



**SUBMISSION REQUIREMENTS AND APPLICATION  
FOR A TELECOMMUNICATIONS CONDITIONAL USE  
TO THE CITY OF WAUKEGAN, ILLINOIS  
ZONING ORDINANCE**

**SUBMIT TO:** City of Waukegan Department of Planning and Zoning, 100 N. Martin Luther King, Jr. Avenue, prior to the 15<sup>th</sup> of the month in typed, signed, completed and notarized form in order to be placed on the agenda for the following month. The following are required to be submitted to the Plat Administrator:

1. Forty-two (42) sets of **TYPED, COMPLETED, SIGNED** and **NOTARIZED** applications are **REQUIRED**. Re-typed forms are **NOT** acceptable. Included with each of the applications will be the proposed site plan **AND** survey of the subject property showing ALL existing structures, proposed structures, parking arrangements, sidewalks, landscaping, loading/unloading spaces, fences, easements, sewer and water facilities, lighting and other information as required by the Department of Planning and Zoning (8½" x 14" maximum).
2. Application fee, in the amount of \$5,000.00, payable to the "City of Waukegan".
3. Three (3) Plats of Survey of the property (done by a State of Illinois Registered Land Surveyor).
4. A Lake County tax map(s) showing ALL properties within 300 feet of the subject property. Copies of the map can be obtained at the Lake County Map Services Department, 18 N. County Street, Waukegan, Illinois (847) 377-2373. A red line must denote the 300-foot limit and the boundary of the subject property.
5. A typed listing of all **CURRENT** property owners, including full names, mailing addresses and the Parcel Identification Number (P.I.N.) of all properties, which are partially or entirely within 300 feet from the edge of the subject property proposed for the Telecommunications Conditional Use. This information can be obtained from the County of Lake.

**PROCEDURE:**

1. Submittal Conference. Prior to filing a formal application for approval of a telecommunications conditional use, the applicant **MUST** schedule a submittal conference with the Plat Administrator at least a week prior to the application deadline to review documents. The purpose of such conference is to confirm that the application is complete and that there are no materials missing from the submittal. If materials are missing, this gives the petitioner additional time before the submission deadline passes.
2. Applicant is responsible for and is **REQUIRED** by the Zoning Ordinance to post notification of the Development Commission's public hearing in a conspicuous place on the subject property facing the nearest improved street, not more than 45 days nor less than 15 days before the public hearing. This notification shall be posted on forms provided by the City of Waukegan Planning and Zoning Department.
3. The applicant or his agent is **REQUIRED** to attend the Development Commission's public hearing whenever the proposed Conditional Use is scheduled to be heard (the second Tuesday of the month after the application is received (if received prior to the 15<sup>th</sup> of the month). Meetings are held in the City Council Chambers, 100 N. Martin Luther King, Jr. Avenue, Waukegan, Illinois, at 7:00 PM. The Development Commission will do one of the following at the public hearing:
  - A. Recommend approval of the petition to the City Council.
  - B. Recommend denial of the petition to the City Council.
  - C. Hold the petition over until the next meeting.

Once "A" or "B" is made, the issue will be placed on the next Judiciary Committee meeting of the City Council (consisting of 5 of the 9 aldermen), which meets at 6:30 PM on the first Monday of the month, in the Council Chambers. Applicants are encouraged to attend to answer any potential questions the Judiciary Committee members may have. The Judiciary Committee at this meeting will do one of the following:

- A. Recommend approval of the petition to the City Council.
- B. Recommend denial of the petition to the City Council.
- C. Hold the petition in Committee.

Once "A" or "B" is made, the issue will go before the full City Council, which meets at 8:00 PM the same night. The City Council will do one of the following:

- A. Make a motion to have Corporation Counsel draft an appropriate ordinance to approve the petition for Conditional Use.
- B. Deny the petition for Conditional Use.
- C. Hold the petition over until the next meeting.
- D. Send the petition back to the Judiciary Committee for further consideration.

If "A" is made, the drafted ordinance will come before the full City Council at the next meeting (normally 8:00 PM on the third Monday of the same month). At this meeting, the City Council will do one of the following:

- A. Adopt the ordinance as drafted.
- B. Hold the item until the next meeting.
- C. Send the item back to the Judiciary Committee.
- D. Deny the ordinance for Conditional Use.

If the item is adopted as an ordinance, the Conditional Use has been finalized. At this point, the "new" zoning requirements and uses are legal and the petitioner can proceed to establish the permitted uses, including applying for building permits.

3. Notice of the time and place of the Development Commission hearing for the proposed Conditional Use will be published in a local newspaper (The News-Sun). All property owners within 300 feet of the subject property will be mailed notice of the proposed Conditional Use and the time and place of the Development Commission hearing.

## REGULATIONS FOR TELECOMMUNICATIONS FACILITIES

### A. *Applicability*

Antennae or towers located on property owned, leased, or otherwise controlled by the City shall be exempt from the requirements of these regulations, provided a license or lease authorizing such antennae or tower has been approved by the City.

### B. *General Provisions*

1. The purpose of these regulations is to establish general guidelines for the siting of towers and antennae. The goals of these regulations are to:
  - a. encourage the location of towers in non-residential areas and minimize the total number of towers throughout the City;
  - b. encourage strongly the joint use of new and existing tower sites;
  - c. encourage users of towers and antennae to locate them, to the extent possible, in areas where the adverse impact on the City is minimal;
  - d. encourage users of towers and antennae to configure them in a way that minimizes the adverse visual impact of the towers and antennae;
  - e. enhance the ability of the providers of telecommunications services to provide such services to the City quickly, effectively, and efficiently; and
  - f. require users of towers and antennae to utilize property owned or controlled by the City.
2. **Principal or Accessory Uses.** Antennae and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot or parcel shall not preclude the installation of an antenna or tower on such lot or parcel. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot or parcel shall control, even though the antennae or towers may be located on leased parcels within such lots or parcels. Towers that are constructed and antennae that are installed, in accordance with the provisions of these regulations shall not be deemed to constitute the expansion of a nonconforming use or structure.
3. Each applicant for an antenna and/or tower shall provide to the City an inventory of its existing towers that are either within the jurisdiction of the City or within two (2) miles of the border thereof, including specific information about the location, height, and design of each tower. The City may share such information with other applicants applying for permits under these regulations or other organizations seeking to locate antennae or towers within the City, provided, however that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. The following guidelines set forth shall govern the location of all towers, and the installation of all antennae, governed by these regulations; provided, however, that the City may waive these requirements if it determines that the goals of these regulations are better served thereby.
  - a. Towers shall be painted a neutral color, so as to reduce visual obtrusiveness and be galvanized to prevent corrosion.
  - b. At a tower site, the design of the buildings 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 existing structures.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must 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.
  - d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the City shall review the available lighting alternatives and approve the design that would cause the least visual disturbance. No illumination system may be utilized to illuminate the support building or the balance of the installation, except as explicitly required by federal law.
  - e. All installations must comply with the construction standard modeled after the American National Standards Institute's ("ANSI") Standard. Towers shall be designed in accordance with "Structural Standards for Steel Antenna Towers and Antenna Support Structures," (ANSI/TIA/EIA-222-F), and all other applicable federal and state laws and regulations, and must specifically meet or exceed current standards and regulations of the FAA, the FCC, and any other applicable federal or state regulations. If such standards and regulations are changed, then the owners of the towers and antennae governed by these regulations shall bring such towers and

- antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- f. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicate all potential interference problems. Before the introduction of new service or changes to existing service telecommunications, providers shall notify the City at least 10 business days in advance to such changes, thus allowing the City to monitor interference levels during applicants said testing process.
  - g. To ensure the structural integrity of the towers and antennae, the owner of a tower/antenna shall ensure that it is maintained in compliance with the City building codes and the applicable standards for towers/antennae that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower/antenna, the owner shall have thirty (30) days to bring such tower/antenna into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the city may remove such tower at the owner's expense.
  - h. All towers and antennae shall have the name of the provider and an emergency telephone number (both business and non-business hours) either lettered directly on the equipment or on a plate attached to the equipment. The same aforementioned information shall also be provided to the City of Waukegan in writing.
    - 1) The overall area of this sign shall not exceed two (2) square feet.
    - 2) Said sign must be appropriately located to provide information to emergency service provider and the City.
    - 3) Provider shall update contact numbers whenever a change is made.
  - i. Vehicle or outdoor storage of any kind on the site of any tower or antenna is prohibited.
  - j. Guyed towers and lattice work towers are prohibited.
  - k. On the first day of January of each year after a building permit is issued for a tower/antenna, the owner/operator must provide the City with a certificate of continuing compliance from each agency, federal or otherwise, having jurisdiction over the owner/operator for the continued operation of the tower/antenna that the tower or antenna meets the standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate the owner/operator of the tower/antenna.
  - l. In the event that the owner/operator refuses to obtain a certificate of compliance in accordance with the above, or the certifying agency is unable to issue a certificate because of non-compliance, the owner/operator shall immediately cease provision of services until compliance is achieved.
  - m. If the owner/operator is not able to achieve compliance as described within sixty (60) days from the date a certificate of continuing compliance is due, then and in that event, the owner/operator shall cause the tower/antenna to be removed at the owner's expense, from the site within thirty (30) days thereafter. If the tower/antenna is not removed, the City shall have the option to remove the same in accordance with the above.
  - n. If the owner/operator does not file a certificate of continuing compliance within thirty (30) days from the date set forth above, it shall be conclusively presumed that the owner/operator is not in compliance with the standards and regulations of the IEPA, if applicable, the FAA, the FCC, or any other agency of the state or federal government with authority to regulate towers/antennae.
5. General criteria for all installations shall include the following:
- a. Cash bond to be deposited equivalent to 125% of the estimated cost of maintenance for a ten (10) year period and the cost of removal and disposal of entire installation, as determined by City Engineer or such other expert designated by the City from time to time.
  - b. As to each installation, the entire site, including the tower and outbuilding, must be kept maintained and in good condition, as reasonably determined by the City. If the owner of the installation fails to maintain the site, the City, upon thirty (30) days prior written notice, or in the event of an emergency such prior notice, if any, is practicable, may perform the necessary repairs, maintenance, or removal of the installation, as it deems appropriate, and all costs so incurred shall be the responsibility of the owner of the installation.

- c. No cellular tower may be located within one hundred feet (100'-0") of residences situated in the residential or conservation districts. No distance separation is required when cellular antennae are utilized and use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and existing structures.
- d. No permit shall be issued if another technology is reasonably available that eliminates the need for communication towers or antennae.
- e. The base support building shall not exceed twelve feet (12'-0") in height nor shall the footprint of the building be larger than twelve feet (12'-0") by fifteen feet (15'-0"). Each such building must have a conventional peaked roof, as opposed to a flat roof.
- f. For all new installations, the tower shall be constructed in such a fashion to accommodate three (3) antenna/transmitter devices. Competitors shall be required to co-locate their respective facilities on the same installation to the extent reasonably possible, with each party responsible for its proportionate share of the cost of the facilities. In the event that said parties cannot agree on the appropriate allocation of costs, then each party shall appoint an arbitrator, who collectively shall select a third arbitrator, who shall thereafter, as a panel of three (3), arbitrate the dispute and issue a binding decision on the respective parties.
- g. All new installations will be required to allow first option to city-owned repeaters, boosters and/or transmitters for the purpose of emergency communications systems.
  - 1) The provider will coordinate the installation of, and pay for, any associated labor charges for the installation of any city-owned repeaters, boosters, antennae and/or transmitters.
  - 2) The provider will provide and maintain any necessary normal electric power, per city specification for any city-owned repeaters, boosters, antennae and/or transmitters.
  - 3) An ample protective enclosure, per city specification, shall be provided for any city-owned repeaters, boosters, and/or transmitters.
  - 4) Within 24-hour notification, the provider will make available access to the tower or antennae for the purpose of inspecting, aligning, adjusting and/or repairing any city-owned repeaters, boosters, antennae and/or transmitters.
- h. The installation must be operated in such a fashion so that it does not disrupt television or radio signals to residents or occupants within the City, impacting on hearing aid operation or other medical devices such as pacemakers, or otherwise disrupt or have a harmful effect on any existing operations, installations, or technologies existent within the City.
- i. No installation may be installed in any wetland or flood plain, nor in any other location where it is likely to harm or cause damage to human or animal life or to property. Notwithstanding the foregoing, the tower portion of the installation may be located in wetland or flood plain areas if no damage would occur to the wetland or flood plain areas and the tower would be structurally sound.
- j. The owner of the installation must indemnify and hold harmless the City from any and all liability.
- k. The owner of the installation shall post and maintain in full force and effect general liability policy with the City as named insured in an amount no less than four million dollars (\$4,000,000) per occurrence and six million dollars (\$6,000,000) in the aggregate.
- l. The maximum height of the tower shall not exceed one hundred, fifty feet (150'-0") as measured from the base of the installation, except as may be otherwise demonstrated that it is technologically unfeasible for the system to operate within the permitted height.
- m. The owner of the installation must obtain and maintain all required federal licenses and permits, and effectuate and maintain all required registrations.
- n. A landscape plan must be reviewed and approved by the City.
- o. The owner of the installation must demonstrate that other facilities are not reasonably available for intended installation, such as but not limited to buildings, smokestacks or towers of competitors.
- p. The owner of the installation must demonstrate sufficient financial resources to install, maintain, and operate the installation and associated tower grid. Towers built on a speculation basis by applicants who do not have the ability to provide service are prohibited.

C. *Conditional Use Permits*

- I. The Development Commission shall hold a public hearing and make its recommendation to the City Council thereafter. The Conditional Use Permit process shall conform to the requirements of Article 3 of this Zoning Ordinance, except as otherwise explicitly set forth in these regulations. The following provisions shall govern the issuance of Conditional Use Permits:

- a. In granting a Conditional Use Permit, the City may impose conditions to the extent the City concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
  - b. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
  - c. A Conditional Use Permit can only be issued if the applicant establishes that no other viable alternatives exist and all reasonable alternatives have been thoroughly studied and considered.
2. Each applicant requesting a Conditional Use Permit shall submit photographic study (montage) depicting where within a one-mile and three-mile radius and portion of the proposed tower or antenna could be seen from 6'-0" above grade, a scaled site plan and scaled elevation views and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the City to be necessary to assess compliance with these regulations.
  3. The City shall consider the following factors in determining whether to issue a Conditional Use Permit, although the City may waive or reduce the burden on the applicant of one or more of these criteria if the City concluded that the goals of these regulations are better served thereby.
    - a. Height of the proposed tower;
    - b. Proximity of the tower to residential structures and residential district boundaries;
    - c. Nature of uses on adjacent and nearby properties;
    - d. Surrounding topography;
    - e. Surrounding tree coverage and foliage;
    - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
    - g. Proposed ingress and egress;
    - h. Availability of suitable existing towers and other structures as discussed in Section C5 below. A statement of intent on whether space will be leased for reasons of co-location.
  4. All towers or antennae must be first considered on property owned or controlled by the City. Evidence must be submitted to demonstrate that no existing property owned or controlled by the City is suitable for such tower or antennae.
  5. No new tower or antenna shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
    - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
    - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
    - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - d. The applicant's 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 applicant's proposed antenna.
    - e. 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.
    - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  6. The following setbacks and separation requirements shall apply to all towers and antennae for which a Conditional Use Permit is required.
    - a. Towers, antennae, and accessory facilities must satisfy the minimum zoning district setback requirements.
    - b. Towers over one hundred feet (100'-0") in height shall not be located within one-quarter mile from any existing tower that is over one hundred feet (100'-0") in height.
  7. Towers and support buildings shall be enclosed by approved security fencing not less than six feet (6'-0") in height.
  8. The following requirements shall govern the landscaping surrounding towers:
    - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent properties. The standard buffer shall consist of a landscaped strip at least six

feet (6'-0") wide outside the perimeter of the compound. The perimeter of the installation site shall be planted with canopy or evergreen trees to screen towers and support buildings from view from off-site.

- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

#### D. *Deviations*

If the applicant demonstrates to the satisfaction of the City Council that any provision or combination of provisions of these regulations individually or collectively render it not reasonably possible to install a functioning installation and all other possibilities have been exhausted, the City Council may waive, reduce, or substitute from the requirements of these regulations to permit a functioning installation which will still be consistent with the purpose and goals of these regulations.

#### E. *Removal*

1. If the installation is maintained or operated in such a fashion to be in violation of these regulations and the owner has failed to eliminate the violation within thirty (30) days of the mailing of written notice of violation to its last known address, the City may remove such antenna or tower at the owner's expense, and may use the posted bond to the extent necessary with the owner responsible for any costs exceeding the available bond.
2. Any installation that is not operated for a continuous period of six (6) months shall be considered abandoned, provided that if there are two (2) or more users of a single tower, the tower shall not be considered abandoned until all users cease using the tower. The owner of such installation shall remove same within thirty (30) days of the mailing of written notice of abandonment to its last known address. If the owner fails to remove the installation within the thirty (30) day period, then the City may remove such installation at the owner's expense, and may use the posted bond to the extent necessary with the owner responsible for any costs exceeding the available bond.

**TO BE COMPLETED BY APPLICANT**

Application is hereby made by:

Full Name of Petitioner: \_\_\_\_\_

Street Address: \_\_\_\_\_  
(Suite or Apt. #)

City, State and Zip: \_\_\_\_\_  
(City) (State) (Zip)

Phone Number with Area Code: (\_\_\_\_) \_\_\_\_\_

Proof of Standing. Subject to the provisions of the City of Waukegan Zoning Ordinance, provide proof of ownership for the property for which the Conditional Use is being sought. A copy of the **most current** deed or title insurance policy will be sufficient. Proof of ownership **must** be attached to this petition in a form acceptable to the City Attorney. If the owner is not filing the petition, then proof that the owner(s) have granted permission for the filing along with their ownership documents **must** be attached to this petition and verified by the owners. The petitioners must state their relationship with the owner(s) in this petition (i.e. contract buyers, option holders, etc.).

Petitioner is: \_\_\_\_\_ Title Holder  
\_\_\_\_\_ Contract Purchaser  
\_\_\_\_\_ Agent or Attorney  
\_\_\_\_\_ Other (Attach necessary verification)

Street Address or General Location of Subject Property: \_\_\_\_\_  
\_\_\_\_\_

**FULL** Legal Description of Property (attach separate sheet if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lake County Permanent Identification Number(s) (P.I.N.) List **ALL**:

Existing Zoning Classification: \_\_\_\_\_

Existing Use of Property: \_\_\_\_\_  
(Vacant - Residence - Store - Office - Factory - Etc.)

Lot Size: Length: \_\_\_\_\_ Width: \_\_\_\_\_ Area (sq. ft.): \_\_\_\_\_ Acres: \_\_\_\_\_

Proposed Telecommunications Conditional Use Request: \_\_\_\_\_  
\_\_\_\_\_

**TO BE COMPLETED BY APPLICANT**

Please describe the reasonable actions that will be taken to enforce the Conditional Use's conformity to the above-referenced applicable regulations and the regulations of the district it is located in:

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Provide one (1) set of your studies completed to determine site viability.

Current regulations require that all new cellular towers accommodate at least three (3) antenna/transmitter devices. How many carriers would be able to co-locate on your tower? \_\_\_\_\_

Please provide an inventory of your existing towers that are within the City of Waukegan and within two (2) miles of the City of Waukegan's border, including specific information about the location, height, and design of each tower.

Are any buildings or structures proposed at this site? If so, please describe the overall height, size, material and character of the building.

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Please describe the tower's color.

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Please provide three (3) copies of an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicate all potential interference problems.

Please provide a photographic study (montage) depicting where within a one-mile and three-mile radius any portion of the proposed tower or antenna could be seen from 6'-0" above grade.

I (We) \_\_\_\_\_ certify that all of the above statements and the  
(typed name)

statements on any documents or drawings submitted herewith are true to the best of my (our) knowledge and belief.

\_\_\_\_\_  
Name of Applicant  
(Print name)

\_\_\_\_\_  
Signature of Applicant - Date

\_\_\_\_\_  
Name of Property Owner  
(Print name)

\_\_\_\_\_  
Signature of Property Owner - Date

**SIGNATURE BY THE PERSON(S) ABOVE INDICATES THAT HE/SHE HAS READ AND UNDERSTANDS 1) THE REQUIREMENTS OF THE TELECOMMUNICATIONS CONDITIONAL USE PROCESS, 2) THE REGULATIONS FOR TELECOMMUNICATIONS FACILITIES AND 3) THE DEVELOPMENT COMMISSION HEARING PROCESS.**

Subscribed and sworn to before \_\_\_\_\_, a Notary Public in and  
for \_\_\_\_\_ County, State of \_\_\_\_\_, this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public

