

**ORDINANCE AMENDING APPENDIX A OF THE CODE OF THE CITY OF PEORIA
RELATING TO WIRELESS COMMUNICATION FACILITIES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Appendix A of the Peoria City Code, being Ordinance No. 17,403 as adopted on October 11, 2016, is hereby amended by deleting the following stricken words and adding the following underlined words:

5.3.2 Civic Use Standards

D. Wireless Telecommunication Facility

2. Applicability

a. Except as otherwise provided by this Ordinance, the regulations of 5.3.2 D shall apply to all telecommunication installations in the City of Peoria.

b. All wireless communication facilities in local historic districts or on local landmarks require a Certificate of Appropriateness through the Historic Preservation Commission prior to approval per this section.

~~b.~~ c. The following shall be exempt from this Ordinance:

1. The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
2. Over-the-Air reception devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that are less than one (1) meter in diameter in residential districts and less than two (2) meters in diameter in nonresidential districts and receive and transmit fixed wireless signals that are primarily used for reception.
3. Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications; with an antenna height not exceeding district height limitations by more than ten (10) feet.
4. Facilities exclusively for providing unlicensed spread spectrum technologies (such as Wi-Fi and Bluetooth) where the facility does not require a new tower or increase in height of the existing tower.
5. All legally permitted Wireless Telecommunications Facilities, constructed as permitted, existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any increase in tower height or area of the tower facilities will require the complete facility and any new installation to comply with this Ordinance.
6. Repair and replacement of telecommunication equipment located in an equipment cabinet or building and replacement of exterior telecommunication equipment or antennas with components that are similar in size, appearance, and number, and located within the existing boundary of the wireless facility.

- e. ~~d.~~ d. Co-location on existing towers or other structures or Distributed Antenna System (DAS) in non-residential zoning districts. The City, as opposed to the construction of a new tower, shall prefer locating on existing towers or others structures. The City shall encourage such use by permitting collocations in non-residential districts, which results in a height increase of less than ten (10) percent of the existing support structure. Collocations on towers in residential districts established prior to December 13, 2016, that result in no height increase, can be processed administratively through the Development Review Board. An application, pursuant to 5.3.2.D.3 below, for administrative review through the Development Review Board is required for an increase in the height of the structure and/or an increase in the boundary of the equipment compound. Only one administrative approval may be granted for a height increase not to exceed ten (10) percent. Such shared use shall consist only of the minimum Antenna Array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.
- e. e. Telecommunication installations which are not exempt or co-locations, shall require a Special Use approval and are subject to the provisions and procedures of 2.9 Special Uses of this Ordinance.

4. Installation Criteria

All new towers and co-locations must adhere to the following:

- a. Tower and antenna Location. Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, ~~(4)~~ (1) being the highest priority and (5) ~~(4)~~ being the lowest priority:
 - 1) Collocation on existing towers or other structures, or a Distributed Antenna System (DAS), on non-residentially zoned property. ~~on publically-owned properties or other properties in the City~~
 - 2) A new tower on properties in areas zoned for Industrial and Institutional Use or publicly-owned properties;
 - 3) A new tower on properties in areas zoned for commercial, office, central business district, agricultural, and parking use;
 - ~~4) A new tower on properties in areas zoned for Agricultural Use;~~
 - 4) A new tower or collocation on existing towers or other structures, or a Distributed Antenna System (DAS), properties in areas zoned for Residential Use on residentially zoned property.

If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site. An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An Application shall address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the City why collocation is commercially or otherwise impracticable. Agreements between providers limiting or prohibiting collocation shall not be a valid basis for any claim of Commercial Impracticability or hardship.

Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site meets the standards for a Special Use as noted in Section 2.15.h and is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.

Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an application for any of the following reasons:

- 1) Conflict with safety and safety-related codes and requirements;
- 2) Conflict with the historic nature or character of a neighborhood or historical district;
- 3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
- 4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
- 5) Conflicts with the provisions of this Ordinance.

- b. **Tower and Antenna Height.** No tower, other than alternative tower structures, shall exceed 180 feet in height. No antenna or other telecommunication device shall extend more than 20 feet above the highest point of the tower or alternative tower structure (e.g., building, water tower, electric pole etc.). Tower height shall be measured from the ground level to the highest point of the tower.
- c. **Setbacks.** All proposed towers and any other proposed Wireless Telecommunications Facility structures, except those located adjacent to residential properties, shall comply with the setback provisions for principal building structure of the zoning district in which they are located. Towers and any other proposed Wireless Telecommunications Facility structures which are adjacent to residential properties must be setback a minimum of 50 feet from ~~the common lot line~~ parcels zoned residential. In no instance shall a tower or accessory structure be less than ten (10) feet from any property line.
- d. **Tower and Antenna Design.** Towers and antennae shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Zoning Administrator and/or designee to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance. The utilization of stealth or concealment designs may be required by the City to further harmonize with the surrounding neighborhood.
- e. **Lighting.** No tower or antenna shall be artificially illuminated unless required by the FAA. If lighting is required, applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
- f. **Signs.** Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall

be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

- g. Accessory Building/Structure Design.** When provided, equipment facilities and accessory buildings shall be designed with brick, stone, and/or decorative block materials and reflect the design of buildings within the surrounding area.
- h. Equipment Facility Enclosure.** An equipment facility enclosure is required and must be constructed masonry, brick, or aluminum fence materials. Type and color of fence material must be compatible with the existing character of the site and neighborhood. Fence enclosures must be solid in design, and a minimum of 6 feet and maximum of 8 feet in height, as needed to effectively screen the equipment.
- i. Landscaping.** The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view, by a combination of required enclosure (~~fence or wall~~) and landscaping, the base and all related equipment and structures of the proposed Wireless Telecommunications Facility or collocation of antennas. Equipment shelters shall be landscaped and maintained with a buffer of plant materials that screens the view of the shelter from adjacent street and/or residential properties. The standard buffer shall consist of a planted area at least ten (10) feet wide outside the perimeter of the fence surrounding the equipment shelter.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS
_____ DAY OF _____, 2016

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel