

ORDINANCE NUMBER 98-4

**AMENDING CHAPTER 46 "ZONING" OF THE LAKE FOREST CITY CODE,
1972, AS AMENDED, REGARDING
"PERSONAL WIRELESS SERVICE FACILITIES"**

WHEREAS, Section 704 of the federal Telecommunications Act of 1996, 47 USC Sec. 332©(7), provides that units of local government may, pursuant to their inherent zoning authority, regulate the placement, construction and modification of personal wireless service facilities, provided that the unit of local government does not unreasonably discriminate among providers of functionally equivalent services, or prohibit or have the effect of prohibiting the provision of personal wireless services; and

WHEREAS, the Mayor and the City Council find that personal wireless service facilities require large structures or towers, whose height and footprint are generally not compatible as a matter of sound urban planning with adjoining residential property; and

WHEREAS, the Mayor and the City Council further find that the public interest is best served by enacting specific siting regulations which will provide for placement of personal wireless service facilities in areas least likely to negatively affect residential property; and

WHEREAS, the City is in the process of, and will continue to, identify potential sites which will allow for the placement of personal wireless service facilities subject to the criteria herein enumerated and elsewhere in the City's Municipal Code; and

WHEREAS, the City has adopted a Comprehensive Land Use Plan and the City wants to take actions consistent with that Comprehensive Land Use Plan;

NOW, THEREFORE, BE IT ENACTED by the City Council of The City of Lake Forest, Lake County, Illinois that Chapter 46, "ZONING", be amended and shall read as follows:

PERSONAL WIRELESS SERVICE FACILITIES

SECTION:

- 1: Purpose and Interpretation
- 2: Definitions
- 3: Policy Statement
- 4: Site Selection Criteria
- 5: Personal Wireless Service Facilities Overlay District
- 6: Overlay District Requirements
- 7: Co-location
- 8: Design Criteria for New Support Structures
- 9: Design Criteria for Installation of Antennas on Existing Structures
- 10: Landscaping/Screening
- 11: Non-Use/Abandonment
- 12: Application Requirements
- 13: Third Party Review
- 14: Remedies
- 15: Severability
- 16: Provisions for Amending the Overlay District
- 17: Necessity

SECTION 1: PURPOSE AND INTERPRETATION:

(A) The purpose of this Section is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Section be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this Section are inconsistent with or in conflict with any other provision of the City Code or any Section of the City, the provisions of this Section shall be deemed to control.

(B) In the course of reviewing any request for any approval required under this Section made by an applicant to provide personal wireless services or to install personal wireless service facilities, the Zoning Board of Appeals, Plan Commission or the City Council, as the case may be, shall act within a reasonable period of time after the request is duly filed with the City, taking into account the nature and scope of the request. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

SECTION 2: DEFINITIONS: For the purpose of this Section, the following terms shall have the meaning ascribed to them below:

(A) **"Antenna"** shall mean any exterior apparatus or apparatuses at a fixed location designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of electromagnetic waves, including equipment attached to a tower or building for the purpose of providing personal wireless services, including, for example, "cellular", "paging", "low power mobile radio", and "personal communications services" telecommunications services, and their attendant base stations.

(B) **"Antenna Height"** shall mean the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antennas, base pad, and other appurtenances and shall be measured from the finished grade of the site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

(C) **"Antenna Support Structure"** shall mean any pole, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

(D) **"Cell Site"** shall mean a tract or parcel of land that contains the personal wireless service facilities including any antenna, its support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

(E) **"FAA"** shall mean the Federal Aviation Administration.

(F) **"FCC"** shall mean the Federal Communications Commission.

(G) **"Governing Authority"** shall mean the governing authority of the City, namely the City Council.

(H) **"Personal Wireless Services"** and **"Personal Wireless Service Facilities,"** as used in this Section, shall be defined in the same manner as in 47, United States Code, Section 332 (c)(7)(C), as they may be amended now or in the future.

(I) **“Tower”** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

SECTION 3: POLICY STATEMENT: The purpose of this Section is to establish general guidelines for the siting and size of towers and antennas. The goals of this Section are to: (i) minimize the total number of towers throughout the City; (ii) encourage strongly the joint use of new and existing tower sites; (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on residential areas of the City is minimal; (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and (v) enhance the ability of the providers of personal wireless services to provide such services throughout the City quickly, effectively, and efficiently. Accordingly, the City Council finds that the promulgation of this Section is warranted and necessary:

- (A) To direct the location of towers in the City;
- (B) To protect residential areas and land uses from potential adverse impacts of towers through proper engineering and siting of antennas and their support structures;
- (C) To minimize adverse visual impacts of towers through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (D) To accommodate the growing need for towers;
- (E) To promote and encourage shared use/co-location of existing and new towers as a primary option rather than construction of additional single-use towers, and to reduce the number of such structures needed in the future.

New Uses: All new towers and antennas shall comply with this Section after the date of passage.

Existing Uses: All towers and antennas existing on the date of passage of this Section shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such existing towers and antennas. New construction other than routine maintenance on existing towers and antennas shall comply with the requirements of this Section.

Section 4: SITE SELECTION CRITERIA: In recognition of the need to designate appropriate areas for the siting of personal wireless service facilities, a zoning overlay district known as the “Personal Wireless Service Facilities Overlay District” is hereby created. All new antennas and/or support structures shall be located in areas designated on the overlay district map. Should a personal wireless services provider find that facilities are required in an area not designated as part of the overlay district, the provider may petition the City Council of The City of Lake Forest to have the proposed site added to the overlay district.

Given the visual impact of towers on their surrounding environment, no antenna support structures may be constructed on a speculative basis. Applications for permits will only be processed when the applicant is either an FCC licensed personal wireless services provider (if so required to be licensed by the FCC), or has in place agreements with an FCC licensed personal wireless services provider (if so required to be licensed by the FCC) for use or lease of the support structure, proof of which must be offered by the applicant.

Personal wireless service facilities should be located and designed to minimize any adverse effect they may have on residential property values and to minimize the impact of the site on the surrounding neighborhood. Sites should be placed in locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

Section 5: PERSONAL WIRELESS SERVICE FACILITIES OVERLAY DISTRICT: Wireless telecommunications facilities that meet the definition of personal wireless service facilities, as referenced in Section 2, shall be considered a permitted use in the Personal Wireless Service Facilities Overlay District, provided that the proposed facilities meet the requirements of this Section, as well as the requirements of the individual district in which the facility is proposed to be located. New personal wireless service facilities will not be permitted in any area other than those areas contained within the overlay district, which are as follows:

Overlay District A

Portions of OR-2 as highlighted on	Attachment A-1
Portions of B-1 as highlighted on	Attachment A-2
Portions of R-4 as highlighted on	Attachment A-3
Portions of OA as highlighted on	Attachment A-4

Overlay District B

Portions of R-4 as highlighted on	Attachment B
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Overlay District C

Portions of R-4 as highlighted on	Attachment C
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Overlay District D

Portions of R-1 and GR-3 as highlighted on	Attachment D-1
Portions of R-4 as highlighted on	Attachment D-2
Portions of R-5 as highlighted on	Attachment D-3

Overlay District E

Portions of R-4 as highlighted on	Attachment E
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Overlay District F

Portions of R-1, R-2, and B-2 as highlighted on	Attachment F
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Overlay District G

A portion of B-2 as highlighted on	Attachment G
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Section 6: OVERLAY DISTRICT REQUIREMENTS: The installation of personal wireless service facilities, as defined in Section 2, are permitted by right in the Personal Wireless Service Facilities Overlay District, subject to the provisions enumerated below:

(A) The personal wireless service facility is located in one of the Districts referenced in Section 5, (A)-(F);

(B) The personal wireless service facility conforms to all standards of this Section, and also conforms to all applicable federal laws and regulations concerning use and operation;

(C) The personal wireless service facility is affixed to the walls or roof of an existing structure pursuant to the requirements of Section 9, and the height of the antennas do not exceed ten (10) feet above the parapet of the roof of the existing structure; or, if a freestanding antenna support structure, the support structure is designed to

accommodate additional users and the height above grade of the antennas and support structure does not exceed the height limit noted below for each district:

- (1) District A - Height limit of 160 feet;
- (2) District B - Height limit of 120 feet;
- (3) District C - Height limit of 90 feet;
- (4) District D - No free standing antenna support structure shall be permitted;
- (5) District E - Height limit of 110 feet;
- (6) District F - No free standing antenna support structure shall be permitted.
- (7) District G - Replacement or extension of roof top antennas that existed as of February 1, 1999 shall be permitted. A maximum height of 50 feet above the primary roof surface shall be permitted.

(D) If the proposed personal wireless service facility meets the requirements of 6(A) through 6(C), then the facility is permitted by right, and no special use permit hearing is required.

(E) If the proposed personal wireless service facility meets the requirements of 6(A) and 6(B), but is either not designed to accommodate additional users or is proposed for a height in excess of the limit established in 6(C), then the facility may be permitted only by special use permit.

(F) In Overlay Districts A and B, proposed antennas may co-locate on to existing towers. Provided such co-location is accomplished in a manner consistent with the provisions contained in this Section, then such co-locations are permitted by right and new or additional special use approval is not required. To provide further incentive for co-location as a primary option, towers in Districts A and B that are in existence as of the date of passage of this Section may be modified or reconstructed to accommodate the co-location of additional antennas, provided the additional antennas shall be of the same type as that on the existing tower. This is permitted by right, subject to the following criteria being met:

1. **Height:** An existing tower may be modified or rebuilt to a taller height, not to exceed twenty feet over the tower's existing height, to accommodate the co-location of additional antennas. The height increase permitted under this provision allows the total height to exceed the height limit of the overlay district.

2. **Onsite Location:** A tower which is being rebuilt to accommodate the co-location of additional antennas may be moved onsite within 50 feet of its existing location so long as it remains within the same zone and complies with the other provisions of this Section.

Section 7: CO-LOCATION: In order to minimize adverse visual impacts associated with the proliferation of towers, co-location of antennas by more than one provider on existing or new towers shall take precedence over the construction of new single-use towers. The City may deny an application to construct a new tower if the applicant has not made a good faith effort to mount the antennas on an existing structure. If a new tower structure is necessary, then it should be designed to accommodate antennas for more than one user. The site plan shall delineate an area near the base of the tower to be used for the placement of additional equipment and buildings for other users. If the tower structure is not designed to accommodate antennas for more than one user, the tower may be permitted only by special use permit. As part of the special use process, the applicant should demonstrate, based on economic, technical or physical reasons, why designing the tower structure to accommodate antennas for more than one user is not feasible.

Section 8: DESIGN CRITERIA FOR NEW SUPPORT STRUCTURES

(A) **Compatibility:** Personal wireless service facilities should be architecturally compatible with the surrounding buildings and land uses in the zoning district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques should be evaluated, taking into consideration the site as built.

(B) Setback Provisions:

1. **Minimum Setbacks:** Tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall comply with the minimum setback requirements of the area in which they are located in all zoning districts.

2. **Exceptions from Setback Requirements:** These setback provisions are intentionally designed to be flexible to take into account individual site characteristics and the nature of surrounding properties. Standardized setback provisions could harm one of the primary intents of this Section, which is to minimize the aesthetic impact of tower structures. The goal of minimizing the aesthetic impact of the tower structure may be best accomplished by an individual site review, with the petitioner bearing the burden of proving that their chosen tower location on the subject parcel is the least aesthetically intrusive. The City, in its reasonable discretion and upon finding that the intent of this Section would be furthered, may approve placement of an antenna support structure within the required setback areas based on one or more of the following criteria:

- A. The location and nature of the principal structure, if any, on the parcel;
- B. The location, size and nature of any structure on the subject parcel which would lend itself to partial concealment of the tower structure;
- C. The location, height, density and nature of any trees on the subject parcel;
- D. The relative location of the subject parcel to adjacent streets, alleys, roads or thoroughfares;
- E. The near field and far field visual impact of the tower location on the subject parcel;
- F. Adjacent property structures, uses and layouts;
- G. The Comprehensive Land Use Plan.

(C) **Color:** Support structures and antennas shall have a non-contrasting blue, gray or black finish, or a similar color that minimizes their visibility, unless a different color is required by the FCC or FAA.

(D) **Lights, Signals and Signs:** No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.

(E) **Equipment Structures:** Ground level equipment and buildings and the tower base shall be screened from public streets and residentially zoned properties. The standards for the equipment buildings are as follows:

1. The maximum floor area is 300 square feet and the maximum height is 12 feet.
2. Ground level buildings shall be screened from all adjacent properties by landscape plantings, fencing or other appropriate means, as provided for in Section 10 of this Section.

(F) Federal Requirements: All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within three (3) months of the effective date of such standards and regulations, unless a more stringent or lenient compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(G) Structural Design: Towers shall be constructed to the Electronic Industries Association ("EIA") Standards, which may be amended from time to time, and all applicable construction/building codes. Further, any improvements and/or additions to existing towers shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the EIA Standards and all other good industry practices in effect at the time of said improvement or addition. Said plans shall be submitted and reviewed at the time building permits are requested.

(H) Building Codes: Safety Standards: To ensure the continuing structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building codes and the applicable standards for towers that are published by the EIA and FCC, as amended from time to time. If, upon inspection made at the discretion of the City, the City concludes that a tower fails to comply with such codes or standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have sixty (60) days to bring such tower into compliance with such standards and codes. If the owner fails to bring such tower into compliance within said sixty (60) days, the City may remove such tower at the owner's expense.

(I) Fencing/Screening: Support structures and equipment shelters shall be fenced to prohibit unauthorized access. Access to the support structure and equipment shelters shall be through a locked gate. Fencing shall be generally consistent with previously approved installations. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other features if they achieve the goal of minimizing the visual impact of the site.

(J) Antenna height: The applicant shall demonstrate that the antennas are the minimum height required to function satisfactorily.

(K) Antenna support structure safety: The applicant shall demonstrate that the proposed antennas and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(L) Required parking: Adequate parking shall be required for maintenance workers.

(M) Signal Interference: No antenna shall cause localized interference with the reception or transmission of any other communications signals including, but not limited to television and radio broadcast signals.

(N) Location: No antenna, tower or other facility for personal wireless services shall be located upon any lot or parcel except as provided in this Section.

Section 9: DESIGN CRITERIA FOR INSTALLATION OF ANTENNAS ON EXISTING STRUCTURE---Antennas may be mounted to the walls or roof of an existing structure, as outlined

in this section. If antennas are to be mounted on an existing structure, the determination of whether a wall mount or roof mount shall be permitted, shall be based on which option is typically less visually obtrusive.

(A) Wall Mounted Antennas: Antennas may be mounted on the walls of an existing structure, subject to the following criteria:

- (1) The antennas must be architecturally compatible with the building or wall on which they are mounted, and designed and located so as to minimize any adverse aesthetic impact.
- (2) The antennas shall be mounted in a configuration as flush to the wall as technically possible and shall not project above the wall on which they are mounted unless for technical reasons the antennas need to project above the roof line. If required to project above the roof line, the antennas may not project above the parapet of the roof by more than ten (10) feet.
- (3) The antennas shall be constructed, painted and fully screened to match as closely as possible the color and texture of the building and wall on which they are mounted.
- (4) No such antennas, antenna array, or support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located.
- (5) No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing building to which such antenna, antenna array, or support structure is attached.
- (6) If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character, materials and color. The structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures and uses, or those likely to exist under the terms of the underlying zoning. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility. The use of colors and facility designs should be compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and should prevent, to the extent possible, the facility from dominating the surrounding area.

(B) Roof Mounted Antennas: Antennas may be mounted on the roof of an existing structure, subject to the following criteria:

- (1) The City finds that it is not technically possible or aesthetically desirable to mount the antennas on a wall.
- (2) No portion of the antennas may exceed 10 feet above the parapet of the roof.
- (3) Roof mounted antennas and related base stations are to be completely screened from ground level view, which shall be defined as a point two hundred and fifty feet in any direction from the facility, by materials that are consistent and compatible with the design, color, and materials of the building.

- (4) If the equipment shelter is to be constructed on the ground adjacent to the structure on which the antennas are mounted, the shelter shall comply with the provisions of Section 8, Item E of this Section.
- (5) Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antennas may also be located within the building on which the antennas are mounted.

(C) **Other Conditions:**

(1) No antenna owner or lessee or officer or employee thereof shall act to exclude or attempt to exclude any other competitor from using the same building for the location of other antennas.

(2) No antenna owner or lessee or officer or employee thereof shall fail to cooperate in good faith to accommodate other competitors in their attempts to use the same building for other antennas. If a dispute arises about the feasibility of accommodating another competitor, the City Manager may require a third party technical study, at the expense of either or both parties, to resolve the dispute.

Section 10: LANDSCAPING/SCREENING: Landscaping shall be required to screen, to the greatest extent possible, the support structure, the fence surrounding the support structure and any other ground level features (such as a building), and in general soften the appearance of the personal wireless service facilities. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening. If the antennas are mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

Section 11: NON-USE/ABANDONMENT—Abandonment-- In the event the use of any tower has been discontinued for a period of 60 consecutive days, the tower may be deemed to be abandoned. Determination of the date of abandonment will be made by the Director of Community Development, who shall have the right to request documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 60 days within which to:

- (A) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
- (B) Dismantle and remove the tower. If such tower is not removed within said sixty (60) days, the City may remove such tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- (C) The applicant shall agree to deposit with the City a cash bond or irrevocable Letter of Credit in the amount of \$5,000, in a form acceptable to the City. The Letter of Credit shall contain a provision by which the provider of the Letter of Credit shall be responsible for giving a seventy five (75) day notice of expiration of the Letter of Credit in writing, by certified mail, to The City of Lake Forest City Manager, City Attorney, City Clerk and Director of Community Development. In no event shall the Letter of Credit or the obligations contained within expire except upon the aforementioned written notice, it begin expressly agreed that the

provider of the Letter of Credit shall extend the established expiration date to comply with the notice provision.

At the earlier of sixty (60) days from the date of abandonment without reactivation or transfer or upon completion of dismantling and removal, City approval for the tower shall automatically expire.

Section 12: APPLICATION REQUIREMENTS: Applicants for permitted uses and special uses may utilize any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information:

(A) An applicant for a new antenna support structure shall demonstrate that a diligent effort has been made to locate the proposed facilities on an appropriate existing structure, and that due to valid considerations including physical constraints, economic or technological feasibility, no other appropriate location is available. Additionally, the applicant must demonstrate that they have contacted other personal wireless service providers to determine co-location opportunities for the site under consideration.

(B) The applicant must demonstrate by technological evidence that the height requested is the minimum height necessary to fulfill the site's function within the intended grid system. Further, the applicant must demonstrate use of the best available technology to minimize the number of total sites required in the community. At the time of application, the applicant should demonstrate how the proposed site fits into its overall grid inside the City limits and in contiguous communities;

(C) A scaled site plan clearly indicating the location, type, and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower support structure, building, fencing, buffering, and all other items required in this Section;

(D) A current map and aerial showing the location of the proposed tower;

(E) Legal description of the parcel;

(F) A map indicating the separation distance from residential areas, approximate distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;

(G) A landscape plan showing specific landscape materials;

(H) Method of fencing and finished color and, if applicable, the method of camouflage and illumination;

(I) A notarized letter signed by the applicant stating the tower will comply with all EIA Standards and all applicable federal and state laws and regulations and the City Code;

(J) A statement by the applicant that the tower will accommodate co-location of additional antennas for future users, unless the applicant is petitioning for a special use permit so that the tower need not be designed for co-location, and that requests for co-location will be considered in good faith;

(K) The telecommunications provider must demonstrate that it is licensed by the FCC, if so required to be licensed by the FCC. The applicant, if not the telecommunications

provider, shall submit proof of lease agreements with an FCC licensed telecommunications provider, if the provider is so required to be licensed by the FCC;

(L) This Section shall apply to all applications which were filed prior to the effective date hereof and which have not been approved by the City Council as of the effective date of this Section, and to all applications filed thereafter.

Section 13: THIRD PARTY REVIEW: Personal wireless services providers use various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of personal wireless service facilities, such as expected coverage area, antenna configuration, and topographic constraints that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data and facilities proposed by the personal wireless services provider. The selection of the third party expert may be by mutual agreement by the applicant and City, or at the discretion of the City, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the personal wireless service facilities and not a subjective review of the site selection. Such review shall address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, and the validity of the conclusions and any specific technical issues outlined by the City Council, Plan Commission, Zoning Board of Appeals, city staff, or other interested parties. Based on the results of the third party review, the City may require changes to the application for the personal wireless service facilities to comply with the recommendations of the expert. The expert review of the technical submission shall address the following:

- (A) The accuracy and completeness of the submission;
- (B) The applicability of analysis techniques and methodologies;
- (C) The validity of conclusions reached;
- (D) Any specific technical issues designated by the City.

Section 14: REMEDIES: Any person, firm or corporation violating any of the provisions or terms of this Section upon conviction shall be punishable by a fine not to exceed the sum of seven hundred and fifty dollars (\$750) for each day during which the offense continued. In addition to receiving any monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this Section and all other remedies provided at law or in equity.

Section 15: SEVERABILITY: Should any section, paragraph, sentence, clause, phrase or word of this Section be declared invalid or unconstitutional by a court or agency of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases or words of this Section, all of which will remain in full force and effect.

Section 16: PROVISIONS FOR AMENDING THE OVERLAY DISTRICT: Should the application of this Section have the effect of prohibiting a person or entity from providing personal wireless services to all or a portion of the City, such provider may petition the City Council for an amendment to this Section. The City Council, upon receipt of such a petition, shall promptly undertake review of the petition and shall make a determination on the petition within a reasonable period of time, taking into account the nature and scope of the petition, and any decision to deny such petition shall be in writing and supported by substantial evidence contained in a written record. The person or entity proposing to amend the Section is required to demonstrate, using technological evidence, that the amendment to the overlay district is

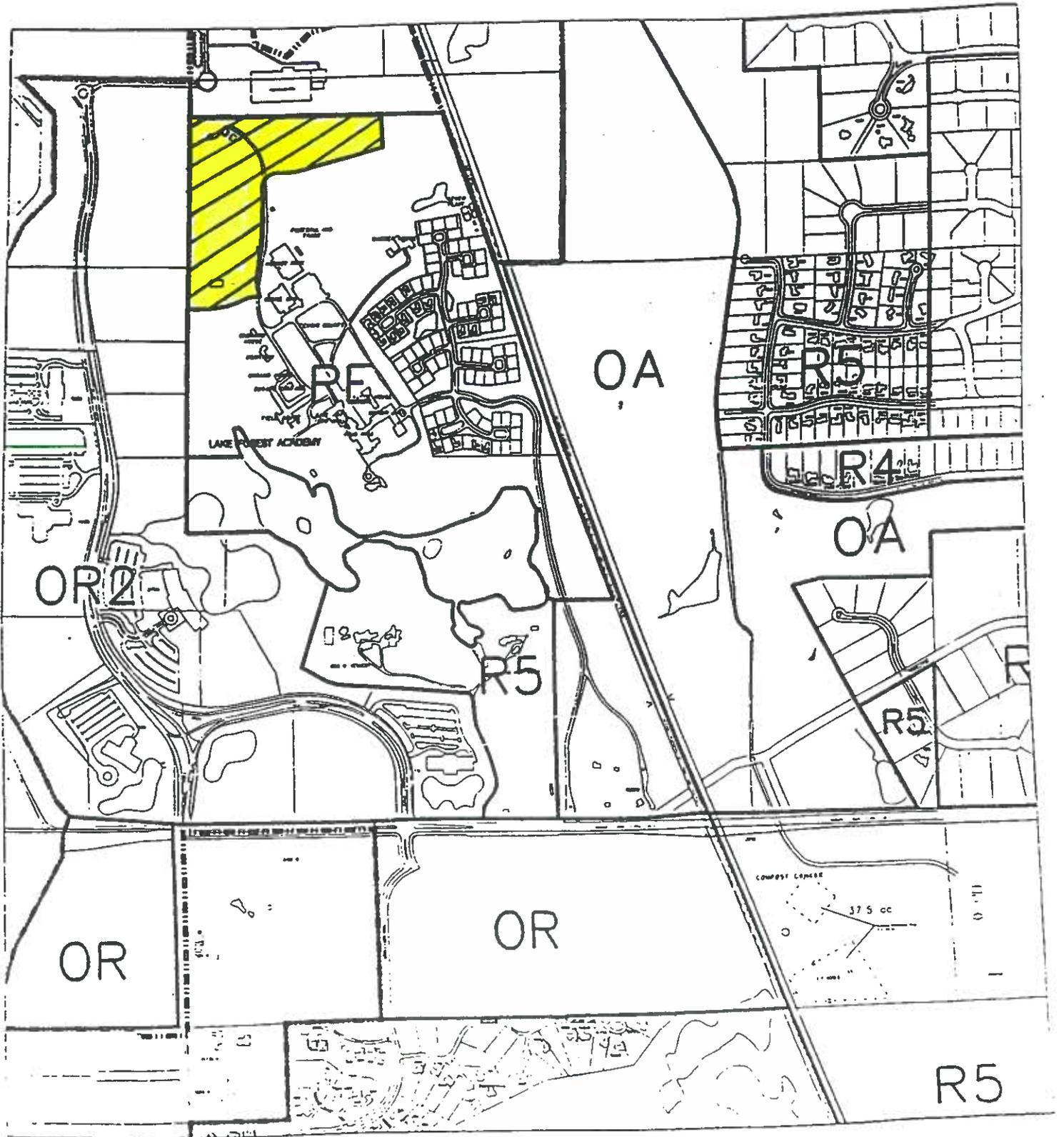
necessary in order to satisfy the service requirement of the respective grid system. The person or entity, if requesting an amendment to the overlay district in order to install a new antenna support structure, is required to demonstrate that it contacted the owners of structures in excess of forty five feet in height within a one mile radius of the site proposed, asked for permission to install the antennas on those structures, and was denied for reasons other than economic ones. The information submitted by the applicant shall include a map of the area to be served by the tower and its relationship to other antenna sites in the applicant's grid network, and an evaluation of existing buildings taller than forty five feet, existing personal wireless service towers and water tanks within one mile of the proposed tower.

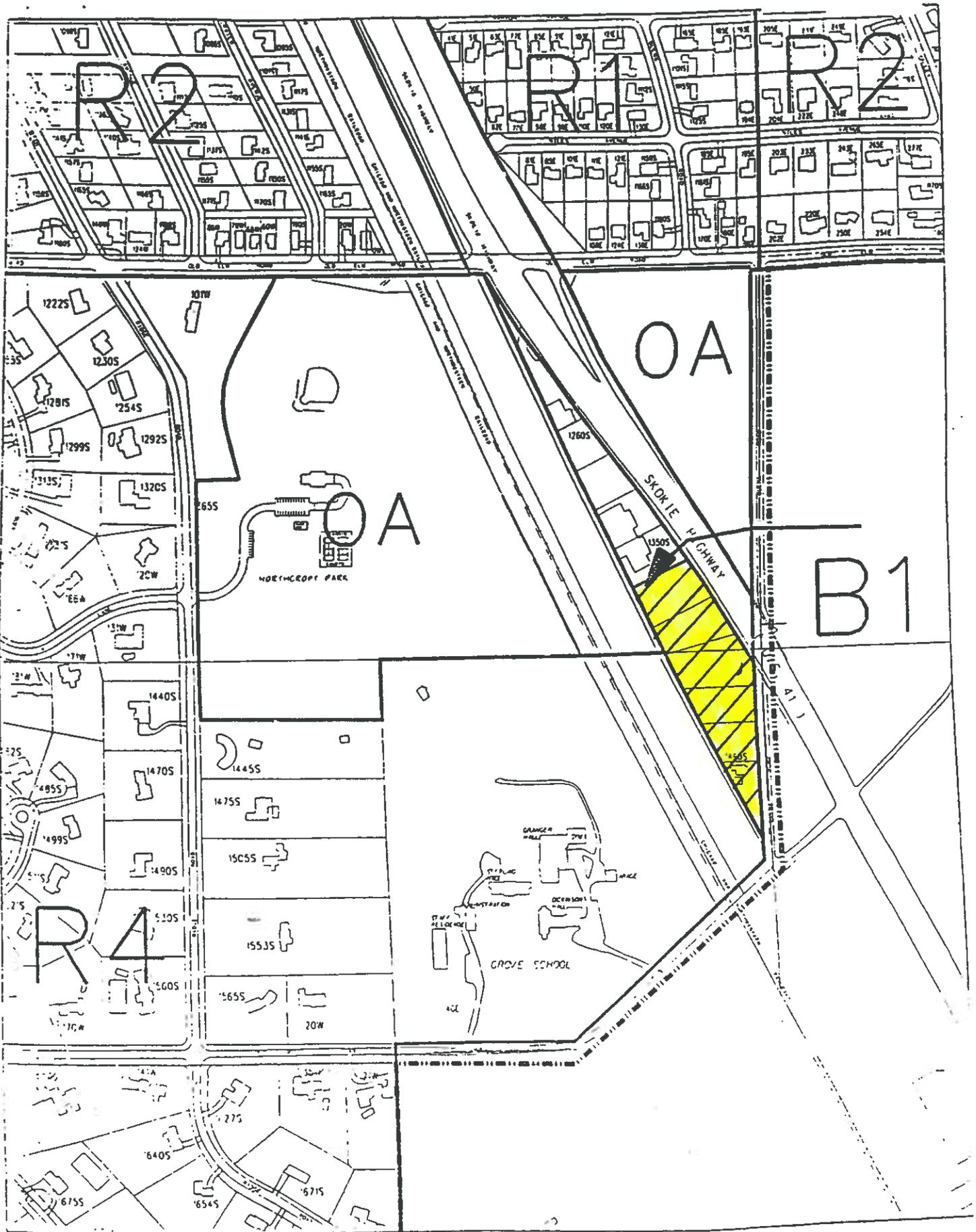
Section 17. NECESSITY: This Section is necessary to protect the public health, safety and welfare of the residents of the City, and covers matters of local concern. The City Council finds that an emergency exists due to the need for personal wireless services to be provided to potential customers, who are residents and property owners of The City of Lake Forest

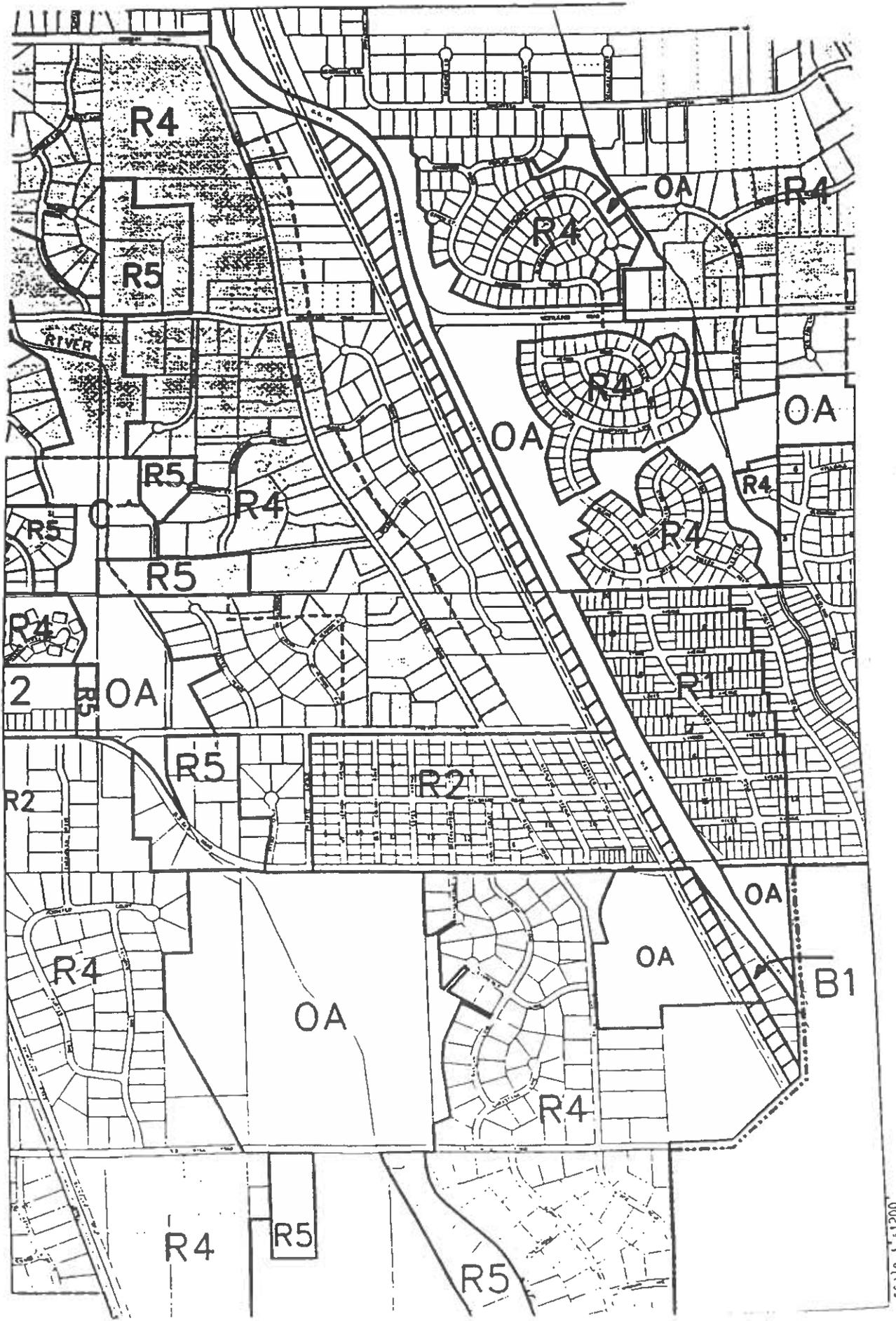
This ordinance shall be effective immediately upon its passage, approval, and publication as provided by law.

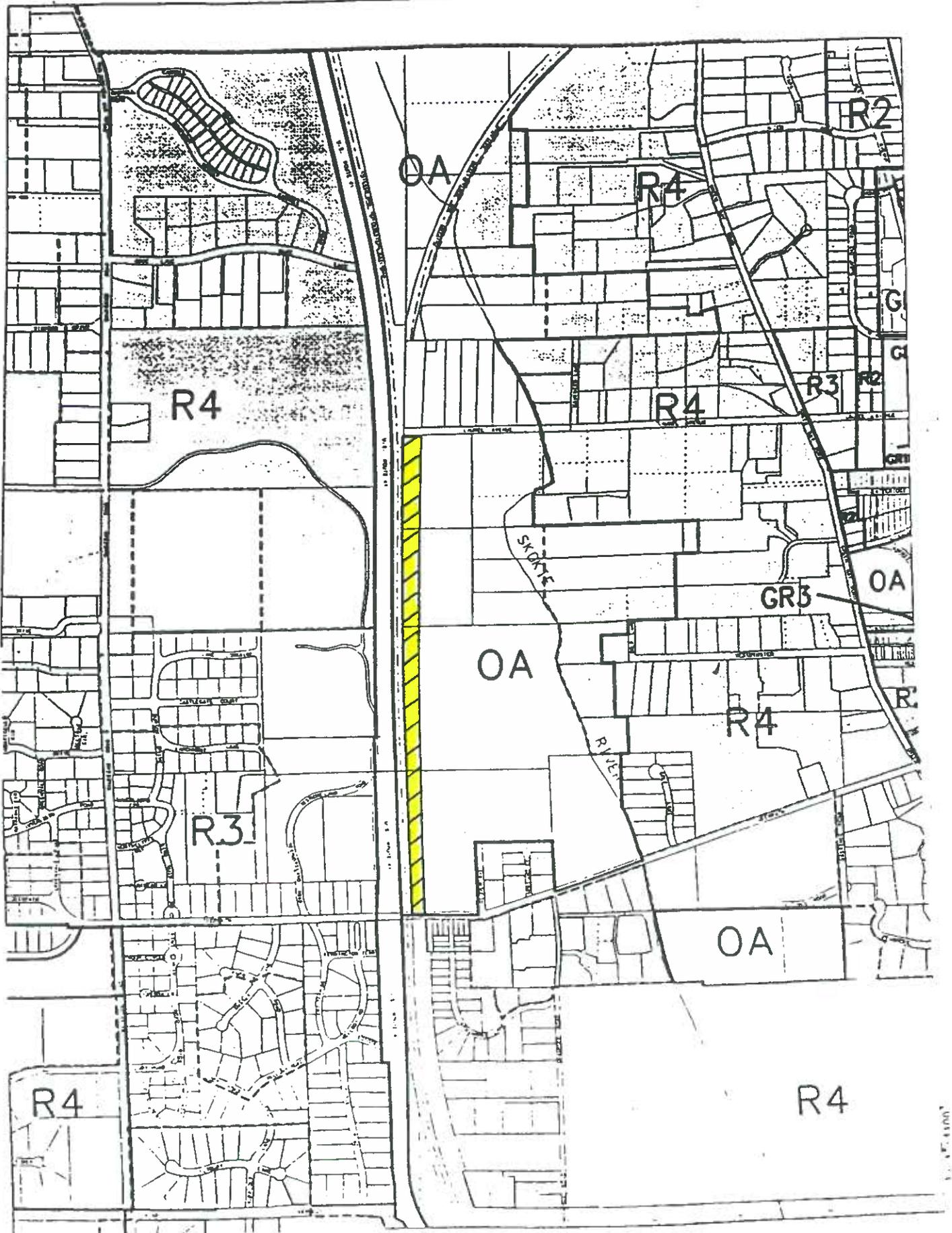
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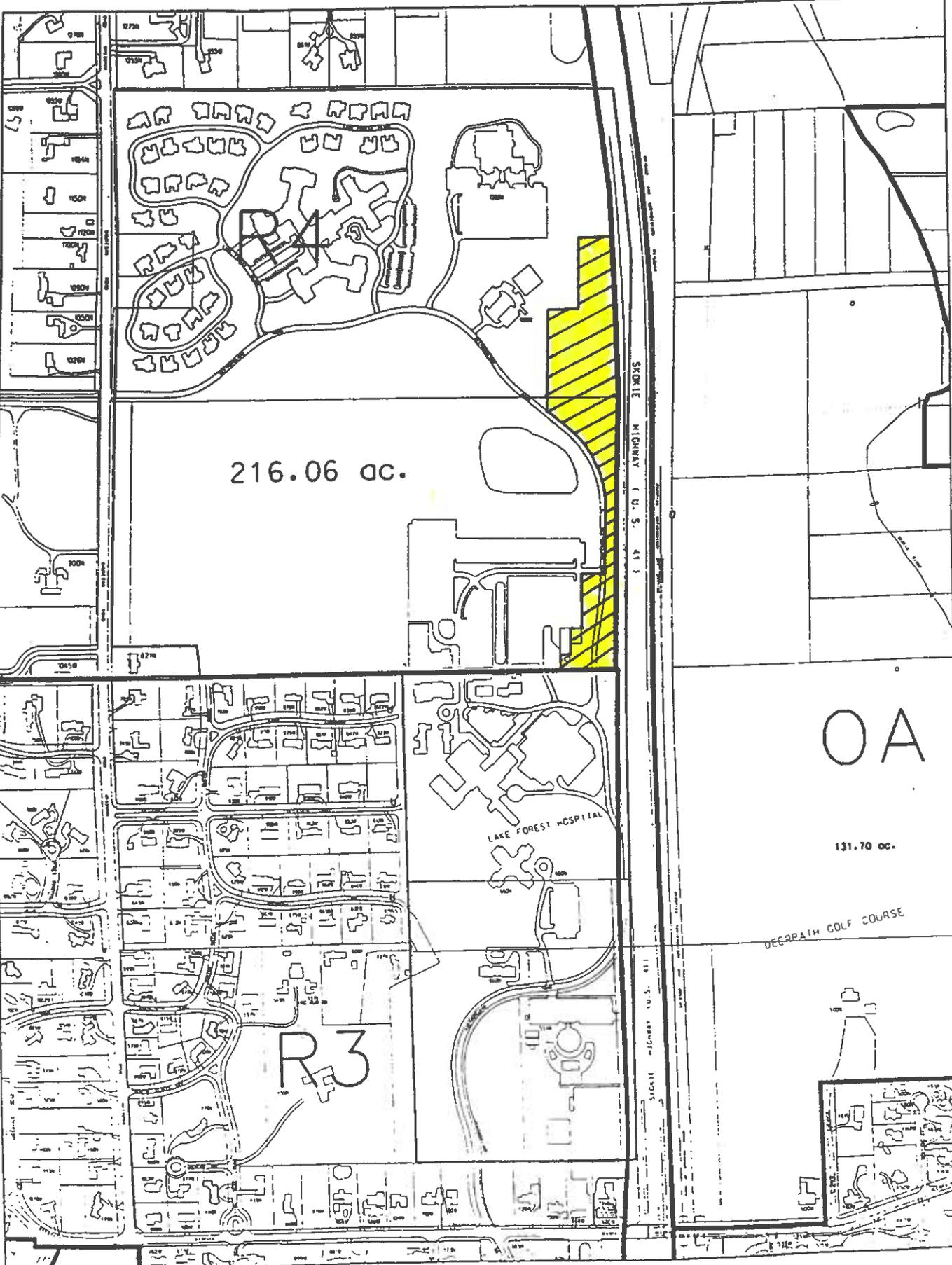
Attachment A-1











216.06 ac.

OA

131.70 ac.

R3

LAKE FOREST HOSPITAL

DEERPATH GOLF COURSE

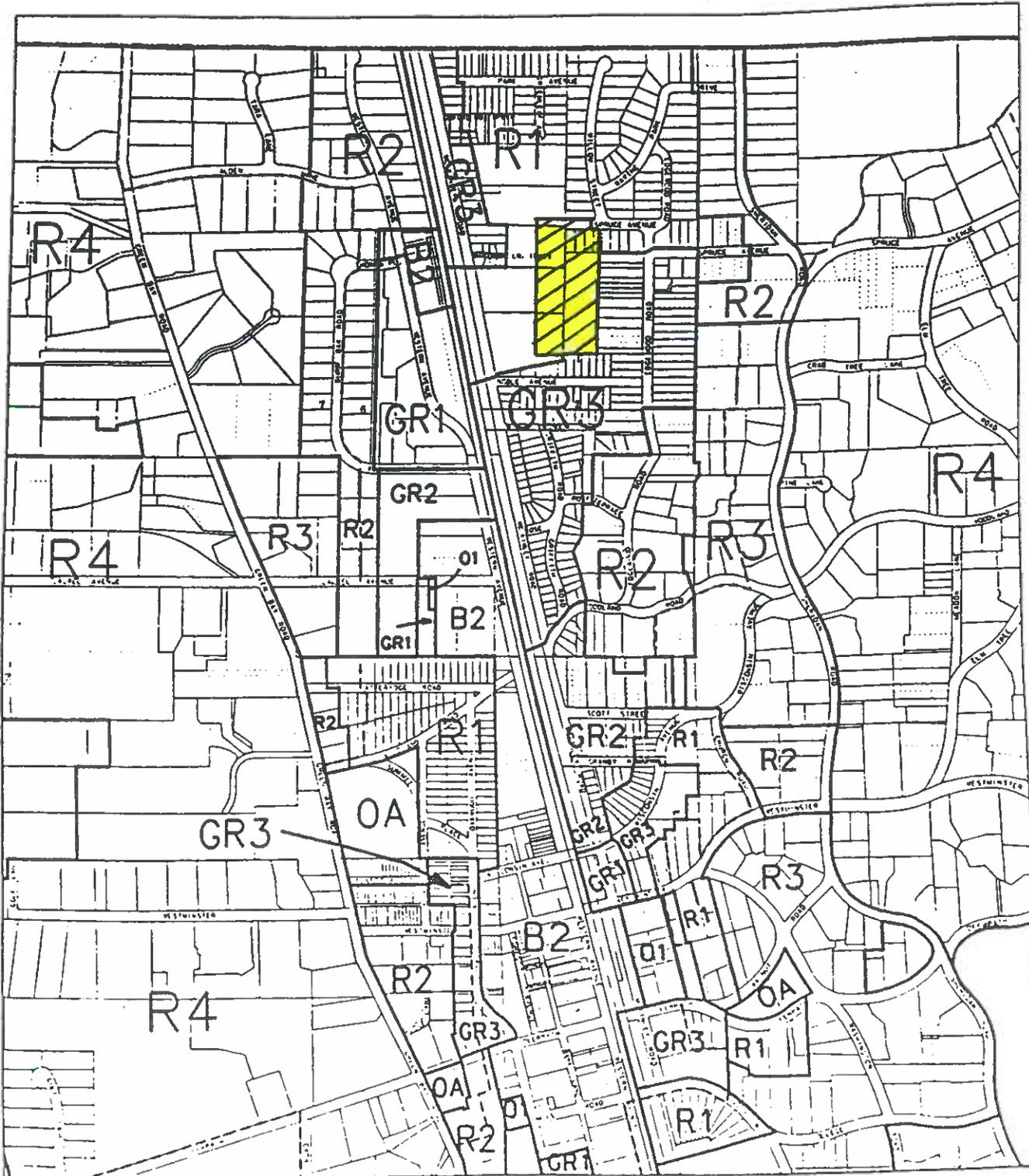
STATE HIGHWAY (U.S. 41)

STATE HIGHWAY (U.S. 41)

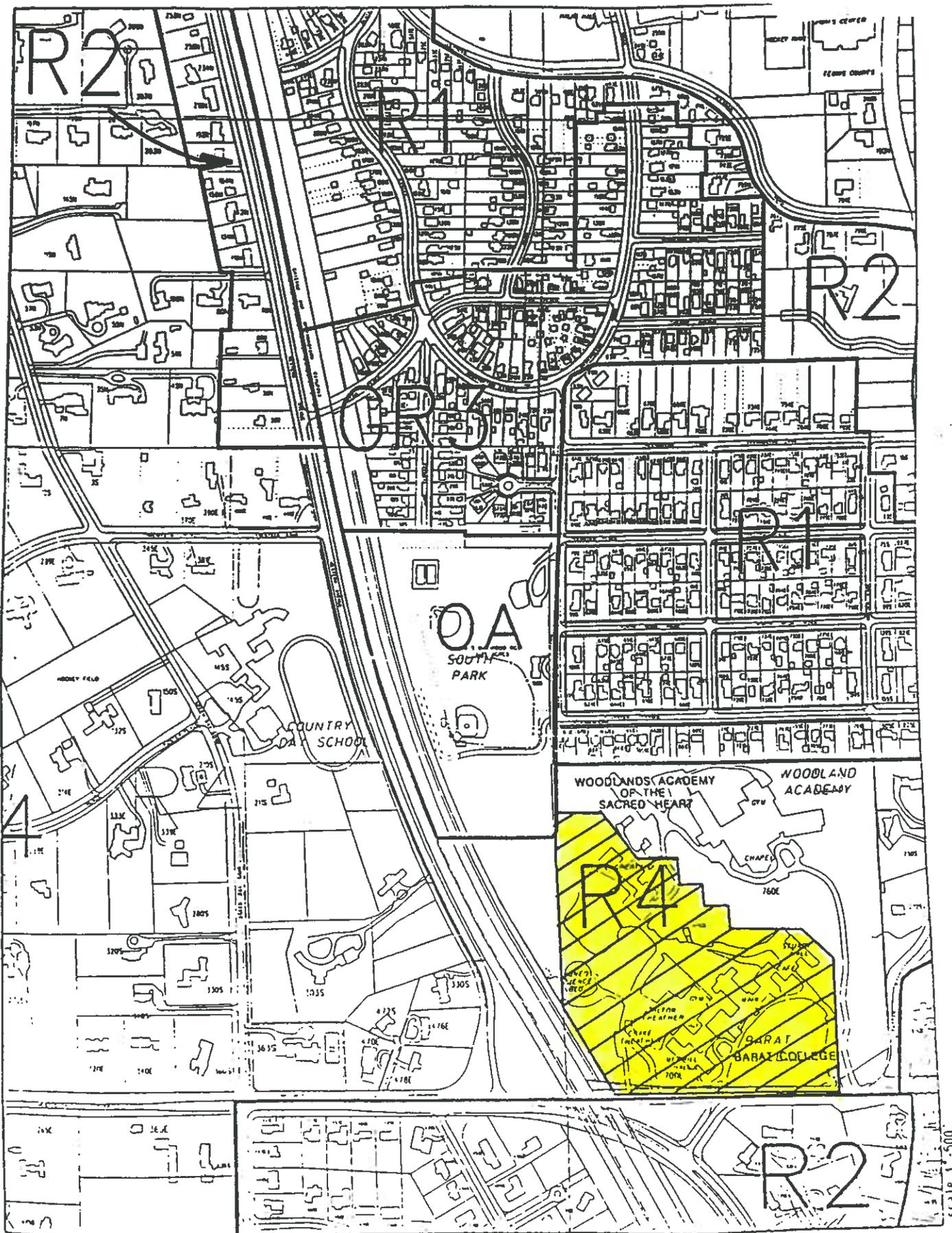


SCALE 1"=600'

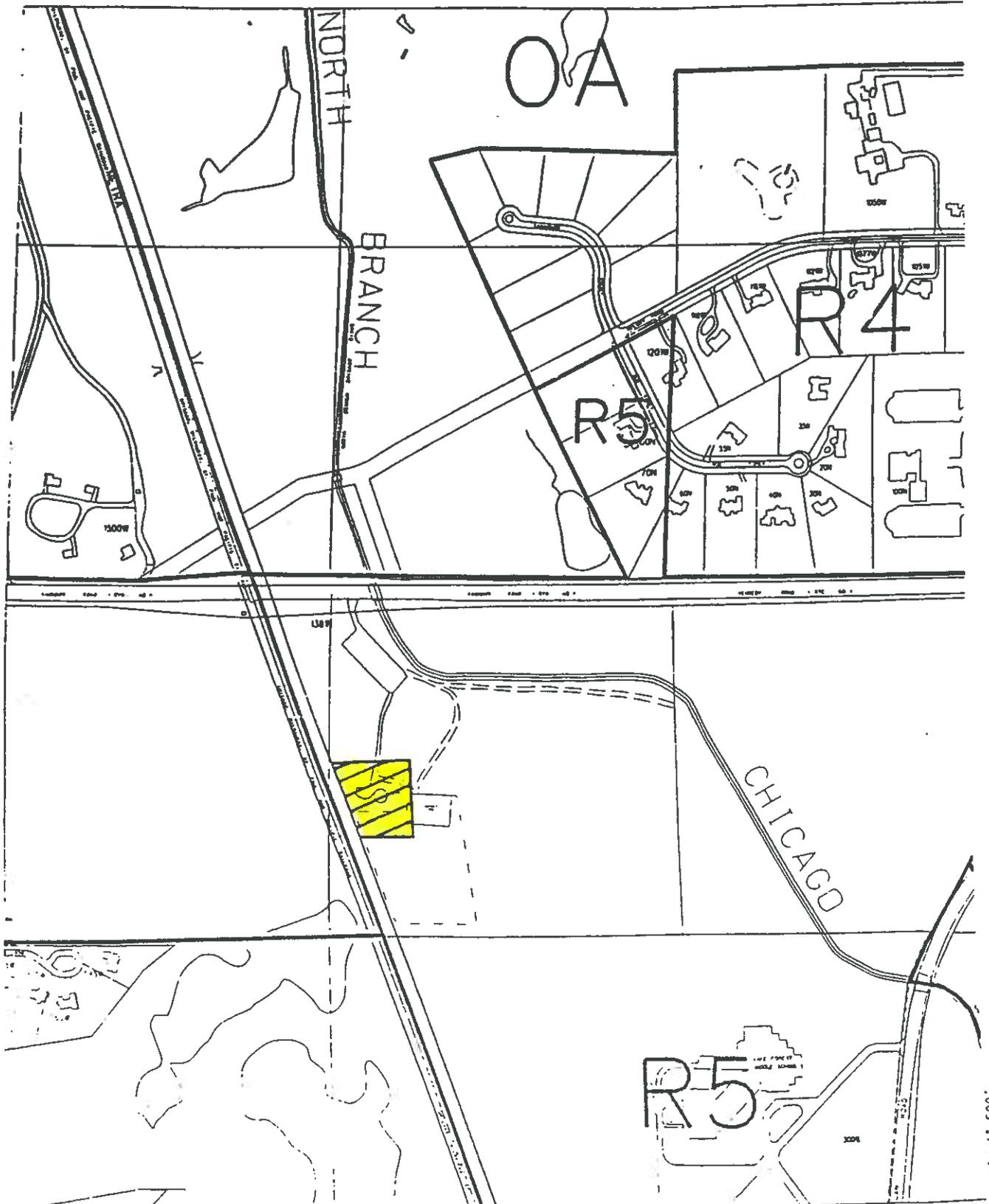
Attachment D-1



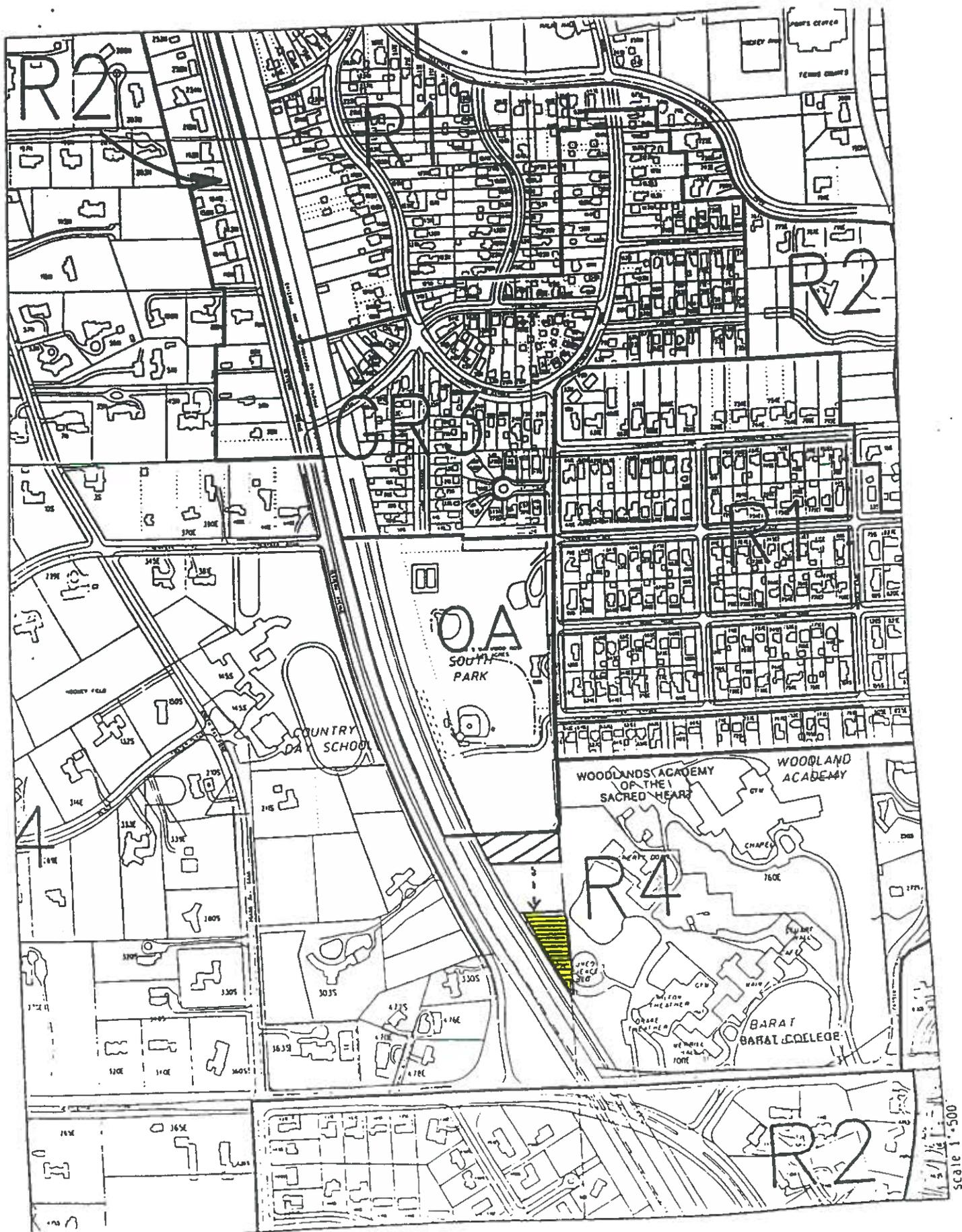
scale 1"=900'

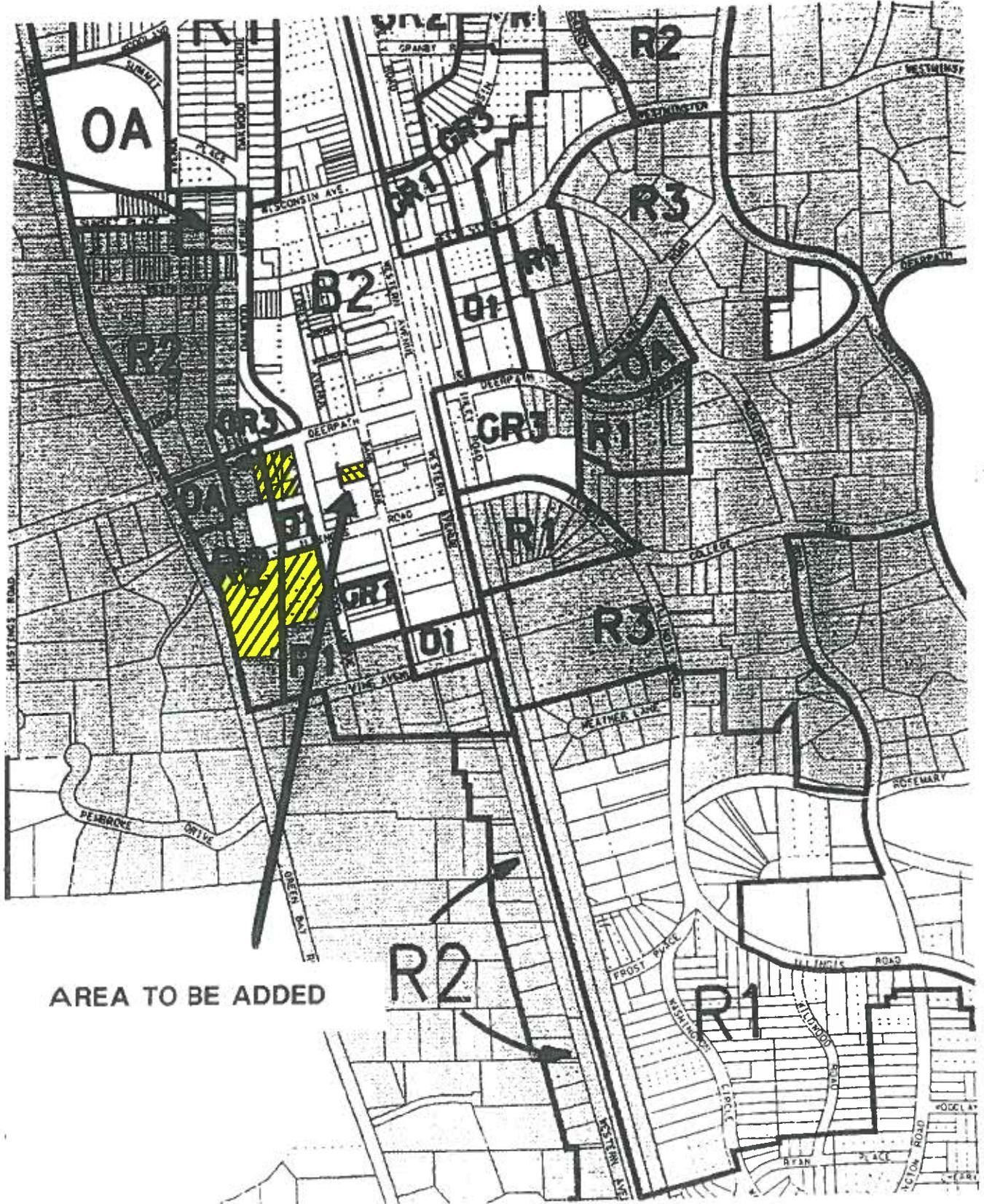


Attachment D-3



Attachment E





AREA TO BE ADDED

R2

