Plan Commission Meeting
Monday, March 18, 2024
5:30p.m.

LOCATION OF MEETING: 96 RUSSELL DRIVE

Meeting Minutes

1. **Call to Order, Roll Call:** Chairman San Felippo called the meeting to order at 5:30 pm. Commission members present included Mike San Felippo, Jeff Schultz, John Schluechtermann, and Peter Lederer. Barbara Ruege Steven Masslich and attended virtually. Village employees present included Clerk/Treasurer Stephanie Waala. For additional attendees see attached sign in sheet.

2. **Discussion and Possible Action to approve the March 4, 2024, meeting minutes.**

   Member Masslich made a motion to approve as submitted, motion was seconded by Member Schultz. Motion carried 6-0.

3. **Discussion and Possible Action related to Floodplain zoning ordinance.**

   Clerk Waala informed the board that she received correspondence from the DNR. FEMA has updated their floodplain maps and along with that the village floodplain zoning ordinance would need to be updated. The DNR has offered to draft the updated ordinance and would like permission from the board to have them do so.

   Member Schluechtermann made a motion to authorize the DNR to draft the update to the floodplain zoning ordinance, motion was seconded by Member Ruege. Motion carried 6-0.

4. **Discussion related to Village Zoning Ordinances.**

   Chairman San Felippo informed the board of the updates that were discussed at the last meeting. Would like to talk about R-3, R-4, R-5, and R-6 at this meeting.

   Clerk Waala inquired as to 38-71(3)(a) it does not list the minimum, is that what line b is stating. Member Schluechtermann informed the board that a change should be made to make items b-d subsections of a.

   Chairman San Felippo inquired as to making a change to 38-71(4)(b) of increasing the minimum square footage to 500 feet to match the other districts. He has seen in Belgium that their 4 plex's have 2 car garages. Would it be appropriate to require a 2-car garage doe an 8 plex condo. Either way would work but would like consistency.

   Chairman San Felippo inquired that in R-2 is it really defined that a 2-family is one owner with two units. Member Schluechtermann informed the board that as the owners if that is they way they wish to run their property then they would need to rezone as an R-3 if they choose differently. Member Masslich informed

the board that the difference between R-3 and R-4 is R-3 is multi owner and R-4 is single ownership just like R-2.

Chairman San Felippo informed the board that as the village allows condos, the village does not abide by the condo association rules. Should this be stated in the ordinance as well as the village is unable to enforce the condo rules on their behalf.

Member Schluechtermann inquired as if there is a section about sewer and water laterals and how does this apply to 4 or more units. Chairman San Felippo informed the board that previously there was one line running to a multi-family which causes the issue of if an account that is delinquent, then both units would be shutoff. Member Lederer informed the board that currently the new construction they all would have their own laterals with shutoffs. Chairman San Felippo informed that board that the electric company would require each unit to have their own meter so why would we not for water. Ed Ritger informed the board that he currently has a 3 unit with 3 meters. He is looking to convert this to 1 meter so it can be included in their rent and then he would be the only one liable for the bill. Chairman San Felippo informed the board that he believers it should be one meter per unit because then each unit would pay the fire protection and service fee. Example would be that if an 8 unit were to only have 1 meter, then they would only pay one impact fee when in reality there is an impact of 8. Clerk Waala informed the board that in the village ordinance section 36-31 it says that all each unit served shall have a separate service.

Chairman San Felippo informed the board that in R-4 it says they have permitted uses of R-1, R-2, and R-3 and mist abide then by those district restrictions.

Member Masslich inquired as to in a condo district would there be requirements for yard accessories such as fences. Garages and storage shed are listed. Chairman San Felippo informed the board that fences are not listed under each individual section because there is a separate fence section in the ordinance. Condo associations may separately have their own restrictions.

5. **Adjourn**ed at 6:28 pm.

ARTICLE IV. COMMUNICATION TOWERS AND ANTENNAE

Sec. 38-390. Requirements and regulations of towers and antennas.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative tower structure means manmade structures such as clock towers, bell steeples, light poles and similar mounting structures.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

Backhaul network means the lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices and/or long distance providers or the public switch telephone network.

Collocation means the provisions of multiple antennas or more than one commercial wireless communications service provider or government entity on a single tower or structure.

FAA means Federal Aviation Administration

FCC means Federal Communications Commission

Height means, when referring to a tower or other structure, the distance measured from the grade to the highest point on the tower or other structure, including the base pad.

Personal communications service (PSC) means the provider of personal wireless service as defined in the Telecommunications Act of 1996, 47 USC 332 and 704 and as the same is amended from time to time.

Personal wireless facilities mean transmitters, antenna structures and other types of installations used to provide personal wireless services.

Pre-existing towers/antennas mean any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of the ordinance from which this section is derived.

Tower means any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. The term "tower" includes the structure and support thereto.

(b) *Standards and exceptions.*

(1) *Applicability.*

a. *New towers and antennas.* All towers or antennas constructed after passage of this section shall be subject to all applicable standards of this section.

b. *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance from which this section is derived shall not be required to meet the requirements of this section other than the requirements of subsection (b)(2) of this section. Any such towers or antennas shall be referred to hereinafter as pre-existing towers or pre-existing antennas.

c. *Amateur radio and receive-only antennas.* This section shall not apply to any tower or installation of any antenna that is under 70 feet in height and is owned by a federally licensed amateur radio station operator or is used exclusively for a receive-only antenna.

(2) *General requirements.*

a. *Building codes, safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the building inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, upon notice being provided to the owner of a tower, the owner shall immediately bring such tower into compliance with such standards. Failure to bring such tower immediately into compliance shall constitute grounds for the removal of the tower or antenna at the owner's expense.

b. *State or federal requirements.* All towers shall meet or exceed standards and regulations of the FCC, the FAA and any other agency of the state or federal government with the authority to regulate towers and antennas.

c. *Collocation.*

1. Any proposed telecommunication tower and tower site shall be designed in all respects so as to accommodate collocation of the applicant's antennas and at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

2. The holder of a permit for a tower shall permit collection for at least two additional users and shall not make access to the tower and tower site for an additional user economically unfeasible. If an additional user demonstrates, through an independent arbitrator or other permitted means, that the holder of a tower permit has made access to such tower and tower site economically unfeasible, the permit shall become null and void.

d. *Antenna height.* Antenna height shall not be restricted provided such device is installed and maintained in accordance with applicable state and local building codes and in compliance with current standards of the FAA, FCC and any other agency of the state or federal governments with the authority to regulate antennas.

e. *Tower height.* 200 feet maximum.

f. *Separation between towers.* Separation distance between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

	Existing Tower Type			
New Tower Type	Lattice	Guyed	Monopole 75 feet in height or greater	Monopole less than 75 feet in height
Lattice	5000 feet	5000 feet	1500 feet	750 feet

Guyed	5000 feet	5000 feet	1500 feet	750 feet
Monopole less than 75 feet in height	1500 feet	1500 feet	1500 feet	750 feet
Monopole greater than 75 feet in height	750 feet	750 feet	750 feet	750 feet

g. *Availability of suitable existing towers, other structures or alternative technology.* No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
4. The proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the proposed antenna.
5. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers or powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

h. *Construction of new towers instead of utilizing existing towers.* If an applicant wishes to construct a new tower instead of using an existing tower, the applicant shall file an application in writing and include the following information:

1. The name and business address of, and the contact individual for, the applicant.
2. The location of the proposed or affected support structure.
3. The location of the proposed mobile service facility.
4. An explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting to one of the following:

(i) That collocation within the applicant's search ring would not result in the same mobile service functionality, coverage and capacity;

(ii) Collocation is technically infeasible; or

(iii) Collocation is economically burdensome to the mobile service provider.

i. *Aesthetics.*

1. Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light gray so as to reduce visual obtrusiveness and blend into the natural setting and built environment.

2. At a tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

j. *Lighting.* Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen shall cause the least disturbance to the surrounding views.

k. *Fencing.* A tower shall be enclosed by security fencing not less than eight feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

l. *Landscaping.* A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscape strip of at least five feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible. In some cases, such as towers placed on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

m. *Accessory equipment and buildings.* The equipment cabinet or structure used in association with an antenna shall be suited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable landscape treatments, except where the use of nonvegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

n. *Signs.* No signage or advertising is permitted to be placed on a wireless communication tower.

(c) *Permitted uses.* The installation of a tower or antenna as follows:

(1) *Antennas on existing tower.* The attachment of a new antenna on an existing tower may be permitted to minimize adverse visual impacts associated with the proliferation and clustering of the towers provided that:

a. The height of the existing tower is not increased.

b. No building addition is required.

(2) *Cable microcell network.* The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems such as conventional cable or telephone wires or similar technology that does not require the use of towers.

(d) *Conditional uses.* The installation of towers and antennas, including the placement of accessory equipment or buildings, may be permitted by conditional use permit in all M-2 Manufacturing Districts. In addition to the standards identified in this section, any request for a conditional use permit shall also comply with the standards identified by this section.

(e) *Removal of abandoned antennas and towers.* An antenna or tower that that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the village notifying the owner of such abandonment. Failure to remove the antenna or tower within 90 days shall be grounds to remove the antenna or tower at the owner's expense. If there are two or more users of a single tower, the provisions shall not become effective until all users cease using the tower.

(Ord. No. 1-04, § I, 3-1-2004)

Secs. 38-391—38-408. Reserved.