

City of St. Charles, Illinois

Ordinance No. 1996-Z-12

**An Ordinance Amending Title 17, "Zoning,"
of the St. Charles Municipal Code Regarding
Communication Towers and Antennas**

Adopted by the

City Council

of the

City of St. Charles

this 16th day of December, 1996

**Published in pamphlet form by
authority of the City Council
of the city of St. Charles,
Kane and Du Page Counties,
Illinois, this 20th day of December, 1996**



City Clerk

(SEAL)

DATE OF PUBLICATION 12/20/96
NEWSPAPER Pamphlet Form

REFER TO:
MINUTES 12/16/96
PAGE _____

ORDINANCE NO. 1996-Z- 12

**AN ORDINANCE AMENDING TITLE 17, "ZONING",
OF THE ST. CHARLES MUNICIPAL CODE REGARDING
COMMUNICATION TOWERS AND ANTENNAS**

WHEREAS, a Petition dated August 20, 1996 has been filed to amend Title 17, "Zoning", of the St. Charles Municipal Code by adding provisions regarding Communication Towers and Antennas; and

WHEREAS, the Plan Commission of the City of St. Charles has held a public hearing on said Petition in accordance with law; and

WHEREAS, the City Council of the City of St. Charles has received the recommendation of the Plan Commission and has considered the same;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. That Chapter 17.02 "General Provisions" of Title 17 of the St. Charles Municipal Code be amended by adding Section 17.02.240, as follows:

"17.02.240 Communications Towers and Antennas

A. Height

1. For a communications towers, the maximum height shall be 150 feet in all Business Districts and the M-1 Limited Manufacturing District. In all residential districts, the height shall be 100 feet. Height shall be measured as the distance from the grade level to the highest point on the tower.
2. Communication Antennas located on an existing structure that is up to 100 feet in height shall not extend more than 30 feet above the top of said structure if located in a non-residential zoning district and not more than 25 feet above said structure if located in a residential zoning district.

Communication antennas located on an existing structure that is over 100 feet in height shall not extend more than 20 feet above the top of said structure if located in a non-residential zoning district and not more than 15 feet above said structure if located in a residential zoning district.

B. Setbacks

Note: All setbacks are to be measured from the base of the tower to the property line or street right-of-way. If a tower is proposed to be placed on a leased portion of a larger lot owned by someone other than the tower owner, setbacks shall be measured from the boundaries of such larger lot.

1. When located in a residential district:

Communication towers must be setback from all property lines by a minimum distance of 100% of the height of the tower plus 10 feet.

2. When located in any Business District or the M-1 District:

Communication towers must meet the setback requirements for structures in the underlying zoning district.

Communication towers must be set back from any residential district by a minimum distance of 500 feet.

3. No setbacks shall be required if the antenna is to be located on an existing structure.”

SECTION 2. That Chapter 17.04, “Definitions” of Title 17 of the St. Charles Municipal Code

be amended by adding the following definitions:

“17.04.575 **Communication Antenna**

‘Communication Antenna’ means any exterior apparatus designed for telephonic, personal wireless services, radio, or television communications through the sending and/or receiving of electromagnetic waves.

17.04.560 **Communication Tower**

‘Communication Tower’ means a tower structure greater than 30 feet in height and which does not exceed 150 feet in height which supports communication antenna equipment (transmission or receiving).

17.04.565 Personal Wireless Services

‘Personal Wireless Services’ means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.”

SECTION 3. That Chapter 17.07 “E1 Single-Family Estate Residence District”, Section 17.07.010 “Permitted Uses”, paragraph (E) be amended by adding item (4), “Communication antennas” and that Chapter 17.07, Section 17.07.020 “Special Uses”, paragraph (E) be amended by deleting item (3) “Radio and television towers” and item (4) “Microwave relay towers” and by substituting “Communication Towers” as item (3), and by renumbering item (5) as item (4).

SECTION 4. That Chapter 17.10 “R1-A Single-Family Residence District” Section 17.10.020 “Special Uses”, paragraph (E) be amended by deleting item (3) “Radio and television towers” and item (4) “Microwave relay towers”, by substituting item (3) “Communication Towers”, and by renumbering item (5) as item (4).

SECTION 5. That Chapter 17.11 “R1 Single-Family Residence District”, Section 17.11.010 “Permitted Uses”, paragraph (E) be amended by adding item (4) “Communication antennas”, and that Section 17.11.020 “Special Uses”, paragraph (L) be amended by deleting item (4) “Radio and television towers”, by deleting item (6) “Telephone exchanges, microwave relay towers and telephone transmission equipment buildings” and by substituting item (4) “Communication Towers” and item (6) “Telephone exchanges and telephone transmission equipment buildings”.

SECTION 6. That Chapter 17.12 “R2-A Single-Family Residence District”, Section 17.12.010 “Permitted Uses”, paragraph (E) be amended by adding item (4) “Communication

antennas”, and that Section 17.12.020 “Special Uses”, paragraph (G) be amended by deleting item (4) “Radio and television towers”, by deleting item (6) “Telephone exchanges, microwave relay towers and telephone transmission equipment buildings” and by substituting item (4) “Communication Towers” and item (6) “Telephone exchanges and telephone transmission equipment buildings”.

SECTION 7. That Chapter 17.13 “R2 Single-Family Residence District”, Section 17.13.010 “Permitted Uses”, paragraph (E) be amended by adding item (4) “Communication antennas”, and that Section 17.13.020 “Special Uses”, paragraph (G) be amended by deleting item (4) “Radio and television towers”, by deleting item (6) “Telephone exchanges, microwave relay towers and telephone transmission equipment buildings” and by substituting item (4) “Communication Towers” and item (6) “Telephone exchanges and telephone transmission equipment buildings”.

SECTION 8. That Chapter 17.14 “R3 Two-Family Residence District”, Section 17.14.010 “Permitted Uses”, paragraph (F) be amended by adding item (4) “Communication antennas”, and that Section 17.14.020 “Special Uses”, paragraph (H) be amended by deleting item (4) “Radio and television towers”, by deleting item (5) “Telephone exchanges, microwave relay towers and telephone transmission equipment buildings” and by substituting item (4) “Communication Towers” and item (5) “Telephone exchanges and telephone transmission equipment buildings”.

SECTION 9. That Chapter 17.15 “R4-A Attached Single Family Residence District”, Section 17.15.010 “Permitted Uses”, paragraph (G) be amended by adding item (4) “Communication antennas”, and that Section 17.15.020 “Special Uses”, paragraph (H) be amended by deleting item (4) “Radio and television towers”, by deleting item (5) “Telephone exchanges, microwave relay towers

and telephone transmission equipment buildings” and by substituting item (4) “Communication Towers” and item (5) “Telephone exchanges and telephone transmission equipment buildings”.

SECTION 10. That Chapter 17.16 “R4 General Residence District”, Section 17.16.010 “Permitted Uses”, paragraph (I) be amended by adding item (4) “Communication antennas”.

SECTION 11. That Chapter 17.24 “B-2 Community Business District”, Section 17.24.020 “Permitted Uses”, be amended by adding item (68) “Other accessory uses: Communication antennas”, and that Section 17.24.030 “Special Uses”, be amended by deleting item (J) “Radio and television towers”, by deleting item (I)(5) “Telephone exchanges, microwave relay towers and telephone transmission equipment buildings” and by substituting item (J) “Communication Towers” and item (I)(5) “Telephone exchanges and telephone transmission equipment buildings”.

SECTION 12. That Chapter 17.25 “B-2-C Central Business District”, Section 17.25.030 “Permitted Uses”, be amended by adding item (89) “Other accessory uses: Communication antennas”, and that Section 17.25.040 “Special Uses”, paragraph (13) be amended by adding item (I) “Communication Towers”.

SECTION 13. That Chapter 17.28 “B-3 Service Business District”, Section 17.28.020 “Permitted Uses”, be amended by deleting item (43) “Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings and electric distribution centers”, by substituting item (43) “Telephone exchanges, telephone transmission equipment buildings and electric distribution centers”, and by adding item (48) “Other accessory uses: Communication antennas”, and that Section 17.25.030 “Special Uses” be amended by adding item (J) “Communication Towers”.

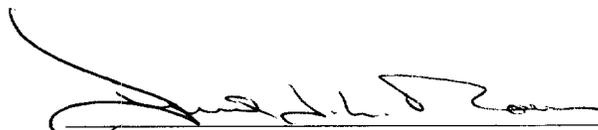
SECTION 14. That Chapter 17.36 “M-1 Limited Manufacturing District”, Section 17.36.010 “Permitted Uses”, paragraph (21), be amended by deleting item (c) “Telephone exchanges, microwave relay towers, and telephone transmission equipment buildings”, by substituting item (c) “Telephone exchanges and telephone transmission equipment buildings”, and by adding item (g) “Communication antennas”, and that Section 17.36.020 “Special Uses” be amended by adding item (P) “Communication Towers”.

SECTION 15. That after the adoption and approval hereof this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 16th day of December, 1996.

PASSED by the City Council of the City of St. Charles, Illinois, this 16th day of December, 1996.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 16th day of December, 1996.


MAYOR

ATTEST:

Ordinance No. 1996-Z-12

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Kristal L. Arak
CITY CLERK

COUNCIL VOTE:

Ayes: 13

Nays: 0

Absent: 0

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

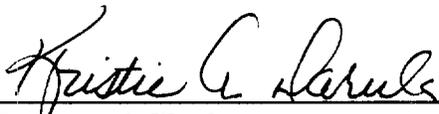
I further certify that on December 16, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 1996-Z-12, entitled

"An Ordinance Amending Title 17, 'Zoning,' of the
St. Charles Municipal Code Regarding Communication
Towers and Antennas",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1996-Z-12, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 20, 1996, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 18th day of December, 1996.



Municipal Clerk

(SEAL)