

ARTICLE 21
COMMUNICATION FACILITIES

7 TCC 1-21(a) Purpose. The requirements of this Article are established for the purpose of accommodating the communication needs of Tazewell County residents and businesses while protecting the public health, safety, and general welfare of the community. The requirements of this Article shall apply to communications facilities when they are allowed as a permitted use or by Special Use.

7 TCC 1-21 (b) Authority. Pursuant to 55 ILCS 5/5-12001 et al. Tazewell County has the authority to regulate and restrict the location and use of structures.

7 TCC 1-21 (c) Definitions. The following definitions, when used in this Section shall have the following meanings unless the context clearly indicates otherwise. When other definitions are in question the definition as reflected in 55 ILCS 5/5-12001.1 shall apply.

- (1) Antenna: An antenna device by which radio signals are transmitted, received, or both.
- (2) Equipment Housing: A combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antenna of a facility, and the equipment itself.
- (3) FAA: The Federal Aviation Administration of the United States Department of Transportation.
- (4) Facility: That portion of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including; (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware.
- (5) FCC: The Federal Communications Commission.
- (6) Height of a Facility: The total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation.
- (7) Horizontal Separation Distance: The distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a residential dwelling.
- (8) Lot Line Set Back Distance: The distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the width of any intervening right of way.

- (9) **Qualifying Structure:** A supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure is not more than 15 feet higher than the height of the existing structure just before the facility is installed.
- (10) **Supporting Structure:** A structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility.
- (11) **Telecommunications Carrier:** A telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997.

7 TCC 1-21 (d) Communication Facilities Permitted. A facility shall be permitted by building permit if its supporting structure is a qualifying structure or if the following conditions are met:

- (1) The height of the facility is not in excess of 200 feet and is proposed to be located within one and one-half miles of the corporate limits of any municipality with a population of 25,000 or more residents, or the height of the facility is not in excess of 350 feet and proposed to be located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more residents; and (Added Amendment #6 - 12/98)
- (2) The horizontal separation distance to the nearest residential dwelling is not less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater.

7 TCC 1-21 (e) Application for Building Permit. When a communications tower is allowed as a permitted use, a site plan shall be submitted to the Community Development Administrator demonstrating compliance with the following restrictions:

- (1) **Setbacks:** No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line. If the tower is placed on a leased portion of a larger lot, owned by someone other than the owner of the tower, setbacks shall be measured from the boundaries of such leased portion of the lot;
- (2) **Lighting:** Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of a facility;
- (3) **Septic and Easements:** All recorded easements and any existing septic fields shall be indicated on the site plan;
- (4) **Fencing:** A fence of at least eight (8) feet in height shall be required around the perimeter of the facility;

- (5) Exterior Materials and Color: If a facility is to be located adjacent to a residentially zoned lot the building should be designed with exterior material and colors that are reasonably compatible with the residential character of the area.
- (6) When compliance with the above has been demonstrated the permit shall be issued by the Community Development Administrator.

7 TCC 1-21 (f) Communication Facilities By Special Use. A Special Use shall be required for a communications facility under the following conditions:

- (1) The supporting structure is not a qualified structure; or
- (2) The height of the facility is to be in excess of 200 feet and proposed to be located within one and one-half miles of the corporate limits of any municipality with a population of 25,000 or more residents; or
- (3) The height of the facility is to be in excess of 350 feet; or
- (4) The horizontal separation distance to the nearest residential dwelling is less than the height of the supporting structure or less than 100 feet.

7 TCC 1-21 (g) Application for Special Use. When a Special Use is required for a communications facility, a site plan shall be submitted to the Community Development Administrator demonstrating compliance with the restrictions listed in Section 5 of this Article. An application shall also be submitted to the Community Development Administrator which meets the requirements of the application procedures found in Article 25 (Special Uses).

7 TCC 1-21 (h) Evaluation of Special Use. Following the procedures as established in Article 25 (Special Uses) the Zoning Board of Appeals, in evaluating a Special Use for a communications facility, shall consider the following matters:

- (1) The zoning and size of the proposed facility using the following evaluation criterion:
 - i. A non-residentially zoned lot is the most desirable location;
 - ii. A residentially zoned lot that is not used for residential purposes is the second most desirable location;
 - iii. A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location;
 - iv. A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.
- (2) Whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;
- (3) The benefit to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;

- (4) The existing uses on adjacent and nearby properties; and
- (5) Whether the design of the proposed facility reflects compliance with Section 5 of this Article.

7 TCC 1-21 (i) Enforcement. The erection or operation of any communications facility in violation of the Ordinance shall subject the owner and/or the operator of the facility to civil penalty. The civil remedies available to the Court shall include the removal of the facility. If such removal is ordered, it shall be completed by the Tazewell County Sheriff's Office and all expenses shall be paid by the owner and/or operator of the facility.