



Legislation Text

File #: 18-183, Version: 1

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider a comprehensive amendment to Title 6 (Zoning Regulations), Chapter 13 (Regulations for Telecommunication Facilities, Radio, Satellite and Television Antenna Towers and Dishes) - PZC 18-1-009

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Ying Liu, AICP

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 18-1-009 was published in the Naperville Sun on Wednesday February 14, 2018; Friday February 16, 2018; and Sunday, February 18, 2018.

BACKGROUND:

As technology advances in the communication industry, the demand of Naperville residents and businesses for quicker and easier access to the Internet has continued to increase. Staff recently observed this demand through requests from private companies to install macro cell towers, small cell facilities, and fiber optic lines on both private and public properties and in the right-of-way. In order to better respond to this demand, and to protect and optimize City assets while doing so, the City contracted Magellan Advisors in 2017 to develop a Citywide Telecommunications Strategic Business Plan.

One of the priority work items that Magellan identified was to review and update current City ordinances pertaining to telecommunication facilities given the continued march of new technology and requests. Most of the City's regulations on telecommunication facilities are contained in Title 6 (Zoning Regulations), Chapter 13 (Regulations for Telecommunication Facilities, Radio, Satellite and Television Antenna Towers and Dishes) and Title 9 (Public Ways and Property), Chapter 1 (Streets and Sidewalks) of the Municipal Code. While Title 9, Chapter 1 deals with communication facilities in the public right-of-way, Title 6, Chapter 13 governs communication facilities on private and public properties that are not right-of-way. Working with Magellan Advisors, staff has drafted comprehensive amendments to both Title 6, Chapter 13 and Title 9, Chapter 1.

The amendments to Title 6, Chapter 13 are subject to the Planning and Zoning Commission's review at a public hearing before proceeding to the City Council for consideration. The amendments to Title 9, Chapter 1 are subject to the City Council's consideration directly without the Planning and Zoning Commission's review.

DISCUSSION:

The full text of the proposed amendments to Title 6, Chapter 13 are included in Attachment 1. Below

is a summary of the key amendments:

Section 6-13-1 (Purposes)	1. Added that a purpose of this code is to establish standards for siting, design, permitting, construction, operation and maintenance of communication facilities. 2. Acknowledged and referenced the federal laws applicable to communication facilities.
Section 6-13-2 (Definition)	1. Updated the definitions to reflect current terminology, technology, and applicable federal and state regulations for communication facilities. 2. Clarified small cell facilities shall be treated and regulated as “towers”.
Section 6-13-3 (Public Property)	1. Clarified that communications facilities located within the public right-of-way are subject to the requirements of Title 9, Chapter 1. 2. Removed the exemption from the requirements of Title 6, Chapter 13 for commercially owned or operated communications facilities located on public property. The amendments require such facilities to be subject to all requirements of Title 6, Chapter 13, unless the City Council exempts them through a lease or license. This change is consistent with the current practices for review and approval of commercial communications facilities located on public property.
Section 6-13-4 (Permitted Uses)	1. Simplified and streamlined the requirements in this Section to permit concealed antennas, antennas installed on multifamily or non-residential buildings in all zoning districts, and cell towers in all business and industrial districts (except for B4, B5 and TU) subject to certain height limitations. 2. Regulations for private radio, satellite dishes, and television antennas are contained in a separate Section in the current Municipal Code (Section 6-13-7). The original Section 6-13-7 was deleted and regulations for antennas and towers for private uses are simplified and incorporated into this Section 6-13-4 and Section 6-13-9 (General Requirements) of the proposed amendments.
Section 6-13-5 (Conditional Uses)	1. Simplified the conditional uses to include all communication facilities not permitted in Section 6-13-4, which also include communications facilities that exceed the height limitations in Section 6-13-4. 2. In addition to the general standards for granting a conditional use, added a list of specific factors to facilitate the Planning and Zoning Commission and City Council’s consideration of a conditional use.
Section 6-13-6 (Prohibited Uses)	1. Added this Section to prohibit cell-on-wheels as a permanent use and prohibit attachment of non-City-owned communication facilities to City water towers in order to protect the safety and integrity of key city functions (i.e., water supply).
Section 6-13-7 (Variances)	1. Clarified the applicability, procedures and standards of the variance process.

Section 6-13-10 (General Requirements)	1. Removed redundant or outdated requirements and added new requirements to reflect current practices in Naperville and best practices of other municipalities (Aurora, IL and Santa Monica, CA). 2. Organized the general requirements by topic in a more user-friendly manner.
Section 6-13-11 (Application Requirements)	1. Added this Section to include detailed submittal requirements for applications for communication facilities. This Section sets clear expectations and provides guidance to help applicants submit complete and accurate application materials.

The proposed amendments have been reviewed and approved by Magellan Advisors and by all impacted City Departments including the Department of Utilities - Electric, Department of Utilities - Water/Wastewater, Department of Public Works, TED - Engineering and Legal Department. Staff has also shared the proposed amendments with representatives from AT&T, Verizon, WOW and Comcast for review and feedback. AT&T and Verizon provided some comments, which have been addressed or incorporated in the attached amendments where possible.

Key Takeaways

- This comprehensive re-write of Title 6, Chapter 13 is intended to simplify and improve the regulations for communication facilities, and present them in a user-friendly manner. The new Chapter 13 is easier to understand and easier to use.
- The proposed amendments include updates to the current language in response to new technology and new demand in the communication industry. These updates would allow the City to properly regulate and process future requests for new and modified communication facilities in the City.
- Staff recommends PZC approval of the proposed amendments.