

ORDINANCE NO.: 9798-44

AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS BY ADDING A NEW SECTION V-11 ENTITLED "TELECOMMUNICATIONS FACILITIES, TOWERS AND ANTENNAS"; PROVIDING DEFINITIONS; PROVIDING CONDITIONS FOR PERMITTED USES, ACCESSORY USES, AND SPECIAL USES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCE SECTIONS.

WHEREAS, Section 704 of the Federal Telecommunications Act of 1996, 47 USC Sec. 32(c)(7), provides that local governments may, pursuant to their inherent zoning authority, regulate the placement, construction, and modification of personal wireless telecommunications service facilities, provided that the local governments do not unreasonably discriminate among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of personal wireless services; and,

WHEREAS, the City Council finds that personal wireless service facilities often require large structures or towers, whose height and footprint may not be compatible, as a matter of sound urban planning, with adjoining residential uses; and,

WHEREAS, the City Council further finds that the public interest is best served by enacting specific siting regulations which will provide for placement of personal wireless facilities in areas least likely to negatively affect residential property; and,

WHEREAS, the City is in the process of and will continue to identify potential sites which will allow for the placement of personal wireless telecommunications facilities subject to the criteria enumerated herein and elsewhere in the City Code; and

WHEREAS, the City of Urbana has received or expects to receive requests to site wireless communications towers and antennas within the municipal boundaries; and

WHEREAS, it is the intent of the City of Urbana to permit the siting of wireless communications towers and antennas within the municipal boundaries; and

WHEREAS, it is the intent of the City of Urbana to protect and promote the public health, safety and welfare by regulating the siting of wireless communications towers and antennas,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF URBANA, ILLINOIS that the Zoning Ordinance of the City of Urbana, Illinois is hereby amended as follows:

Section 1. Article II. Definitions is hereby amended to include the following definitions in the appropriate alphabetical order:

Abandonment means: (1) to cease operation for a period of sixty (60) or more consecutive days; or (2) to reduce the effective radiated power of an antenna by seventy-five percent for sixty (60) or more consecutive days; or (3) to relocate an antenna at a point less than eighty (80) percent of the height of an antenna support structure; or (4) to reduce the number of transmissions from an antenna by seventy-five percent for sixty (60) or more consecutive days.

Alternative tower structure means Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior apparatus designed for telephonic, radio, data, Internet, or television communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, including unlicensed wireless telecommunications services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for "cellular", "enhanced specialized mobile radio" and "personal communications services", telecommunications services, and its attendant base station.

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

Antenna Support Structure means any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio, telephonic or television signals.

Applicant means any provider or any person, partnership, or company who files an application for any permit necessary to install, maintain, or remove a personal wireless service facility within the City.

Backhaul network means Lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and /or long distance providers, or the public switched telephone network.

Camouflaged means a personal wireless service facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure or, new structure, tower, or mount within trees so as to be significantly screened from view.

Cell Site or Site means a tract or parcel of land that contains telecommunications service facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to telecommunications services.

Co-location means the use of a personal wireless service facility or cell site by more than one personal wireless service provider.

COW means "Cell on Wheels".

EIA means the Electronics Industry Association.

Equipment Enclosure means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless or other communication signals. Associated equipment includes, but is not limited to, air conditioning, backup power supplies and emergency generators.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Modification means the significant changing of any portion of a personal wireless service facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design or height or placement of antenna on an antenna support structure.

Mount means the structure or surface upon which personal wireless service facilities are mounted. There are three types of mounts: (i) Building mounted. A personal wireless service facility mount fixed to the roof or side of a building. (ii) Ground mounted. A personal wireless service facility mount fixed to the ground, such as a tower. (iii) Structure mounted. A personal wireless service facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

Personal Wireless Service, Personal Wireless Service Facilities, and Facilities used in this Title, shall be defined in the same manner as in Title 47, United States Code, Section 332 (c)(7)(C), as they may be amended now or in the future and includes facilities for the

transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

Provider means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual which provides personal wireless service over personal wireless service facilities.

Public Utility Station means a building or structure serving as a distribution center, including such uses as water pumping, water reservoir, transformer station, telephone exchange, and similar uses. Towers and antennas regulated by Section V-11 entitled "Wireless Telecommunications Towers and Antennas" shall not be requested or permitted as public utility stations, essential services, public utilities, or private utilities.

Preexisting Towers and Preexisting Antennas means any tower or antenna for which a building permit or special use permit has been properly issued or is considered legally nonconforming prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Residential Zoning Districts means the AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, MOR, B-1 and B-2 Zoning Districts for the purposes of enforcing Section V-11 entitled "Telecommunications Facilities, Towers and Antennas."

Security Barrier means a wall, fence, or berm that has the purpose of sealing a personal wireless service facility from unauthorized entry or trespass.

Tower means any 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 and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

Tower Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Unlicensed Wireless Services means commercial mobile services that operate on public frequencies and do not need a FCC license.

Section 2: Section V-11 is hereby established and shall read as follows:

A. Purpose. The purpose of this ordinance is to establish general guidelines for the siting of wireless communications, radio and television towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety with respect to communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Urbana shall give due consideration to the City of Urbana's Comprehensive Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. Applicability.

1. New Towers and Antennas. All new towers or antennas in the City of Urbana will be subject to these regulations, except as provided in this Article.
2. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than those which specifically apply to pre-existing towers or antennas.

C. Exemptions

The following are considered exempt telecommunications facilities and are not governed by this Section:

1. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five (25) feet;
2. A ground or building mounted citizens band radio antenna including any mast, if the permanent height (post and antenna) does not exceed thirty-five (35) feet;
3. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed fifty (50) feet.

4. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this Ordinance;
5. Mobile services providing public information coverage of news events of a temporary nature;
6. Hand held devices such as walkie-talkies, garage door openers and similar devices as determined by the Zoning Administrator;
7. City government owned and operated receive and/or transmit telemetry station antennas for supervisor control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems with heights not exceeding thirty-five (35) feet.
8. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
9. Antennas and related equipment no more than three feet in height that are being stored, shipped, or displayed for sale.
10. Radar systems for military and civilian communication.
11. Wireless radio utilized for temporary emergency communications in the event of disaster.
12. Licensed amateur (ham) radio facilities as provided herein
13. Satellite dish antennas less than one meter in diameter for residential uses and less than two meters in diameter for commercial or industrial uses, including direct to home satellite services, when used as an accessory use of the property.
14. Routine maintenance or repair of a personal wireless service facility and related equipment, (excluding structural work or changes in height or dimensions of antennas, towers, or buildings) provided that compliance with the standards of this ordinance are maintained.
15. Subject to compliance with all other applicable standards of this ordinance, a building permit application need not be filed for emergency repair or maintenance of a personal wireless service facility until thirty (30) days after the completion of such emergency activity.
16. A COW or other temporary Personal Wireless Telecommunications Facility shall be permitted for a maximum of thirty (30) days or during an emergency declared by the City.

D. General Requirements.

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. Subdivision regulations will not apply. The lease shall be created by a plat of survey to accompany permit applications.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot unless there are unusual geographic or public health, safety and welfare or other public policy considerations. A plat of survey shall accompany any permit application.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator or his or her designee an inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of City of Urbana or within one and one half (1½) mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator or his or her designee may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of City of Urbana, provided, however that the Zoning Administrator or his or her designee is not, by sharing such information in any way representing or warranting that such sites are available or suitable.

4. Recognition of Industry Site Selection Criteria: In establishing a new site, the industry requires a location that is technically compatible with the established network. A general area is to be identified based upon engineering constraints and the desired area of service. The City recognizes that specific locations within that general area are evaluated by the industry providers using the following criteria which are not listed in order of priority:

- a. Topography as it relates to line of sight transmissions for optimum efficiency.
- b. Availability of road access.
- c. Availability of electric power.
- d. Availability of land based telephone lines or microwave link capability.
- e. Leasable lands, and landlords who want facilities to be located on their properties consistent with zoning regulations.

- f. Screening potential of existing vegetation, structures and topographic features.
 - g. Zoning that will allow low power mobile radio service facilities.
 - h. Compatibility with adjacent land uses.
 - i. The least number of sites to cover the desired area.
 - j. The greatest amount of coverage, consistent with physical requirements.
 - k. Opportunities to mitigate possible visual impact.
 - l. Availability of suitable existing structures for antenna mounting.
5. **Setbacks.** The following setback requirements shall apply to all towers, provided, however, that the Zoning Administrator (in the case of administrative approval) or the City Council (in the case of a special use approval) may approve a reduction of the standard setback if the goals of this Ordinance would be better served thereby. Setback distance requirements will include right-of-way widths, if applicable.
- a. **Guys and accessory buildings in all zoning districts must satisfy the minimum zoning district setback requirements for principal buildings, including average front yard setbacks, for the entire parcel, even if a portion of the parcel is being leased for the tower, unless there are unusual geographic or public health, safety and welfare or other public policy considerations.**
 - b. 1. **Towers in residential districts must be set back a distance equal to at least two hundred percent (200%) of the height of the tower from any residential lot front, side and rear yard setback line unless here are unusual geographic or public health, safety and welfare or other public policy considerations.**
 - b. 2. **Towers in the IN district must satisfy the setback requirements of the IN zoning district for principal buildings except that a tower shall not be placed closer than one hundred percent (100%) of its height from any residential zoned land or land use building set back line.**
 - c. **In the B-3, B-3U, or MIC districts shall satisfy the setback requirements of that district for principal buildings except that no tower shall be placed closer than one-**

hundred fifty percent (150%) of its height from any residential zoned lot or land use building set back line.

6. **Height Limitations.** Towers in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, MOR, B-1, B-2, or MOR districts shall be restricted to fifty (50) feet in height unless said height limitation is varied by the Zoning Administrator (in the case of an administratively approved permit) or the City Council (in the case of an approved special use permit) to allow colocation or if the goals of this Ordinance would be better served thereby.

7. **Separation Distances Between Towers.** If an applicant requests a permit for a new tower within 1,500 feet of an existing tower, the applicant must provide evidence that the existing tower cannot accommodate the new antenna requested.

E. **Location Preference.**

The order of preference for locating new personal wireless service facilities shall be as follows:

1. **First Preference.** Use of such facilities by the City of Urbana and placement of antennas and towers on property owned by the City of Urbana and which comply with the requirements of this Article including:

a. The facilities will not interfere with the purpose for which the City-owned property is intended;

b. The facilities will have no significant adverse impact on surrounding private property.

c. The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The City shall establish fees after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors;

d. The applicant will submit a letter of credit, performance bond, or other security acceptable to the City to cover the costs of removing the facilities;

e. The antennas or tower will not interfere with other users who have a higher priority as discussed in this Article;

f. Unless otherwise agreed, the applicant must agree that upon the occurrence of issues affecting public health, safety or welfare and following reasonable notice, the City may require the applicant to remove the facilities at the applicant's expense;

g. The applicant must reimburse the City for any related costs, such as attorney expenses, which the City incurs because of the presence of the applicant's facilities;

h. The applicant must obtain all necessary land use approvals; and

i. The applicant must cooperate with the City's objective to promote co-locations and thus limit the number of cell sites requested, or camouflage the site.

2. **Second Preference Location - Other Public Agencies.** The order of preference after City usage shall be as follows:

a. **Public safety agencies, including law enforcement, fire and ambulance services, which are not part of the City and private entities with a public safety agreement with the City;**

b. **Other governmental agencies, for uses which are not related to public safety except parks and schools;**

c. **Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), radio and television services, specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), data, Internet, paging, and similar services that are marketed to the general public.**

3. **Other Preference Locations.** The order of preference after placement on publicly-owned property shall be as follows:

a. **Place antennas on appropriate rights of ways and existing structures, such as buildings, towers, water towers and smokestacks.**

b. **Place antennas and towers in districts zoned IN Industrial, if towers are greater than 250 feet from residential land use or zoning.**

c. **Place antennas and towers in districts zoned OP Office Park or B-3 General Business which do not adjoin or adversely impact residential neighborhoods and are greater than 250 feet from residential land use or zoning;**

d. **Place antennas and towers on other non-residential property;**

e. **Place antenna and towers in B-4 Central Business District or the Medical Institutional Campus MIC zoned areas if on existing structures or buildings greater than thirty-five (35) feet in height;**

f. Place antennas on multi-family residential structures which exceed thirty-five feet (35') in height and are located in the R-5 Medium High Density Multiple Family, R-6 High Density Multiple Family, R-7 University Residential, B-3 General Business or B-4 Central Business zoning districts.

g. Place antennas and towers in R-1 Single Family Residential, R-2 Single Family Residential, R-3 Single and Two Family Residential, R-4 Medium Density Multiple Family, R-5 Medium High Density Multiple Family, R-6 High Density Multiple Family and R-7 University Residential zones only if (a) locations are not available on existing structures or in nonresidential districts; and (b) only on or in existing churches, utility facilities, or other appropriate public facilities, excluding medians in the right-of-ways.

4. Application Requirements. The following requirements shall also apply for all applications:

a. An applicant that wishes to locate a new antenna support structure in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.

b. Applicants are required to demonstrate by providing proof of certified mailings or other reasonable means: (i) that they have contacted the owners of reasonably suitable structures which are ten feet less than the design height of the tower within a one-quarter (1/4) mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals; (ii) have asked for permission to install the antenna on those structures; and (iii) were denied for reasons other than economic feasibility.

c. The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna, (ii) its relationship to other cell sites in the applicant's network, and (iii) an evaluation of existing buildings taller than thirty-five feet (35') within one-quarter (1/4) mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

F. Site Selection Criteria.

1. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate by engineering certification that the height requested is the minimum height necessary to fulfill the site's function so that sufficient height will be included for colocation of one other provider.
2. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the support structure.
3. Low power mobile radio service facilities shall be located and designed to minimize any significant adverse impact on residential property values. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
4. In all zoning districts, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zoning district. In all zoning districts, towers shall be significantly screened by placing them among existing trees to the extent that it does not result in significant signal degradation.

G. Aesthetics.

Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color or such shades as are appropriate and compatible with the surrounding environment, so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, be screened with live plantings and include evergreen vegetation with a minimum height of six feet, at the time of planting, placed densely as to form a screen, subject to the City Arborist's approval and sufficient to reduce the visual obtrusiveness of said structures. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Fencing for equipment enclosures must be of residential quality such as wood privacy

fencing or if chain-link is used, must be screened with evergreen vegetation that will reach a height of six feet within one year of its planting.

H. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

I. **State or Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations, within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

J. **Building Codes: Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association and Building Codes, as amended from time to time, whichever is more stringent. If, upon inspection, the City of Urbana concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

K. **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in City of Urbana irrespective of municipal and county jurisdictional boundaries.

L. **Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be requested or permitted as essential services, public utilities, or private utilities.

M. **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Urbana have been obtained and shall file a copy of all required franchises with the Zoning Administrator or his or her designee.

N. Signs. No signs shall be allowed on an antenna, tower or equipment enclosures other than identification signs not exceeding one square foot in area.

O. Building and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of this Article and applicable Building Codes.

P. Administratively Approved Uses.

1. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

a. The Zoning Administrator or his or her designee may administratively approve the uses as provided in this Article.

b. Each applicant for administrative approval shall apply to the Zoning Administrator or his or her designee providing the information required in this Article and a nonrefundable fee as established by ordinance of City Council to reimburse the City of Urbana for the costs of reviewing the application.

c. The Zoning Administrator or his or her designee shall review the application for administrative approval and determine if the proposed use complies with the terms of this Article.

d. The Zoning Administrator or his or her designee shall respond to each such complete application within thirty (30) days after receiving it by either approving or denying the application. If the Zoning Administrator or his or her designee fails to respond to the applicant within said thirty (30) days, then the application shall be deemed to be approved.

e. In connection with any such administrative approval, the Zoning Administrator or his or her designee may, in order to encourage shared use, administratively waive any zoning district setback requirements or separation distances between towers by up to fifty percent (50%).

f. In connection with any such administrative approval, the Zoning Administrator or his or her designee may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

g. If an administrative approval is denied, the applicant may file an appeal to the Zoning Board of Appeals as provided for in the Urbana Zoning Ordinance.

2. List of Administratively Approved Uses. The Zoning Administrator, or his or her designee, may approve the following uses after conducting an administrative review:

a. Antennas or towers located on property owned, leased, or otherwise controlled by the City of Urbana, greater than 250 feet from residential zoning or land use, provided a license or lease authorizing such antenna or tower has been approved by the City of Urbana and provided there is compliance with this article.

b. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any IN Industrial or B-3 General Business or OP Office Park zoning districts and greater than 250 feet from any residential zoning or land use.

c. Locating antennas on existing structures or towers consistent with the terms of subsection (1) below:

(1) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator or his or her designee as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, greater than thirty-five feet (35') provided:

(A) The antenna does not extend more than thirty-five (35) feet above the highest point of the structure;

(B) The antenna complies with all applicable FCC and FAA regulations; and

(C) The antenna complies with all applicable Building Codes.

d. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator or his or her designee and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, colocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such colocation is accomplished in a manner consistent with the following:

(1) A tower which is modified or reconstructed to accommodate the colocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator or his or her designee allows reconstruction as a monopole.

(2) Height

- (A) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
- (B) The height change referred to herein may only occur one time per communication tower.
- (C) The additional height referred to herein shall not require an additional distance separation as set forth herein. The tower's premodification height shall be used to calculate such distance separations.

(3) Onsite location

- (A) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
- (B) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
- (C) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers as provided herein. The relocation of a tower hereunder shall in no way be deemed to cause a separation distance.
- (D) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned property shall only be permitted when approved by the Zoning Administrator or his or her designee.

e. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers with antennas which are no more than twenty-four (24) inches in height attached to poles, light standards, existing wireline systems, such as conventional cable or telephone systems, or similar technology that does not require the use of towers.

Q. Special Use Permits.

1. Uses Requiring Special Use Permit.

- a. Antennas with towers on City-owned and controlled property if tower location is less than 250 feet from residential land use or zoning.
- b. Antennas with towers in the AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, B-4, B-4E districts.
- c. Antennas with towers in the IN Industrial, B-3 General Business, and OP Office Districts if towers are less than 250 feet from residential land use or zoning.
- d. Equipment enclosures in the AG, CRE, R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1, B-2, B-4, B-4E districts which are not located on an existing structure as allowed herein and if the enclosure is less than one hundred feet (100') from residential zoning or land use. Special use permits may be granted for equipment enclosures as part of a special use permit allowing a tower.

2. General. The following provisions shall govern the recommendations of the Plan Commission and the issuance of special use permits for towers or antennas by the Urbana City Council:

- a. If the tower or antenna is not a permitted use under this Article or permitted to be approved administratively pursuant to this Article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- b. Applications for special use permits under this Article shall be subject to the procedures and requirements of Article VII of the Zoning Ordinance, except as modified in this Article.
- c. In granting a special use permit, the Plan Commission may impose conditions to the extent the Plan Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a structural engineer licensed by the State of Illinois.
- e. An applicant for a special use permit shall submit the information required herein and a non-refundable fee as established by ordinance of the City Council to reimburse City of Urbana for the costs of reviewing the application.

f. Residential District Term Limitations: Every ordinance granting approval of a special permit for a personal wireless services antenna or antenna support structure in a residential district may provide that:

- (1.) Where the provider of personal wireless services is not the owner of the land on which such antenna or structure is located, the term of the special permit is limited to the term of the lease or other agreement granting rights to use the land; and
- (2.) The Special Use shall be subject to review by the City Council, at five (5) year intervals, to determine whether the technology in the provision of personal wireless services has changed such that the necessity for the Special Use at the time of its approval has been eliminated or modified, and whether the special permit should be modified or terminated as a result of any such change.

3. Towers.

a. Required Submittals. In addition to any information required for applications for special use permits pursuant to Article VII of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information;

- (1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities). Master Plan classification of the site and all properties within the applicable separation distances set forth in this Article adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or his or her designee to be necessary to assess compliance with this ordinance.
- (2) Legal description of the parent tract and leased parcel or subdivision or survey plat (if applicable).
- (3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (4) The separation distance from other towers described in the inventory of existing sites submitted pursuant to this Article shall be shown on an updated site plan or map. The applicant shall also identify the type of

construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

- (5) A landscape plan showing specific landscape materials.
- (6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (7) A description of compliance with this Article and all applicable federal, state or local laws.
- (8) A notarized statement by the applicant as to whether construction of the tower will accommodate colocation of additional antennas for future users.
- (9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (11) A description of the feasible location(s) of future towers or antennas within the City of Urbana based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

4. Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Article VII of the Zoning Ordinance, the Plan Commission and City Council shall consider the following factors when recommending to the City Council whether to issue a special use permit, although the Plan Commission may recommend the City Council waive or reduce the burden on the applicant of one or more of these criteria if the Plan Commission concludes that the goals of this ordinance are better served thereby:

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;

- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Proposed ingress and egress; and
- g. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in this Article.

5. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Plan Commission and City Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Plan Commission or City Council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

6. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Plan Commission may recommend or the City Council may waive such requirements, as it deems appropriate.

7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Plan Commission may recommend or the City Council may waive such requirements if the goals of this ordinance would be better served thereby.

a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

b. In locations where the visual impact of the tower would be minimal, the Plan Commission may recommend and the City Council may waive the landscaping requirement.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

R. Equipment Enclosures, Buildings or Other Equipment Storage.

1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following unless there are public health, safety and welfare or other public policy considerations:

a. The cabinet or structure shall not contain more than 240 square feet of gross floor area or be more than twelve feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related equipment structure, if over 350 square feet of gross floor area or twelve feet in height, shall be located on the ground and shall not be located on the roof of the structure.

- b. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 25 percent of the roof area and shall be architecturally compatible with the existing structure
- c. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- d. Providers will submit certification of a structural engineer licensed by the State of Illinois that the building can safely support the equipment cabinet.

2. Antennas Mounted on Utility Poles or Light Poles. Where antennas are greater than twenty-four inches (24") in height and located in public right-of-way or where towers will be located in public right-of-way, the equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

- a. The equipment cabinet or structure must meet the setback requirements of a principal structure, except that the Zoning Administrator (for administratively approved locations) or the City Council (for special use permits) may vary this requirement if it is deemed to be technically infeasible.

- b. Antennas Located on Towers. The related equipment enclosure shall not contain more than 350 square feet of gross floor area or be more than fifteen (15) feet in height, and shall be located in accordance with the minimum requirements of the zoning district in which they are located. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

- c. Modification of Building Size Requirements. The requirements herein may also be modified by the Zoning Administrator or his or her designee in the case of administratively approved uses or recommended by the Plan Commission and approved by City Council in the case of uses permitted by special use to encourage colocation.

S. Removal of Abandoned Antennas and Towers

1. Removal of Abandoned Antennas and Towers. Any antenna or tower that is abandoned as defined herein shall be removed within 180 days of receipt of notice from the City of Urbana notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 180 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

2. The Owner of any approved antenna or tower shall post a bond or other surety payable to the City of Urbana, equivalent to the cost of demolition or removal of the approved facility in the event said owner is unable or unwilling to remove an abandoned antenna or tower in conformance with the provisions hereof. The City of Urbana will have the right, at intervals no more often than every three (3) years, to require that the bond amount be increased to reflect changes in the Chicago Metropolitan Area Consumer Price Index (All consumers) during the prior three (3) year period.

T. Nonconforming Uses.

1. Not Expansion of Nonconforming Use. Notwithstanding anything in this Article to the contrary, towers that are constructed, and antennas that are installed, in accordance with the provisions of this Article, shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

3. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding anything in this Article to the contrary, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit and without having to meet the separation requirements specified in this Article. The type, height, and location of the tower on-site and antennas thereon shall be of the same type and characteristics as the original facilities. Building permits to rebuild shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facilities are damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned.

Section 3. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Repealer. Table VII-1 entitled "Standards for Specific Conditional Uses" shall be amended so that references to radio or TV Station and/or tower and the associated regulations are hereby repealed.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

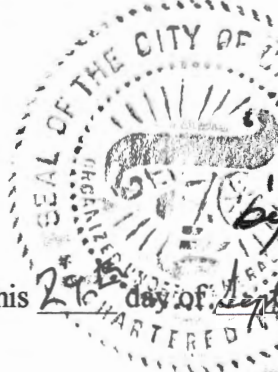
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 15th day of September, 1997.

PASSED by the City Council on this 15th day of September, 1997.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINED:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

by Robert J. Roberts, Deputy Clerk

APPROVED by the Mayor this 20th day of September, 1997.

Tod Satterthwaite
Tod Satterthwaite, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ___ day of _____, 19__, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled , AN ORDINANCE AMENDING THE URBANA CITY CODE, APPENDIX A, ENTITLED "ZONING" BY ADDING A NEW SECTION V-11 ENTITLED TELECOMMUNICATIONS FACILITIES, TOWERS AND ANTENNAS"; PROVIDING DEFINITIONS; PROVIDING CONDITIONS FOR PERMITTED USES, ACCESSORY USES, AND SPECIAL USES; PROVIDING FOR PERMITS AND LEASE AGREEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ___ day of _____, 19__, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ___ day of _____, 19__.

(SEAL) _____
Phyllis D. Clark, City Clerk

(pc1470.ord)