

ORDINANCE NUMBER 017-075-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF
TIMBERLANE, ILLINOIS
CHAPTER 1 GENERAL ZONING PROVISIONS

Whereas, the President and Board of Trustees of the Village of Timberlane, Illinois have reviewed the Ordinances and believe the current ordinances need to be amended to include the regulation of telecommunication structures and towers as the current code lacks such a regulation;

Whereas after a thorough study of model ordinances and ordinances adopted in neighboring communities pertaining to cell towers and structures has been completed; and

Whereas the President and Board of Trustees of the Village of Timberlane, Illinois now wish to amend the code of ordinances for the village of Timberlane, Illinois by adding a section for telecommunication structures and towers, and

Wherefore in order to modify Chapter 1 General Zoning Provisions by adding the appropriate ordinance it is necessary to enact this ordinance.

Now, Therefore, be it ordained by the president and Board of Trustees for the village of Timberlane, Illinois as Follows:

1.8 Telecommunications Structures and Towers

1.1 Purpose.

In order to accommodate the communication needs of the Village of Timberlane while protecting the public health, safety, and general welfare of the community, the Village of Timberlane finds that these regulations are necessary in order to:

- A. Facilitate the provision of wireless telecommunications services to the residents and businesses of the Village;
- B. Minimize adverse visual effects of towers through careful design and setting standards;
- C. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- D. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunications antennas in order to reduce the number of towers needed to serve the community.

1.2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMATEUR RADIO — Wireless, telecommunications technology used by private, nonprofit entities for noncommercial usage.

ANTENNA — Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

FILED

MAR 20 2017

Gregory S. Peterson
CLERK

COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICES — Licensed commercial wireless telecommunications services, including cellular microwave technology, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

PUBLIC UTILITY — Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this chapter, commercial wireless telecommunications service facilities shall not be considered public utility uses and are defined separately.

TOWER/TELECOMMUNICATIONS STRUCTURE — Any ground- or roof-mounted pole, spire, structure, or combination thereof, taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TOWER, MULTI-USER — A tower to which is attached the antennas of more than one commercial wireless telecommunications service provider or governmental entity.

TOWER, SINGLE-USER — A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this chapter.

1.3 Permit required and Fee.

All commercial wireless telecommunications structures, except amateur radio operators licensed by the FCC, require a special use permit pursuant to the Village of Timberlane Zoning Code.

Applicant for the permit must pay \$2,000.00 (two thousand) dollars to the Village as an application fee associated with the approval or disapproval of the permit. Applicant must pay all costs associated with the review of the application above and beyond the initial application fee upon the permit being issued.

1.4 Location.

- A. Towers shall only be permitted in IL, IG IH and A-2 Zoning Districts.
- B. Towers must be a minimum of 500 feet from a residential district. This requirement does not apply to building-mounted antennas.

1.5 Collocation requirements.

All commercial wireless telecommunications towers erected, constructed, or located within the Village shall comply with the following requirements:

- A. A proposal for a new commercial wireless telecommunications service tower shall not be approved unless the Planning Commission and Village Board finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-mile radius of the proposed tower due to one or more of the following reasons:
 - 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 4. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- B. It shall be the developer's responsibility to provide adequate proof that no such opportunity for collocation is possible.
- C. Any proposed commercial wireless telecommunications service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for the at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

1.6 Tower construction requirements.

All towers erected, constructed, or located within the Village, and all wiring therefore, shall comply with all local, state, and federal codes and regulations.

1.7 Tower and antenna design requirements.

Proposed or modified towers and antennas shall meet the following design requirements.

- A. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- B. Commercial wireless telecommunications service towers shall be of a monopole design unless the Planning Commission and Village Board determines that an alternative design would better blend in to the surrounding environment.
- C. Only one telecommunications tower is allowed on a parcel of land.

1.8 Tower setbacks and placement.

Towers shall conform with each of the following minimum setback requirements:

- A. Towers shall be located no closer than 110% of the highest of the tower to the nearest property line. (Example if the Tower is 100 feet tall it must be located at least 110 feet from the nearest property line.)
- B. Towers shall not be located between a principal structure and a public street except on sites adjacent to streets on all sides; towers may be placed within a side yard abutting a local street.
- C. No part of any telecommunications tower, including guy wires, shall extend across, over or into any public right-of-way.

1.9 Tower lighting.

Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to

illuminate ball fields, parking lots, or similar areas may be attached to the tower pending Planning Commission approval.

1.10 Signs and advertising.

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

1.11 Accessory utility buildings.

All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

1.12 Abandoned or unused towers or portions of towers.

Abandoned or unused towers or portions of towers shall be removed as follows:

- A. All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property.
- B. Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.
- C. No application will be approved unless the applicant/operator or owner first provides proof of a decommissioning Bond in the amount of \$25,000.00. Said Bond to remain in effect until the tower is no longer in use and has been removed. (sufficient to cover the cost of removal of the tower)

1.13 Antennas mounted on roofs, walls, and existing towers.

The placement of commercial wireless telecommunications antennas on roofs, walls, and existing towers may be approved by the Planning Commission and Village Board, provided the antennas meet the requirements of this chapter, after submittal of an application for a conditional use permit and a report prepared by a qualified and licensed professional engineer indicating the existing structure's or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

1.14 Interference with public safety telecommunications.

No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introductions of new service or change in existing service, telecommunications providers shall notify the Village at least 10 business days in advance of such changes and allow the Village to monitor interference levels during the testing process.

1.15 Additional submittal requirements.

In addition to the information required elsewhere in this chapter, conditional use applications for towers

shall include the following supplemental information:

- A. A report from a qualified and licensed professional engineer which:
 1. Describes the tower height and design, including a cross section and elevation;
 2. Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;
 3. Describes the tower's capacity, including the number and type of antennas that it can accommodate;
 4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 5. Includes an engineer's stamp and registration number; and
 6. Includes other information necessary to evaluate the request.
- B. For all commercial wireless telecommunications service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- C. Before the issuance of building permit, the following supplemental information shall be submitted:
 1. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and,
 2. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.
- D. A visual analysis, photo simulation, or graphic illustration showing what the tower will look like in its surroundings.
- E. A plat of survey showing the parcel boundaries, tower location, accessory structures, ancillary facilities location, access, landscaping and fencing.

1.16 Height.

- A. Structure height.
 1. Towers. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions of that zoning district.
 2. Height limitations. In all zoning districts, the maximum height of any tower, including all antennas and other attachments, shall not exceed one foot for each one foot the tower is set back from the nearest property line up to a maximum height of 120 feet.

1.17 Violations and penalties.

- A. It shall be unlawful to construct, use, build, or locate any telecommunications structure in violation of any provision of this chapter.

- B. Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction, be subject to the general penalty found in this Code or revocation of the special use permit issued. Each day the violation continues shall constitute a separate violation.
- C. **Effective Date.** This Ordinance shall take effect ten (10) days after its passage, approval and publication in pamphlet form.

PASSED this 16 day of MARCH, 2017, pursuant to a roll call vote as follows:


AYES: 6

NAYS: 0

ABSENT: 0

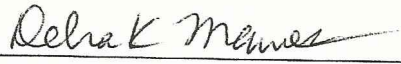
ABSTAIN: 0

APPROVED by me this 16 day of MARCH, 2017.



Stephen Rapp, President of the Village
of Timberlane, Boone County, Illinois

ATTESTED, Filed in my office,
this 16 day of MARCH, 2017.



_____, Clerk of the Village
of Timberlane, Boone County, Illinois