

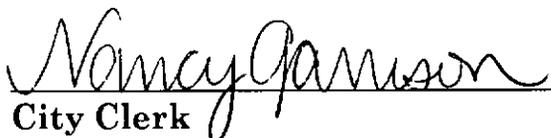
City of St. Charles, Illinois

Ordinance No. 2008-Z-20

**Ordinance Amending Title 17 of the St. Charles
Municipal Code Entitled "Zoning" Pertaining to
Communication Towers, Communication Antennas, and
Satellite Dish Antennas**

**Adopted by the
City Council
of the
City of St. Charles
May 19, 2008**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, May 23, 2008**


City Clerk



(SEAL)

DEPT OF PUBLICATION 05/23/08
NEWSPAPER PUBLICATION

RECEIVED 05/19/08
CASE

ORDINANCE NO. 2008-Z-20

AN ORDINANCE AMENDING TITLE 17 OF THE ST.CHARLES MUNICIPAL CODE ENTITLED "ZONING" PERTAINING TO COMMUNICATION TOWERS, COMMUNICATION ANTENNAS, AND SATELLITE DISH ANTENNAS

WHEREAS, on or about February 27, 2008, the City of St. Charles ("the Applicant") filed a petition to amend the Zoning Ordinance of the City of St. Charles pertaining to Communication Towers, Communication Antennas, and Satellite Dish Antennas; and,

WHEREAS, Notices of Public Hearing on said petition were published on or about February 29, 2008, in a newspaper having general circulation within the City, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing on or about March 18, 2008, on said petition in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said petition(s) and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the petition on or about March 18, 2008; and,

WHEREAS, the City Planning and Development Committee recommended approval of the petition(s) on or about April 14, 2008; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee 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 ONE: The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

SECTION TWO: That Section 17.22.020 entitled “Accessory Buildings and Structures” is hereby amended by deleting sections “E. Satellite Dish Antennas” and “F. Telecommunications Towers and Antennas” and substituting the following sections entitled “E. Communication Antennas” and “F. Communication Towers” thereto which shall read as follows:

“E. Communication Antennas

1. General Requirements

- a. Communication Antennas shall conform to the applicable yard and setback requirements of the zoning district except as modified by Table 17.22-3.
- b. Communication Antennas shall be concealed through location on a roof or site so as to limit their visibility from public streets and adjoining property, to the extent possible without impairing the antenna’s ability to receive a signal.
- c. Communication Antennas shall be permanently installed on a building, in the ground or on a foundation, not on a portable or movable structure.
- d. Communication Antennas, except for non-commercial wireless antennas (amateur radio), shall not extend more than twenty (20) feet above the height of the principal building on the lot.
- e. Cables and lines serving ground-mounted Communication Antennas shall be located underground.
- f. All exposed surfaces and supports of Communication Antennas shall be kept clean and painted. The Building Commissioner may require repair or removal of antennas that are damaged, deteriorated or no longer in use.
- g. No additional signs or advertising are allowed on Communication Antennas except for logos affixed by service providers or antenna manufacturers.

2. Small Satellite Dish Antennas

Small Satellite Dish Antennas as defined in this Title shall comply with the General Requirements for Communication Antennas.

3. Large Satellite Dish Antennas

Large Satellite Dish Antennas as defined in this Title shall comply with the General Requirements for Communication Antennas, in addition to the following:

- a. Large Satellite Dish Antennas shall be screened in accordance with Section 17.26.120, Screening of Large Satellite Dish Antennas.
- b. There shall be not more than one (1) Large Satellite Dish Antenna per single-family, two-family, or townhouse dwelling unit. For all other uses, there shall not be more than one (1) Large Satellite Dish Antenna per building on a lot.
- c. Large Satellite Dish Antennas shall not be mounted on a building containing single-family, two-family, or townhouse dwelling units.
- d. Large Satellite Dish Antennas shall not exceed a dish diameter of twelve (12) feet or an overall height of twelve (12) feet.

F. Communication Towers

1. All setbacks shall be measured from the base of the tower to the property line or street right-of-way. If a tower is 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.
 - a. In residential districts, Communication Towers shall be set back from all property lines by a minimum distance of one hundred percent (100%) of the height of the tower, plus ten (10) feet.
 - b. In non-residential districts, Communication Towers must meet the setback requirements for the underlying zoning district, and shall be set back from any residential district a minimum distance of five hundred (500) feet.
2. Height shall be measured from grade level at the tower base to the highest point on the tower.
 - a. In residential districts, the maximum height shall be one hundred (100) feet.
 - b. In non-residential districts, the maximum height shall be one hundred fifty (150) feet.”

SECTION THREE: That Chapter 17.22, Table 17.22-3 entitled “Permitted Encroachments” is hereby amended by deleting the section entitled “Satellite Dish Antenna” and adding thereto:

<u>Satellite Dish Antenna, Small</u>	<u>NP/P¹</u>	<u>NP/P¹</u>	<u>P</u>	<u>NP/P¹</u>
<u>Satellite Dish Antenna, Large</u>	<u>NP</u>	<u>NP</u>	<u>P, 5 ft from lot lines</u>	<u>NP</u>

¹Where a Small Satellite Dish Antenna cannot receive a clear signal within the yard and setback requirements of the zoning district or the rear yard, the dish may be located in an alternative location in the yards indicated in compliance with Section 17.22.020 Communication Antennas.

SECTION FOUR: That Section 17.26.120 entitled “Additional Screening Requirements” is hereby amended by adding a section “E. Screening of Large Satellite Dish Antennas” which shall read as follows:

“E. Screening of Large Satellite Dish Antennas”

Large Satellite Dish Antennas shall be fully screened so as not to be visible from any public street or adjoining lot when viewed from an observation height of five feet above grade. Ground-mounted antennas shall be screened by landscaping, berming, walls and/or fencing. Roof-mounted antennas shall be screened by their location on the roof (away from the parapet), by an architectural element of the building (e.g. a parapet), by a screening wall, or a combination thereof. Any screening wall or fence shall be compatible with the color, texture, and/or materials of the primary buildings on the site.”

SECTION FIVE: That Section 17.30.020 entitled “Use Definitions” is hereby amended by deleting the section entitled “Telecommunications Tower” and by substituting the following for the section entitled “Communication Tower”:

“Communications Tower. A structure designed and constructed primarily for the purpose of supporting one or more Communication Antennas, including self-supporting lattice towers, guy towers and monopole towers.

This use includes radio and television transmission towers, personal communications service (PCS), microwave towers, common-carrier towers, cellular telephone towers, and the like. This use does not include any structure erected solely for a residential, non-commercial individual use, such as television reception antennas, satellite dishes or non-commercial wireless antennas (amateur radio).”

SECTION SIX: That Section 17.30.030 entitled “General Definitions” is hereby amended by deleting the section entitled “Direct Broadcast Satellite (DBS)” and by adding sections entitled “Satellite Dish Antenna, Large” and “Satellite Dish Antenna, Small” thereto which shall read as follows:

“Satellite Dish Antenna, Large: A parabolic Communication Antenna, usually distinguished by a spherical or cone shape, including the dish structure and structural supports, used for the sending and/or receiving of transmissions from satellites, with a dish diameter larger than a “Satellite Dish Antenna, Small” as defined herein.

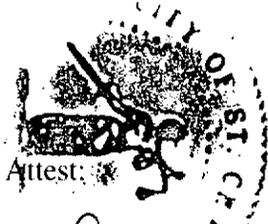
Satellite Dish Antenna, Small: A parabolic Communication Antenna, usually distinguished by a spherical or cone shape, including the dish structure and structural supports, used for the sending and/or receiving of transmissions from satellites, with a dish diameter of one (1) meter (40 inches) or less located in a residential zoning district or two (2) meters (80 inches) or less located in all other zoning districts.”

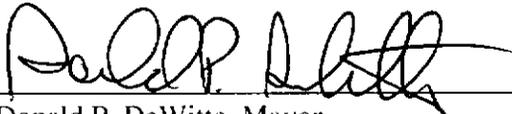
SECTION SEVEN: That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a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

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of May, 2008.

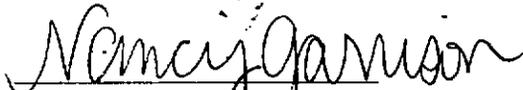
PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 19th day of May, 2008.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,
Illinois this 19th day of May, 2008.





Donald P. DeWitte, Mayor



City Clerk/Recording Secretary

VOICE VOTE:
AYES: 8
NAYS: 0
ABSENT: 2
ABSTAIN:

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

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on May 19, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-Z-20, entitled

"Ordinance Amending Title 17 of the St. Charles
Municipal Code Entitled "Zoning" Pertaining to
Communication Towers, Communication Antennas,
and Satellite Dish Antennas,"

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

The pamphlet form of Ordinance No. 2008-Z-20, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 23, 2008, 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 19th day of May 2008.



Municipal Clerk

