

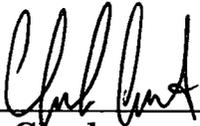
City of St. Charles, Illinois

Ordinance No. 2018-Z-22

**Ordinance Amending Title 17 of the St. Charles
Municipal Code Entitled "Zoning" regarding Small Cell
Wireless Facilities**

**Adopted by the
City Council
of the
City of St. Charles
August 20, 2018**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, August 27, 2018**



City Clerk

(S E A L)



City of St. Charles, IL
Ordinance No. 2018-Z- 22

An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled “Zoning” regarding Small Cell Wireless Facilities

WHEREAS, the City of St. Charles (“City”) is a municipal corporation duly organized and existing under the laws of the State of Illinois; and

WHEREAS, Public Act 100-585, known as the Small Wireless Facilities Deployment Act, approved by the Governor on April 12, 2018, with an effective date of June 1, 2018, acts to impose certain requirements on municipalities, including the City, regarding the permitting, construction, deployment, regulation, operation, maintenance, repair and removal of certain defined small wireless facilities both within public rights-of-way and in other locations within the jurisdiction of the City; and

WHEREAS, the Mayor and City Council of the City recently approved amendments to the City’s Municipal Code relative to the permitting, regulation and deployment of small wireless facilities in conformance with Public Act 100-585; and

WHEREAS, on or about July 20, 2018, the City of St. Charles filed an Application to amend Title 17 of the St. Charles Municipal Code, the Zoning Ordinance of the City of St. Charles, regarding Small Cell Wireless Facilities; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about July 21, 2018, in a newspaper having general circulation within the City, to-wit, the Daily Herald 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 August 7, 2018 on said Application 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 Application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Application on or about August 7, 2018; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application on or about August 13, 2018; 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:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

2. Chapter 17.14 (Business and Mixed Use Districts), Table Section 17.14-1 (Permitted and Special Uses) is amended by adding a new footnote related to Communication Tower, to read in its entirety as follows:

“¹ Communication Towers that are Wireless Support Structures supporting Small Wireless Facilities, as defined in Chapter 13.24 “Small Cell Wireless Facilities”, are permitted uses in any Right-of-Way within the City, and, in conformance with State law, are permitted uses in the BL, BC and BR Zoning Districts when all other applicable zoning requirements and the requirements of Chapter 13.24 are met.”

3. Chapter 17.16 (Office/Research, Manufacturing and Public Land Districts), Table Section 17.16-1 (Office/Research, Manufacturing and Public Lands - Permitted and Special Uses) is amended by adding a new footnote related to Communication Towers, to read in its entirety as follows:

“¹ Communication Towers that are Wireless Support Structures supporting Small Wireless Facilities, as defined in Chapter 13.24 “Small Cell Wireless Facilities”, are permitted uses in any Right-of-Way within the City, and, in conformance with State law, are a permitted use, as opposed to a special use, in the O-R District when all other applicable zoning requirements and the requirements of Chapter 13.24 are met.”

4. Chapter 17.22 (General Provisions), Section 17.22.020 (Accessory Buildings and Structures), subsection 17.22.020.E is amended by adding Subsection Number 4 to read as follows:

“4. Small Wireless Facilities
Communication Antennas that are Small Wireless Facilities, as defined in Chapter 13.24 “Small Cell Wireless Facilities” shall, in addition, comply with the regulations set forth in Chapter 13.24.”

5. Chapter 17.22 (General Provisions), Section 17.22.020 (Accessory Buildings and Structures), subsection 17.22.020.F is amended by adding Subsection 1.C to read as follows:

“c. Communications Towers that are Wireless Support Structures supporting Small Wireless Facilities, as defined in Chapter 13.24 “Small Cell Wireless Facilities”, are permitted in any Right-of-Way in conformance with the requirements of Chapter 13.24, without regard to setbacks from private property lines.”

6. Chapter 17.22 (General Provisions), Section 17.22.020 (Accessory Buildings and Structures), subsection 17.22.020.F is amended by adding Subsection 2.C to read as follows:

“c. The height of Communication Towers that are Wireless Support Structures on which Small Wireless Facilities are collocated is limited by Chapter 13.24 “Small Cell Wireless Facilities”, Section 13.24.008 “Height Limitations”.

7. Chapter 17.30 (Definitions), Section 17.30.020 (Use Definitions) is amended by revising the following definitions, to read in their entirety as follows:

“Communication Antenna.

Any exterior apparatus designed for telephone, personal wireless services, broadband, radio or television communications through the sending and/or receiving of electromagnetic waves. This use includes Small Wireless Facilities, as defined in and regulated by Chapter 13.24 “Small Cell Wireless Facilities”.

Communication Tower.

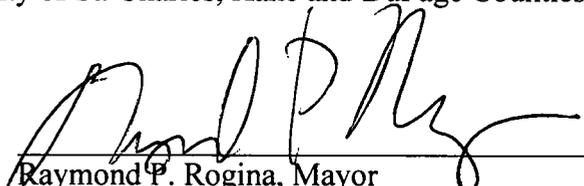
A structure designed and constructed primarily for the purpose of supporting one or more Communication Antennas, including self-supporting lattice towers, guy towers and monopole towers. This use includes radio and television transmission towers, personal communications service (PCS), microwave towers, 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). This use includes Wireless Support Structures supporting Small Wireless Facilities, as defined in and regulated by Chapter 13.24 “Small Cell Wireless Facilities”, when designed and constructed primarily for the purpose of supporting one or more Small Wireless Facilities.”

8. 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 20th day of August 2018.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of August 2018.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of August 2018.


Raymond P. Rogina, Mayor

Attest:



Chuck Amenta, City Clerk

COUNCIL VOTE:

Ayes: 9

Nays: 0

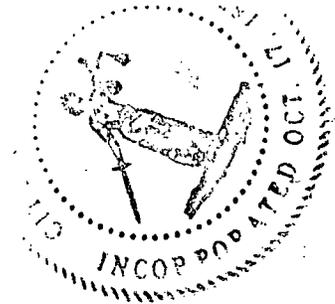
Absent: 1

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____



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

Certificate

I, CHUCK AMENTA, 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 August 20, 2018, the Corporate Authorities of such municipality passed and approved Ordinance No. **2018-Z-22** entitled

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

The pamphlet form of Ordinance No. **2018-Z-22**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on August 27, 2018, 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 20th day of August, 2018.



Municipal Clerk

(S E A L)

