

100-O-01

AN ORDINANCE

**Amending the Text of the Zoning Ordinance in
Section 6-4-6-3, Table 4A and Section 6-4-6-6 to
Allow Certain Satellite Dish Antennas as Permitted
Uses on Any Zoning Lot**

WHEREAS, the Plan Commission held a public hearing on April 11, 2001 pursuant to proper notice in case no. ZPC 01-03 (T) to consider amendments to the Zoning Ordinance to allow certain satellite dishes as permitted uses on any zoning lot; and

WHEREAS, the Code of Federal Regulations in 47 CFR Part 1.4000, implementing the Section 207 of Telecommunications Act of 1996, PL 104-104, imposes certain restrictions upon municipal regulation of satellite dish antennas; and

WHEREAS, imposition of zoning regulations upon satellite dish antennas of less than one meter or three feet, three and one-quarter inches, is among the prohibitions if such regulations impair installation, maintenance, or use of an antenna; and

WHEREAS, amendments to the City's Zoning Ordinance for consistency with the aforescribed federal regulations are appropriate; and

WHEREAS, the Plan Commission, after hearing testimony and receiving other evidence, made a written record and findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the subject amendments met the standards for amendments to the text of the Zoning Ordinance; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the Plan Commission's findings at its September 24, 2001 meeting and recommended approval of the said text amendments; and

WHEREAS, the City Council considered the records and recommendations of the Plan Commission and the Planning and Development Committee at its September 24, 2001 and October 8, 2001 meetings, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Section 6-4-6-3, Table 4-A of the City Code of the City of Evanston, 1979, as amended, be, and it hereby is, further amended to read as follows:

Section 6-4-6-3, Table 4-A:

	Yard	District
3. Antennas greater than one meter (3 feet 3 ¼ inches) in diameter, or such other dimensions as may be established by 47 CFR 1.4000 ¹ (subject to the conditions of Section 6-4-6-6)	R	Rsd
	F S R	N-Rsd

SECTION 2: That Section 6-4-6-6 is hereby amended, to read as follows:

6-4-6-6: SPECIAL REGULATIONS APPLICABLE TO SATELLITE DISH ANTENNAS:

(A) Purpose and Applicability: The purpose of this Section 6-4-6-6 is to ensure that satellite dish antennas, whether accessory to principal uses, or as principal uses, are compatible in character and appearance with the surrounding neighborhood or area of the zoning districts in which they are located. The provisions of this section apply to every satellite dish antenna greater than one meter (3 feet 3 ¼ inches) in diameter, or such other dimensions as may be established by 47 CFR 1.4000, installed or modified after the effective date of this Ordinance.

(B) Satellite Dish Antennas Authorized: Satellite dish antennas, accessory to permitted uses, are permitted in the residential and nonresidential

¹ 47 Code of Federal Regulations Part 1.4000, as it may be amended.

districts. Any satellite dish antenna, however, that is proposed to be installed or modified as an accessory use to an existing or proposed special use, or which as proposed does not comply with the requirements of this Section 6-4-6-6, shall require special use approval pursuant to the provisions of Section 6-3-5, "Special Uses".

(C) Residential Districts: In all residential districts one ground mounted satellite dish antenna accessory to a permitted use and having a diameter not greater than 10 feet shall be permitted per lot, in the rear yard only, up to a maximum height of 12 feet above the adjacent ground level and no closer than 10 feet from any lot line shall be permitted. The antenna shall be neutral in color and, to the extent possible, compatible in character and appearance with the surrounding neighborhood.

(D) All Nonresidential Districts; Roof Mounted Antennas: In all nonresidential districts, roof mounted satellite dish antennas accessory to permitted uses, each having a diameter not greater than 10 feet, may be erected on the roof of the principal building or, in the University districts only, on a building containing at least 50,000 gross square feet of area, up to a maximum height of 35 feet above the maximum height of the building on which it is located provided:

1. In all nonresidential districts except the University districts such antennas shall not be located between a building and a front lot line.
2. In the University districts only, such antennas shall be located a minimum of 250 feet from the lot line or in such location that they are not visible from the street; and
3. Such antennas and their support structures shall be neutral in color and, to the extent possible, compatible with the appearance and character of the neighborhood in which they are located.

(E) Industrial Districts; Ground Mounted Satellite Dish Antennas: Ground mounted satellite dish antennas, each having a diameter not greater than 10 feet, may be erected in the I1 Industrial/Office District and the I2 General Industrial Districts up to the maximum building height allowed in each district, provided:

1. Such antennas shall not be located between a building and a front lot line.
2. The visual impact of such antennas shall be reduced by screening approved by the Zoning Administrator.

3. Such antennas shall be neutral in color and, to the extent possible, compatible in appearance and character with the surrounding neighborhood.

(F) Nonresidential Ground-Mounted Satellite Dish Antennas On Lot Abutting Residential District: Any ground-mounted satellite dish antennas in a nonresidential district located on a lot or parcel that abuts a residential district shall be placed a minimum of 10 feet from any lot line and effectively screened by a solid fence, wall, or dense screening hedge to a minimum height of 6 feet. Such fence, wall, or hedge shall be located on or near the lot line abutting the residential district and shall otherwise comply with the applicable zoning requirements of this Ordinance governing its location.

(G) All Zoning Districts Except D1, D2, D3, And D4 Downtown Districts: In any zoning district, except D1, D2, D3, and D4 Downtown Districts, one permanent extendible, retractable, or telescoping ground-mounted tower, mast or support, with an accompanying antenna that is accessory to a permitted or special use may be erected to a maximum height of 70 feet above established grade; provided such antennas shall only be located in a side or rear yard a minimum of 10 feet from any lot line. Such antenna shall be kept in a lowered position when not in use.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this ordinance shall be in full force and effect upon passage and approval.

Introduced: September 24, 2001

Adopted: October 8, 2001

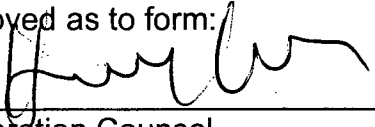
Approved: October 9, 2001

Lorraine H. Marton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

A handwritten signature in black ink, appearing to be "H. W. ...", written over a horizontal line.

Corporation Counsel