK noted he is good with the hierarchy noted. The lowest hierarchy is the Legacy District, but what about Village owned property in the Legacy District. Would that change the hierarchy? Mr. Ritter replied all Village owned property has first choice. The Village would have control to say no except for small cells in the right-of-way. If the Village did not want a pole on their property, then they could go to the next step in the hierarchy.

COMMISSIONER AITCHISON noted she is in agreement with the hierarchy noted and would prefer to see the small cell on private property rather than decorative poles or in the legacy district.

COMMISSIONER GRAY noted the hierarchy is reasonable. He also noted they should be coordinated on the decorative poles with the Village decorations in the Legacy District.

COMMISSIONER VICK noted the hierarchy is good. It is necessary to have rules as to how they look on top of buildings in the Legacy District. We cannot say we don't want it in the Legacy District, but we need to be strong as to how it looks. Mr. Ritter replied that the code reads the antennas have to be on the back or sides of the buildings. In some cases, it is difficult to determine the back of buildings. The requirement is also for them to stop at the parapet height and they must be painted to match the building.

COMMISSIONER MANI agrees with the hierarchy as noted.

COMMISSIONER ENGEL noted if they are to be put in the downtown right-of-way decorative poles they should prove they have tried everything else.

COMMISSIONER SHAW noted masonry is nice and more attractive – less of a nuisance. As long as it is not overly burdensome.

COMMISSIONER GRAY would like to see it be open to the public input for those who live close to the location as they would know the aesthetics around their home and how it would impact them. They should have the opportunity to speak.

COMMISSIONER ENGEL noted regarding the existing locations, in order to streamline the process no Special Use would be required unless it is new on Village property.

CHAIRMAN SHAW inquired about the “shot clock” and if there is any other area where this applies and when does the clock start? Mr. Ritter replied as far as he knows there is no other area where it applies. The process starts with any formal application and a confirmation is necessary in writing that the application has been started. CHAIRMAN SHAW inquired if there is a specific plan regarding plans for burying the poles in the downtown area. Mr. Ritter noted it is very expensive. As the roads are reconstructed or sites redeveloped, it is a good time to bury the poles but there is no long-term plan for this Village-wide.

COMMISSIONER GRAY inquired as to how it is determined that a structure is safe as noted in the General Regulations and if more clarification is necessary. Mr. Ritter replied this is a catch-all for other issues with the design that are hazardous but not structurally related. There is a separate structural integrity section that must be complied with.

CHAIRMAN SHAW noted that the consensus seems to be to keep a Special Use for all new antennas, including those on Village-Owned properties. Even if it cannot be designed, this would allow for notification to surrounding property owners. No Special Use requirement is fine with co-locations but Site Plan approval should still be done when expanding ground equipment.

#### **GOOD OF THE ORDER:**

Kimberly Clarke, Planning Manager echoes Ms. Wallrich’s previous comment regarding Chairman Shaw’s resignations. She wishes him all the best and thanked him for his service.

#### **COMMENTS FROM THE COMMISSION**

None at this time.

#### **PUBLIC COMMENT:**

None at this time.

#### **ADJOURNMENT:**

There being no further business, a Motion was made by PLAN COMMISSIONER VICK, seconded by PLAN COMMISSIONER GRAY to adjourn the Regular Meeting of the Plan Commission of April 4, 2019 at 8:22 p.m. The Motion was unanimously approved by voice call. PLAN COMMISSION CHAIRMAN SHAW declared the meeting adjourned.



# PLAN COMMISSION STAFF REPORT

April 18, 2019

## Location

Village-wide

## Approval Sought

Text Amendments to Section II and Section III.W. of the Zoning Ordinance

## Project Planner

Daniel Ritter, AICP  
Senior Planner

## WORKSHOP

### Text Amendments: Regulations for Telecommunication Service Facilities (TCSF)

## EXECUTIVE SUMMARY

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Consider recommending that the Village Board approve Text Amendments to Section II (Definitions) and Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities, including but not limited to: regulations for Co-Locations, new Freestanding Cell Towers, Small Cell, and Distributed Antenna Systems DAS.

Staff has received numerous inquiries about small cell antennas and began researching how to regulate such technology in the best way. Additionally, the current regulations for Cell Towers and Co-Locations have room for clarification and improvement. Staff initially drafted regulations in 2017 that went through many workshops and public hearings on the subject. These regulations were ready for adoption in January 2018 but were placed on hold at the direction of legal counsel, due to concerns about proposed state and federal bills and rules that would preempt many local regulations.

The proposed text amendments will further regulate Small Cell Antennas on private property and will establish design standards required for all small cell facilities, including those covered by the state law. Staff drafted a new Section III.W. that encompasses regulations for all telecommunication service facilities (TCSF), including Cell Towers, Antenna Co-Locations, Small Cell Antennas, and Distributed Antenna Systems.

Staff encourages the Plan Commission to review the attachments and provide feedback at the workshop on April 4, 2019. A public hearing on the text amendment is tentatively scheduled for April 18, 2019.

**Updates from the April 4, 2019 Workshop Staff Report are indicated in red.**

## BACKGROUND

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Regulations for telecommunication service facilities (TCSF) are a necessary component of a community's ability to regulate aesthetics. Cellular technology is continually changing and the Village's regulations must be updated from time to time 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." This act prevents local authorities from outright banning telecommunications facilities from certain areas, which makes it difficult to regulate telecommunication facilities based upon traditional zoning district classifications (such as residential, business, industrial) that may cover large areas and constitute a prohibition. It should also be noted that the Act states that a municipality cannot regulate wireless services based on environmental or health effects of radio frequency emissions.

Illinois S.B. 1451, known as Small Wireless Facilities Deployment Act, was approved by the Illinois General Assembly and signed by Governor Rauner into law in April 2018. The law establishes state-wide regulations for collocation of small cell antennas located within the public right-of-way and on private commercial and industrial properties. The goal of this Act was to streamline the approval process for wireless providers who provide cellular access to the public. The regulations were specifically geared towards the improvement of 5G networks, which typically require greater use of small cell antennas in urbanized areas. The Act pre-empts local authority to regulate the siting of small cell antennas and requires that any small cell antenna co-located in accordance with the Act shall be considered a permitted use within a public right-of-way or on certain commercial or industrial properties. Additionally, the Act sets specific requirements in regards to height limitation, location, permitting process, review process, permit fees, and allowable rent. The Federal Communications Commission (FCC) also set new stricter rules that municipalities must follow including time limits for when applications must be acted on ("shot clock") and requiring telecommunication facilities to be treated similarly to other public utilities that serve the public.

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. Staff proposed changes in late 2017 and received a unanimous recommendation of approval from the Plan Commission following a number of public meetings on the subject. Staff has made a few additional changes to those regulations that include:

1. Exemption of Small Cell Wireless Facilities in the public right-of-way that comply with the Small Cell Wireless Facilities Deployment Act.
2. Introduction of design standards for all small cell wireless facilities, including those permitted within the public right-of-ways.
3. Require disguising new TCSF locations when requested (via Special Use Permit) within 1,000 feet of a Residential Zoning District.
4. Consistency in terms and increased strength in the wording of regulations.
5. Reorganization to clearly indicate a hierarchy of permitted locations for cellular facilities. The hierarchy must be followed by requiring clear due diligence efforts showing the least obtrusive location in the hierarchy is being utilized. A Special Use is required for all new tower installations.
6. The proposed hierarchy from most preferred to least is as follows:
  - a. Co-Location of antennas on existing cellular tower or non-residential structure (including municipal water towers).
  - b. New cellular facility on Village-owned property.



- c. New cellular facility on public/taxing body property.
  - d. New cellular facility in M-1 zoned property, not within 1,000 feet of a Residential Zoning District.
  - e. New cellular facility in ORI zoned property, not within 1,000 feet of a Residential Zoning District.
  - f. New cellular facility in Business (B-1 through B-5) zoned property, not within 1,000 feet of a Residential Zoning District.
  - g. New Cellular facility in Residential (R-1 through R-7) zoned property or other zoning districts within 1,000 feet of a residentially zoned property.
  - h. New cellular facility within the Legacy Districts.
7. Site Plan approval is required for any co-location with new ground equipment screening and any new TCSF location.

## **TYPES OF TCSF**

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### **Freestanding Cell Towers**

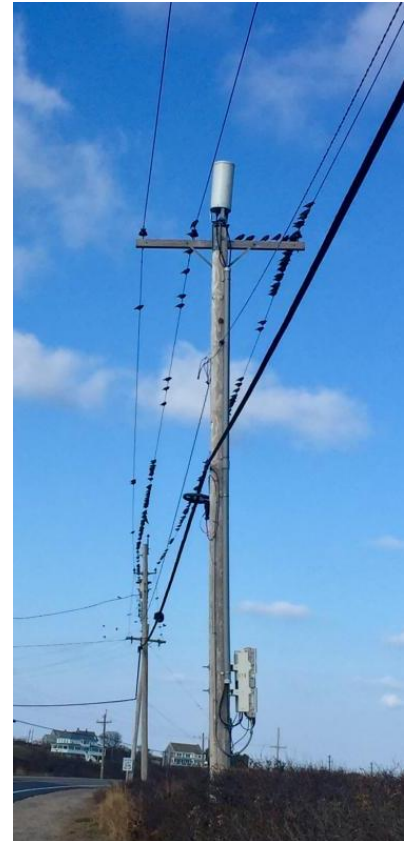


**Co-Locations**



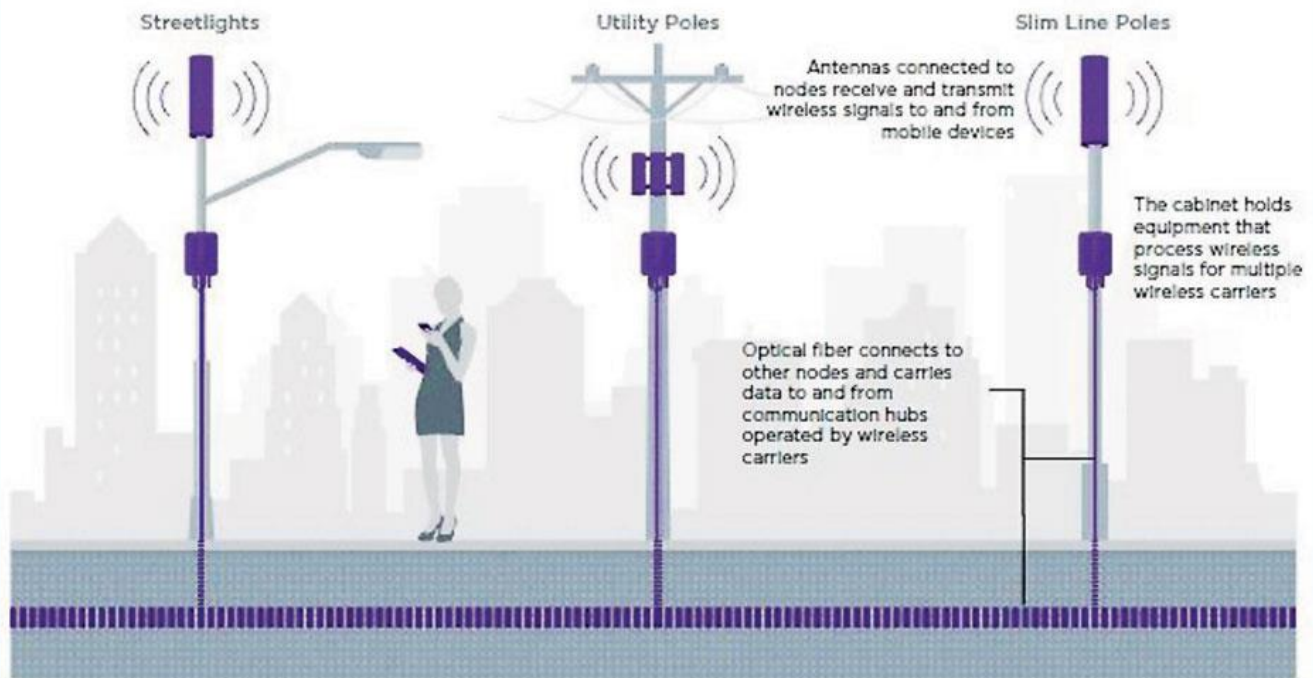


## Small Cell Antennas



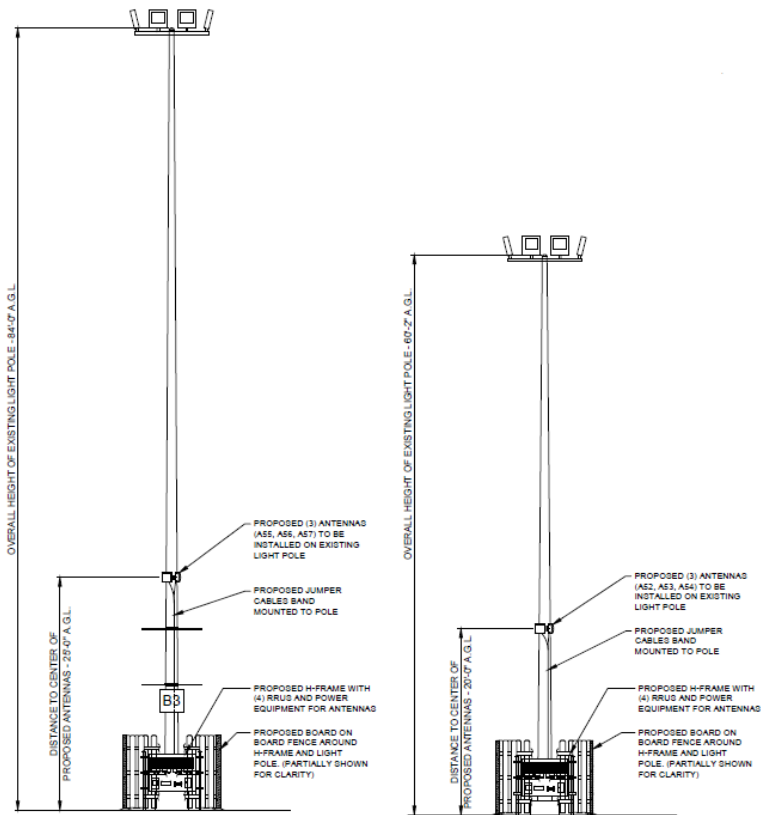
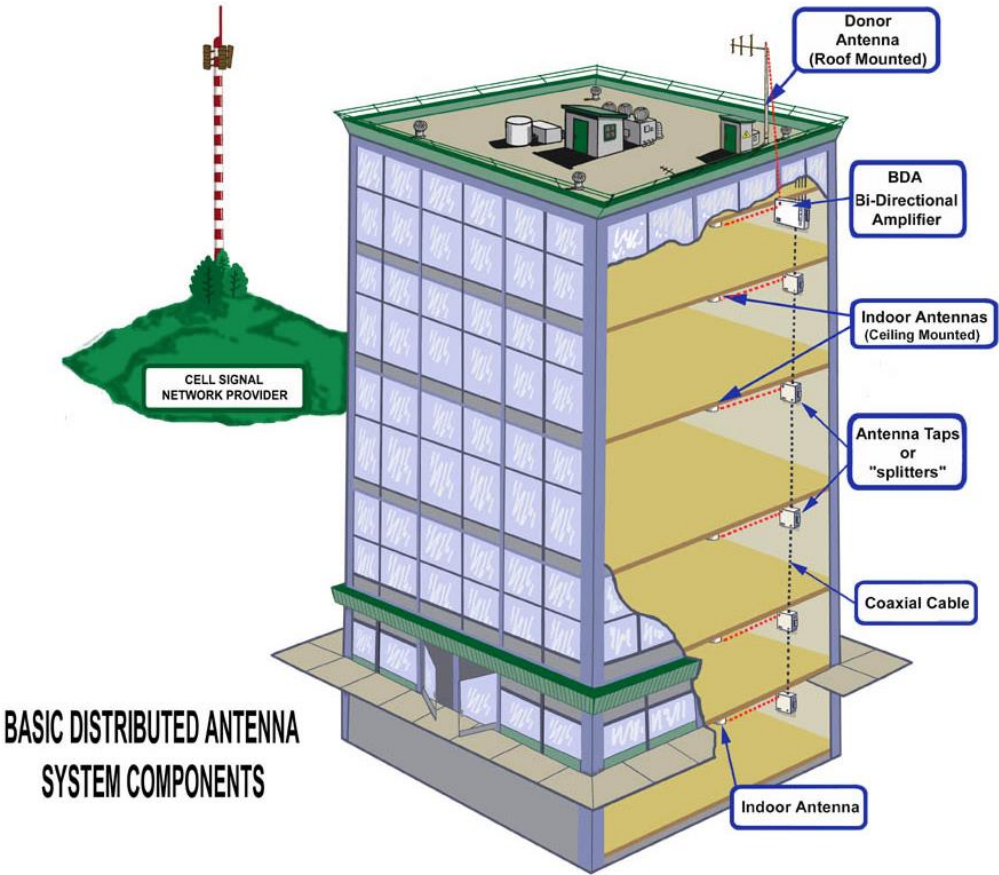
## What Are Small Cell Deployments?

Small cell deployments are complementary to towers, adding much needed coverage and capacity to urban and residential areas, venues, and anywhere large crowds gather



Source: Crown Castle

Distributed Antenna Systems



## CONSIDERATIONS

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Some topics for further discussion:

- Historically all new towers required a Special Use. This allowed for public input. Understanding that the Telecommunication Act does not allow a municipality from regulating wireless services based on environmental or health effects of radio frequency emissions, does the Commission wish to allow certain locations by right as a permitted use. This would then not allow for public input.
- Is the Commission comfortable with the location hierarchy that has been imposed with Village owned property as the first choice for location of a new tower and the Legacy Districts as the least favored choice? The hierarchy would require due diligence to prove they cannot meet a location higher on the hierarchy.
- The proposed ordinance requires a masonry enclosure for equipment. Does the Commission wish to require this of all installations and require the applicant to request a variance if they want something else; or does the Commission feel comfortable allowing PVC vinyl fencing in some locations (i.e. Com Ed Easement, or sites not visible from public ROW)
- Does the Commission agree with staff's recommendation to require antenna attached to a structure to be permitted only on the rear (opposite of main entrance/façade) and sides of a building?
- Small Cell locations on decorative light poles as least desirable? This would allow location on private property or construction of a new small cell pole before this is permitted.

**Plan Commission discussed the changes at length in the workshop meeting. The Commission generally agreed with staff's recommended hierarchy for new towers, including that the Legacy District should be the last possible option, even if it can't be prohibited. The Commission did recommend breaking out commercial and residential districts into separate categories which are presented in the new draft ordinance. There was also some discussion about not requiring a Special Use Permit in some instance where denial would be difficult or where the Village had control. However, the Commission recommended that all new pole locations require a Special Use Permit to ensure that all surrounding property owners are at least notified before a new pole is erected.**

**The Commission agreed with the small cell design standards for all small cell locations within the Village. They agreed these were least preferred on the decorative light poles in the Legacy District. Staff noted that the Village Attorney was reviewing the wording and requirements to prohibit small cell antennas on the decorative lantern light poles. Upon review, it was noted that the State law prevents the Village from specifically prohibiting any utility pole or requiring that a specific utility pole type be used for small cell antennas. The section's wording has been changed to be less restrictive but still indicate that it is not preferred and require that the character and aesthetic design of the pole remain.**

## RECOMMENDED MOTION

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If the Plan Commission wishes to take action, the following motion is in the appropriate form:

"...make a motion to recommend that the Village Board approve Text Amendments to Section II (Definitions) and Section III.W. (Regulations for Personal Wireless Service Facilities) of the Zoning Ordinance related to regulations for telecommunications service facilities, including but not limited to: regulations for new freestanding cell towers, co-locations, small cell, and distributed antenna systems as indicated in Staff's draft Text Amendments dated 4/11/2019."

*...with the following changes: [any changes that the Plan Commission wishes to make to the draft Text Amendments]*

**Consider the Following Amendments to Section III of the Zoning Ordinance:**

**W. 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 Co-Location 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.
- b. Any Small Cell Wireless Facility subject to the Illinois Small Wireless Facilities Deployment Act shall be exempt from these regulations except that the installations shall comply with the Design Standards located in Section III.W.5.c of the Zoning Ordinance (Small Cell Wireless Facility Design Standards) below. Alternatively, such Small Cell Wireless Facilities shall be subject to the regulations in Title IX, Chapter 106 of the Village's Code of Ordinances.

## **VOTP Zoning Ordinance – 2019 Proposed Regulations for TCSF**

*Last Edited 4/11/2019 by DR*

### **3. General Regulations:**

- a. All privately-owned Towers, Antennas, and related components shall not interfere with public safety communications infrastructure.
- b. 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.
- c. All TCSF support structures shall be fitted with anti-climbing devices, as approved by the manufacturer;
- d. 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;
- e. A TCSF shall not have signage or advertising other than signage required by state and federal laws, rules or regulations;
- 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 Towers and location of Antennas on existing buildings or structures shall take precedence over the construction of new Freestanding Cell Towers. If a new, Freestanding Cell Tower is proposed, a Special Use Permit 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 Freestanding Cell Tower, building or 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 Cell Tower, where such Co-Location is technologically feasible; and
  - (3) The Site Plan for the construction of a new Freestanding Cell 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 Cell 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.

## **VOTP Zoning Ordinance – 2019 Proposed Regulations for TCSF**

*Last Edited 4/11/2019 by DR*

- 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 and including the Telecommunications Industry Association Standards (TIA-222-H, as amended from time to time). As part of the permit application process, the Petitioner shall provide the Village with a structural 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 with drawings sealed with a professional seal and including geotechnical verification of the structural design.
- h. Abandonment:
  - (1) In the event the use of a TCSF is discontinued for a period of sixty (60) consecutive days, the TCSF shall be deemed to be abandoned. The equipment owner/operator and the property owner shall notify the Community Development Director of its discontinuation. The Community Development Director or their designee shall determine the date of abandonment based on documentation required from the TCSF owner/operator, property owner, or other appropriate sources. Upon abandonment, the TCSF owner/operator shall have an additional sixty (60) days within which to:
    - i. Reactivate the use of the TCSF 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 TCSF to another owner/operator shall not require Special Use Permit approval provided use of the TCSF is re-activated within the sixty (60) day period, and that the use of the TCSF complies with all conditions of the original Special Use Permit approval and the terms of this Ordinance;
    - ii. Dismantle and remove the TCSF at which time any Special Use Permit approval shall become null and void; and
    - iii. Request approval from the Village Board to allow the abandoned TCSF to remain for a specified period of time. If said approval is granted, the TCSF shall be reactivated or removed within the time period approved by the Village Board as per regulations herein.

#### **4. Regulations for Locating TCSF**

- a. Hierarchy of TCSF Locations: In accordance with Section III.W.3.f (Co-Location and Location on Existing Structures Preferred ) of the Zoning Ordinance, the Petitioner must perform their due diligence and demonstrate there are no suitable Co-Location opportunities available on existing TCSF locations. Such Co-Location shall be permitted uses subject to Site Plan approval and regulations provided herein. If no such locations exist, then a new TCSF location, including



## **VOTP Zoning Ordinance – 2019 Proposed Regulations for TCSF**

*Last Edited 4/11/2019 by DR*

new Freestanding Cell Towers, shall be sited in accordance with Section III.W.4.c (Location Requirements for New TCSF Locations) of the Zoning Ordinance below.

### **b. Location Requirements for TCSF Co-Locations**

- (1) Antennas shall be attached to existing Freestanding Cell Towers or on existing non-residential structures. Existing non-residential structures include tall buildings, water towers and utility structures such as electrical towers used to support the new Antennas. New support poles may be installed within an existing non-residential structure's dimensions with Site Plan approval.
- (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) New ground equipment and structures shall meet the requirements of new equipment in Section W.4.c.(2) of the Zoning Code listed below.
- (4) Attachment to Existing Non-Residential Building:
  - i. Antennas shall only be permitted on the rear and side walls of a building.
  - ii. Antennas attached to an existing building shall not exceed one foot (1') above the top parapet of the building. Antennas shall not project more than one foot (1') from the side of a building.
  - iii. Antennas shall be made to blend into the architecture of the building.
- (5) Approval for Antenna Co-Location on Existing Freestanding Cell Tower or Existing Structure
  - i. 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.
  - ii. If located on Village property the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
  - iii. The Petitioner must obtain a Building Permit from the Community Development Department.

### **c. Location Requirements for New TCSF Locations**

**VOTP Zoning Ordinance – 2019 Proposed Regulations for TCSF**

*Last Edited 4/11/2019 by DR*

- (1) New Freestanding Cell Towers shall be sited in accordance with the hierarchy below.
- i. A new Freestanding Cell Tower shall first be located on Village-owned property where there is likely to be less visual impact and more visual impact controls. If there are no sites available on Village-owned property, then a new Freestanding Cell Tower shall be located on property owned by a publicly-elected 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.
  - ii. If there are no suitable sites available as listed in paragraph i in the hierarchy above, 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 any higher levels in the hierarchy.
  - iii. If there are no suitable sites available as listed in paragraphs i or ii in the hierarchy above, 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 any higher levels in the hierarchy.
  - iv. If there are no suitable sites available as listed in paragraphs i, ii, or iii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property in any Business 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 any higher levels in the hierarchy.
  - v. All other locations (all residential zoning districts and within 1,000 feet of any residential zoning district) for new Freestanding Cell Towers shall require the Petitioner perform due diligence and demonstrate that there are no locations available in the hierarchy of locations listed above. The petitioner shall demonstrate that they are utilizing the least visually obtrusive location. Location of new Freestanding Cell Towers in any

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Legacy District location is the least preferred location. Disguised Support Structures shall be required for all locations not listed in the hierarchy of locations (i-iv) above.

### **(2) Yards and Setbacks:**

- i. A Freestanding Cell Tower and the associated ground equipment shall be permitted in a rear yard.
- 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.

### **(3) Approval for New Freestanding Cell Towers**

- i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- ii. The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
- iii. If located on Village property, the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
- iv. The Petitioner must obtain a Building Permit from the Community Development Department.

### **d. Conditions for All TCSF 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.

#### **(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.

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- iii. Any wiring shall be covered with an appropriate cover or cable shield. No wiring may be visible.
- (3) Future Co-Locations: 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 Support Structures on Freestanding Cell Towers such as flag poles, monopines, or architectural elements. Such Disguised Support Structures are required as described in Section III.W.4.c.(1).v. of the Zoning Code above.
- (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 shelter or 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 and aesthetic design 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.

### **5. Regulations for Small Cell Wireless Facilities**

#### **a. Small Cell Wireless Facility Locations**

- (1) Small Cell Wireless Facilities may be installed on existing Utility Poles in the public right-of-way compliance with the Village's Code of Ordinances.
- (2) When an existing Utility Pole does not exist in compliance with Section III.W.5.a.(1) of the Zoning Ordinance above, a Small Cell Wireless Facility shall require Special Use Permit approval.
- (3) Separation Requirement: Small Cell Wireless Facilities (not exempt from these regulations) shall be attached to a Utility Pole located a minimum of 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 provides evidence 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

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intrusive means to do so.

### **b. Conditions**

(1) **Maximum Number of Antennas:** Not more than one (1) Small Cell Wireless Facility shall be located on a single pole or structure.

(2) **Surface Area of Antenna:**

- i. The Small Cell Wireless Antenna, including Antenna panels, whip Antennas or dish-shaped Antennas, shall not have a surface area of more than six (6) cubic feet.
- ii. No single dimension of the Antenna or associated equipment shall exceed six (6) feet.
- iii. Omnidirectional or whip Antennas shall not extend more than six (6) feet from the pole.

### **c. Design Standards**

(1) **Overall Size:** The smallest suitable small cell Antennas, equipment, and facilities available for industry use shall be utilized for all installations.

(2) **Stealth Requirement:** The use of stealth technology in the location and construction of Small Cell Wireless Facilities is required. Stealth technology means using the least visually and physically intrusive design and equipment to employ methods that blend into surroundings and not be visible; and to minimize adverse aesthetic and visual impacts on the right-of-way, property, building and/or other facilities adjacent to, surrounding and in generally the same area as the requested location of such Small Cell Wireless Facilities.

(3) **Maximum Height:** The top of the highest point of the Antenna shall not extend more than ten (10) feet above the highest point of the existing pole.

(4) **Minimum Height:** The bottom of the lowest point of the Antenna shall not be lower than twelve (12) feet above grade.

(5) **Minimum Equipment Height:** 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 pole, but no lower than nine (9) feet above grade.

(6) **Pole Visual Interference:** Small Cell Wireless Facilities shall not interfere with or block any existing signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.

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- (7) Extensions: Extensions to 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 Section W.3.h. of the Zoning Code above. 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.
- (8) Wires and Cables: Any wiring and cables associated with a Small Cell Wireless Facility must be run through the hollow interior of the pole. If proven to be infeasible to run inside of the pole, all wiring and cables shall be covered with an appropriate cover or cable shield. No exterior wires or cables shall be visible under any circumstance.
- (9) Color:
- i. A Small Cell Wireless Facility, including the Antenna and all related equipment, extensions, appurtenances and covers, shall be a neutral color that blends with the existing pole and the surroundings of the Utility Pole on which it is mounted.
  - ii. The use of reflective materials is prohibited.
- (10) Antenna Panel Covering: A Small Cell Wireless Facility 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.
- (11) Guy Wires: No guy or other support wires shall be used in connection with a Small Cell Wireless Facility unless proposed to be attached to an existing Utility Pole that incorporated guy wires prior to the date that a Petitioner has applied for a permit. No additional guy wires shall be added to a utility pole for the purpose of supporting a Small Cell Wireless Facility. If additional guy wires are required for structural integrity reasons, the Utility Pole shall be required to be replaced to be self-supporting and structurally sound without the use of guy wires.
- (12) Decorative Column and Lantern Light Poles: Locating Small Cell Wireless Facilities on a decorative column, lantern or similar light pole located within the Legacy Code Zoning District for visual and aesthetic enhancement reasons (train stations, public facilities, pedestrian walks or corridors, etc.), shall be discouraged. Alternatives to utilizing these decorative light poles

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should be used including the installation on private property. When Co-located on decorative light poles, a Small Cell Wireless Facilities shall keep the existing appearance of the light pole and any extensions shall be disguised in a manner similar to the design and appearance of the pole. Due diligence shall be required to indicate proper structural integrity and non-interference with signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.

- (13) **Undergrounding:** Any mechanical equipment or Antenna equipment associated with a Small Cell Wireless Facility that cannot be located on the pole because of structural reasons or because of other restrictions, such as height and size allowances, shall be concealed underground. When located in a public right-of-way where other utilities are not required to complete the same undergrounding requirements, mechanical equipment shall not be required to be placed underground. If the undergrounding of equipment is not possible, feasible or required as stated above, as determined by the Community Development Department or Public Works Department, equipment shall be mounted within a concealment box designed as a decorative pole base or within unobtrusive equipment enclosures mounted directly to the pole. Any ground mounted equipment shall not create a safety or tripping hazard, shall ensure any walkways remain in compliance with all state and federal accessibility laws and shall be constructed in compliance with all Village right-of-way ordinances and design standards.
- (14) **Screening:** Additional landscaping and fencing shall be required to help mitigate the effects of any ground-mounted equipment not feasible to be located underground. This shall include screening all visual appearance of the equipment from roadways and pedestrian facilities. This screening may be used in conjunction with other stealth methods. This may be required by Village staff as part of any permit approval or by the Plan Commission and Village Board as required for any Site Plan, Special Use or Variation requests.
- (15) **Burial or Removal of Utility Poles:** If a utility pole with a Small Cell Wireless Facility is planned to be buried or removed and is no longer required for a utility or public purpose, then the Small Cell Wireless Facility and all associated equipment shall be removed by the carrier within ninety (90) days of notice from the Village or organization which owns/operates the utility pole. The Small Cell Wireless Facility may apply to be relocated to another nearby site in compliance with this ordinance. No Small Cell Wireless Facilities shall be permitted to be placed on utility poles with active studies, plans or permits to be replaced or buried.
- (16) **Illumination:** Small Cell Wireless Facilities shall not be artificially illuminated or marked, except as required by law.

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- (17) Signage: No signage or advertising shall be visible on any part of the Small Cell Wireless Facility, except as required by law.

### **d. Approval**

- (1) Small Cell Wireless Facilities shall be permitted uses when in compliance with Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above.
- (2) If a Small Cell Wireless Facility is proposed and not in compliance with the location requirements as outlined in Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above, the Petitioner shall have an option to request a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use for a Small Cell Wireless Facility request shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available.
- (3) If located within a Village right-of-way, the Petitioner must complete a lease, master pole agreement or similar agreement with the Village prior to approval of the Special Use Permit.
- (4) The Petitioner must obtain a Small Cell Wireless Facility or similar building permit from the Community Development Department.

## **6. Regulations for Distributed Antenna Systems (DAS)**

### **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 yards.

### **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. The surface area shall be calculated by measuring all faces of the Antenna visible from the public right-of-way.



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### **(2) Height:**

- i. The top of the highest point of the Antenna shall 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:**

- 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 proposed building as well as surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
- 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 all adjacent public right-of-ways.
- 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 Distributed Antenna System is a permitted use if in compliance with all location requirements set forth in Section III.W.6. of the Zoning Code above.

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Any Distributed Antenna System not in compliance must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use request for a Distributed Antenna System shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate option is available.

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

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## **VOTP Zoning Ordinance – Proposed Changes to Definitions Related to TCSF**

*Last Edited 3/29/2019 by DR*

### **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.

**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.

**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.

**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, all applicable hardware, and related improvements used, or designed to be used, to provide

## **VOTP Zoning Ordinance – Proposed Changes to Definitions Related to TCSF**

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wireless transmission of 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 include the collective use of the terms "antenna," "antenna support structure," "cabinet," "disguised support structure," "freestanding tower," "shelter," "tower" and other similar objects and equipment 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**: A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function that is owned and maintained by Commonwealth Edison, Illinois Department of Transportation, Cook County, the Village of Tinley Park or similar public utility provider.

**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.