

ORDINANCE NO. 2024- 04

**AN ORDINANCE AMENDING THE BEARDSTOWN ZONING
ORDINANCE BY ADDING A NEW SECTION 10 - FREESTANDING
TELECOMMUNICATION TOWERS, TO ARTICLE XII - ADDITIONAL PROVISIONS**

WHEREAS, the City Council of the City of Beardstown has determined that the City requires regulations for freestanding telecommunication towers being installed within the City of Beardstown.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beardstown, Cass County, Illinois as follows:

Section 1: The foregoing recitals are incorporated herein as the findings of the City Council of the City of Beardstown.

Section 2: The Beardstown Zoning Ordinance shall be amended by adding a new Section 10 to Article XII, Additional Provisions, as follows:

“Section 10. - Freestanding Telecommunication Towers.

A. Purpose and Intent

The intent of this Section regarding telecommunication towers is to:

1. Provide a special use review and approval process that is in compliance with federal law.
2. Protect residential areas and land uses from adverse visual impacts of freestanding telecommunication towers.
3. Minimize the total number of towers throughout the community while maximizing the use of each tower that is sited.
4. Enhance the ability of telecommunication carriers to provide services in an effective and efficient manner.

B. Definitions

1. *Array* shall mean a grouping of radio frequency transmitters erected on a freestanding telecommunication tower or on an existing structure.
2. *Co-location* shall mean equipment affixed to or erected upon existing freestanding or remote freestanding wireless communication facilities or other communication towers.

3. *Freestanding telecommunication towers* shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, for the transmission of various forms of communication, including wireless telephone, radio, and television signals, pager signals, and other similar communications. This definition includes radio and television transmission towers, microwave towers, cellular telephone towers, and other similar communication towers. Electrical transmission and distributions towers, telephone poles, and non-commercial freestanding towers shall be excluded from this definition.
4. *Non-commercial freestanding tower* shall mean a tower, satellite dish, or similar freestanding structure constructed for the purpose of amateur radio, ham radio, or residential television reception.
5. *Publicly owned emergency communications tower* shall mean any structure erected by a public entity for the sole purpose of broadcasting emergency communications.
6. *Tower height* shall mean the measurement from the at grade base of tower to the top of the highest point of the tower or array or any attached structure or device.
7. *Monopole tower* shall mean a structure that is a single, upright pole, engineered to be self-supporting and requiring no guy wires or lateral cross-members.
8. *Lattice tower* shall mean a structure that is self-supporting with multiple legs and cross-bracing of structural steel.
9. *Guy-wire tower* shall mean a structure that is of mono pole or lattice tower design that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.
10. *Stealth tower* shall mean a structure disguised in a way which is designed to blend into the surrounding environment, typically one that is architecturally integrated into a structure.

C. Waivers and exemptions

The following are considered exempt freestanding facilities and are not governed by this Chapter.

1. Electrical transmission and distribution towers and telephone poles.
2. Publicly owned emergency communication towers.
3. Wireless radio structure utilized for the temporary emergency communications in the event of a disaster.

D. Standards for noncommercial freestanding telecommunication towers

The following provisions shall govern noncommercial freestanding towers.

1. A tower must meet the setback requirements for accessory structures.
2. A tower must be setback from adjacent residential structures a distance equal to the height of the tower.
3. A tower may not exceed fifty (50) feet in height in any residential zoning district and must comply with any additional applicable development standards in this Ordinance.

E. Standards for freestanding telecommunication towers

The following provisions shall govern freestanding telecommunication towers.

1. If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.
2. A tower within three hundred (300) feet of a residentially zoned parcel must be set back from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.
3. No tower shall be constructed between the front building line and right of way or required front yard setback whichever is greater.
4. The type and height of tower shall be restricted based on the zoning district in which they are located as provided in Table A.
5. All towers must provide the degree of screening based on their proximity to residentially zoned parcels as provided in Table B.
6. Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.
7. A tower constructed completely within an existing building shall be allowed by right.
8. An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

F. Freestanding telecommunication towers as permitted uses

Freestanding telecommunication towers shall be a permitted use in the C-1 (but not the C-1-A) and M-2 Zoning Districts, and shall contain the appropriate level of screening as defined in Table B.

G. Freestanding telecommunication towers as special uses

1. Special use approval shall be required for all freestanding telecommunication towers located within the R-1, R-2, R-3, C-1-A, C-2, W-1, and PUD Zoning Districts.
2. Approval of a special use shall also be required if the proposed freestanding telecommunication tower is located on a non-residentially zoned district but within three hundred (300) feet of a residentially zoned district.

H. Application for special use

No freestanding telecommunication tower that requires approval as a special use as specified in this Chapter shall receive zoning approval without applying for and receiving approval as a special use from the City Council pursuant to Article XIV of this Zoning Ordinance. The application for special use approval shall include each of the following:

1. A completed special use application.
2. A site plan showing the location of the tower with all property lines, building footprints, and public right-of-way within a distance of two hundred (200) feet.
3. An elevation drawing of the tower depicting all arrays, potential collocation opportunities, and equipment cabinets.
4. Engineering plans stamped by a professionally licensed engineer in the State of Illinois.
5. A map depicting the existing towers within two (2) miles of the proposed tower and a list of carriers supported on those towers.
6. A copy of all Federal Aviation Administration and Federal Communications Commission approval certificates.
7. A landscaping plan in accordance with this Section.
8. A propagation map depicting wireless providers current coverage and proposed coverage with construction of new tower.
9. Letters from tower owners within one (1) mile of proposed site acknowledging the inability of co-locating on that tower.

I. Findings for approving a special use

Procedure for the approval of a special use shall be the same as provided for in Article XIV. Before making any recommendation to City Council to approve or deny the application for a special use, the Planning Commission shall make a determination, based solely upon evidence presented at a public hearing conducted by the Planning Commission, on whether the application satisfies all of the following criteria:

1. That the proposed use conforms to all the applicable regulations and standards of the district in which it shall be located.
2. That the applicant has analyzed all co-location opportunities and identified all potential locations within existing structures to place their tower and has otherwise pursued all possible alternatives to the construction of a new facility.
3. That the proposed use is reasonably necessary to provide wireless communications services to the area. Should a tower not be approved by City Council, the Zoning Administrator shall issue to the applicant a written explanation of the action.

J. Existing towers

1. Freestanding Telecommunication Towers existing as of March 1, 2024 will be exempt from the special use approval requirement and the provisions of this Section with the exception that, if not already provided, an eight-foot opaque fence shall be constructed to enclose the towers and all associated equipment around the base of the tower within six (6) months of the adoption.
2. Any change in type or height of a tower built before March 1, 2024 shall be subject to the provisions of this Section.

K. Removal of freestanding telecommunication towers

1. If a freestanding telecommunications tower is no longer being used for that purpose of transmission, the owner shall notify the City within sixty (60) days of the time the use ceases.
2. If a freestanding telecommunications tower is believed to be inoperable, the City shall notify the tower owner and seek written proof that the tower is still in operation.
3. In the event that a freestanding telecommunications tower becomes inactive for more than sixty (60) days, the tower shall be removed by the owner within one hundred twenty (120) days after written notification from the City.
4. In the event that a freestanding telecommunications tower has not been removed within one hundred twenty (120) days after notification by the City, the tower is hereby declared a public nuisance.

**Table A
Freestanding Telecommunication Towers**

Zoning District	Permitted or Special Use	Max. Height	Type Permitted
R-1& R-2 Dwelling District.	Special Use	100 ft.	mono/stealth
R-3 Dwelling District.	Special Use	120 ft.	mono/stealth
C-1 Commercial District	Permitted Use	120 ft.	mono/stealth
C-1-A Commercial District	Special Use	100 ft	mono/stealth
C-2 Commercial District	Special Use	150 ft.	mono/stealth
W-1 Parks & Recreation District	Special Use	200 ft.	mono/stealth
M-2 Heavy Industrial Dist.	Permitted Use	300 ft.	mono/stealth/lattice guy-wire
PUD-Planned Use District	Special Use	120 ft.	mono/stealth

**Table B
Telecommunication Tower Screening Requirements**

Distance from Dwelling Dist.	Screening Requirements
>500 ft.	A fence shall be constructed to a height of eight (8) feet and enclose the tower and associated facilities.
>200 ft. to 500 ft.	An opaque fence shall be constructed of wood, masonry, or synthetic material to a height of eight (8) feet and enclose the tower and associated facilities.
<200 ft.	An opaque fence shall be constructed of wood, masonry, or synthetic material to a height of eight (8) feet and enclose the tower and associated facilities. In addition, perimeter landscaping, consisting of trees and/or shrubs, shall be provided. Trees and shrubs may be combined, but in no case shall there be a gap between landscaping materials of more than three (3) feet, except for the service entry gate."

Section 3: All ordinances, parts of ordinances, and amendments to ordinances in conflict with any provision of this ordinance are repealed as of the effective date hereof.

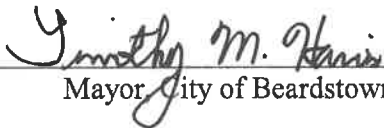
Section 4: If any sections, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not effect the validity of the remaining portions of this ordinance.

Section 5: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

ADOPTED/REJECTED THIS 5TH DAY OF MARCH, 2024, BY VOTE OF THE CITY COUNCIL OF THE CITY OF BEARDSTOWN AS FOLLOWS:

	Yes	No	Absent
Shawn Taylor	_____	_____	<u> x </u>
Lisa Buhlig	<u> x </u>	_____	_____
Dawn Seward	<u> x </u>	_____	_____
Mary Davis	<u> x </u>	_____	_____
Keith Schramm	<u> x </u>	_____	_____
Ron Culves	<u> x </u>	_____	_____
Eric Harbin	<u> x </u>	_____	_____
Chris Baer	_____	_____	<u> x </u>

PASSED BY A MAJORITY OF THE COUNCIL MEMBERS THEN HOLDING OFFICE IN THE CITY OF BEARDSTOWN, ILLINOIS, IN PUBLIC THIS 5TH DAY OF MARCH, 2024.



Mayor, City of Beardstown

Attest:



City Clerk, City of Beardstown