

ARTICLE 3
GENERAL PROVISIONS

- 3.1 Interpretation of Regulations
- 3.2 Scope of Regulations
- 3.3 Allowable Use of Land or Buildings
- 3.4 Prohibited Use of Land or Buildings
- 3.5 Special Uses
- 3.6 Agriculture as a Permitted Use
- 3.7 Accessory Structures and Uses
- 3.8 Temporary Buildings, Structures and Uses of Land
- 3.9 Control Over Use
- 3.10 Lot Size Requirements
- 3.11 Building Limitations
- 3.12 Building Height
- 3.13 Yards
- 3.14 Permitted Obstructions, Yards
- 3.15 Number of Buildings on a Lot
- 3.16 Off-Street Parking and Loading
- 3.17 Home Occupations
- 3.18 Fences
- 3.19 Swimming Pools
- 3.20 Access to Public Streets
- 3.21 Wireless Telecommunications Towers and Antennas
- 3.22 Use of Village Owned Property

3.1 INTERPRETATION OF REGULATIONS:

- A. The provisions of this Zoning Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. Where the conditions imposed by any provision of this Zoning Code are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Zoning Code or of any other law, ordinance, resolution, rule or regulation, the regulations which are more restrictive, or which impose higher standards or requirements shall govern.
- C. This Zoning Code is not intended to supersede any easement, covenant or other private agreement, provided that where the regulations of this Zoning Code are more restrictive, or impose higher standards or requirements, than such easements, covenants or other private agreements, the requirements of this Zoning Code shall govern.
- D. No building, structure or use which is not lawfully existing at the time of the adoption of this Zoning Code shall become, or be made lawful solely by reason of the adoption of this Zoning Code; and to the extent and manner said unlawful building, structure, or use is in conflict with the requirements of this Zoning Code, said building, structure or use remains unlawful.

3.2 SCOPE OF REGULATIONS:

- A. No building or other structure shall be erected, altered or enlarged and no use of land shall be established or enlarged for any use except a use that is named in the list of permitted uses for the zoning district in which the building, structure or land is, or will be located. There shall be two (2) exceptions to this requirement:
 - (1) Uses lawfully established prior to the effective date of this Zoning Code may be continued, subject to the conditions and restrictions contained in Article 8, Non-Conformities, of this Zoning Code.
 - (2) Special uses may be allowed, but only in accordance with the provisions of Section 3.5.
- B. The uses permitted in each zoning district are listed in Article 5, District Regulations.

3.3 ALLOWABLE USE OF LAND OR BUILDINGS -- Notwithstanding any provision in this Code to the contrary, any use of Village owned property is a permitted use in all zoning districts provided that notice, in accordance with section 3.22 of this chapter is given of such intended use by the Village. In addition, the following uses of land or buildings are allowed in the districts indicated hereinafter in Article 5 under the conditions specified in this Zoning Code. *Amended 593*

- A. Uses lawfully established on the effective date of this Zoning Code.
- B. Permitted and Special Uses listed in Article 5.

3.4 PROHIBITED USE OF LAND OR BUILDINGS -- No building or tract of land shall be devoted to any use other than the one which is specified as a permitted or special use in Article 5 in the zoning district in which such building or land is located. However, where a building permit for a building or structure has been issued in accordance with applicable laws prior to the effective date of this Zoning Code, and where construction has begun within six months of such effective date and diligently persecuted to completion, said building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may upon completion be occupied by the use originally designated, subject to the provisions of this Zoning Code.

3.5 SPECIAL USES -- In each zoning district, certain listed uses may be permitted only if a special use permit is secured in accordance with the provisions and procedures of Article 9. The special uses which may be allowed in each zoning district are set out in Article 5, District Regulations. No listed special use shall be considered an accessory use to any other permitted or special use, and a permit shall be required for each separate special use.

3.6 PERMITTED AGRICULTURAL USES: *Amended, 615* Farming shall be permitted in any zoning district, although the raising or keeping of livestock (except horses) or poultry shall not be permitted in Residential Districts E-5, E-3, E-1, R and R-1. Dwelling units which are accessory to the farming uses shall also be permitted provided, however, that

the occupants of the dwellings are engaged in agricultural activities on the premises as their principal means of livelihood, or are for the immediate family (such as parents, children, grandchildren) of the owners of the farm when such owner's principle residence is on the farm, provided, however, that the original farm residence can be rented to non-farm workers if the owners have moved from the property. Notwithstanding any other regulation stated herein raising and maintaining chickens shall be permitted in Residential Districts E-5 and E-3. Raising Chickens shall also be permitted in Residential District E-1 subject to the following regulations:

- A. Permit required. A permit shall be obtained from the Village President or Village Board prior to commencing the keeping of chickens.
- B. Limit. The number of Chickens on each permitted zoning lot shall not exceed six (6).
- C. Subdivision or Homeowner Association Covenants. To the extent that applicable subdivision or homeowner association covenants regulate or prohibit chickens on the Subject Property, the covenants shall control over this section 3.23 of the Village Code.
- D. Permit Application. All permit applications shall include a) all information specified by the Village President and shall include, at a minimum, a detailed drawing depicting any landscape or other screening of neighboring properties; the Subject Property house footprint, yard and proposed coop, run and fencing, including size, height, material and location of each; and b) written notice sent by regular mail to abutting property owners notifying each of the application and date upon which the Village President will entertain the request for a permit to raise chickens on the Subject Property. The form of notice to the neighbors shall be approved by the Building Department and shall be mailed at least seven (7) days before the Village President's consideration of the application. It shall be within the discretion of the Village President to permit the application or refer it to the Village Board for further consideration at its next regularly scheduled meeting. The decision by the Village President or the Village Board shall be final.
- E. No Fees or ARC Review. No permit fee shall be assessed and no review by the Village architectural review committee shall be required.
- F. Non-transferability of Permits. Permits are not transferrable between persons or property and do not run with the land upon sale or other transfer of title.
- G. Permit Term. Permits shall be valid for a period of one (1) year from the date of issuance by the Village and there is no vested right to issuance of a future permit.
- H. Future Village Actions. The Village Board reserves the right to eliminate or cease the keeping of chickens at any time and any permits issued pursuant to these provisions may be immediately revoked upon notice to the permit holders, regardless of when the permit should otherwise expire.

- I. Revocation of Permit. If it is determined by the Village Board that the Subject Property or chicken(s) are not kept or maintained in compliance with these regulations the permit may be immediately revoked.
- J. No Commercial Activity. No commercial activity involving the transfer or selling of chickens for profit may take place on the Subject Property.
- K. Roosters Not Permitted. Roosters are not permitted on the Subject Property; however, if the gender of a chick cannot be determined at hatching, a chick of either gender may be kept on the property for no more than six (6) months.
- L. No Storage of Manure. No storage of chicken manure is permitted within twenty (20) feet of the Subject Property lot line.
- M. No Slaughtering and Humane Treatment. Slaughtering of chickens on-site is prohibited and all chickens shall be treated humanely.
- N. Nuisances. Nuisances shall be deemed to exist upon the creation or existence of noxious or offensive odors to the public or neighboring property owners, damaging property of others and emitting excessively loud noises for an extended and uninterrupted period.
- O. Chickens in Coops and Runs. Chickens shall be kept in coops and fenced runs at all times. Chickens shall be kept in coops from dusk to dawn. Chicken coops and runs shall meet the following standards:
 - (1) Coop and Run Locations: Chicken coops and runs shall be kept in the rear yard and shall be located at least ten (10) feet from any lot line and ten (10) feet from any other structure.
 - (2) Coop space: A minimum of 3 square feet per chicken shall be required within the coop. Size of coop shall not exceed fifty (50) square feet and seven (7) feet in height. The coop shall include a weather and predator resistant, ventilated coop with definable walls, floor, roof and a securable door. Walls or fencing around the coop shall be buried at least 12” below grade to resist predator entry.
 - (3) Run space: A minimum of ten (10) square feet of “run” or “free range” space per chicken shall be required with a maximum total run of sixty (60) square feet. The Chicken run shall be connected to the coop and totally enclosed so as to not allow the chickens to fly or jump out of the run area.
 - (4) Maintenance of Coops and Runs: The chicken coop and run shall be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, obnoxious smells, and substances.

3.7 ACCESSORY STRUCTURES AND USES:

- A. No accessory use or structure shall be established or erected prior to the estab-

ishment or erection of the principal use to which it is accessory. No existing accessory use may be expanded or extended except in compliance with all of the regulations of this Zoning Code.

- B. Where an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Zoning Code applicable to the principal building.
- C. No accessory building or structure shall encroach upon that side yard of a corner lot which is adjacent to the street, nor upon the rear yard of a through lot, nor upon the front yard of any lot.
- D. No accessory building or structure shall exceed the height limit identified in Article 5 and shall be at least seven (7) feet from any property line. The seven (7) feet setback requirement does not apply to businesses located along Illinois State Routes 31 and 176, within one-half (1/2) mile of said intersection. *Ord. 570*
- E. Detached accessory uses shall not exceed ten percent (10%) of the rear yard area. The total of all accessory buildings shall not exceed thirty (30) percent of the rear yard area. Exceptions to these standards shall be permitted pursuant to the issuance of a Special Use Permit.

3.8 TEMPORARY BUILDINGS, STRUCTURES AND USES OF LAND: *Amended, 507*

- A. The Administrator may authorize the temporary use of a building, structure or parcel of land in any zoning district for a building, structure or use of land that does not conform to regulations prescribed elsewhere in this Zoning Code for the zoning district in which it is located, provided however, that such use is of a temporary nature, not to exceed six (6) months.
- B. Such uses shall be granted for a specified period of time and shall be subject to such conditions as the Administrator determines to be necessary for the safeguarding of the public health, safety and general welfare.
- C. The Administrator's decision is final and is appealable to the Village Board in writing within 30 days of the final decision.

3.9 CONTROL OVER USE -- No building or premises shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located; except that in residence districts, a lot in a subdivision of record at the time of adoption of this Zoning Code, even though such lot does not meet the requirements of this Zoning Code as to area and width, may be used for single family residence purposes, provided the use conforms with all other regulations of the district in which it is located.

3.10 LOT SIZE REQUIREMENTS -- Unless otherwise granted under the terms of an annexation agreement, special use permit, or variance, no building or other structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged on a lot or tract of land that is:

- A. Smaller in area than the minimum lot area prescribed for the zoning district in which the building, structure or land is located.
- B. Less than the minimum width prescribed for the zoning district in which the building, structure or land is located.

3.11 BUILDING LIMITATIONS -- Unless otherwise granted under the terms of a variance or a special use permit the following limitations shall apply:

- A. No building or other structure shall be erected, altered or enlarged so as to exceed the maximum lot coverage percentage, floor area ratio, minimum setbacks and minimum side and rear yards, or the maximum building height for the district in which the building or structure is located.
- B. No building or other structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged unless the minimum setbacks and side and rear yards specified for the district in which the building, structure or use of land is located are maintained. All additions to principal buildings shall comply with the setback and yard requirements for the principal building.

3.12 BUILDING HEIGHT:

- A. Height limitations shall be as set forth under each zoning district for all buildings, structures and uses of land.
- B. Chimneys, ornamental towers, scenery lofts, monuments, cupolas, domes, spires, steeples, parapet walls, water towers and similar structures and necessary mechanical appurtenances may be erected to their customary height, regardless of the height limitations of the zoning district in which they are located.

3.13 YARDS:

- A. General -- No lot shall be reduced in area so that the yards or other open spaces become less than required by this Zoning Code.
- B. Front Yard -- On streets where a front yard setback has been maintained for buildings existing on lots or tracts having a frontage of thirty (30) percent or more of the total frontage on one side of that portion of any street lying between two intersecting streets, or from an intersecting street and a corporate limits line, the following shall apply:
 - (1) No new building shall project beyond a straight line drawn between the point closest to the street line of the residence upon either side of the proposed structure. If there are residences upon only one side, then no new building shall project beyond the straight line projected from the front of the two nearest residences. This regulation shall not, however, be interpreted to require a front yard of more than 50 feet, nor to permit a front yard of less depth than that of the nearest building.

- (2) Where the street is curved the line shall follow the curve of the street rather than to be a straight line.
 - C. Double-Frontage Lots -- Double frontage lots shall not be allowed, except where lots back up to a major roadway. In such instances, vehicular access between the lots and the primary thoroughfare shall be prohibited.
 - D. Corner Lots:
 - (1) A corner lot shall be deemed to have two (2) front yards. The classification of the remaining two (2) yards shall be determined by the type of yard abutting the yard in question:
 - (a) If a corner lot abuts a side yard, it shall be deemed a side yard.
 - (b) If a corner lot abuts a rear yard, it shall be classified as a rear yard.
- 3.14 PERMITTED OBSTRUCTIONS, YARDS -- For the purpose of this Zoning Code, the following in addition to permitted accessory structures, shall be considered permitted obstructions in the required yards.
- A. All Yards:
 - (1) Awnings and canopies.
 - (2) Steps four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley.
 - (3) Chimneys that project twenty-four (24) inches or less into the yard.
 - (4) Approved free-standing signs.
 - (5) Arbors and trellises.
 - (6) Flagpoles.
 - (7) Window unit air conditioners which project not more than eighteen (18) inches into the required yard.
 - (8) Fences or walls, subject to applicable height and other code restrictions.
 - (9) Open off-street parking spaces, subject to standards and setbacks set forth in Article 7, Off-Street Parking and Loading.
 - B. Front and Corner Side Yards:
 - (1) Open terraces, patios or decks not over three (3) feet above the average level of the adjoining ground, provided they do not extend more than five

(5) feet into the minimum yard.

(2) One-story bay windows which project three (3) feet or less into the yard.

(3) Overhanging eaves and gutters which project three (3) feet or less into the yard.

C. Rear Yards:

(1) Balconies.

(2) Open terraces or decks, provided they are not over three (3) feet above the average level of the adjoining ground, and do not extend more than fifteen (15) feet into the minimum yard.

(3) Recreational and laundry drying equipment.

(4) Ground-supported air conditioning units which extend not more than five (5) feet into the required yard.

(5) One-story bay windows which project three (3) feet or less into the yard.

(6) Overhanging eaves and gutters which project three (3) feet or less into the yard.

D. Interior Side Yards:

(1) Overhanging eaves and gutters which project thirty-six (36) inches or less into the yard.

(2) Ground-supported air conditioning units which extend not more than five (5) feet into the required yard.

3.15 NUMBER OF BUILDINGS ON A LOT -- Except as a part of a planned development, no more than one principal building shall be located on a zoning lot.

3.16 OFF-STREET PARKING AND LOADING -- Unless otherwise granted under the terms of a special use permit, no building or other structure shall be erected, altered or enlarged, nor shall any use of land be established or enlarged, unless the minimum off-street parking and loading spaces required by Article 7, Off-Street Parking and Loading, are provided.

3.17 HOME OCCUPATIONS:

A. General -- The standards for home occupations are intended to insure compatibility with other permitted uses and the residential character of the neighborhood and to maintain the subordinate and incidental status of the home occupation. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence

except for a sign.

B. Performance Requirements -- A home occupation or profession, where permitted in a zoning district, shall meet the following performance requirements in addition to those standards applicable to the district in which they are located:

- (1) Not more than one (1) person other than members of the immediate family occupying such dwelling shall be employed on the premises.
- (2) No alteration of the principal building shall be made which changes the residential appearance of the dwelling.
- (3) No more than twenty-five percent (25%) of the floor area of the residential dwelling unit shall be devoted to any home occupation.
- (4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Article 7 of this Zoning Code, and shall not be located in a required front yard.
- (5) Signage shall be in conformance with Village ordinances.
- (6) No equipment or material used shall constitute a hazard, create a nuisance or interfere with the reception of broadcast signals.
- (7) The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling.

C. Permitted Home Occupations:

- (1) Day Care Homes licensed by the State of Illinois.
- (2) Dressmakers, seamstresses or tailors.
- (3) Music or dancing teachers, provided that the instruction shall be limited to one pupil at a time, except for occasional groups.
- (4) Artists, sculptors, or authors.
- (5) Physicians, dentists, or other licensed medical practitioners.
- (6) Planners, architects, attorneys, engineers, realtors, insurance agents, brokers, and members of similar professions.
- (7) Offices for ministers, rabbis, priests, or members of religious orders.
- (8) Offices for salespersons, sales representatives or manufacturers' representatives; provided that no retail transactions shall be made on the prem-

ises except through telephone, facsimile or mail communication and no wholesale transactions shall include the acceptance or delivery of merchandise on the premises.

D. Prohibited Home Occupations:

- (1) Animal hospitals.
- (2) Clinics or hospitals.
- (3) Commercial boarding stables or kennels.
- (4) Dancing schools, except where permitted above.
- (5) Mortuaries.
- (6) Nursery schools.
- (7) Private clubs.
- (8) Renting of trailers.
- (9) Repair shops or service establishments, except the repair of small electrical appliances and other similar items.
- (10) Restaurants.

3.18 FENCES -- Fences are a permitted accessory use in all yards subject to the following:

- A. No fence in excess of three (3) feet in height shall be permitted in any required front yard except in F and E-5 and E-3 zoning districts where the height shall be no greater than five (5) feet with horizontal slats separated by not less than twelve (12) inches.
- B. No fence in a residential district shall exceed 6'6" in height in any side or rear lot.
- C. Where there are exposed structural elements on a fence adjacent to a residentially zoned property, the supports shall be exposed on the side of the fence of the property on which it is located.
- D. No barbed wire fence will be permitted in the residential areas except by permission of the Village Board.

3.19 SWIMMING POOLS: Private Swimming Pools -- No private swimming pool shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with all other applicable regulations. Private swimming pools shall not be located in a required front yard.

3.20 ACCESS TO PUBLIC STREETS -- Each zoning lot shall have direct access to a public

or private street or roadway in accordance with the following regulations:

A. General:

- (1) The access control standards contained in this section are intended to promote safe and efficient operation of driveway approaches and to minimize vehicular delays and accidents. The Planning and Design Guidelines of the Comprehensive Plan shall apply.
- (2) Each required off-street parking space shall open directly upon an all-weather, hard surfaced aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Such driveway and driveway approach must be maintained as an all-weather hard surface material.

B. Maximum Number of Driveway Approaches -- With the exceptions listed below, one driveway approach is permitted per zoning lot. If a use is a listed special use in a district, then additional driveway approaches may be considered during the review of the special use permit, provided documentation of a traffic study is supplied. Otherwise, requests for additional driveway approaches shall be considered as variations. The following exceptions may have additional driveway approaches:

- (1) Attached single family dwellings may have one driveway approach per dwelling unit.

C. Corner Clearance:

- (1) Minimum separation of a driveway approach from an adjacent intersecting street shall be forty (40) feet from the centerline of the driveway approach to the nearest right-of-way line of the intersecting street.
- (2) Minimum separation of a driveway from an intersection of a major street with a collector shall be the greater of:
 - (a) Two hundred (200) feet on the major street, and one-hundred fifty (150) feet on the collector unless a shorter distance has specifically been authorized by IDOT along IL Route 31 and IL Route 176; or
 - (b) The length of a full left-turn storage and taper, whichever is greater.

D. Property Line Clearance -- Driveway approaches shall be located so that the required curb-return lies entirely within the property lines (extended) of the zoning lot served by the driveway approach unless the driveway is being shared with the adjacent zoning lot.

E. Vision Clearance, Corner Lots -- No obstruction to the vision of persons using streets, sidewalks or driveways, and no building or structure hereafter erected,

other than fences meeting the requirements of this Zoning Code shall be located in any of the following areas:

- (1) In any residence district, within a triangular area formed by the street property lines and a line connecting points on the street property lines located 35 feet from the street property line intersections.
- (2) In any business district within ten (10) feet of the intersecting right-of-way lines bordering a corner lot.

3.21 WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS *Ord. 491*

- A. Special Use Permit – A special use permit shall be required for the placement and installation of any wireless telecommunication tower or antenna.
- B. Definitions – In addition to those terms defined in Article 2, Rules and Definitions, of this Zoning Code, the following definitions are applicable to this Section:

Antenna: An exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

Antenna Support Structure: Any structure designed and constructed for the support of antennas, including any tower or disguised support structure, but excluding support structures greater than 72 feet in height, which is owner by an amateur radio operator licensed by the FCC.

Applicant: Any person, entity, association, partnership, corporation, trust or titleholder making application to the Village for a special use permit for the siting, construction, installation or modification of a wireless telecommunication tower or antenna.

Building: A structure, other than a single family residence, not constructed primarily for the support of antennas, but which may be utilized for such purpose in accordance with the provisions of this Section.

Co-use/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, silos or similar alternative design mounting structures that camouflage or conceal the presence of a support structure and antenna(s).

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Free Standing Tower: A tower designed and constructed to stand alone on its own foundation and free of architectural or supporting frames or attachments, including, but not limited to, self-supporting (lattice) towers and monopoles.

Height: The vertical distance measured from the base of a structure at ground level to its highest point, including the main structure and all attachments thereto.

IEPA: Illinois Environmental Protection Agency

Pre-Existing Tower or Antenna: Any tower or antenna for which a permit or special use permit has been properly issued prior to the effective date of this Section or which was in existence at the time the property on which it is located was annexed into the corporate limits of the Village.

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

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.

C. Applicability

- (1) New Towers and Antennas: All new towers and/or antennas shall be subject to the regulations herein.
- (2) Pre-existing Towers and Antennas: All pre-existing towers and antennas shall not be subject to the regulations herein; however, any additional co-use antennas on an existing tower are subject to these regulations.
- (3) Amateur Radio Station Operators/Receive Only Antennas: This Section shall not govern any tower or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. However, such towers, installations and antennas, as the case may be, remain subject to the ordinances of the Village.

D. General Requirements

- (1) All requests for a new tower or antenna are subject to the provisions of Sections 9.9 and 9.13 of this Zoning Code and shall only be allowed pursuant to the issuance of a special use permit.
 - (a) New towers and antennas shall only be permitted if it can be shown that all possibilities for co-location of existing towers have been exhausted.

- (b) 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:
 - (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (iv) 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.
 - (v) 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. Costs exceeding new tower development are presumed to be unreasonable.
 - (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (vii) 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 wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
 - (c) If co-location is not possible, new towers and antennas may be permitted on property owned, leased, operated or otherwise controlled by the Village, provided a license or lease authorizing such antenna or tower has been approved by the Village.
 - (d) If co-location or locating on Village-owned land is not possible, new towers and antennas may be located on property zoned I Industrial District.
- (2) If the applicant can prove to the reasonable satisfaction of the Board of

Trustees that there is no existing tower, Village property or I Industrial District zoned property that would fill a coverage gap, the Board of Trustees may allow the applicant to locate on other property.

- (3) Any tower and antenna allowed on property which is owned or operated by the Village shall be wholly enclosed within a structure resembling a silo, flagpole, light standard or similar structure approved by the Appearance Review Commission.
- (4) Towers and antennas shall meet all FCC, FAA, IEPA and Village building requirements.
- (5) No signs shall be allowed on any new or existing tower or antenna.
- (6) For the purpose of measurement, tower setbacks and separation distances shall be calculated by the applicant.
- (7) All buildings and support equipment associated with a new tower or antenna shall meet the provisions of Section 3.21E.

E. Specific Requirements for New Towers and Antennas

- (1) Height and Setback Requirements:
 - (a) Towers shall have a setback of at least 100% of the height of the tower from any adjacent lot line.
 - (b) Guys and accessory buildings shall meet the minimum zoning district setback requirements.
- (2) Separation between Towers and Off Site Uses or Designated Areas:
 - (a) Tower separation shall be measured from the base of the tower to the lot line of the off site uses and/or designated areas listed in Table 1.
 - (b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1	
Off Site Use/Designated Area	Separation Distance
Single family or duplex residences	200 feet or 300% of tower height, whichever is greater.
Vacant land zoned for single family or duplex residential use which has received preliminary subdivision approval or is currently platted.	200 feet or 300% of tower height from closest residential property line, whichever is greater.
Vacant residentially zoned property that is not platted.	100 feet or 100% of the tower height, whichever is greater.
Existing multi-family residential (3 or more	100 feet or 100% of the tower height,

units)	whichever is greater.
Non-residentially zoned property or non-residential uses	Normal district setbacks apply.

- (3) Separation Distances between Towers: Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances, (listed in linear feet (“lf”)), shall be as shown in Table 2.

<i>Table 2</i>				
<i>Separation Distances between New and Existing Towers</i>				
	Lattice	Guyed	Monopole 75 feet in height or greater	<i>Monopole less than 75 feet in height</i>
Lattice	5,000 lf	5,000 lf	1,500 lf	<i>750 lf</i>
Guyed	5,000 lf	5,000 lf	1,500 lf	<i>750 lf</i>
Monopole 75 feet in height or greater	1,500 lf	1,500 lf	1,500 lf	<i>750 lf</i>
<i>Monopole less than 75 feet in height</i>	<i>750 lf</i>	<i>750 lf</i>	<i>750 lf</i>	<i>750 lf</i>

*Note: The Commission may recommend exceptions from these height, setback and separation requirements when it has been proven that there is no safety hazard related to the exceptions.

- (4) Security Fencing: Towers shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device excluding barbed or razor wire fencing.
- (5) Landscaping: Tower facilities shall be landscaped in a manner that effectively screens the ground level structures and equipment from any residentially zoned property. Landscaping shall be reviewed and approved by the Architectural Review Commission.
- (6) Buildings and Equipment Storage: Any unmanned building or structure used for the purpose of housing equipment associated with a tower and antenna shall not exceed 300 square feet of gross floor area, and shall not exceed be 15 feet in height. Said building or structure shall meet all minimum setback requirements of the zoning district in which it is located.

F. Pre-Existing and Non-Conforming Towers and Antennas

- (1) Removal of Abandoned Towers and Antennas: Any tower or antenna that is not operated for a continuous period of 12 months shall be considered to be abandoned, and the owner of such tower or antenna shall remove same within 90 days of receipt of notice from the Village. Failure to remove an abandoned tower or antenna within 90 days shall be grounds to have the tower or antenna removed at the owner’s expense. If there are two or more

users on a single tower, this provision shall not become effective until all users cease using the tower.

- (2) Non-Conforming, Pre-Existing Towers and Antennas: Expansion of the non-conforming use is prohibited; however, routine maintenance (including the replacement of necessary structural elements and electrical equipment needed for the operation of the existing tower and antenna) shall be permitted.

Any pre-existing tower or antenna that is damaged or destroyed by an act of God may be rebuilt in kind without the need for special use permit approval. However, the tower and antenna shall comply with the current applicable building codes, and Village building permits shall be required for the reconstruction. The building permit shall be obtained within 180 days from the date that the tower or antenna was damaged or destroyed. The tower or antenna shall be deemed abandoned if the permit is not obtained within the 180-day period.

- G. Municipal Fees Associated with Co-Location of Antennas on an Existing Tower or New Towers and Antennas in the I- Industrial Zoning District: If the Village approves a special use permit to allow a co-location of an antenna on an existing wireless telecommunication tower, or the erection of a new tower and antenna in the I-Industrial zoning district, the property owner shall share 20 percent of the revenues received from the tower or antenna provider with the Village.

- 3.22 USE OF VILLAGE OWNED PROPERTY— The Village shall provide written notice to of its intention to make permanent use of Village owned property for anything other than open space. Notice shall be provided at least 15 days prior to commencement of said use or construction on the property. The notice shall provide the adjacent owners with the opportunity to notify the Village Administrator, in writing, within 15 days of said notice, of any comment or objection to the proposed use. No hearing, meeting or response from the Village regarding any correspondence received from the adjacent property owner shall be required. *Amended 593*

Z:\P\PrairieGroveVillageof\Code\Chapter.021.Art3.March15.doc