

**SECTION 6
SUPPLEMENTARY DISTRICT REGULATIONS**

6.01 Purpose and Intent

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this Ordinance. These regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance.

6.02 Lots

Buildings on a Zoning Lot

Not more than one principal building may be located on a single lot of record or a single zoning lot except that the Village Board may authorize a special use permit for more than one principal building on a lot if located in a commercial or industrial zoning district. Such special use permit shall be petitioned for, reviewed, and acted on according to the provisions of Section 2.09.

Division of Lots

No lot shall hereafter be divided into two or more lots unless each lot created in the division shall conform with all applicable regulations of this Title and the Subdivision Regulations.

Two Uses on a Lot

Where two (2) or more permitted uses or special uses each requiring a minimum area and width are provided in the same building or on the same lot, the required area and width shall be the sum of the areas and widths required for each use individually.

Street Frontage and Access

Every lot must have frontage on a public street except as might be varied in a Planned Unit Development.

6.03 Height Exceptions

1. Chimneys, cooling towers, elevator head houses, monuments, stage towers, scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, or necessary mechanical appurtenances usually required to be placed above the roof level may exceed the maximum height limitations outlined in Section 5 by not more than twenty (20) percent, except as indicated below:

Structural projections exceeding the above height limitations shall be considered as Special Uses and shall be processed according to Section 2.09 (Special Uses) of this Ordinance; provided further that any such structural projections shall require an increased building setback of one (1) foot on all sides for each additional two (2) feet that such structure exceeds the specified height limit as established by the regulations of the district in which such building is situated.

2. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the zoning district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such zoning district.

6.04 Yard Requirements and Setback Exceptions

1. *Location of Required Yards:* Yard requirements are set forth under each zoning district for all buildings, structures and uses of land. All required yard areas shall be located on the same lot as the building, structure or use of land for which such yard is required. The right of way of any public roadway, public alley or public access way which exists by dedication, recorded easement or prescription and which is located in the lot shall not be included as part of the required yard.
2. *Permitted Obstructions in Required Yards:*
 - a. Belt courses, chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a required yard a maximum of 18 inches. Steps or sidewalks that provide access to a building or structure or access to a lot from a street or alley may be located in any required yard.
 - b. Unroofed patios, decks and porches may extend five (5) feet into the required front yard or side yard and ten (10) feet into the required rear yard. Patios, decks and porches which do have a permanent roof must comply with all yard and setback requirements of the zoning district in which it is located.
 - c. Air conditioning equipment or other heating and ventilation equipment may extend five (5) feet into the required rear yard.
3. *Required Yards for Existing Buildings:* No yards, now or hereafter provided, for a building, structure or use existing on the effective date of this Ordinance, or any amendment thereto, shall subsequently be reduced below, or further reduced if already less than, the minimum requirements of the zoning district in which it is located.

6.05 Accessory Buildings, Structure and Uses of Land

1. *Location:* Accessory structures may be built in a rear yard, but such structures or combination of structures shall not cover more than thirty (30) percent of the required rear yard.
2. *Size:* Accessory structures may not exceed, in combination with the principal structure, the Floor to Area Ratio (FAR) requirements of the zoning district in which it is located. In residential districts there shall be no more than two (2) accessory structures per lot. Accessory structures in Residential Districts shall not exceed a total of 1000 square feet per lot. The maximum allowable square footage for a garage (detached or attached) or carport shall be seven hundred fifty (750) square feet.
3. Any accessory building attached in any structural manner to the principal building must conform to the minimum setback requirements for the principal building.
4. Accessory structures less than ten feet from the principal building shall conform with the minimum setbacks required for the principal building.
5. Accessory structures ten (10) feet or more from the principal building shall meet the following minimum setbacks:
 - a. Garages which enter directly onto an alley shall be set back from the alley right of way at least ten (10) feet.
 - b. Any accessory structure (except for fences) shall be set back from any side or rear lot line at least five (5) feet of any rear or side lot line nor nearer to a lot line adjoining a street than the longest distance between such lot line and the nearest

wall of the principal building or structure.

6. All detached accessory buildings shall not exceed the height of the principal building.
7. Time of Construction: No accessory building, structure or use shall be constructed or established prior to the time of construction or establishment of the principal building, structure or use to which it is accessory.

6.06 Outdoor Storage

Where Permitted

The outdoor storage of goods, products and materials is prohibited in all districts except the I-1, I-2, I-3 and I-4 industrial districts. Outdoor storage is allowed as a Special Use in the C-4 District.

Screening

All outdoor storage shall be screened from public view by placing a solid, sight proof fence not less than six feet (6') in height around the storage area but not more than fifteen feet (15') in height.

Maintenance

Outdoor storage areas and materials, goods and products stored in such shall be maintained, managed, and contained in such a manner as is necessary to prevent that any materials, debris, or dust be transferred from the outdoor storage area by wind, flood or other natural causes and to prevent the risk of fire, spills, or pest infestation.

6.07 Screening Between Non-Residential and Residential Zoning Districts

In situations where a non-residential use is constructed on a commercial or industrial zoned lot, and said lot is located adjacent to a residentially zoned lot, then the developer of the non-residential use shall provide the following screening within the required rear and/or side yard building setback area:

1. Within this setback there shall be a landscaped area planted with one (1), two and one half (2-½) inch caliper tree for every thirty feet of common property line and other ornamental vegetation having a height not less than six (6) feet at the time of planting so that all non-residential buildings and uses are effectively screened from the view of abutting residential properties.
2. In addition, there shall be placed at the property line a neat, clean and maintained sight-proof fence or wall having a minimum height of eight (8) feet.
3. The use of earth sculpting or berms may be allowed in place of the fencing provided they are designed to provide the same screening effect and are designed to avoid erosion, drainage or maintenance problems.

6.08 Fences - This Section replaces Ordinance 392. Ordinance 392 is hereby repealed upon the effective date hereof.

A fence, in any zoning district, may not be constructed within any utility or access easement.

1. ***Residential Districts:*** The establishment of fences in residence districts shall be regulated as follows, except as provided for in Section 6.09 (Visibility on Corner Lots) of this

Ordinance:

- a. Fences may be constructed and maintained in the front yard setbacks to a maximum height of three (3) feet. On corner lots, fences up to six (6) feet in height may be placed within ten (10) feet of the property line in the side yard (second frontage) , provided they do not extend forward of the wall of the principal building facing the designated (principal) front yard.
 - b. Fences up to six (6) feet in height shall be permitted in rear yards and side yards provided that the fence is located behind the front of the principal structure.
 - c. Fences shall be positioned so that the finished side faces away from the lot on which it is constructed.
2. *Commercial Districts:* The establishment of fences in commercial districts shall be regulated as follows, except as provided for in Section 6.09 (Visibility on Corner Lots) of this Ordinance:
- a. Fences may be constructed and maintained in the front yard setbacks to a maximum height of three (3) feet. On corner lots, fences up to six (6) feet in height may be placed within ten (10) feet of the property line in the side yard (second frontage) , provided they do not extend forward of the wall of the principal building facing the designated (principal) front yard.
 - b. Fences up to eight (8) feet in height shall be permitted in rear yards and side yards provided that the fence is located behind the front of the principal structure.
 - c. Fences shall be positioned so that the finished side faces away from the lot on which it is constructed.
 - d. Walls and fences which enclose outside storage shall be a minimum of eight (8) feet and a maximum of fifteen (15) feet in height.
3. *Industrial Districts:* The establishment of fences in industrial districts shall be regulated as follows, except as provide for in Section 6.09 (Visibility on Corner Lots) of this Ordinance:
- a. Fences may be located in any required yard.
 - b. All fences other than those intended for decorative or screening purposes shall be buffered with berming and/or landscaping.
 - c. All fences shall not exceed a height of fifteen (15) feet.
 - d. Fences shall be positioned so that the finished side faces away from the lot on which it is constructed.
 - e. Walls and fences which enclose outside storage shall be a minimum of eight (8) feet in height and a maximum of fifteen (15) feet in height.

6.09 Visibility on Corner Lots

The location of buildings, structures and landscaping on corner lots shall be regulated as follows so as not to obstruct the vision of drivers of motor vehicles. No buildings or structures shall be erected or maintained within a triangular area determined by a diagonal line connecting two (2) points measured along the property lines of abutting streets thirty (30) feet equidistant from the intersection of those property lines, so as to obstruct or obscure the vision of drivers of motor

vehicles on either or both streets.

6.10 Recreational Vehicles; Boats; Snowmobiles on Trailers

Applicability

These regulations shall apply to all boats on trailers, snowmobiles on trailers and other recreational vehicles, as defined in Illinois Motor Vehicle Code, in any zoning district. They shall not apply to mobile homes permanently affixed to the ground and used as a principal residence.

Storage of Recreational Vehicles

1. Only one boat on a trailer, snowmobile on a trailer or other recreational vehicle shall be stored outside on any lot or parcel of land by the occupant of the subject lot or parcel, provided they are stored only in the rear yard. They shall not be stored in required front yard or corner side yards setbacks except as provided in Section 6.10 (Temporary Storage and Parking of Recreational Vehicles, Boats, Snowmobiles.) All other recreational vehicles must be stored in a fully enclosed structure.
2. Boats on trailers, snowmobiles on trailers and other recreational vehicles shall be located no closer than five feet (5') to any rear or interior side lot line.
3. In any district, the wheels of any similar transporting devices of a boat, boat trailer, snowmobile, snowmobile trailer or other recreational vehicle shall not be removed except for repairs, nor shall a boat, boat trailer, snowmobile, snowmobile trailer or other recreational vehicle be otherwise permanently affixed to the ground in a manner that would prevent removal of said boat, boat trailer, snowmobile, snowmobile trailer or recreational vehicle.

Parking of Recreational Vehicles

Recreational vehicles may be parked on the driveway in the required front yard or corner side yard setback, provided:

- a. The recreational vehicle shall be used daily and shall be it's owner's principal means of transportation.
- b. The length of the recreational vehicle shall not exceed twenty five feet (25') or the required front yard or corner side yard setback.

Temporary Storage and Parking of Recreational Vehicles; Boats; Snowmobiles

A boat on a trailer, snowmobile on a trailer or other recreational vehicle may be placed, kept or maintained upon any lot or parcel of land without meeting the requirements of this section for a period not exceeding seventy two (72) hours for loading and unloading purposes.

6.11 Motor Vehicle Parking in Residential Districts

Off-street parking facilities accessory to residential uses shall be used principally for the parking of passenger vehicles. Trucks (excluding personal use pick-up trucks), construction vehicles, commercial vehicles and busses shall be stored or parked in residential districts only in accordance with the following provisions:

1. No more than one (1) truck (with a gross vehicle weight in excess of 12,000 pounds), construction vehicle, commercial vehicle or bus may be stored or parked on a lot in any residential district;

2. Trucks (with a gross vehicle weight in excess of 12,000 pounds), construction vehicles, commercial vehicles or busses stored or parked in any residential district shall be stored or parked in a fully enclosed building or structure, except as hereinafter provided;
3. One (1) commercial or construction vehicle may be stored or parked on a lot in a residential district on a driveway surface provided that the vehicle is a small van or pick-up truck similar to a non-commercial passenger vehicle and provided that such vehicle is used by the lot's occupant on working days as their principal means of transportation to and from work.

6.12 Home Occupations

Restrictions and Limitations

Home occupations are permitted as an accessory use to a residential use in certain residential districts subject to the requirements of this Section:

1. Home occupations shall be operated entirely within the principal residential dwelling unit and shall be operated within the principal residential dwelling and shall not occupy more than twenty-five (25) percent of the total floor area of the said residential dwelling, with the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes by its occupants.
2. No home occupation is to be conducted in a garage or other accessory structure.
3. In no way shall the appearance of the dwelling be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises or vibrations, except that one (1) non-illuminated sign not greater than one (1) square foot in area may be affixed to the residence in which the home occupation is located.
4. Such occupation shall be conducted entirely within the residence and carried on by immediate family members residing on the property and one receptionist or office assistant.
5. A home occupation shall not create substantially greater vehicle or pedestrian traffic than normal for the district in which it is located. Nor shall substantially more vehicles be parked on the property or adjacent streets than what would typically be required for the normal use of the residence.
6. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
7. No storage or display of materials, goods, supplies, or equipment used in the home occupation shall be permitted.
8. No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, electrical interference or fluctuation in line voltage beyond the property line of the lot upon which the home occupation is conducted.

9. No home occupation shall cause of substantial increase in the use of any one or more utilities (water, sewer, electricity) so that the combined use for the residences and the occupation exceeds the average for residences in the neighborhood.

Examples of Uses that Frequently Qualify as Home Occupations

The following are typical examples of uses which often can be conducted within the regulations of the limits established herein. Uses which qualify as home occupation are not limited to those found in this paragraph nor does such listing necessarily qualify it as a home occupation: accountants, beauty and barber shops limited to two (2) operators, babysitting services, architects, engineers, attorneys, real estate agents, urban planners and insurance agents.

Home Occupations that are Prohibited

Permitted home occupations shall not be deemed to include the following uses: animal hospitals, medical and dental clinic, eating and drinking establishments, general retail, hospitals and sanitariums, kennels, stables, undertaking establishments and funeral parlors.

6.13 Antenna and Satellite Dish Regulations (Wireless Communications Ordinance)

Purpose and Intent

It is the intent and purpose of this Ordinance to permit antennas and satellite dishes where they can be installed with minimal visual impact by encouraging colocation and other aesthetic measures, without creating adverse economic or safety impacts and promoting the health, safety and general welfare of the community. Furthermore, it is the intent of this Section to ensure compliance with Federal Communications Commission (FCC) regulations as they relate to the promotion of universal service, competitive contracting by ensuring fairness through the creation of clear and objective approval criteria.

Definitions

For the purpose of this Section, the following definitions apply:

Antenna: A device in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. For the purposes of this Section, an antenna includes any supporting tower, pole, mast, or building to which it is affixed.

Colocation: The placement of two or more antenna systems or platforms by separate FCC license holders on the same structure, building, water tank or utility pole.

Height: The height of an antenna or satellite dish shall be measured vertically from the highest point of the signal receiving/transmitting apparatus, when positioned for operation, to the bottom of the base, which supports the antenna.

Publicly Owned Property: Property in any district owned, leased, or otherwise controlled by a governmental entity.

Satellite Signal Receiving Antenna (Satellite Dish): A device designed for the purpose of receiving and converting earth orbiting satellite communications signals. It may be a solid, open mesh or bar configured structure typically in the shape of a shallow dish or parabola. Said

antenna of this type are hereinafter referred to as "satellite dishes."

Usable Satellite Signal: A satellite signal which, when converted and viewed on a conventional television set is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

Permits Required

Building and Electrical Permit: Building and electrical permits shall be required prior to the erection of an antenna or satellite dish, except as provided for in paragraph two below. The plans and specifications shall meet or exceed applicable requirements of any and all building codes that are adopted by the Village Board and may be amended from time to time.

Exceptions: The private/personal use of an antenna or satellite dish for the reception or transmission of radio or television signals, ham radio signals, or citizen band transmissions, of a height no greater than sixty (60) feet are exempt from the requirements of a building permit, engineering report, or special use permit.

General Requirements

1. Federal Communication Commission (FCC) Compliance: All antennas, towers, and satellite dishes shall comply with all FCC requirements.
2. Each business or residential lot shall have not more than (1) antenna, tower, or satellite dish, except that for a residential or business lot may have both a satellite dish and television antenna for personal use located on the same parcel. Radio or television studios or amateur radio operators licensed by the FCC are exempt from this paragraph. Businesses selling satellite dishes shall be allowed a maximum of three (3) satellite dishes located outdoors and only one (1) of these shall be allowed in the front of the building.
3. An antenna, tower, or satellite dish shall be located in the side or rear yard. In the situation of a corner lot, such antenna, tower, or satellite dish shall not be closer to the adjoining side street than the principal building.
4. In the event that a usable satellite signal cannot be obtained from the rear yard or side yard of the property, such antenna, tower, or satellite dish may be placed on the roof of a building subject to the approval of the Zoning Enforcement Officer and to the other requirements of this Section.
5. Satellite dishes shall not be visible between the ground level and ten (10) feet above ground from any street adjoining the property. Screening used to achieve this requirement shall be in compliance with the Building Code, the provisions of this Ordinance and approved by the Zoning Enforcement Officer.
6. Within residential zoning districts, the diameter of satellite dishes shall not exceed seven (7) feet. The dish and supporting structure shall be neutral in color and shall, as much as possible, blend with the character and appearance of the neighborhood.
7. No antenna or satellite dish shall be used or serve as a sign or bear an advertising emblem other than the name of the manufacturer in letters not to exceed two (2) inches

in height.

8. Guy wires (only where necessary) shall not be anchored within any front yard areas but may be attached to the building.
9. Whenever an antenna is installed within a distance less than the height of the tower to power or telephone lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna or mast or tower and secured in a direction away from the hazard.
10. Antennas, towers and satellite dishes shall meet and be installed according to all manufacturers' specifications. The mast or tower shall be constructed of non-combustible materials, unless otherwise approved by Underwriters Laboratories (UL). Brackets, turnbuckles, clips and similar equipment shall be protected with materials approved by Underwriters Laboratories (UL).
11. Antennas, towers or satellite dishes shall meet the setback requirements for a principal structure for the zoning district in which the facilities are located.

Prohibited Uses

The following uses are prohibited:

Towers or Antennas in Residential Districts - a tower or antenna used for any commercial or other non-residential purpose, including the placement of other support equipment or buildings, used in connection with the tower or antenna in any residential district, including residentially planned unit developments (PUD).

Permitted Uses

The following uses are permitted:

1. Colocating Antennas on Existing Towers in Industrial or Commercial Zones, or on Publicly Owned Property - Antennas on an existing communication tower of any height provided that:
 - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing tower; and
 - b. The antenna is neutral in color; and
 - c. A qualified engineer submits evidence that the existing structure can adequately support the proposed colocation apparatus.
2. Colocating Antennas on Existing Non-Tower Structures in Industrial or Commercial Zones, or on Publicly Owned Property - Antennas on an existing structure other than a tower (such as a building, water tank, sign, utility pole, power pole, or other structure), provided that:
 - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing tower; and
 - b. The antenna is neutral in color; and

- c. A qualified engineer submits evidence that the existing structure can adequately support the proposed colocation apparatus.

Special Uses

The following uses may be permitted as special uses under the conditions and requirements specified in Section 2.09, Special Uses, in addition to those outlined below:

1. Colocating Antennas on Existing Non-Tower Structures or Existing Commercial Towers in Residential Districts - Antennas on an existing structure (such as a building (excluding dwelling units), water tank, sign, utility pole, or other structure), provided that:
 - a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing tower; and
 - b. The antenna is neutral in color; and
 - c. A qualified engineer submits evidence that the existing structure can adequately support the proposed colocation apparatus.
2. Towers or Antennas in Commercial or Industrial Zones or on Publicly Owned Property - Antennas or towers of any height, including the placement or other supporting equipment and accessory buildings. Any equipment shelter shall comply with development standards (i.e., setbacks, height limitations, bulk, etc.) of the property's zoning district classification.
3. Private Use Antennas, Towers or Dishes Greater than Sixty (60) feet - The residential use of an antenna or satellite dish for the reception of radio or television signals, ham radio signals, or citizen band transmissions, in excess of sixty (60) feet. These special uses shall meet the requirements of Section 3. (Administration), but will be exempt from the requirements of Section 6 - Application for a Special Use Permit for Antenna Facilities, below.

Application for a Special Use Permit for Antenna Facilities

In addition to the requirements of Section 2.09, Special Uses, the applicant shall be required to submit information that includes, but is not necessarily limited to, how the proposed special use will satisfy the following conditions:

1. Points of Visual Interest Shall be protected

Views from residential structures located within 250 feet of the proposed antenna or tower to the following points of interest shall be protected to the greatest practical extent:

- a. Public Open Spaces
- b. Natural Areas
- c. Landmark Structures

2. Methods for Protecting Points of Visual Interest

The following standards shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within 250 feet from a proposed antenna or tower to a point of visual interest specifically identified above, are significantly impacted. The applicant shall:

- a. Examine locations within the same area where such visual impacts can be minimized.
- b. Investigate alternative tower designs that can be used to minimize the interruptions of views from the residence to the point of visual interest.
- c. Minimize visual impacts to the point of visual interest referred to above, by demonstrating that colocation or the use of other structures within the service area is not feasible at this time.
- d. Minimize visual impacts varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good or better than that which would otherwise be required without said variations.

3. Color

Antennas or towers and their supporting structures shall be a neutral color that is the same or similar in color as the supporting structure to make the antenna and equipment as visually unobtrusive as possible, unless otherwise specified under Federal Aviation Administration (FAA) standards.

4. Height

Antennas or towers shall not exceed the maximum building height plus fifteen (15) feet, in the zoning district in which it is located, applicants who wish to exceed this height shall provide evidence demonstrating the need for exceeding this minimum standard.

5. Setbacks (Adjacent to Residential Uses)

Antennas or towers shall be set back from any existing adjacent residential property line by a distance equal to the height of the tower, unless building plans are submitted demonstrating that the tower will collapse within itself. Such building plans shall be affixed with the seal of a certified structural engineer.

6. Lighting

None allowed except as required by the FAA.

7. Fencing and Security

For security, antennas or towers and ancillary facilities shall be enclosed by a fence not less than six (6) feet in height.

8. Landscaping and Screening

Landscaping shall be placed outside the required fence area on sides facing public rights-of-way or residential areas and shall consist of a fast growing vegetation with a minimum planted height of four (4) feet, spaced evenly at intervals equal to twice the expected width of the plant material.

9. Noise

Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line of 30dBA when adjacent to residential areas and 45dBA in other areas.

10. Tower Design

Towers shall generally be designed without the use of guy wires or external supports. In instances where such a requirement may not be feasible, appropriate documentation shall be provided by the petitioner, demonstrating why such a tower is not feasible. The applicant will offer alternatives to the design so as to minimize the visual impact of the tower.

11. Colocation Protocol

Any special use request for the erection of a new tower shall complete the colocation protocol as outlined in Section 6.13, Colocation Protocol.

Colocation Protocol

1. Purpose

The purpose of this requirement is to create a process that will allow providers to equitably share publicly available, nonproprietary information among themselves, with interested persons and agencies, and with the Village of Elwood, at the time the provider schedules a pre-application conference with the Village of Elwood. This colocation protocol is designed to increase the likelihood that all reasonable opportunities for colocation have been investigated and that the appropriate information has been shared among the providers.

The Village of Elwood recognizes that colocation is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that colocation of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit request, such disclosure will allow providers to have the maximum amount of time to consider possible colocation opportunities, and will also assure the Village that all reasonable accommodations for colocation have been investigated.

2. Pre-Application Requirement

A pre-application conference is required for all proposed support structures.

3. Colocation Request Letter Requirement

At the time of pre-application conference, the applicant shall demonstrate that the following

notice was mailed to all other providers rendering service within the Village of Elwood:

"Pursuant to the requirements of Section 6.13, Permits Required, of the Village of Elwood Zoning Code, (applicant) is hereby providing you with notice of our intent to meet with the Village of Elwood in a pre-application conference to discuss the location of a wireless communication facility that would be located at _____. In general, we plan to construct a support structure of _____ feet in height for the purpose of providing (Cellular, PCS, etc.) service.

Please inform us whether you have any existing or pending antenna or tower facilities located within _____ feet of the proposed facility that may be available for possible colocation opportunities. Please provide us with this information within ten (10) business days after the date of this letter. Your cooperation is appreciated."

4. Applicant's Duty to Analyze the Feasibility of Colocation

If a response to colocation request letter is received by an applicant indicating an opportunity for colocation, the applicant shall analyze the feasibility of colocation. This analysis shall be submitted with an application for any support structure.

The investigation of the feasibility of colocation shall be deemed to have occurred if the applicant submits all of the following information:

- a. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by colocation at the possible location site;
- b. Evidence that the lessor of the possible colocation site either agrees or disagrees to colocation on their property.
- c. Evidence that adequate access does or does not exist at the possible colocation site to accommodate needed equipment and meet all of the site development standards.
- d. Evidence that adequate access does or does not exist at the possible colocation site.

5. Result of Colocation Feasibility Analysis

If the applicant has provided information addressing each of the criteria in Section 6.13, General Requirements, above, the colocation protocol shall be deemed complete.

Abandoned Facilities

An antenna or satellite dish whose use has been discontinued for a period of six (6) consecutive months or longer is hereby declared abandoned. Abandoned facilities shall be removed by the property owner within ninety (90) days of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to penalties as outlined in the Elwood Municipal Code.

6.14 Free-Standing Electronic Banking Facilities (ATM) – This Section replaces Ordinance

602. Ordinance 602 is hereby repealed upon the effective date hereof.

Free-standing Electronic Banking Facilities shall be considered as special uses in all Commercial districts which shall be processed according to Section 2.09 of this Ordinance as it relates to Special Use Permits, shall be considered permitted uses in all Industrial districts, and shall be subject to the following criteria:

1. The unit may be located within a required front, side or rear yard, except it may not be located within ten (10) feet of a public right-of-way, within five (5) feet of any property line nor within any required buffer yard adjacent to a residential zoning district. The Plan Commission may recommend and the Board may approve a waiver to these setback requirements if the proposal is in a desirable location and the existing parking lot or vehicle maneuvering area does not comply with these setback standards;
2. The unit shall be located on private property in a location that provides a minimum of three (3) automobile stacking spaces;
3. The unit shall not be located within an area that blocks safe vision for access or vehicle maneuvering throughout the site or on neighboring properties or streets;
4. Neither the unit nor the required stacking area shall be located in an area that conflicts with typical automobile maneuvers within adjacent or nearby parking lots, driving lanes or streets;
5. Canopies intended for weather protection of the user shall be allowed, but said structures shall not interfere with any driving lane or maneuvering area, and the clearance height of the structure shall be clearly posted on the unit facing the direction of approach. The maximum height of any such canopy or roof shall not exceed twenty (20) feet;
6. Signage on the unit shall be limited to wall and canopy signage. Signs shall not project beyond the edge of the unit, and shall be restricted to the name or type of the electronic banking facility, the name of the sponsoring financial institution, and the types of cards accepted at the unit. All other aspects of signage, including size, shall be in accordance with Section 10 of this Ordinance.