

**DIVISION 15 - TELECOMMUNICATION ANTENNA REGULATIONS**

**SEC. 15.15-1 TITLE.** This Division shall be known, cited and referred to as: The Town of Normal Telecommunication Antenna Code (hereinafter referred to as "Code").

**SEC. 15.15-2 INTENT.** The purpose of the regulations set forth in the Town of Normal Telecommunication Antenna Code is to further an overall plan for the enhancement of public safety, consistent community development, preservation of property values and the general welfare of the Town of Normal. In order to accommodate the communication needs of the residents and businesses while protecting the public health, safety and general welfare of the Town, the regulations are further intended to: facilitate the provision of wireless telecommunication services to the residents and businesses of the Town; nonetheless preserve and protect property values; avoid potential damage to adjacent properties from tower failure; lessen congestion of land and air space; provide against undue concentrations of telecommunication antennas and antenna facilities which may create adverse visual effects and detract from a neighborhood's character; establish reasonable standards for private and commercial use of telecommunications antennas; preserve the attractive character of the Town; and to recognize that the general welfare of the public includes a community plan that provides for a community that shall be beautiful as well as healthful, spacious as well as clean, and well balanced in its growth and development.

The promotion of public health and safety is to be accomplished by reducing the distractive characteristics of telecommunications antenna facilities or towers and insuring that unless otherwise necessary telecommunication towers or antenna facilities shall not be located in an established residential neighborhood.

The regulations in the Town of Normal Telecommunication Antenna Code expressly distinguish between direct satellite dishes, amateur radio operator antennas, and commercial antennas. This distinction is necessary in order to ensure compliance with the Federal Aviation Authority (FAA) and Federal Communication Commission (FCC) policies and requirements as they affect the telecommunication industry.

**SEC. 15.15-3 GENERAL PROHIBITION.** Any Telecommunication Antenna not expressly permitted by this Code is prohibited in the Town of Normal. All telecommunications antennas must comply with all applicable provisions of the Building, Electrical and Municipal Codes of the Town of Normal, rules promulgated by the Federal Aviation Authority (FAA) the Federal Communications Commission (FCC), the Bloomington Normal Airport Hazard Zoning Regulations and the standards and regulations of any other agency of the State, Federal or local unit of government with authority to regulate antennas.

**SEC.15.15-4 RULES AND DEFINITIONS.****A. Rules of Construction.**

The language set forth in the text of this Code shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular;
  2. The present tense includes the past and future tenses, and the future tense includes the present;
  3. The word “shall” is mandatory, while the word “may” is permissive;
  4. The masculine gender includes the feminine and the neuter genders;
  5. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the Definitions hereof; and,
  6. All measured distances shall be to the nearest integral foot. If a fraction is one-half (1/2) foot or more, the integral foot next above shall be taken.
- B. Definitions. Where a definition is not specifically set forth herein, the term shall be defined as set forth in the Zoning Code.
1. Commercial Mobile Services. Mobile services that are for-profit, are available to the public or a substantial portion of the public, and provide subscribers with the ability to access or receive calls from the public switched telephone network – examples are personal communication services (PCS), cellular radio mobile service and paging.
  2. Height. The vertical measurement from the ground to the vertical apex of the telecommunication antenna facility.
  3. Personal Communication Services. A digital, radio-based service that transmits and receives low-powered electronic signals through networks of linked transmitter/receiver sites with each transmitter/receiver or base station covering smaller areas.
  4. Personal Wireless Facilities. Transmitters, receivers, antenna facilities and other types of installation used for the provision of personal wireless services.
  5. Personal Wireless Services. Commercial mobile services, cellular telephone services, specialized mobile radio services (SMR), unlicensed wireless services, and common carrier wireless exchange access services, as now or hereafter defined in Title 47 United States Code, Section 323(C)(7)(c).
  6. Radio Broadcast. Traditional AM and FM radio broadcasts and amateur radio broadcasts (HAM Radio).
  7. Satellite Dish Antenna. A telecommunication antenna shaped like a bowl or

dish and used to receive wireless transmission of radio, data, or video from a satellite orbiting the earth.

8. Telecommunication Antenna. A device affixed to the ground, a building or other structure which device is capable of transmitting or receiving radio waves. Telecommunication antenna includes but is not limited to devices capable of transmitting or receiving radio waves supporting the following types of communication:
  - a. Television broadcast, multichannel multipoint distribution (wireless cable), direct broadcast satellites (DBS),
  - b. Radio broadcast (including AM, FM, and amateur radio antennas)
  - c. Wireless telecommunications, personal wireless services, commercial mobile services, cellular telephone services, specialized mobile radio services (SMR), unlicensed wireless services and common carrier wireless exchange access services.
9. Telecommunication Antenna Facility. The antenna, mast, pole, lattice work, structure, tower, building, equipment and other supporting material used to mount and operate an antenna.
10. Unlicensed Wireless Service. The offering of telecommunication services using duly authorized devices which do not require individual licenses by FCC, but does not mean the provision of direct-to-home satellite services.

**SEC. 15.15-5 REGULATIONS FOR TELECOMMUNICATIONS ANTENNAS PERMITTED IN SPECIFIC ZONING DISTRICTS.**

- A. Within the R-1AA, R-1A, R-1B, R-2, R-3A, R-3B and R-4 Residence Districts telecommunication antennas are permitted as follows:
  1. Accessory use satellite dish receiving antennas exceeding one meter in diameter shall be permitted on the following conditions:
    - a. such antennas shall be located only on a roof or in rear yards and no closer than five (5) feet from a side or rear lot line and outside of easements of record; and
    - b. the vertical apex of the telecommunication antenna facility shall not exceed fifteen (15) feet in height from ground level for ground mounted, and fifteen (15) feet in height from roof line for roof mounted.
  2. Satellite dish receiving antennas, one meter or less in diameter, television

broadcast receiving antennas, multichannel multipoint distribution receiving antennas, radio broadcast receiving antennas, and amateur radio antennas (receiving and transmitting), provided all such antennas are accessory use antennas, shall be permitted on the following conditions:

- a. such antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot except within an easement of record. Proof of inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request; and
  - b. the vertical apex of the telecommunication antenna facility shall not exceed the greater of the District Height Limit or seventy (70) feet in height from ground level.
3. Other telecommunication antennas are prohibited, unless the same are located on Town right-of-way or Town easement pursuant to an agreement with the Town of Normal.
- B. Within the A-Agricultural, S-1 University District, and S-2 Public Lands and Institutions Districts telecommunication antennas are permitted subject to the bulk requirements applicable to such district, and subject to site plan review procedures of Division 8 and SEC. 15.4-5 of this Code.
- C. Within the C-1 Office District, C-2 Neighborhood Shopping District, C-3 Community Regional Shopping District, B-1 General Business District, B-2 Central Business District, M-1 Restricted Manufacturing District, and M-2 General Manufacturing District telecommunication antennas are permitted as follows:
1. Accessory use satellite dish receiving antennas exceeding two meters in diameter, and accessory use mobile radio antennas shall be permitted on the following conditions:
    - a. such antennas shall be permitted only on the roof or in the rear or side yards;
    - b. such antennas shall not be placed on an easement of record or within five (5) feet of a property line; and
    - c. the vertical apex of the telecommunication antenna facility shall not exceed the greater of the Zoning District Height regulations, or fifteen (15') feet in height above the building roof line for roof mounted.
  2. Satellite dish receiving antennas less than two meters in diameter, television

broadcast receiving antennas, multichannel multipoint distribution receiving antennas, and radio broadcast receiving antennas and amateur radio antennas (receiving and transmitting) provided all such antennas are accessory use antennas, shall be permitted on the following conditions:

- a. such antennas shall be located only on a roof or in rear or side yards unless such restriction precludes reception of an acceptable quality signal. In such case such antennas may be placed anywhere on the lot except within an easement of record. Proof of inability to receive an acceptable quality signal shall be provided to the Zoning Administrator upon request; and
  - b. the vertical apex of the telecommunication antenna facility shall not exceed the greater of the District Height Limit or seventy (70) feet in height from ground level.
3. Accessory use mobile radio antennas not meeting the conditions of SEC. 15.15(B)(1) above and all other telecommunication antennas shall be permitted only as a Special Use pursuant to the procedures of Division 10 and the standards of SEC. 15.15-6.
- D. Within the S-3 Historic and Cultural District telecommunication antennas shall be permitted in accordance with the above regulations for the applicable underlying zoning district and in accordance with the procedures set forth in SEC. 15.6-13 and the standards of SEC. 15.15-6.

**SEC.15.15-6 SPECIAL USE STANDARDS FOR TELECOMMUNICATION ANTENNAS.** The purpose of this Section is to specify standards that shall be required to be met before the issuance of a Special Use Permit.

A. Application Requirements.

1. Submission of a Site Plan drawn to scale, showing the location and dimensions of existing and proposed buildings or structures, natural or manmade features, topography, elevations and location of landscaping and lighting.
2. Description of the proposed telecommunication antenna facility including certification by an engineer regarding the structural integrity of the facilities, and evidence of compliance with FCC emission standards.
3. Siting needs and sharing capabilities. An inventory of the existing telecommunication antenna facilities including but not limited to existing antenna facilities, silos, water tanks, buildings. Notification by way of certified mail as proof of exhausting possible avenues for sharing space.

4. Maintenance plan. A description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise and safety impacts on such maintenance.
5. Proof of approval or compliance with FAA standards.
6. Proof of liability insurance in the minimum single limit amount of two hundred thousand dollars with the Town of Normal named as an additional insured.

B. Bulk Regulations.

1. Lot Size Requirements. Minimum lot size for the district in which the facilities are located.
2. Setback. A setback from adjoining property lines is required in order to minimize the adverse affects of falling ice or damage due to antenna collapse. A setback of fifty percent (50%) of the telecommunication antenna facility height shall be maintained except a setback of five hundred feet (500') shall be maintained from all residential zoning districts and from buildings used for residential dwelling, day care, elementary or secondary schools.
3. Separation from other antenna facilities. In order to encourage co-location of antennas on a common facility all new antenna facilities exceeding seventy feet (70') in height, shall not be located within one quarter mile (1,320 feet) of another antenna facility which exceeds seventy feet (70') in height.
4. Height. Antenna facilities shall not exceed one hundred and five feet (105') in height.

C. Screening and Landscape Requirements.

1. The facility and every element thereof shall be aesthetically and architecturally compatible with the architecture of surrounding area.
2. The proposed buildings, structures and use will be in harmony with the general character of the neighborhood.
3. Screening and landscaping shall comply with Division 14 of this Code. (Added 1/20/04 by Ord. No. 4926)

D. Lighting. Shall be consistent with FAA guidelines and have minimal spill over effect on adjoining property. Lighting not controlled by FAA guidelines shall comply with Division 14 of this Code. (Amended 1/20/04 by Ord. No. 4926)

- E. Interference. The proposed facility shall not cause unreasonable interference with existing radio, television, telephone or DBS reception or services.
- F. Effect on Adjoining Properties. The proposed facility will cause no objectionable noise, fumes, odors, glare, physical activity or effect that would impair the peaceful enjoyment of neighboring properties.
- G. Adequate Public Facilities. The proposed facility will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads and other public improvements.
- H. FCC Compliance. The proposed facility meets FCC requirements.
- I. Other Codes. The proposed facility complies with the building, electrical, plumbing, mechanical and fire codes for the Town of Normal, other divisions of this Zoning Code and other codes of applicable State, Federal and local agencies with jurisdiction over such facility.
- J. Abandonment. Facilities that remain unused for more than one year shall be demolished at the owners cost.
- K. Co-location or shared use. Applicants shall be required to exhaust all possible avenues for sharing space on existing antenna facilities. Evidence shall be submitted showing the following:
  - 1. The availability of space on existing telecommunication antenna facilities;
  - 2. The willingness of the telecommunication antenna facility owner to execute a lease with the applicant and whether or not the terms of such lease are agreeable to applicant;
  - 3. The ability of applicant to reasonably meet its geographic service area requirements by locating on existing telecommunication antenna facilities;
  - 4. Any radio, mechanical or electrical incompatibilities, conflicts, or interference caused by using an existing telecommunication antenna facility;
  - 5. The comparative costs of new construction and co-location;
  - 6. Any FCC or other governmental restrictions on co-location.
- L. Signs. No signs shall be permitted on antenna facilities other than warning or equipment signs, however the antenna may be located on an existing sign structure.
- M. Waivers. The President and Town Council may modify or waive any of the

foregoing Special Use Standards where such waiver or modification is in the public interest or necessary to comply with Federal Law.

N. General Conditions. Standards applicable to all Special Uses include the following:

1. Ingress and egress to property and proposed structures shall be located and designed in a manner which will maximize automotive and pedestrian safety and convenience, facilitate traffic flow and control and provide easy and adequate access in case of fire or other catastrophe.
2. Off-street parking and loading areas where required or provided, shall be located and designed in a manner which will maximize the items referred to in Paragraph (A) above and will minimize any adverse economic, noise, glare or odor effects of the special use on adjoining or nearby properties.
3. Refuse and service areas, if provided, shall be located and designed in a manner so as to accomplish the objectives specified in Paragraphs (A) and (B) above.
4. Utilities provided in connection with the Special Use shall be designed and located so as to encourage the efficient and economic utilization, extension and expansion of the public utility system.
5. Screening and buffering materials shall be sufficient to insure that the proposed Special Use will have no greater impact on surrounding land uses than other uses authorized as a matter of right.
6. Proposed exterior lighting shall be located and designed to maximize traffic safety and compatibility and harmony with adjoining or nearby properties and so as to minimize glare, noise and adverse economic impact on surrounding properties or authorized land uses.
7. Required yards and open spaces shall be sufficient to insure that the proposed Special Use will have no greater impact on surrounding land uses than other uses authorized as a matter of right.
8. The site on which the Special Use is located shall be designed to make the proposed use generally compatible with adjoining or nearby properties.
9. The Special Use shall in all other respects conform to the applicable regulations of the district in which it is located and of the entire Municipal Code, except as such regulations may in each instance be modified by the President and Town Council pursuant to the recommendations of the Zoning Board of Appeals or as allowed for a Planned Unit Development.



**SEC. 15.15-7 SPECIAL USE PROCESS FOR TELECOMMUNICATION ANTENNAS.**

- A. Application. Application for a Special Use Permit shall be submitted in the office of the Town Clerk on forms approved by the Town Clerk. No application shall be processed unless accompanied by the appropriate filing fee.
- B. Hearing on Application. Upon receipt in proper form of an application and supporting material, the Zoning Board of Appeals shall hold at least one (1) administrative public hearing on the application for a Special Use Permit, in the manner provided in SEC. 15.12-1(C)(3)(b).
- C. Action by the Zoning Board of Appeals.
1. Findings of Fact. No Special Use Permit shall be recommended by the Zoning Board of Appeals until written Findings of Fact are made indicating:
    - a. The extent to which the Special Use Standards specified in SEC. 15.15-6 are met;
    - b. Recommendations, if any, of conditions deemed reasonably necessary to meet any or all of such general or specific Special Use Permit Standards.
- D. Action by Town Council. The President and Town Council must grant or deny any application for a Special Use Permit after receiving the report of findings and recommendation of the Zoning Board of Appeals including the recommended stipulations of additional conditions and guarantees, when they are deemed necessary for the protection of the public interest. All decisions of the President and Town Council shall be in writing and based on written findings of fact.
- E. Protest. In case a written protest against any proposed Special Use Permit signed and acknowledged by the owners of twenty (20) percent of the frontage to be altered; the owners of twenty (20) percent of the frontage directly opposite the frontage to be altered; or by the owners of twenty (20) percent of the frontage immediately adjoining or across the alley therefrom is filed with the Town Clerk, the Special Use Permit cannot be passed except on the favorable vote of two-thirds (2/3) of all members of the Town Council.
- F. Refiling Period. No application for a Special Use which has been denied wholly or in part by the President and Town Council shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the President and Town Council.
- G. Minor Changes. Minor changes in the location, siting, and height of structures may be authorized by the Building Commissioner, however, no such change may involve

a change in the character of the development, or a substantial increase in the intensity of use, reduction of parking spaces, or landscaping requirements.

- H. Non-Minor Changes. Decisions concerning non-minor changes in the location, siting and height of structures, any change in the character of the development or a substantial increase in the intensity of use, reduction of parking spaces, or landscaping shall be made by the Town Council, after the Zoning Board of Appeals conducts an additional administrative public hearing and submits a recommendation on such proposed changes or deviations. In all non-minor changes, the Zoning Board of Appeals and the Town Council shall apply the standards set forth in this Division for special uses.

**SEC. 15.15-8 VARIATIONS.** In the event the standards and requirements of this Division impair the receipt or transmission of an acceptable signal quality for an accessory use antenna (except accessory use mobile radio antennas), the Zoning Board of Appeals may grant a variance in the strict application of this Division in accordance with SEC. 15.12-4 of this Code. Such variance shall be no greater than reasonably necessary to receive or transmit an acceptable quality signal, and shall be conditioned where necessary to protect public safety.

**SEC. 15.15-9 CO-LOCATION INCENTIVE.** In order to encourage the co-location of antennas on existing antenna facilities, the Building Commissioner has the authority to permit the placement of antennas on antenna facilities which have been approved pursuant to the Special Use process provided there is no increase in the height of the approved antenna facility.

**SEC. 15.15-10 FEDERAL POLICY.** In considering any Special Use Permit and Variation requests the following Federal Policy Directives shall be followed:

- A. All requests shall be processed within ninety (90) days after the application is properly filed with the Town Clerk. The ninety (90) day time limit may be extended by agreement.
- B. The substantive decision made by the appropriate body shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provisions of the particular telecommunication technology in the Town of Normal.

**SEC. 15.15-11 NON-CONFORMITIES.** Non-conforming telecommunication antennas and antenna facilities which are lawful at the effective date of adoption or amendment of this Division that could not be built under the terms of this Code, may continue so long as the same remains otherwise lawful subject to the following:

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

- B. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its fair cash market value prior to the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
- C. Should such non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Repairs and maintenance. Ordinary repairs may be made to an extent not exceeding fifty (50) percent of the fair cash market value of the non-conforming structure.

(Entire Division 15 Added 6/16/97 by Ord. No. 4456)