

#### ITEM 4 – ZONING AND AIRPORT RESTRICTIONS

Item 2 demonstrates the need for the location of the 10 acre transmitter site to be on the North or Northeast side of Geneva to provide the city grade coverage required both Day and Night to the city of Geneva. In considering this area of location the DuPage Airport (Air Space), zoning and cost of land are factors (See Item 5 for Cost of Land).

##### Airport Location

The DuPage County Airport (DPA) is a Public/Civil jet airport with a manned control tower, 5 paved runways (longest 7,571 feet, see attached diagram) and is contiguous with the Northeast side of Geneva. See attached Aerial Map of the North and Northeast side of Geneva/DuPage Airport. With the adjacent proximity of the airport runway to the target area for locating a new transmission site, finding a site of adequate size that would not be in conflict with flight patterns is near impossible. Included you will find two Towair Determination Results – the first Towair “North site” is depicted on the aerial as “Site Area 1” and the “South site” Towair is depicted on the aerial as “5.8 AC Site”.

Both cases failed the slope as did all other locations on the North and Northeast side of Geneva. All Towair failure reasons stated are a result of the DPA runway proximity. 90 degree towers @ 1480 kHz would be approximately 165 feet. Towers of less than 120 feet would significantly degrade the stability of the two patterns.

##### Zoning Concerns

Much of the North and Northeast side of Geneva is zoned residential (See City of Geneva Zoning Map yellow area). The area that is zoned for Office Research/Industrial shaded gray color in the North-Northeast side of Geneva is next to and contiguous to the DuPage County Airport.

In reviewing the Geneva Zoning Ordinance (attached are 3 pertinent chapters; Industrial Office District, PUD Business District, and Office & Industrial District), no district in the Geneva Zoning Code allows for towers other than microwave towers or cell towers. The lack of any allowance for radio station towers in the ordinance prompted me to confirm that fact with the Director of Geneva Zoning, Richard Unch. Unch confirmed there was no provision for radio station towers. I was told the city would allow co-location on their water tower. When I explained that would not work and explained my needs; I was told I could file a request to first see if the city would amend its zoning ordinance to allow radio towers in a zoning district. If I was successful and the city adopted the change in their rules, I could then apply for the re-zoning and see if they would approve my request. I was told it was not likely the city would amend their zoning to allow for radio towers in any district other than industrial, thus excluding residential districts. Almost all industrial areas on the North and East side of Geneva are adjacent or near to the DuPage Airport with air-space issues. When asked why there was no provision in the zoning ordinance for radio towers, the Director of Zoning told me maybe the city did not want towers when the ordinance was updated in 1997. (Cell towers in cities are mandated by state law.) State law provides an exception from zoning for AM towers in Illinois in counties of less than 180,000 population; not applicable to Geneva, Illinois in Kane County with a population of 482,113 (Millbrook, Illinois tower site is in LaSalle County with a population of 111,509 and falls under the state exception. State law attached).

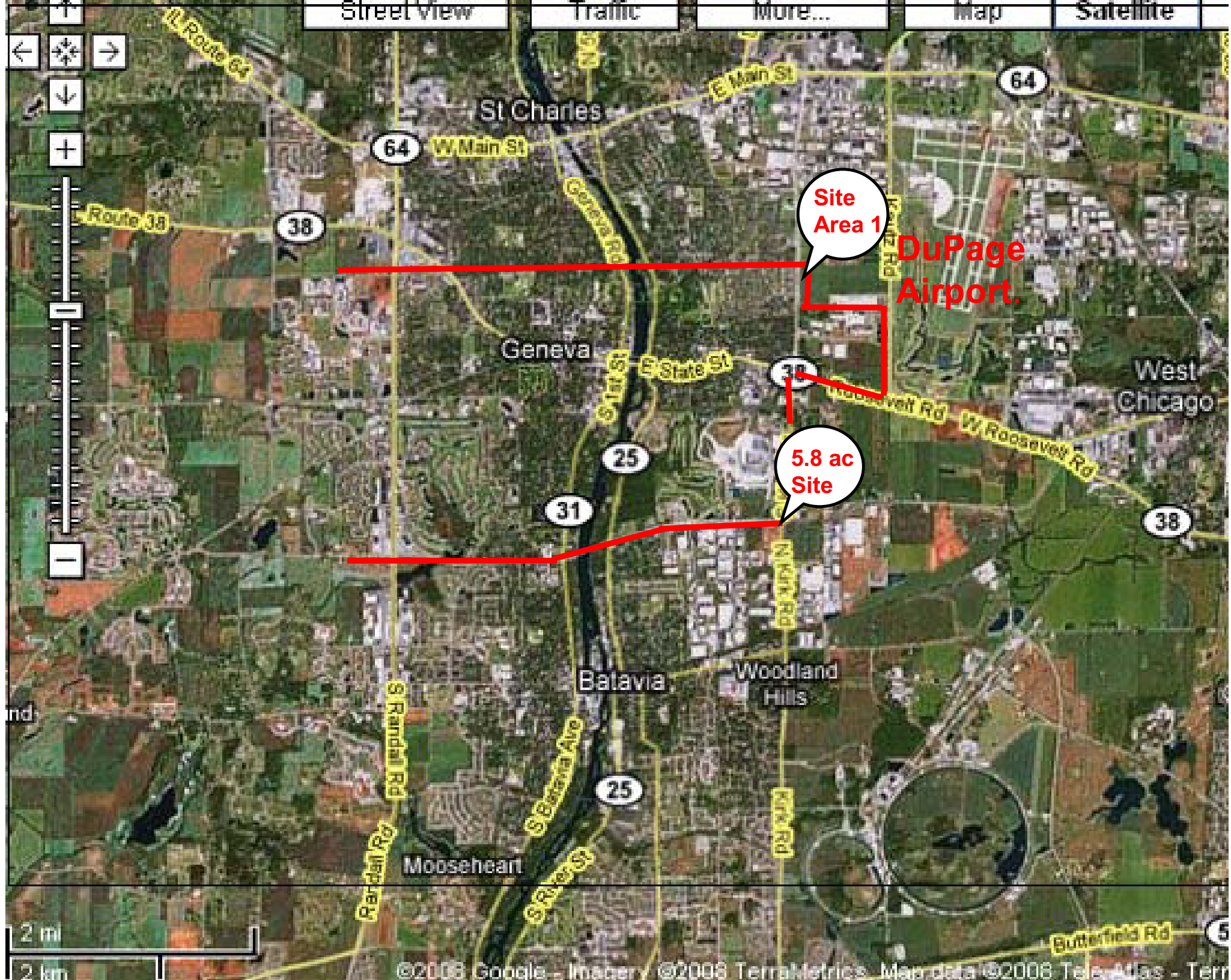
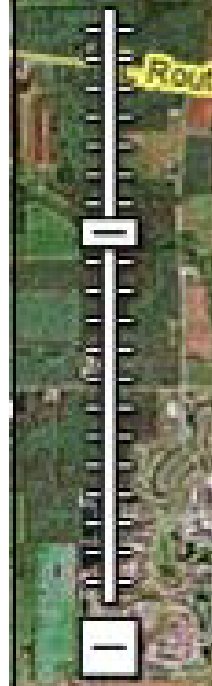
Street View

Traffic

More...

Map

Satellite



Site Area 1

DuPage Airport.

5.8 ac Site

2 mi

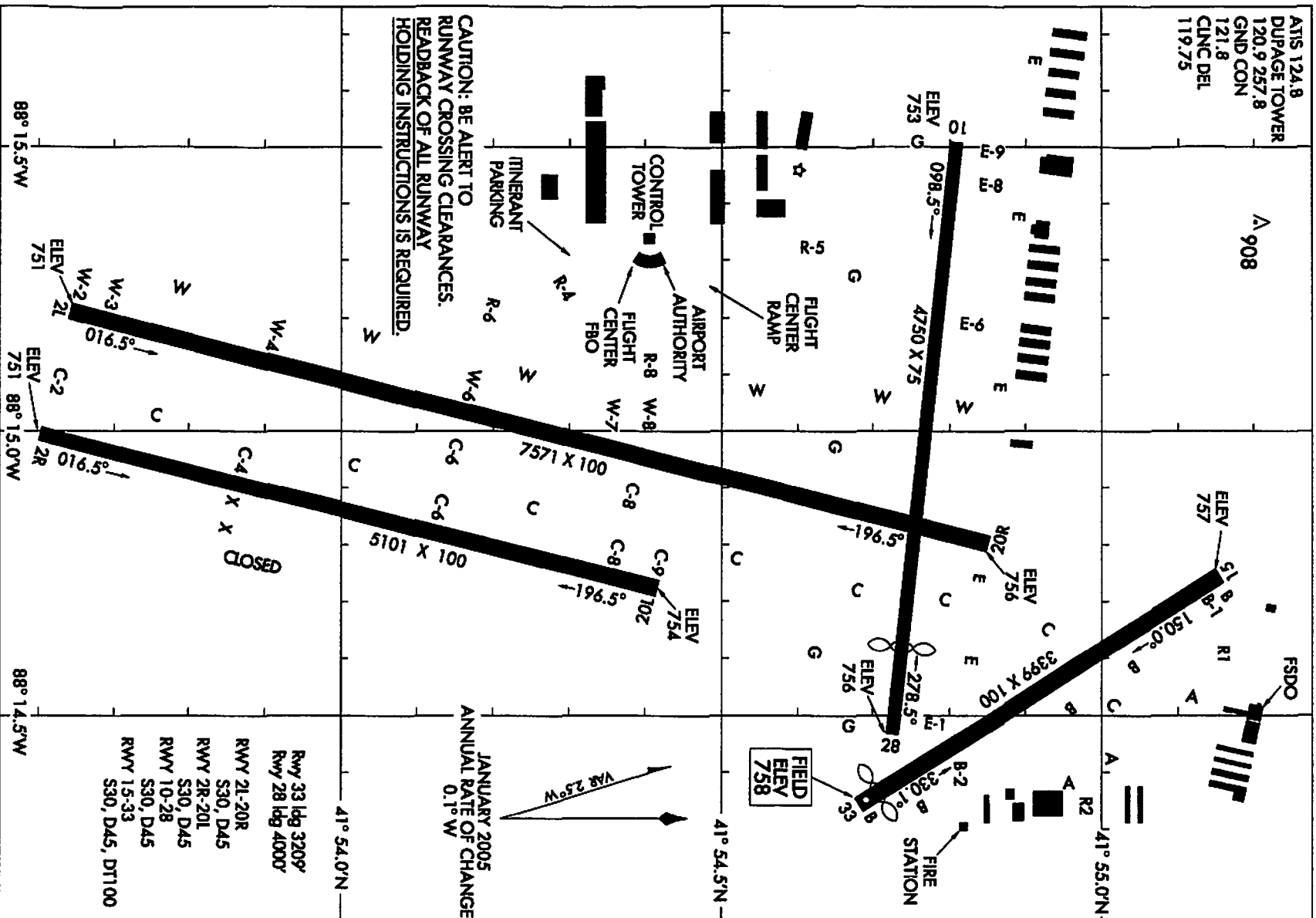
2 km

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08101

**AIRPORT DIAGRAM**

AL-5104 (FAA)

CHICAGO/DU PAGE (DPA)  
CHICAGO (WEST CHICAGO), ILLINOIS

EC-3, 25 SEP 2008 to 23 OCT 2008

EC-3, 25 SEP 2008 to 23 OCT 2008

**AIRPORT DIAGRAM**

08101

CHICAGO (WEST CHICAGO), ILLINOIS  
CHICAGO/DU PAGE (DPA)

**Fox Flying Club - Chicago**  
Check out our aircraft, rates and more information about our club!  
[www.foxflying.com](http://www.foxflying.com)

**Chicago Area Data Center**  
Naperville, IL, Colocation Hosting  
Dedicated Hosting, Managed Services  
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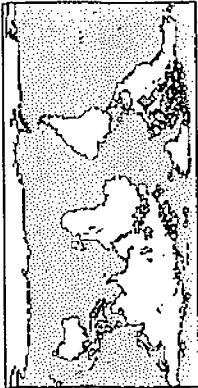
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# DPA - Airport

*This information may not be accurate or current and is not valid for navigation or flight planning. No warranty of fitness for any purpose is made or implied.*



## Location

**City:** Chicago/West Chicago, Illinois, United States  
**Name:** Dupage Airport  
**ICAO / IATA:** KDPA / DPA  
**FAA:** DPA

## Details

**Type:** Airport (Airfield)  
**Use:** Public/Civil  
**Latitude:** 41°54'25"N (41.906944)  
**Longitude:** 88°14'54"W (-88.248203)  
**Datum:** WGS 1984  
**Elevation:** 759 ft (231 m)  
**Runways:** 4  
**Longest:** 7570 × 100 ft (2307 × 30.5 m)

## Time

**Timezone:** UTC-6 (DST-5)  
**Local Time:** 10 Oct 2008 10:43 CDT

## Weather

**METAR:** KDPA 10145Z 11009KT 10SM CLR 17/09 A3022 RMK AO2 SLP234  
T01720089 51003  
**TAF:** KDPA 101120Z 101212 00000KT P6SM SKC  
FM1300 07005KT P6SM SKC  
FM1600 13011KT P6SM SCT250  
FM0100 11005KT P6SM BKN250

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## Airport Diagram

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[www.SkyGeek.com](http://www.SkyGeek.com)

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- Airport
- Section

## Related Locations

**Nearby:**

- Illinois (IL)
- United States (US)

**Farthest:** MGW: 11057 mi / 17795 km  
Margaret River, WA, AU

Find: (all) Airport beyond 0  
Helipoint but within 100 mi  
Seaplane Base  
Ultralight Flightpark  
STOLport  
Gliderport any heading  
Find

## Other Information

### Maps:

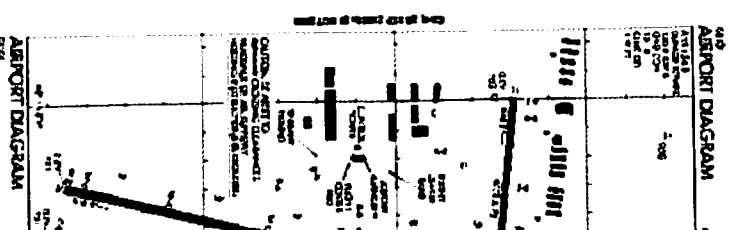
- [Great Circle basic](#)
- [Great Circle topographic](#)
- [Google Maps satellite](#)
- [Yahoo! Maps](#)
- [Multimap](#)

### Links:

- [GeoURL: web sites near DPA](#)
- [AirNav: FAA data for DPA](#)

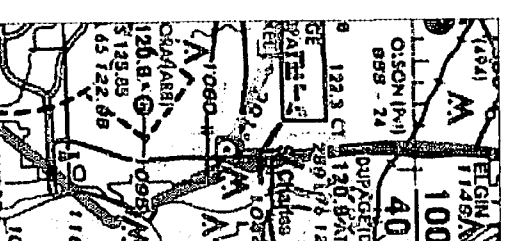
### Sources:

- [FAA \(via AirNav\), effective 25 Sep 2008 - 19 Nov 2008](#)
- [DAFIF® \(see important details\) cycle 0610, effective 28 Sep 2006 - 25 Oct 2006](#)
- [NOAA's Internet Weather Source](#)
- [FAA's National Aeronautical Charting Office \(NACO\)](#)
- [SkyVector.com](#)









Airport diagra

## Sectional Chi:



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# Chicagoland's DuPage Airport

*Aviation's Best Address*



AIRFIELD QUICK LINKS

FLYING THROUGH DPA

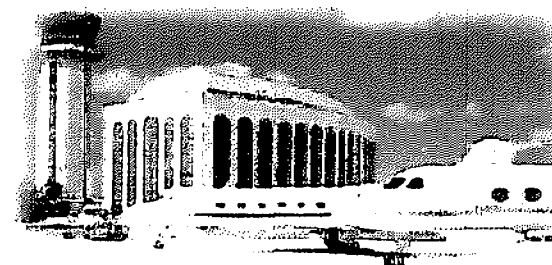
LOCATING AT DPA

DUPAGE AIRPORT  
ADMINISTRATION

AIRFIELD BUSINESSES &  
COMMUNITY PARTNERS

NEWS, PUBLICATIONS  
& EVENTS

*Airport Owned Businesses (below)*



DUPAGE FLIGHT CENTER



PRAIRIE LANDING GOLF COURSE





*North Site***TOWAIR Determination Results**

This structure requires FAA notification and FCC registration, based on a check of the coordinates, heights, and structure type you provided. As detailed below, one or more of the determination results produced a "fail slope" result, which means registration is required.

**\*\*\* NOTICE \*\*\***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

**DETERMINATION Results**

**FAIL SLOPE (100:1)FAA REQ - 2221.0 Meters(7286.65 Feet) away & exceeds by 47.0 Meters (154.199 Feet)**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-53- 39.00N	088-15- 13.00W	DUPAGE	DU PAGE CHICAGO/WEST CHICAGO, IL	228.8	2307.5999999999999

**FAIL SLOPE (100:1)FAA REQ - 2549.0 Meters(8362.76 Feet) away & exceeds by 43.0 Meters (141.069 Feet)**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-53- 36.00N	088-15- 0.00W	DUPAGE	DU PAGE CHICAGO/WEST CHICAGO, IL	228.8	2307.5999999999999

**FAIL SLOPE (100:1)FAA REQ - 1632.0 Meters(5354.27 Feet) away & exceeds by 52.0 Meters (170.599 Feet)**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-54- 49.00N	088-15- 31.00W	DUPAGE	DU PAGE CHICAGO/WEST CHICAGO, IL	228.8	2307.5999999999999

**FAIL SLOPE (100:1)FAA REQ - 2853.0 Meters(9360.12 Feet) away & exceeds by 40.0 Meters (131.229 Feet)**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-55- 9.00N	088-14- 45.00W	DUPAGE	DU PAGE CHICAGO/WEST	228.8	2307.5999999999999

## CHICAGO, IL

**Your Specifications****NAD83 Coordinates**

Latitude	41-54-28.0 north
Longitude	088-16-36.0 west

**Measurements (Meters)**

Overall Structure Height (AGL)	54.9
Support Structure Height (AGL)	54.9
Site Elevation (AMSL)	243.8

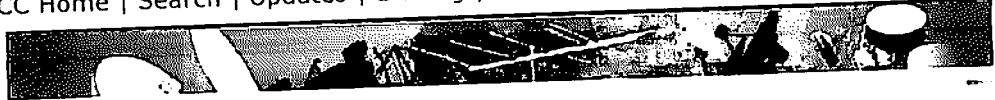
**Structure Type**

TOWER - Free standing or Guyed Structure used for Communications Purposes

**Tower Construction Notifications**

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

**CLOSE WINDOW**



## Antenna Structure Registration

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[FCC](#) > [WTB](#) > [ASR](#) > [Online Systems](#) > [TOWAIR](#)
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### TOWAIR Determination Results

[New Search](#) [Printable Page](#)

This structure requires FAA notification and FCC registration, based on a check of the coordinates, heights, and structure type you provided. As detailed below, one or more of the determination results produced a "fail slope" result, which means registration is required.

#### \*\*\* NOTICE \*\*\*

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

#### DETERMINATION Results

**FAIL SLOPE (100:1)FAA REQ - 3645.0 Meters(11958.5 Feet) away & exceeds by 29.0 Meters (95.1400 Feet)**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-53-39.00N	088-15-13.00W	DUPAGE	DU PAGE CHICAGO/WEST CHICAGO, IL	228.8	2307.5999999999999

**FAIL SLOPE (100:1)FAA REQ - 3760.0 Meters(12335.8 Feet) away & exceeds by 28.0 Meters (91.8599 Feet)**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-53-36.00N	088-15-0.00W	DUPAGE	DU PAGE CHICAGO/WEST CHICAGO, IL	228.8	2307.5999999999999

**FAIL SLOPE (100:1)FAA REQ - 5383.0 Meters(17660.5 Feet) away & exceeds by 12.0 Meters (39.3699 Feet)**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-54-	088-15-	DUPAGE	DU PAGE	228.8	2307.5999999999999

49.00N 31.00W

CHICAGO/WEST  
CHICAGO, IL**FAIL SLOPE (100:1)FAA REQ - 5873.0 Meters(19268.1 Feet) away & exceeds by 7.0 Meters (22.9699 Feet)**

Type	C/R	Latitude	Longitude	Name	Address	Lowest Elevation (m)	Runway Length (m)
AIRP	R	41-54- 40.00N	088-14- 21.00W	DUPAGE	DU PAGE CHICAGO/WEST CHICAGO, IL	228.8	2307.5999999999999

**Your Specifications****NAD83 Coordinates**

Latitude	41-52-04.0 north
Longitude	088-16-47.0 west

**Measurements (Meters)**

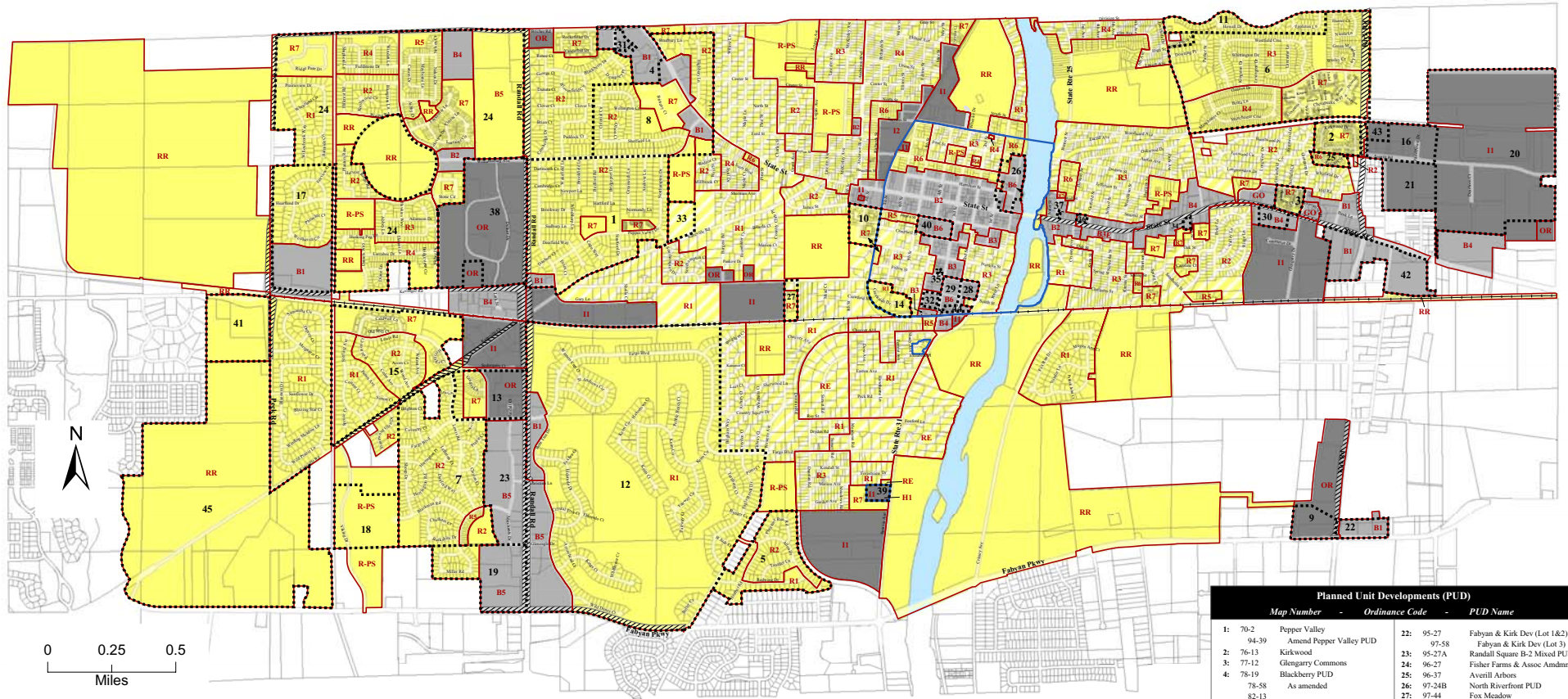
Overall Structure Height (AGL)	54.9
Support Structure Height (AGL)	54.9
Site Elevation (AMSL)	240.8

**Structure Type****TOWER - Free standing or Guyed Structure used for Communications Purposes****Tower Construction Notifications**

Notify Tribes and Historic Preservation Officers of your plans to build a tower.

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# CITY OF GENEVA ZONING MAP



GENERATED BY:

City of Geneva  
Information Systems Division  
April 2008

Original base maps provided via  
intergovernmental agreement with  
Kane County GIS-Technologies.

PARCEL BOUNDARY

HISTORIC DISTRICT  
/ LANDMARK - H1

PUD BOUNDARY

CORRIDOR OVERLAY

OFFICE RESEARCH /  
INDUSTRIAL

OR - Office Research  
I1 - Light Industrial  
I2 - General Industrial

BUSINESS

GO - General Office  
B1 - Business  
B2 - Business  
B3 - Business  
B3E - Business  
B4 - Business  
B5 - Business  
B6 - Planned Unit  
Development Business

RESIDENTIAL - AREA 1

RESIDENTIAL - AREA 2

RR - Rural Residential  
RE - Estate Single-Family  
R1 - Low Density Single-Family  
R2 - Medium Density Single-Family  
R3 - Medium to High Density Single-Family  
R4 - High Density Single-Family  
R5 - Low Density Two and Three Family  
R6 - Medium Density Two and Three Family  
R7 - Multiple-Family Residential  
R-PS - Public School District

## Planned Unit Developments (PUD)

Map Number	Ordinance Code	PUD Name
1: 70-2 94-39	Pepper Valley Amend Pepper Valley PUD	22: 95-27 97-58 Fabyan & Kirk Dev (Lot 1&2)
2: 76-13	Kirkwood	23: 95-27A Randall Square B-2 Mixed PUD
3: 77-12	Glengarry Commons	24: 96-27 Fisher Farms & Assoc Amndmts
4: 78-19 78-58 82-13 87-26	Blackberry PUD As amended	25: 96-37 Averill Arbors 26: 97-24B North Riverfront PUD 27: 97-44 Fox Meadow 28: 2000-30 Dodson Place (Residential) 29: 2000-62 Dodson Place (Commercial) & Assoc Amndmts
5: 81-53 82-45 92-62 94-01	Allendale Geneva East Amend 82-45 (Phase IV) Amend 82-45 (Phase VI)	30: #76 MR1077 E. State St Retail Center CC 3-15-93 Approval
7: 86-54 87-13 92-39	Randall Square R-2 PUD Williamsburg Mixed Use PUD Amend 87-13 Waste Management	31: 2000-18 Blackberry Commons 32: 2001-11 Dodson Bldg #8 / City Lot 2007-46 As amended
9: 87-43 10: 88-11 11: 88-34 12: 89-48 13: 89-65 89-29	Herrington's Trail Sterling Manor Garden Courts (700 James) Geneva Knolls Glengale (Eagle Brook) Randall Center Amend 89-65	33: 2002-01 St. Peters 34: 2002-18 Valley Animal Hospital 35: 2002-45 Lappin 36: 2002-69 Youngberg 37: 2003-23 Geneva Place on the Fox 38: 2003-33 Delnor Comm. Hospital & Restatements
14: 89-78 15: 91-30 16: 91-33 17: 92-19 18: 93-12 19: 93-45 20: 93-59 97-01	Amend 89-78 Westhaven Industrial Hard Chrome Geneva Middle School Fabyan Crossings Geneva Business Park Amend 93-59	39: 2003-52 Riverbank Laboratory 40: 2004-53 Counthouse PUD 41: 2004-58 Geneva Quality Water 42: 2004-62 East Gateway Development Join De-Shanti Enclaves 2007-25 43: 2005-59 Kirk Road Business Center 2008-03 As amended 44: 2006-38 Third Street Parking Deck 45: 2006-64 Peck Farm Park
21 95-21	Continental Envelope	

## CHAPTER 7 OFFICE RESEARCH AND INDUSTRIAL DISTRICTS

### 11-7-1: PURPOSE:

The purpose of the office research and industrial districts are to provide appropriate locations within the city for manufacturing, product development, warehouse and distribution, product assembly, technology based firms and other similar employment uses. Each district seeks to ensure compatible development with potentially incompatible surrounding land-use areas. (Ord. 95-28, 5-1-1995)

### 11-7-2: RELATED REGULATIONS AND REQUIREMENTS:

Other pertinent regulations contained within this title and other provisions of this code, that shall be observed in all office, research and industrial districts include, but are not limited to:

Fences and walls	Section <a href="#">11-3-5</a> of this title
Landscape and site design	<a href="#">Chapter 10</a> of this title
Off-street parking, loading and traffic and access regulations	<a href="#">Chapter 11</a> of this title
Performance standards	Requirements of the Illinois EPA and section <a href="#">11-4-4</a> of this title
Site plan review	<a href="#">Chapter 14, article A</a> of this title, for nonresidential developments in the district
Sign and other outdoor advertising structures	<a href="#">Title 10, chapter 5</a> of this code
Special district design standards	Section <a href="#">11-4-5</a> of this title

(Ord. 95-28, 5-1-1995)

### 11-7-3: PARKING CLASSES FOR USES:

Numbers with parentheses following the permitted and special uses in this district indicate the parking class for each use. For specific parking requirements, see [chapter 11](#) of this title. (Ord. 95-28, 5-1-1995)

### 11-7-4: ACCESSORY BUILDINGS AND USES:

Accessory buildings and uses are allowed in the office and commercial districts, incidental to and on the same zoning lot as a principal use in accordance with sections [11-3-3](#) and [11-3-4](#) of this title. (Ord. 95-28, 5-1-1995)

## ARTICLE A. OR OFFICE RESEARCH DISTRICT

### 11-7A-1: DESCRIPTION AND INTENT:

The OR office research district is intended to allow for a mix of office uses, research and testing facilities and restricted manufacturing, warehousing and distribution in high-quality, well designed, low density settings. (Ord. 95-28, 5-1-1995)

## **11-7A-2: PERMITTED USES:**

The following are permitted uses within the OR district:

Accessory uses.

Assisted living. (03)

Clinic or medical offices. (32)

Community living or congregate living facility. (27)

Electronic component manufacturing. (27)

Emergency trauma facility. (17)

Health or exercise clubs. (09)

Health services staff housing. (30)

Hospital. (32)

Nursing home. (09)

Offices: business, professional, medical arts and headquarters. (09)

Precision instruments manufacturing. (27)

Printing and publishing services. (27)

Radio and television studios. (08)

Research and development and testing facilities. (27)

Seasonal or temporary uses. (30)

(Ord. 95-28, 5-1-1995; amd. Ord. 95-76, 12-18-1995; Ord. 2001-05, 2-5-2001)

## **11-7A-3: SPECIAL USES:**

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.



Alcoholism and substance abuse treatment center. (30)

Colleges and universities. (25)

Daycare centers. (09)

Heliport. (30)

Hotels. (04)

Light assembly of products. (27)

Parking structure or lot (as a principal use). (30)

Parks and recreational areas. (17)

Planned unit developments. (30)

Public utility and public service uses. (30)

Restaurants. (12)

Sanitarium. (09)

(Ord. 95-28, 5-1-1995)

## **11-7A-4: LOT AND AREA REQUIREMENTS:**

### **A.Lot Size Requirements:**

1. The lot area of each zoning lot shall not be less than two (2) acres.
2. The lot width of each zoning lot shall not be less than two hundred feet (200').

**B.Setback Requirements:** The following minimum setbacks shall be maintained in the OR district:

	<u>Building</u>	<u>Parking</u>
Street setback	75 feet	40 feet
Side setback	40 feet	20 feet
Rear setback	50 feet	30 feet
Transitional <sup>1</sup>	50 feet	50 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

**C.Floor Area Ratio:** In the OR district the maximum allowable floor area ratio shall be two (2.0).



D. Maximum Lot Coverage: The total lot area occupied by any principal building, accessory building, together with all impervious surfaces, and accessory buildings, shall not exceed sixty five percent (65%).

E. Maximum Building Height: No building or structure shall be structurally erected or altered to exceed eighty feet (80'). (Ord. 95-28, 5-1-1995)

## **ARTICLE B. I1 LIGHT INDUSTRIAL DISTRICT**

### **11-7B-1: DESCRIPTION AND INTENT:**

The I1 light industrial district is designed to provide an environment suitable for industrial activities that do not create appreciable nuisance or hazards, or that require a pleasant, hazard and nuisance free environment. (Ord. 95-28, 5-1-1995)

### **11-7B-2: PERMITTED USES:**

The following uses are permitted in the I1 district:

Accessory uses.

Apparel and other products manufactured from textile. (27)

Automobile and major truck repair (outdoor storage prohibited). (26)

Bakeries, wholesale. (27)

Bedding manufacture. (27)

Boat building and repair. (27)

Bottling works. (27)

Building equipment and yards for manufacturing. (27)

Cabinet manufacture. (27)

Carpet and rug cleaning. (27)

Contractors, architects and engineers offices, shops and yards. (29)

Electronic component manufacturing. (27)

Fuel and ice plants. (27)

Kennels, wholly enclosed. (07)

Medical and dental clinics. (32)

Offices: business, professional and headquarters. (09)

Precision instruments manufacturing. (27)

Printing and publishing. (27)

Radio and television studios. (09)

Research and development and testing facilities. (27)

Retail sales of commodities manufactured or processed, fabricated, or assembled on the premises not to exceed ten percent (10%) of the gross floor area nor exceed a total of five thousand (5,000) square feet.

Seasonal or temporary uses. (30)

Self-service storage facility. (30)

Veterinary hospitals and clinics. (07)

Warehousing and distribution. (27)

Watchman's quarters.

Woodworking and wood products manufacture. (27)

(Ord. 95-28, 5-1-1995)

### **11-7B-3: SPECIAL USES:**

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.

Colleges and universities. (25)

Heliport. (30)

Parking structure or lot. (30)

Parks and recreational areas. (17)

Planned unit developments. (30)

Public utility and public service uses. (30)

Restaurants. (12)

(Ord. 95-28, 5-1-1995)

## **11-7B-4: LOT AND AREA REQUIREMENTS:**

### **A.Lot Size Requirements:**

1. The lot area of each zoning lot shall not be less than thirty thousand (30,000) square feet.
2. The lot width of each zoning lot shall not be less than one hundred twenty five feet (125').

### **B.Setback Requirements: The following minimum setbacks shall be maintained in the I1 district:**

	<u>Building</u>	<u>Parking</u>
Street setback	40 feet	20 feet
Side setback	20 feet	15 feet
Rear setback	30 feet	20 feet
Transitional1	40 feet	40 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

### **C.Floor Area Ratio: In the I1 district, the maximum allowable floor area ratio shall be one and five-tenths (1.5).**

### **D.Maximum Lot Coverage: The total lot area occupied by any principal building, accessory building, together with all impervious surfaces, and accessory buildings, shall not exceed eighty percent (80%).**

### **E.Maximum Building Height: No building or structure shall be structurally erected or altered to exceed fifty feet (50'). (Ord. 95-28, 5-1-1995)**

## **ARTICLE C. I2 GENERAL INDUSTRIAL DISTRICT**

### **11-7C-1: DESCRIPTION AND INTENT:**

The I2 general industrial district is designed to accommodate those industrial activities which may produce moderate nuisances or hazards in areas that are relatively remote from residential and business development. (Ord. 95-28, 5-1-1995)

### **11-7C-2: PERMITTED USES:**

The following uses are permitted within the I2 district:

Accessory uses.

Apparel and other products manufactured from textile. (27)

Automobile and major truck repair (outdoor storage prohibited). (26)

Bakeries, wholesale. (27)

Bedding manufacture. (27)

Belting manufacture. (27)

Bicycle manufacture. (27)

Boat building and repair. (27)

Boot and shoe manufacture. (27)

Bottling works. (27)

Brooms and brushes manufacture. (27)

Building equipment and yards for manufacturing. (27)

Cabinet manufacture. (27)

Candle manufacturing. (27)

Canvas and canvas products manufacturing. (27)

Carpet and rug cleaning. (27)

Cleaning, pressing and dying plants. (27)

Cold storage plants. (27)

Contractors, architects and engineers offices, shops and yards. (29)

Cork products manufacturing. (27)

Cosmetics manufacturing. (27)

Electronic component manufacturing. (27)

Food manufacture, packaging and processing. (27)

Fuel and ice plants. (27)

Glass products from previously manufactured glass. (27)

Kennels and veterinary hospitals and clinics. (07)

Light steel fabrication. (27)

Medical and dental clinics. (32)

Metal and metalware processing, assembly and manufacture. (27)

Metal polishing and plating. (27)

Moving and storage facilities. (27)

Musical instruments manufacturing. (27)

Orthopedic and medical appliance manufacture. (27)

Paper products manufacture. (27)

Plumbing and metal shops. (29)

Precision instruments manufacturing. (27)

Printing and publishing. (27)

Processing of water softening equipment and appliances. (27)

Public utility and public service uses, except personal wireless service facilities. (30)

Radio and television studios. (09)

Research and development and testing facilities. (27)

Retail sales of commodities manufactured or processed, fabricated, or assembled on the premises not to exceed ten percent (10%) of the gross floor area nor exceed a total of five thousand (5,000) square feet.

Rope, cord and twine manufacture. (27)

Seasonal or temporary uses. (30)

Self-service storage facility. (30)

Veterinary hospitals and clinics. (07)

Warehousing and distribution. (27)

Watchman's quarters.

Woodworking and wood products manufacture. (27)

(Ord. 95-28, 5-1-1995; amd. Ord. 97-68, 12-1-1997)

### 11-7C-3: SPECIAL USES:

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.

Heliport. (30)

Other manufacturing, processing and storage uses in compliance with the performance standards. (27)

Parking structure or lot. (30)

Parks and recreational areas. (17)

Planned unit developments. (30)

Restaurants. (12)

Storage and distribution of flammable liquids, fats or oils. (27)

Truck terminal or cartage express facility. (27)

(Ord. 95-28, 5-1-1995)

### 11-7C-4: LOT AND AREA REQUIREMENTS:

#### A. Lot Size Requirements:

1. The lot area of each zoning lot shall not be less than forty five thousand (45,000) square feet.
2. The lot width of each zoning lot shall not be less than one hundred fifty feet (150').

#### B. Setback Requirements: The following minimum setbacks shall be maintained in the I2 district:

	<u>Building</u>	<u>Parking</u>
Street setback	75 feet	50 feet
Side setback	50 feet	25 feet
Rear setback	60 feet	40 feet
Transitional <sup>1</sup>	75 feet	75 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

C.Floor Area Ratio: In the I2 district the maximum allowable floor area ratio shall be one and five-tenths (1.5).

D.Maximum Lot Coverage: The total lot area occupied by any principal building, accessory building, together with all impervious surfaces, and accessory buildings, shall not exceed eighty percent (80%).

E.Maximum Building Height: No building or structure shall be structurally erected or altered to exceed eighty feet (80') in height. (Ord. 95-28, 5-1-1995)

## **ARTICLE H. B6 PLANNED UNIT DEVELOPMENT BUSINESS DISTRICT**

### **11-6H-1: DESCRIPTION AND INTENT:**

The B6 planned unit development business district is intended to apply to areas of the community which are planned for commercial development and for which the use or reuse of specific parcels of land require special attention. This is due to, but is not limited to, economic and/or functional obsolescence of existing improvements and physical challenges due to limitations and influences such as site configuration, diverse property ownership and the lack of proper community planning. Planned unit development approval is mandatory. Any development proposal within the B6 district requires a special use, planned unit development prerequisite to development authorization, in accordance with the procedures and requirements of [chapter 9](#) of this title.

Areas of the city which have been determined to meet the above expressed characteristics and may be zoned for the B6 district include:

The former Delnor Community Hospital

The Kane County Court House

The business development and redevelopment area

(Ord. 95-28, 5-1-1995)

### **11-6H-2: PLANNED UNIT DEVELOPMENT APPROVAL REQUIRED; USES AUTHORIZED:**

Existing uses and improvements on lands described under section [11-6H-1](#) of this article may continue in perpetuity, subject to the requirements of this title. Except as provided for below, any change in use shall require special use approval under the planned unit development procedures of [chapter 9](#) of this title. The redevelopment and/or permanent rehabilitation of the Dodson House, which is located on the former Delnor Community Hospital property, shall be permitted without planned unit development approval, provided that any building plans and specifications are approved in accordance with the applicable provisions of this code. All residential and business uses in the R1 through R7, GO and B1 through B5 districts may be eligible for consideration; approval of such uses shall not be unreasonably withheld. (Ord. 96-54, 9-16-1996; amd. Ord. 2000-36, 5-1-2000)

### **11-6H-3: LOT AND AREA REQUIREMENTS:**

A. Lot Size Requirements: Minimum lot size shall be set forth as part of any approved planned unit development.

B. Setback Requirements: Required setbacks shall be set forth as part of any approved planned unit development.



C.Floor Area Ratio: Floor area shall be established as part of the planned unit development, but in no case shall exceed two (2.0).

D.Maximum Lot Coverage: The total lot area occupied by any principal buildings and accessory buildings, together with all impervious surfaces, shall not exceed eighty percent (80%).

E.Maximum Building Height: No building or structure shall be structurally erected or altered to exceed sixty feet (60'). (Ord. 95-28, 5-1-1995)

## CHAPTER 6 OFFICE AND COMMERCIAL DISTRICTS

### 11-6-1: PURPOSE:

The office and business districts set forth herein are established to protect public health, to promote public safety, comfort and convenience and the general welfare and to protect and enhance the economic base of the city and the value of property. The business districts divide the city into eight (8) business classifications deemed necessary to meet the business, commerce, service and retailing needs of the community, generally in conformance with the city's comprehensive plan. (Ord. 95-28, 5-1-1995; amd. 2003 Code)

### 11-6-2: RELATED REGULATIONS AND REQUIREMENTS:

Other pertinent regulations contained within this title and other provisions of this code, that shall be observed in all office and commercial districts include, but are not limited to:

Fences and walls	Section <a href="#">11-3-5</a> of this title
Landscape and site design	<a href="#">Chapter 10</a> of this title
Off-street parking, loading and traffic and access regulations	<a href="#">Chapter 11</a> of this title
Performance standards	Requirements of the Illinois EPA and section <a href="#">11-4-4</a> of this title
Site plan review	<a href="#">Chapter 14, article A</a> of this title, for nonresidential developments in the district
Sign and other outdoor advertising structures	<a href="#">Title 10, chapter 5</a> of this code
Special district design standards	Section <a href="#">11-4-5</a> of this title

(Ord. 95-28, 5-1-1995)

### 11-6-3: PARKING CLASSES FOR USES:

Numbers with parentheses following the permitted and special uses in this district indicate the parking class for each use. For specific parking requirements, see [chapter 11](#) of this title. (Ord. 95-28, 5-1-1995)

### 11-6-4: ACCESSORY BUILDINGS AND USES:

Accessory buildings and uses are allowed in the office and commercial districts, incidental to and on the same zoning lot as a principal use in accordance with sections [11-3-3](#) and [11-3-4](#) of this title. (Ord. 95-28, 5-1-1995)

## ARTICLE A. GO GENERAL OFFICE DISTRICT

## **11-6A-1: DESCRIPTION AND INTENT:**

The GO general office district is intended to provide appropriate regulations for both infill and new office development. It establishes an office employment setting with compatible service uses.

The district standards are applicable to preexisting developed areas of the city and are intended to provide for infill and transitional office development, redevelopment and adaptive reuse of existing sites. The regulations recognize the smaller size of infill parcels. Areas where these development standards may be applicable are depicted in area 1, figure 1. The standards applicable to developing areas of the city are intended to provide for more contemporary office park development in a planned setting. These standards would generally be applicable to new development areas designated for employment land uses. Areas where these development standards may be applicable are depicted in area 2, figure 1. (Ord. 95-28, 5-1-1995)

## **11-6A-2: PERMITTED USES:**

Accessory uses, including commercial and retail.

Higher education facilities and classrooms for business and professional schools. (20)

Offices for the administration and management functions only of business and civic organizations. (09)

Parking structures, when integrated as part of the principal use and structure. (30)

Service and business offices, including the following: (09)

- Accounting and bookkeeping services

- Advertising agency

- Banks and financial institutions

- Broadcasting studios

- Business machine services

- Consulting agency

- Employment agency

- Engineering, planner, architect and designer offices

- Insurance agency

- Investment services

Legal services

Public and private utility companies

Real estate services

Securities and commodities brokers services

(Ord. 95-28, 5-1-1995)

### **11-6A-3: SPECIAL USES:**

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.

Clinics. (32)

Daycare centers and preschools. (09)

Drive-in and drive-through facilities for banks, day.

Nursing home (06)

Parking structure (separate from a principal structure). (30)

Parks and recreation areas. (17)

Planned unit developments. (30)

Public utility and public service uses. (30)

(Ord. 95-28, 5-1-1995; amd. Ord. 2000-01, 1-3-2000)

### **11-6A-4: LOT AND AREA REQUIREMENTS:**

A. Lot Size Requirements:

1. Area 1:

a. Lot Area: The minimum area of each zoning lot for area 1 shall be six thousand five hundred (6,500) square feet.

b. Lot Width: The lot width of each zoning lot in area 1 shall not be less than fifty feet (50').

2. Area 2:

a. Lot Area: The minimum lot area of each zoning lot for area 2 shall be twenty thousand (20,000) square feet.

b. Lot Width: The lot width of each zoning lot in area 2 shall not be less than one hundred ten feet (110').

B. Setback Requirements: The following minimum setbacks shall be maintained in the GO district:

1. Area 1 minimum requirements are as follows:

	<u>Building</u>	<u>Parking</u>
Street setback	20 feet	20 feet
Side setback	5 feet	5 feet
Rear setback	20 feet	20 feet
Transitional <sup>1</sup>	20 feet	20 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

2. Area 2 minimum requirements are as follows:

	<u>Building</u>	<u>Parking</u>
Street setback	75 feet <sup>2</sup>	50 feet
Side setback	50 feet <sup>2</sup>	35 feet
Rear setback	35 feet <sup>2</sup>	25 feet
Transitional <sup>1</sup>	50 feet	50 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

2. For each 4 feet in height above 35 feet, structures shall be set back 1 additional foot.

C. Floor Area Ratio: In the GO district, the maximum allowable floor area ratio for land in area 1, figure 1, shall be five-tenths (0.5). The maximum allowable floor area ratio for land in area 2, figure 1, shall be two (2.0).

D. Maximum Lot Coverage: The total lot area occupied by any principal building together with all impervious surfaces, and accessory buildings, shall not exceed fifty percent (50%).

E. Maximum Building Height:

1. Area 1: No building or structure shall be erected or structurally altered to exceed thirty five feet (35').

2. Area 2: No building or structure shall be erected or structurally altered to exceed seventy five feet (75'). (Ord. 95-28, 5-1-1995)

## **ARTICLE B. B1 BUSINESS DISTRICT**

### **11-6B-1: DESCRIPTION AND INTENT:**

The B1 business district is intended to serve immediate neighborhoods and the community with a wide range of retail goods and services. The district is intended for application for smaller development parcels, proximate to residential areas. It is further intended to apply to new development areas of the community. The district should be located along a collector or arterial street. (Ord. 95-28, 5-1-1995)

### **11-6B-2: PERMITTED USES:**

The following uses are permitted in the B1 district:

Accessory uses.

Antique shop. (09)

Apparel shop. (09)

Appliance stores. (09)

Art and craft store. (09)

Art and office supply store. (09)

Art and sculpture studios. (08)

Art gallery. (08)

Automobile accessory stores (retail sales only). (09)

Bakery (on site retail sales only). (09)

Banks and other financial institutions. (09)

Barbershop and hair salon. (09)

Books and periodical store. (09)

Brokerage office. (09)

Camera and photo equipment store. (09)

Carpet, rugs and linoleum store. (08)

China or glassware shop. (09)

Chiropractor's office. (09)

Clock shop (including sales and service). (09)

Closet and home organizational products store. (09)

Cocktail lounge. (11)

Consumer electronics store. (09)

Delicatessen. (09)

Drugs and cosmetics store. (09)

Dry cleaners. (08)

Dwelling unit (above ground floor). (03)

Employment agency. (09)

Express mail business. (08)

Fabric store. (09)

Florist shop. (09)

Food store (including ice cream, candy, meat, packaged food, gourmet and specialty items). (09, 10, 32)

Furniture and home furnishings store. (09)

Gift shop. (09)

Grocery store. (09)

Hardware store. (09)

Health or fitness clubs. (09)

Higher education facilities and classrooms for business and professional schools. (20)

Hobby shop. (09)

Housewares and kitchen store. (09)

Interior decorating services. (09)

Jewelry store. (09)

Laundromat. (09)

Leather goods and luggage store. (09)

Locksmith shop. (09)

Massage therapy. (09)

Mortuaries and funeral parlors. (10)

Music and musical instruments store. (09)

Music, dance studio/store. (11)

Nail salon. (09)

Office supply store. (08)

Offices for the administration and management functions only of business and civic organizations. (09)

Optical sales and service. (09)

Package sales of alcoholic beverages (including wine shops). (09)

Paint and wallpaper store. (09)

Parking structures, when integrated as part of the principal use and structure. (30)

Pet stores. (09)

Photocopying and retail printing services. (09)

Photography studio and store. (08)

Physical therapy facilities, medical. (09)

Picture framing shop. (08)

Post office. (08)

Record, CD, cassette tape music store. (09)

Restaurant. (12)

Secondhand and rummage shops less than seven thousand five hundred (7,500) square feet in area. (09)

Secondhand and rummage shops seven thousand five hundred (7,500) square feet or more in



area. (09)

Secretarial services. (09)

Service and business offices, including the following: (09)

Accounting and bookkeeping services.

Advertising agency.

Banks and financial institutions.

Broadcasting studios.

Business machine services.

Consulting agency.

Employment agency.

Engineering, planner, architect and designer offices.

Insurance agency.

Investment services.

Legal services.

Public and private utility companies.

Real estate services.

Securities and commodities brokers services.

Shoe repair. (08)

Shopping center. (08)

Small animal grooming establishment, not including boarding or kenneling. (08)

Sporting goods and bicycles shop. (09)

Tailor shop. (08)

Taxi stand.

Telegraph office and telephone answering service. (08)

Television sales and service. (09)

Temporary uses and events. (30)

Tobacco sales. (09)

Toys and hobby supply store. (09)

Travel bureau. (09)

Variety store. (09)

Video sales and rental store. (09)

(Ord. 95-28, 5-1-1995; amd. Ord. 2007-21, 5-7-2007)

### **11-6B-3: SPECIAL USES:**

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.

Bus station. (30)

Churches. (22)

Clinics. (32)

Clubs and lodges. (10)

Daycare centers and preschools. (09)

Drive-in and drive-through facilities. (31)

Gasoline fuel station and food mart. (18)

Hotel. (04)

Indoor theater. (24)

Library. (07)

Parks and recreation. (17)

Private stadiums and sports facilities. (17)

Planned unit developments. (30)

Public utility and public service uses. (30)

Senior apartments and senior housing. (03)

Tavern. (11)

(Ord. 95-28, 5-1-1995)

## **11-6B-4: LOT AND AREA REQUIREMENTS:**

### **A.Lot Size Requirements:**

1. The lot area of each zoning lot shall not be less than twenty thousand (20,000) square feet.
2. Dwelling units shall require a minimum of three thousand (3,000) square feet per gross lot area per dwelling unit.
3. The lot width of each zoning lot shall not be less than one hundred ten feet (110').

### **B.Setback Requirements: The following minimum setbacks shall be maintained in the district:**

	<u>Building</u>	<u>Parking</u>
Street setback	50 feet	35 feet
Side setback	25 feet	15 feet
Rear setback	40 feet	30 feet
Transitional <sup>1</sup>	40 feet	40 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

### **C.Floor Area Ratio: In the B1 district the maximum allowable floor area ratio shall be five-tenths (0.5).**

### **D.Maximum Lot Coverage: The total lot area occupied by any principal building together with all impervious surfaces, and accessory buildings, shall not exceed sixty percent (60%).**

### **E.Maximum Building Height: No building or structure shall be structurally erected or altered to exceed thirty five feet (35'). (Ord. 95-28, 5-1-1995)**

## **ARTICLE C. B2 BUSINESS DISTRICT**

### **11-6C-1: DESCRIPTION AND INTENT:**

The B2 business district is intended to serve the community with a wide range of retail goods. Because of unique development conditions, it is intended to apply to the older, central business district of the community. (Ord. 95-28, 5-1-1995)

### **11-6C-2: PERMITTED USES:**

This section has been affected by a recently passed ordinance, **ORDINANCE 2008-04: USES IN THE B2, B3 AND B3E BUSINESS DISTRICTS**. [Go to new ordinance.](#)

The following uses are permitted in the B2 district:

Accessory uses.

Antique shop. (09)

Apparel shop. (09)

Appliance stores. (09)

Art and craft store. (09)

Art and office supply store. (09)

Art and sculpture studios. (08)

Art gallery. (08)

Automobile accessory stores (retail sales only). (09)

Bakery (on site retail sales only). (09)

Banks and other financial institutions. (09)

Barbershop and hair salon. (09)

Books and periodical store. (09)

Brokerage office. (09)

Camera and photo equipment store. (09)

Carpet, rugs and linoleum store. (08)

China or glassware shop. (09)

Chiropractor's office. (09)

Clock shop (including sales and service). (09)

Closet and home organizational products store. (09)

Cocktail lounge. (11)

Consumer electronics store. (09)

Delicatessen. (09)

Drugs and cosmetics store. (09)

Dry cleaners. (08)

Dwelling unit (above ground floor). (03)

Employment agency. (09)

Express mail business. (08)

Fabric store. (09)

Florist shop. (09)

Food store (including ice cream, candy, meat, packaged food, gourmet and specialty items). (09, 10, 32)

Furniture and home furnishings store. (09)

Gift shop. (09)

Grocery store. (09)

Hardware store. (09)

Health or fitness clubs. (09)

Higher education facilities and classrooms for business and professional schools. (20)

Hobby shop. (09)

Housewares and kitchen store. (09)

Interior decorating services. (09)

Jewelry store. (09)

Laundromat. (09)

Leather goods and luggage store. (09)

Locksmith shop. (09)

Massage therapy. (09)

Mortuaries and funeral parlors. (10)

Music and musical instruments store. (09)

Music, dance studio/store. (11)

Nail salon. (09)

Office supply store. (08)

Offices. (09)

Optical sales and service. (09)

Paint and wallpaper store. (09)

Pet stores. (09)

Photocopying and retail printing services. (09)

Photography studio and store. (08)

Physical therapy facilities, medical. (09)

Picture framing shop. (08)

Post office. (08)

Record, CD, cassette tape music store. (09)

Restaurant. (12)

Secretarial services. (09)

Service and business offices, including the following: (09)

- Accounting and bookkeeping services.

- Advertising agency.

- Banks and financial institutions.

- Broadcasting studios.

- Business machine services.

- Consulting agency.

- Employment agency.

- Engineering, planner, architect and designer offices.

Insurance agency.

Investment services.

Legal services.

Public and private utility companies.

Real estate services.

Securities and commodities brokers services.

Shoe repair. (08)

Small animal grooming establishment, not including boarding or kenneling. (08)

Sporting goods and bicycles shop. (09)

Tailor shop. (08)

Taxi stand.

Telegraph office and telephone answering service. (08)

Television sales and service. (09)

Temporary uses and events. (30)

Tobacco sales. (09)

Toys and hobby supply store. (09)

Travel bureau. (09)

Variety store. (09)

Video sales and rental store. (09)

(Ord. 95-28, 5-1-1995; amd. Ord. 2007-21, 5-7-2007)

### **11-6C-3: SPECIAL USES:**

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.

Bus station. (30)

Churches. (22)

Clinics. (32)

Clubs and lodges. (10)

Cultural institutions including art galleries and museums. (07)

Daycare centers and preschools. (09)

Drive-in and drive-through facilities. (31)

Gasoline fuel station and food mart. (18)

Hotel. (04)

Library. (07)

Package sale of alcoholic beverages. (09)

Parking lots or structures (as a principal use).

Parks and recreation. (17)

Planned unit developments. (30)

Public utility and public service uses. (30)

Secondhand and rummage shops seven thousand five hundred (7,500) square feet or more in area. (09)

Senior apartments and senior housing. (03)

Tavern. (11)

Theater. (24)

(Ord. 95-28, 5-1-1995; amd. Ord. 2002-52, 9-3-2002; Ord. 2007-21, 5-7-2007)

## **11-6C-4: LOT AND AREA REQUIREMENTS:**

### **A.Lot Size Requirements:**

1. The lot area of each zoning lot shall not be less than two thousand five hundred (2,500) square feet.
2. Dwelling units shall require a minimum of one thousand two hundred (1,200) square feet per gross lot area per dwelling unit.



3. The lot width of each zoning lot shall not be less than twenty five feet (25').

B.Setback Requirements: The following minimum setbacks shall be maintained in the B2 district:

	<u>Building</u>
Street setback <sup>1</sup>	None
Side setback	None
Rear setback	None
Transitional <sup>2</sup>	15 feet

1. See section [11-6C-5](#) of this article for special requirements along north side of Hamilton Street.

2. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

C.Floor Area Ratio: In the B2 district the maximum allowable floor area ratio shall be three (3.0).

D.Maximum Lot Coverage: There shall be no limitation to the total lot area occupied by any principal building together with all impervious surfaces, and accessory buildings.

E.Maximum Building Height: No building or structure shall be structurally erected or altered to exceed forty five feet (45'). (Ord. 95-28, 5-1-1995)

## **11-6C-5: DISTRICT STANDARDS:**

This section has been affected by a recently passed ordinance, **ORDINANCE 2008-28: Transitional Business Sub-Districts**. [Go to new ordinance.](#)

A.Special Street Setbacks Along Portions Of Hamilton Street:

1. Statement of Policy: Portions of Hamilton Street between First Street and Sixth Street has developed as a retail shopping and commercial area. This segment of the street maintains a substantial building setback deemed desirable and part of the essential character of the area. Development under the requirements of the B2 district could result in a substantial reduction in overall building setbacks, directly affecting the character of the area and its appeal. This pattern of street setback creates a character and quality unlike other portions of the B2 district within which it is located. Therefore, in order to protect the character of this area, a special street setback is established for all lots zoned B2 fronting the north side of Hamilton Street.

2. Standard: A fifteen foot (15') street setback is established in the B2 district for those lots and zoning lots fronting the north side of the Hamilton Street right of way lying between First Street and Sixth Street. (Ord. 95-28, 5-1-1995)

## **11-6C-6: RELATED REGULATIONS AND REQUIREMENTS:**

In addition to the provisions of section [11-6-2](#) of this chapter, other pertinent regulations contained within this title, and other ordinances that shall be observed include:

Special provisions for bed and breakfast inns in section [11-3-11](#) of this title. (Ord. 95-28, 5-1-1995)

## **ARTICLE D. B3 BUSINESS DISTRICT**

### **11-6D-1: DESCRIPTION AND INTENT:**

The B3 business district is designed to sustain and enhance the unique character of Third Street within the downtown area of the city. The Third Street business area is unique by reason of the scale and mix of specialty retail businesses, many of which make adaptive reuse of existing structures. Because of this unique physical character and the fact that the area contributes to the overall vitality of the downtown, this district establishes regulations to enhance and improve the Third Street area. While the district is intended to be applied to Third Street and portions of East State Street, it may also be appropriate in other areas of the community. (Ord. 95-28, 5-1-1995)

### **11-6D-2: PERMITTED USES:**

The following uses are permitted in the B3 district:

Accessory uses.

Antique shop. (09)

Apparel store. (09)

Art and craft store. (09)

Art and sculpture studios. (09)

Art gallery. (08)

Bakery (retail sales on site only). (09)

Books and periodicals store. (09)

China and glassware stores. (09)

Dwelling units, above ground floor of nonresidential (including senior citizen housing). (03)

Florist shop. (09)

Food (including retail sales of ice cream, candy, meat, gourmet and specialty items). (09)

Gift shop. (09)

Interior decorating services. (09)

Jewelry store. (09)

Leather goods store. (09)

Offices, business and professional (above ground floor only). (09)

Shoe store. (09) (Ord. 95-28, 5-1-1995)

### **11-6D-3: SPECIAL USES:**

This section has been affected by a recently passed ordinance, **ORDINANCE 2008-04: USES IN THE B2, B3 AND B3E BUSINESS DISTRICTS**. [Go to new ordinance.](#)

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.

Banks and other financial institutions (without drive-through facilities), business offices and professional offices (except properties fronting on Third Street between Campbell and South Street). (09)

Barbershop/hair salon (except properties fronting on Third Street between Campbell and South Streets).

Bed and breakfast inn. (02)

Church. (22)

Cocktail lounge. (11)

Cultural institutions including art galleries and museums. (07)

Mortuary and funeral home. (10)

Nail salon (except uses located upon real properties adjacent and abutting Third Street between Campbell and South Streets). (09)

Parking lots or structures (as a principal use). (04)

Planned unit development. (30)

Principal uses over five thousand (5,000) square feet of gross floor area. (per use)

Public service uses, offices only. (30)

Restaurant. (12)

Secondhand and rummage shops less than seven thousand five hundred (7,500) square feet in area (except properties fronting on Third Street between Campbell and South Streets). (09)

Secondhand and rummage shops seven thousand five hundred (7,500) square feet or more in area (except uses located upon real properties adjacent and abutting Third Street between Campbell and South Streets). (09)

Travel bureau. (08)

Wine shop. (09)

(Ord. 95-28, 5-1-1995; amd. Ord. 96-20, 3-14-1996; Ord. 2001-30, 5-7-2001; 2003 Code; Ord. 2006-38, 7-10-2006; Ord. 2007-21, 5-7-2007)

## **11-6D-4: LOT AND AREA REQUIREMENTS:**

### **A.Lot Size Requirements:**

1. The lot area of each zoning lot shall not be less than seven thousand five hundred (7,500) square feet.
2. Dwelling units shall require a minimum of three thousand (3,000) square feet of gross lot area per dwelling unit.
3. The lot width of each zoning lot shall not be less than fifty feet (50').

### **B.Setback Requirements: The following minimum setbacks shall be maintained in the B3 district:**

<u>Building</u>	<u>Parking</u>	
Street setback <sup>1</sup>	30 feet	30 feet
Side setback	6 feet	6 feet
Rear setback	25 feet	10 feet
Transitional <sup>2</sup>	15 feet	15 feet

1. See section [11-6D-5](#) of this article for special street setback requirements for Third Street.
2. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

### **C.Floor Area Ratio: In the B3 district the maximum allowable floor area ratio shall be one (1.0).**

### **D.Maximum Lot Coverage: The total lot area occupied by any principal building together with all impervious surfaces, and accessory buildings, shall not exceed seventy percent (70%).**

### **E.Maximum Building Height: No building or structure shall be structurally erected or altered to exceed thirty five feet (35'). (Ord. 95-28, 5-1-1995)**

## **11-6D-5: DISTRICT STANDARDS:**

### **A.Special Street Setbacks Along Portions Of Third Street:**

1. Statement Of Policy: Third Street, between Campbell Street and the Chicago and Northwestern Railroad, has developed as a retail shopping and commercial area. This segment of the street maintains a substantial building setback deemed desirable and part of the essential character of the area. Development under the requirements of the B3 district could result in a substantial reduction in overall building setbacks, directly affecting the character of the area and its appeal. In order to permit continued business activity and protect the character of the area, a special street setback is established for all lots zoned B3 fronting Third Street.

2. Standard: The existing street setbacks for all zoning lots in existence at the time of adoption of this title shall control for those lots and zoning lots in the B3 district fronting either side of the Third Street right of way between the south right of way line of the Campbell Street to the Chicago and Northwestern Railroad. (Ord. 96-20, 3-14-1996)

## **11-6D-6: RELATED REGULATIONS AND REQUIREMENTS:**

In addition to the provisions of section [11-6-2](#) of this chapter, other pertinent regulations contained within this title, and other ordinances that shall be observed include:

Special provisions for bed and breakfast inns in section [11-3-11](#) of this title. (Ord. 95-28, 5-1-1995)

## **ARTICLE E. B3(E) BUSINESS DISTRICT**

### **11-6E-1: DESCRIPTION AND INTENT:**

The B3(E) business district is to provide for a mix of specialty retail businesses and offices, many of which make adaptive reuse of existing structures along the East State Street corridor. The B3(E) district is intended to facilitate the implementation of the East State Street comprehensive plan. (Ord. 96-97, 11-4-1996)

### **11-6E-2: PERMITTED USES:**

**This section has been affected by a recently passed ordinance, ORDINANCE 2008-04: USES IN THE B2, B3 AND B3E BUSINESS DISTRICTS. [Go to new ordinance.](#)**

The following uses are permitted in the B3(E) district:

Accessory uses and buildings and uses incidental to and on the same lot as a principal use, in accord with the standards of section [11-3-3](#) of this title.

Antique shop. (09)

Apparel shop. (09)

Art and craft store. (09)

Art and office supply store. (09)

Art and sculpture studio. (08)

Art gallery. (08)

Bakery (on site retail sales only). (09)

Book and periodical store. (09)

Camera photo and equipment store. (09)

China and glassware store. (09)

Chiropractor's office. (09)

Clock shop (including sales and service). (09)

Closet and home organizational products store. (09)

Consumer electronics store. (09)

Dwelling unit(s) (above ground floor). (03)

Express mail business. (08)

Fabric store. (09)

Florist shop. (09)

Food stores (including ice cream, candy, meat, packaged food, gourmet and specialty items). (09, 10, 32)

Gift shop. (09)

Hobby shop. (09)

Housewares and kitchen store. (09)

Interior decorating service. (09)

Jewelry store. (09)

Leather goods and luggage store. (09)

Massage therapy. (09)

Nail salon. (09)

Offices. (09)

Picture framing shop. (08)

Shoe sales and/or repair store. (08)

Small animal grooming establishment, not including boarding or kenneling. (08)

(Ord. 96-97, 11-4-1996; amd. Ord. 2007-21, 5-7-2007)

### **11-6E-3: SPECIAL USES:**

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses and buildings and uses incidental to and on the same lot as a principal use, in accord with the standards of section [11-3-3](#) of this title.

Bed and breakfast inn. (02)

Cultural institutions including art galleries and museums. (07)

Mortuary and funeral home. (10)

Parking lots or structures (as a principal use). (04)

Planned unit development. (30)

Principal uses over five thousand (5,000) square feet of gross floor area. (per use)

Religious institutions. (22)

Restaurant. (12)

Secondhand and rummage shops seven thousand five hundred (7,500) square feet or more in area. (09)

Travel bureau. (08)

Wine shop. (09)

(Ord. 96-97, 11-4-1996; amd. Ord. 2007-21, 5-7-2007)

### **11-6E-4: LOT AND AREA REQUIREMENTS:**

A. Lot Size Requirements:

1. The lot area of each zoning lot shall not be less than nine thousand (9,000) square feet.
2. Dwelling units shall require a minimum of three thousand (3,000) square feet of gross lot area per dwelling unit.
3. The lot width of each zoning lot shall not be less than sixty feet (60').

B. Setback Requirements: The following minimum setback requirements shall be maintained in the B3(E) district:

	<u>Building</u>	<u>Parking</u>
Street setback	30 feet	30 feet
Side setback	6 feet	6 feet
Rear setback	25 feet	5 feet
Transitional <sup>1</sup>	25 feet	5 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

C. Floor Area Ratio: In the B3(E) district the maximum allowable floor area ratio shall be one (1.0).

D. Maximum Lot Coverage: The total lot area occupied by any principal building together with all impervious surfaces, and accessory buildings, shall not exceed seventy percent (70%).

E. Maximum Building Height: No building or structure shall be structurally erected or altered to exceed thirty five feet (35'). (Ord. 96-97, 11-4-1996)

## **11-6E-5: RELATED REGULATIONS AND REQUIREMENTS:**

In addition to the provisions of section [11-6-2](#) of this chapter, other pertinent regulations contained within this title, and other ordinances that shall be observed include:

Special provisions for bed and breakfast inns in section [11-3-11](#) of this title. (Ord. 95-28, 5-1-1995)

## **ARTICLE F. B4 BUSINESS DISTRICT**

### **11-6F-1: DESCRIPTION AND INTENT:**

The B4 business district is intended to provide a mix of retail and general business uses within the community. Business uses include uses which might generally be deemed incompatible with traditional shopping center development. The district is appropriate for application along the city's arterial streets. (Ord. 95-28, 5-1-1995)

### **11-6F-2: PERMITTED USES:**



The following uses are permitted in the B4 district:

Accessory uses.

Antique shop. (09)

Apparel shop. (09)

Appliance stores. (09)

Art and craft store. (09)

Art and office supply store. (09)

Art and sculpture studios. (08)

Art gallery. (08)

Automobile accessory stores (retail sales only). (09)

Bakery (on site retail sales only). (09)

Banks and other financial institutions. (09)

Barbershop and hair salon. (09)

Books and periodical store. (09)

Brokerage office. (09)

Business machines sales and service. (08)

Camera and photo equipment store. (09)

Car care center (brakes, muffler, lube, tire, detailing and accessories in a completely enclosed building). (26)

Carpet, rugs and linoleum store. (08)

Catering service. (08)

China or glassware shop. (09)

Chiropractor's office. (09)

Clock shop (including sales and service). (09)

Closet and home organizational products store. (09)

Cocktail lounge. (11)

Consumer electronics store. (09)

Delicatessen. (09)

Drugs and cosmetics store. (09)

Dry cleaners. (08)

Dwelling unit (above ground floor). (03)

Employment agency. (09)

Express mail business. (08)

Extermination/pest control. (13)

Fabric store. (09)

Firewood sales. (08)

Florist shop. (09)

Food store (including ice cream, candy, meat, packaged food, gourmet and specialty items). (09, 10, 32)

Furniture and home furnishings store. (09)

Garden supply. (09)

Gasoline fuel station and food mart. (18)

Gift shop. (09)

Golf driving range. (14)

Grocery store. (09)

Hardware store. (09)

Health or fitness clubs. (09)

Heating and plumbing sales and service. (29)

Higher education facilities and classrooms for business and professional schools. (20)

Hobby shop. (09)

Home improvement center. (10)

Housewares and kitchen store. (09)

Interior decorating services. (09)

Jewelry store. (09)

Laundromat. (09)

Leather goods and luggage store. (09)

Locksmith shop. (09)

Massage therapy. (09)

Mortuaries and funeral parlors. (10)

Music and musical instruments store. (09)

Music, dance studio/store. (11)

Nail salon. (09)

Office supply store. (08)

Offices, business and professional. (09)

Offices for the administration and management functions only of business and civic organizations. (09)

Optical sales and service. (09)

Orthopedic and medical supply stores. (09)

Outdoor miniature golf. (28)

Paint and wallpaper store. (09)

Parking structures, when integrated as part of the principal use and structure. (30)

Pet stores. (09)

Photocopying and retail printing services. (09)

Photography studio and store. (08)

Physical therapy facilities, medical. (09)

Picture framing shop. (08)

Plumbing showroom and shop. (29)

Post office. (08)

Printing and publishing services. (29)

Radio and television stations and studios. (09)

Record, CD, cassette tape music store. (09)

Restaurant. (12)

Secondhand and rummage shops less than seven thousand five hundred (7,500) square feet in area. (09)

Secondhand and rummage shops seven thousand five hundred (7,500) square feet or more in area. (09)

Secretarial services. (09)

Service and business offices, including the following: (09)

Accounting and bookkeeping services.

Advertising agency.

Banks and financial institutions.

Broadcasting studios.

Business machine services.

Consulting agency.

Employment agency.

Engineering, planner, architect and designer offices.

Insurance agency.

Investment services.

Legal services.

Public and private utility companies.

Real estate services.

Securities and commodities brokers services.

Shoe repair. (08)

Small animal grooming establishment, not including boarding or kenneling. (08)

Sporting goods and bicycles shop. (09)

Tailor shop. (08)

Taxi stand.

Taxidermists. (08)

Telegraph office and telephone answering service. (08)

Television sales and service. (09)

Temporary uses and events. (30)

Tobacco sales. (09)

Toys and hobby supply store. (09)

Travel bureau. (09)

Truck and trailer rental agency. (08)

Variety store. (09)

Video sales and rental store. (09)

(Ord. 95-28, 5-1-1995; amd. Ord. 96-20, 3-14-1996; Ord. 2007-21, 5-7-2007)

### **11-6F-3: SPECIAL USES:**

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.

Amusement establishments (arcade, bowling alleys, pool halls, dance halls). (28)

Building material and products sales and storage. (29)

Bus station. (30)

Car wash. (19)

Cartage and express facilities. (27)

Churches. (22)

Clinics. (32)

Clubs and lodges. (10)

Contractor or construction offices, shops and yards. (29)

Cultural institutions including art galleries and museums. (07)

Daycare centers and preschools. (09)

Drive-in and drive-through facilities. (31)

Garages - for storage and repair of motor vehicles, including body repair, painting and engine rebuilding (within an enclosed structure - no outside storage). (26)

Kennel (wholly enclosed). (07)

Library. (07)

Motor vehicle sales including recreational vehicles. (26)

Package sale of alcoholic beverages. (09)

Parks and recreation. (17)

Planned unit development. (30)

Public utility and public service uses. (30)

Repair and servicing of any article, the sale of which is permitted within this district.

Senior apartments and senior housing. (03)

Tavern. (11)

Veterinary hospitals. (07)

(Ord. 95-28, 5-1-1995; amd. Ord. 2001-68, 10-1-2001)

## **11-6F-4: LOT AND AREA REQUIREMENTS:**

### **A. Lot Size Requirements:**

1. The lot area of each zoning lot shall not be less than fifteen thousand (15,000) square feet.

2. Dwelling units shall require a minimum of three thousand (3,000) square feet per gross lot area per dwelling unit.

3. The lot width of each zoning lot shall not be less than one hundred feet (100').

B.Setback Requirements: The following minimum setbacks shall be maintained in the B4 district:

	<u>Building</u>	<u>Parking</u>
Street setback	20 feet	25 feet
Side setback	5 feet	5 feet
Rear setback	20 feet	20 feet
Transitional <sup>1</sup>	20 feet	20 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

C.Floor Area Ratio: In the B4 district the maximum allowable floor area ratio shall be two (2.0).

D.Maximum Lot Coverage: The total lot area occupied by any principal building, accessory building, together with all impervious surfaces, and accessory buildings, shall not exceed seventy five percent (75%).

E.Maximum Building Height: No building or structure shall be structurally erected or altered to exceed thirty five feet (35'). (Ord. 95-28, 5-1-1995)

## **ARTICLE G. B5 BUSINESS DISTRICT**

### **11-6G-1: DESCRIPTION AND INTENT:**

The B5 business district is intended to permit orderly large scale regional shopping facilities in areas of the city which provide for, or can provide for, adequate transportation and other community facilities. The requirements of the district demand sufficient land for building, parking, open space, landscaping in a planned setting. The district shall front along an arterial street. (Ord. 95-28, 5-1-1995)

### **11-6G-2: PERMITTED USES:**

The following uses are permitted in the B5 district:

Accessory uses.

Amusement establishments (arcade, bowling alleys, pool halls, dance halls, etc.). (28)

Antique shop. (09)

Apparel shop. (09)

Appliance stores. (09)

Art and craft store. (09)

Art and office supply store. (09)

Art and sculpture studios. (08)

Art gallery. (08)

Automobile accessory stores (retail sales only). (09)

Automobile leasing, new and used vehicles. (09)

Bakery (on site retail sales only). (09)

Banks and other financial institutions. (09)

Barbershop and hair salon. (09)

Boat and marine sales. (26)

Books and periodical store. (09)

Brokerage office. (09)

Camera and photo equipment store. (09)

Carpet, rugs and linoleum store. (08)

Catalog stores. (09)

China or glassware shop. (09)

Chiropractor's office. (09)

Clock shop (including sales and service). (09)

Closet and home organizational products store. (09)

Cocktail lounge. (11)

Consumer electronics store. (09)

Delicatessen. (09)

Department stores. (09)

Drugs and cosmetics store. (09)



Dry cleaners. (08)

Dwelling unit (above ground floor). (03)

Employment agency. (09)

Express mail business. (08)

Fabric store. (09)

Florist shop. (09)

Food store (including ice cream, candy, meat, packaged food, gourmet and specialty items). (09, 10, 32)

Furniture and home furnishings store. (09)

Garden supply. (09)

Gift shop. (09)

Grocery store. (09)

Hardware store. (09)

Health or fitness clubs. (09)

Higher education facilities and classrooms for business and professional schools. (20)

Hobby shop. (09)

Home improvement center. (10)

Housewares and kitchen store. (09)

Interior decorating services. (09)

Jewelry store. (09)

Laundromat. (09)

Leather goods and luggage store. (09)

Locksmith shop. (09)

Massage therapy. (09)

Mortuaries and funeral parlors. (10)

Motor vehicle sales, including recreational vehicles. (26)

Music and musical instruments store. (09)

Music, dance studio/store. (11)

Nail salon. (09)

Office supply store. (08)

Offices for the administration and management functions only of business and civic organizations. (09)

Optical sales and service. (09)

Package sales of alcoholic beverages (including wine shops). (09)

Paint and wallpaper store. (09)

Parking structures, when integrated as part of the principal use and structure. (30)

Pet stores. (09)

Photocopying and retail printing services. (09)

Photography studio and store. (08)

Physical therapy facilities, medical. (09)

Picture framing shop. (08)

Post office. (08)

Record, CD, cassette tape music store. (09)

Restaurant. (12)

Secondhand and rummage shops less than seven thousand five hundred (7,500) square feet in area. (09)

Secondhand and rummage shops seven thousand five hundred (7,500) square feet or more in area. (09)

Secretarial services. (09)

Service and business offices, including the following: (09)

Accounting and bookkeeping services.

Advertising agency.

Banks and financial institutions.

Broadcasting studios.

Business machine services.

Consulting agency.

Employment agency.

Engineering, planner, architect and designer offices.

Insurance agency.

Investment services.

Legal services.

Public and private utility companies.

Real estate services.

Securities and commodities brokers services.

Shoe repair. (08)

Shopping center. (10)

Small animal grooming establishment, not including boarding or kenneling. (08)

Sporting goods and bicycles shop. (09)

Tailor shop. (08)

Taxi stand.

Telegraph office and telephone answering service. (08)

Television sales and service. (09)

Temporary uses and events. (30)

Tobacco sales. (09)

Toys and hobby supply store. (09)

Travel bureau. (09)

Variety store. (09)

Video sales and rental store. (09)

(Ord. 95-28, 5-1-1995; amd. Ord. 2007-21, 5-7-2007)

### **11-6G-3: SPECIAL USES:**

The following special uses are allowed in this district, subject to the requirements of section [11-14-4](#) of this title:

Accessory uses.

Bus station. (30)

Churches. (22)

Clinics. (32)

Clubs and lodges. (10)

Daycare centers and preschools. (09)

Drive-in and drive-through facilities. (31)

Gasoline fuel station and food mart. (18)

Hotel. (04)

Indoor theater. (24)

Library. (07)

Parking lots and structures. (30)

Parks and recreation. (17)

Planned unit development. (30)

Private stadiums and sports facilities. (17)

Public utility and public service uses. (30)

Senior apartments and senior housing. (03)

Tattoo parlors and body piercing establishments, subject to all applicable state of Illinois and municipal licensing requirements. (09)

Tavern. (11)

(Ord. 95-28, 5-1-1995; amd. Ord. 2007-21, 5-7-2007)

## **11-6G-4: LOT AND AREA REQUIREMENTS:**

### **A.Lot Size Requirements:**

1. The lot area of each zoning lot shall not be less than one acre.
2. The lot width of each zoning lot shall not be less than two hundred feet (200').
3. Reduced lot area and width may be approved for outlots as part of a planned unit development. (Ord. 95-28, 5-1-1995)

### **B.Setback Requirements: The following minimum setbacks shall be maintained in the B5 district:**

	<u>Building</u>	<u>Parking</u>
Street setback	150 feet	75 feet
Side setback	60 feet	30 feet
Rear setback	50 feet	25 feet
Transitional <sup>1</sup>	60 feet	40 feet

1. See subsection [11-10-6G](#) of this title for transition setback landscaping requirements.

(Ord. 95-79, 12-18-1995)

### **C.Floor Area Ratio: In the B5 district the maximum allowable floor area ratio shall be four-tenths (0.4).**

### **D.Maximum Lot Coverage: The total lot area occupied by any principal building, accessory building, together with all impervious surfaces, and accessory buildings, shall not exceed seventy percent (70%).**

### **E.Maximum Building Height: No building or structure shall be structurally erected or altered to exceed forty five feet (45'). (Ord. 95-28, 5-1-1995)**

## **ARTICLE H. B6 PLANNED UNIT DEVELOPMENT BUSINESS DISTRICT**

### **11-6H-1: DESCRIPTION AND INTENT:**

The B6 planned unit development business district is intended to apply to areas of the community which are planned for commercial development and for which the use or reuse of specific parcels of land require special attention. This is due to, but is not limited to, economic and/or functional obsolescence of existing improvements and physical challenges due to limitations and influences such as site configuration, diverse property ownership and the lack

of proper community planning. Planned unit development approval is mandatory. Any development proposal within the B6 district requires a special use, planned unit development prerequisite to development authorization, in accordance with the procedures and requirements of [chapter 9](#) of this title.

Areas of the city which have been determined to meet the above expressed characteristics and may be zoned for the B6 district include:

The former Delnor Community Hospital

The Kane County Court House

The business development and redevelopment area

(Ord. 95-28, 5-1-1995)

### **11-6H-2: PLANNED UNIT DEVELOPMENT APPROVAL REQUIRED; USES AUTHORIZED:**

Existing uses and improvements on lands described under section [11-6H-1](#) of this article may continue in perpetuity, subject to the requirements of this title. Except as provided for below, any change in use shall require special use approval under the planned unit development procedures of [chapter 9](#) of this title. The redevelopment and/or permanent rehabilitation of the Dodson House, which is located on the former Delnor Community Hospital property, shall be permitted without planned unit development approval, provided that any building plans and specifications are approved in accordance with the applicable provisions of this code. All residential and business uses in the R1 through R7, GO and B1 through B5 districts may be eligible for consideration; approval of such uses shall not be unreasonably withheld. (Ord. 96-54, 9-16-1996; amd. Ord. 2000-36, 5-1-2000)

### **11-6H-3: LOT AND AREA REQUIREMENTS:**

A. Lot Size Requirements: Minimum lot size shall be set forth as part of any approved planned unit development.

B. Setback Requirements: Required setbacks shall be set forth as part of any approved planned unit development.

C. Floor Area Ratio: Floor area shall be established as part of the planned unit development, but in no case shall exceed two (2.0).

D. Maximum Lot Coverage: The total lot area occupied by any principal buildings and accessory buildings, together with all impervious surfaces, shall not exceed eighty percent (80%).

E. Maximum Building Height: No building or structure shall be structurally erected or altered to exceed sixty feet (60'). (Ord. 95-28, 5-1-1995)

AN ACT concerning local government.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Counties Code is amended by changing Section 5-12001.1 as follows:

(55 ILCS 5/5-12001.1)

Sec. 5-12001.1. Authority to regulate certain specified facilities of a telecommunications carrier and to regulate, pursuant to subsections (a) through (g), AM broadcast towers and facilities.

(a) Notwithstanding any other Section in this Division, the county board or board of county commissioners of any county shall have the power to regulate the location of the facilities, as defined in subsection (c), of a telecommunications carrier or AM broadcast station established outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect. The power shall only be exercised to the extent and in the manner set forth in this Section.

(b) The provisions of this Section shall not abridge any rights created by or authority confirmed in the federal Telecommunications Act of 1996, P.L. 104-104.

(c) As used in this Section, unless the context otherwise requires:

(1) "county jurisdiction area" means those portions of a county that lie outside the corporate limits of cities, villages, and incorporated towns that have municipal zoning ordinances in effect;

(2) "county board" means the county board or board of county commissioners of any county;

(3) "residential zoning district" means a zoning district that is designated under a county zoning ordinance

and is zoned predominantly for residential uses;

(4) "non-residential zoning district" means the county jurisdiction area of a county, except for those portions within a residential zoning district;

(5) "residentially zoned lot" means a zoning lot in a residential zoning district;

(6) "non-residentially zoned lot" means a zoning lot in a non-residential zoning district;

(7) "telecommunications carrier" means a telecommunications carrier as defined in the Public Utilities Act as of January 1, 1997;

(8) "facility" means that part of the signal distribution system used or operated by a telecommunications carrier or AM broadcast station under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas, (ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmission cables and miscellaneous hardware;

(9) "FAA" means the Federal Aviation Administration of the United States Department of Transportation;

(10) "FCC" means the Federal Communications Commission;

(11) "antenna" means an antenna device by which radio signals are transmitted, received, or both;

(12) "supporting structure" means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;

(13) "qualifying structure" means a supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed, or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the



replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;

(14) "equipment housing" means a combination of one or more equipment buildings or enclosures housing equipment that operates in conjunction with the antennas of a facility, and the equipment itself;

(15) "height" of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure; however, if the supporting structure's foundation extends more than 3 feet above the uppermost ground level along the perimeter of the foundation, then each full foot in excess of 3 feet shall be counted as an additional foot of facility height. The height of a facility's supporting structure is to be measured from the highest point of the supporting structure's foundation;

(16) "facility lot" means the zoning lot on which a facility is or will be located;

(17) "principal residential building" has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal residential building" shall not include any structure that is not designed for human habitation;

(18) "horizontal separation distance" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building; ~~and~~

(19) "lot line set back distance" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot line of the nearest residentially zoned lot without deducting the

width of any intervening right of way; and ~~or~~

(20) "AM broadcast station" means a facility and one or more towers for the purpose of transmitting communication in the 540 kHz to 1700 kHz band for public reception authorized by the FCC.

(d) In choosing a location for a facility, a telecommunications carrier or AM broadcast station shall consider the following:

(1) A non-residentially zoned lot is the most desirable location.

(2) A residentially zoned lot that is not used for residential purposes is the second most desirable location.

(3) A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.

(4) A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.

The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.

(e) In designing a facility, a telecommunications carrier or AM broadcast station shall consider the following guidelines:

(1) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.

(2) Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.

(3) No facility should encroach onto an existing septic field.

(4) Any facility located in a special flood hazard area or wetland should meet the legal requirements for those lands.

(5) Existing trees more than 3 inches in diameter should be preserved if reasonably feasible during construction. If any tree more than 3 inches in diameter is removed during construction a tree 3 inches or more in diameter of the same or a similar species shall be planted as a replacement if reasonably feasible. Tree diameter shall be measured at a point 3 feet above ground level.

(6) If any elevation of a facility faces an existing, adjoining residential use within a residential zoning district, low maintenance landscaping should be provided on or near the facility lot to provide at least partial screening of the facility. The quantity and type of that landscaping should be in accordance with any county landscaping regulations of general applicability, except that paragraph (5) of this subsection (e) shall control over any tree-related regulations imposing a greater burden.

(7) Fencing should be installed around a facility. The height and materials of the fencing should be in accordance with any county fence regulations of general applicability.

(8) Any building that is part of a facility located adjacent to a residentially zoned lot should be designed with exterior materials and colors that are reasonably compatible with the residential character of the area.

(f) The following provisions shall apply to all facilities established in any county jurisdiction area (i) after the effective date of the amendatory Act of 1997 with respect to telecommunications carriers and (ii) after the effective date of this amendatory Act of the 94th General Assembly with respect to AM broadcast stations:

(1) Except as provided in this Section, no yard or set back regulations shall apply to or be required for a

facility.

(2) A facility may be located on the same zoning lot as one or more other structures or uses without violating any ordinance or regulation that prohibits or limits multiple structures, buildings, or uses on a zoning lot.

(3) No minimum lot area, width, or depth shall be required for a facility, and unless the facility is to be manned on a regular, daily basis, no off-street parking spaces shall be required for a facility. If the facility is to be manned on a regular, daily basis, one off-street parking space shall be provided for each employee regularly at the facility. No loading facilities are required.

(4) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.

(5) No bulk regulations or lot coverage, building coverage, or floor area ratio limitations shall be applied to a facility or to any existing use or structure coincident with the establishment of a facility. Except as provided in this Section, no height limits or restrictions shall apply to a facility.

(6) A county's review of a building permit application for a facility shall be completed within 30 days. If a decision of the county board is required to permit the establishment of a facility, the county's review of the application shall be simultaneous with the process leading to the county board's decision.

(7) The improvements and equipment comprising the facility may be wholly or partly freestanding or wholly or partly attached to, enclosed in, or installed in or on a structure or structures.

(8) Any public hearing authorized under this Section shall be conducted in a manner determined by the county board. Notice of any such public hearing shall be published at least 15 days before the hearing in a newspaper of

general circulation published in the county.

(9) Any decision regarding a facility by the county board or a county agency or official shall be supported by written findings of fact. The circuit court shall have jurisdiction to review the reasonableness of any adverse decision and the plaintiff shall bear the burden of proof, but there shall be no presumption of the validity of the decision.

(g) The following provisions shall apply to all facilities established (i) after the effective date of this amendatory Act of 1997 with respect to telecommunications carriers and (ii) after the effective date of this amendatory Act of the 94th General Assembly with respect to AM broadcast stations in the county jurisdiction area of any county with a population of less than 180,000:

(1) A facility is permitted if its supporting structure is a qualifying structure or if both of the following conditions are met:

(A) the height of the facility shall not exceed 200 feet, except that if a facility is located more than one and one-half miles from the corporate limits of any municipality with a population of 25,000 or more the height of the facility shall not exceed 350 feet; and

(B) the horizontal separation distance to the nearest principal residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds 99 feet in height, the horizontal separation distance to the nearest principal residential building shall be at least 100 feet or 80% of the height of the supporting structure, whichever is greater. Compliance with this paragraph shall only be evaluated as of the time that a building permit application for the facility is submitted. If the supporting structure is not an antenna tower this paragraph is satisfied.

(2) Unless a facility is permitted under paragraph (1)

of this subsection (g), a facility can be established only after the county board gives its approval following consideration of the provisions of paragraph (3) of this subsection (g). The county board may give its approval after one public hearing on the proposal, but only by the favorable vote of a majority of the members present at a meeting held no later than 75 days after submission of a complete application by the telecommunications carrier. If the county board fails to act on the application within 75 days after its submission, the application shall be deemed to have been approved. No more than one public hearing shall be required.

(3) For purposes of paragraph (2) of this subsection (g), the following siting considerations, but no other matter, shall be considered by the county board or any other body conducting the public hearing:

(A) the criteria in subsection (d) of this Section;

(B) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;

(C) the benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility;

(D) the existing uses on adjacent and nearby properties; and

(E) the extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

(4) On judicial review of an adverse decision, the issue shall be the reasonableness of the county board's decision in light of the evidence presented on the siting considerations and the well-reasoned recommendations of

any other body that conducts the public hearing.

(h) The following provisions shall apply to all facilities established after the effective date of this amendatory Act of 1997 in the county jurisdiction area of any county with a population of 180,000 or more. A facility is permitted in any zoning district subject to the following:

(1) A facility shall not be located on a lot under paragraph (4) of subsection (d) unless a variation is granted by the county board under paragraph (4) of this subsection (h).

(2) Unless a height variation is granted by the county board, the height of a facility shall not exceed 75 feet if the facility will be located in a residential zoning district or 200 feet if the facility will be located in a non-residential zoning district. However, the height of a facility may exceed the height limit in this paragraph, and no height variation shall be required, if the supporting structure is a qualifying structure.

(3) The improvements and equipment of the facility shall be placed to comply with the requirements of this paragraph at the time a building permit application for the facility is submitted. If the supporting structure is an antenna tower other than a qualifying structure then (i) if the facility will be located in a residential zoning district the lot line set back distance to the nearest residentially zoned lot shall be at least 50% of the height of the facility's supporting structure or (ii) if the facility will be located in a non-residential zoning district the horizontal separation distance to the nearest principal residential building shall be at least equal to the height of the facility's supporting structure.

(4) The county board may grant variations for any of the regulations, conditions, and restrictions of this subsection (h), after one public hearing on the proposed variations, by a favorable vote of a majority of the members present at a meeting held no later than 75 days

after submission of an application by the telecommunications carrier. If the county board fails to act on the application within 75 days after submission, the application shall be deemed to have been approved. In its consideration of an application for variations, the county board, and any other body conducting the public hearing, shall consider the following, and no other matters:

(A) whether, but for the granting of a variation, the service that the telecommunications carrier seeks to enhance or provide with the proposed facility will be less available, impaired, or diminished in quality, quantity, or scope of coverage;

(B) whether the conditions upon which the application for variations is based are unique in some respect or, if not, whether the strict application of the regulations would result in a hardship on the telecommunications carrier;

(C) whether a substantial adverse effect on public safety will result from some aspect of the facility's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant;

(D) whether there are benefits to be derived by the users of the services to be provided or enhanced by the facility and whether public safety and emergency response capabilities would benefit by the establishment of the facility; and

(E) the extent to which the design of the proposed facility reflects compliance with subsection (e) of this Section.

No more than one public hearing shall be required.

(5) On judicial review of an adverse decision, the issue shall be the reasonableness of the county board's decision in light of the evidence presented and the well-reasoned recommendations of any other body that conducted the public hearing.



Public Act 094-0728

HB3183 Enrolled

LRB094 07387 AJO 37546 b

(Source: P.A. 90-522, eff. 1-1-98.)

Section 99. Effective date. This Act takes effect upon becoming law.

## ITEM 5 – COST OF LAND

Shortly after acquiring WSPY-AM in 2001, Nelson Multimedia, Inc. began a search for a site to re-locate the transmission tower array discussed in Item 2 on the North-Northeast side of Geneva. It was found that, in general, a 10 acre site was cost prohibitive. Land, undeveloped, in off-the-path locations was in the \$9.00 to \$12.00 per square foot range – 10 acre cost is \$3,920,000 to \$5,227,000. Developable land in better locations, costs \$15.00 to \$20.00 per square foot – 10 acre cost is \$6,534,000 to \$8,712,000, plus development costs of land, towers, phasers, etc. The debt service of this mortgage could not be paid by the operation of a station of this size.

Backup –

The above pricing data was based on memory of discussions with realtors back in 2001 and 2002. This year after I received the FCC letter requesting further information on transmitter sites, I again identified acreage in the target area of the North and Northeast side of Geneva. I found some potential vacant land, however, the land owners for the most part all want to limit development to retail or light industrial and did not want to sell raw land. Those who were interested wanted from \$8.00 to \$16.00 per square foot. The vacant parcels were all less than 10 acres or over 30 acres. To demonstrate what a typical parcel would cost, attached is a prospectus for a 5.8 acre parcel on the East side of Geneva (slightly south of the target area), a good representative comparable. This site listed for between \$15.00 and \$20.00 per square foot and could probably be cash purchased for \$13.00 to \$14.00 per square foot in today's market, bringing comparable cost of a raw 10 acre site to \$5,662,000, making the cost of the site "exorbitant" for use

as an AM transmitter site. By contrast, the same size 10 acre parcel for a transmitter site near Millbrook, Illinois costs between \$120,000 to \$150,000 – about 3% of the raw land cost at Geneva, Illinois. After adding development costs, including towers, phasor, transmitter building, etc., the debt is reasonable, allowing a small AM to be viable.

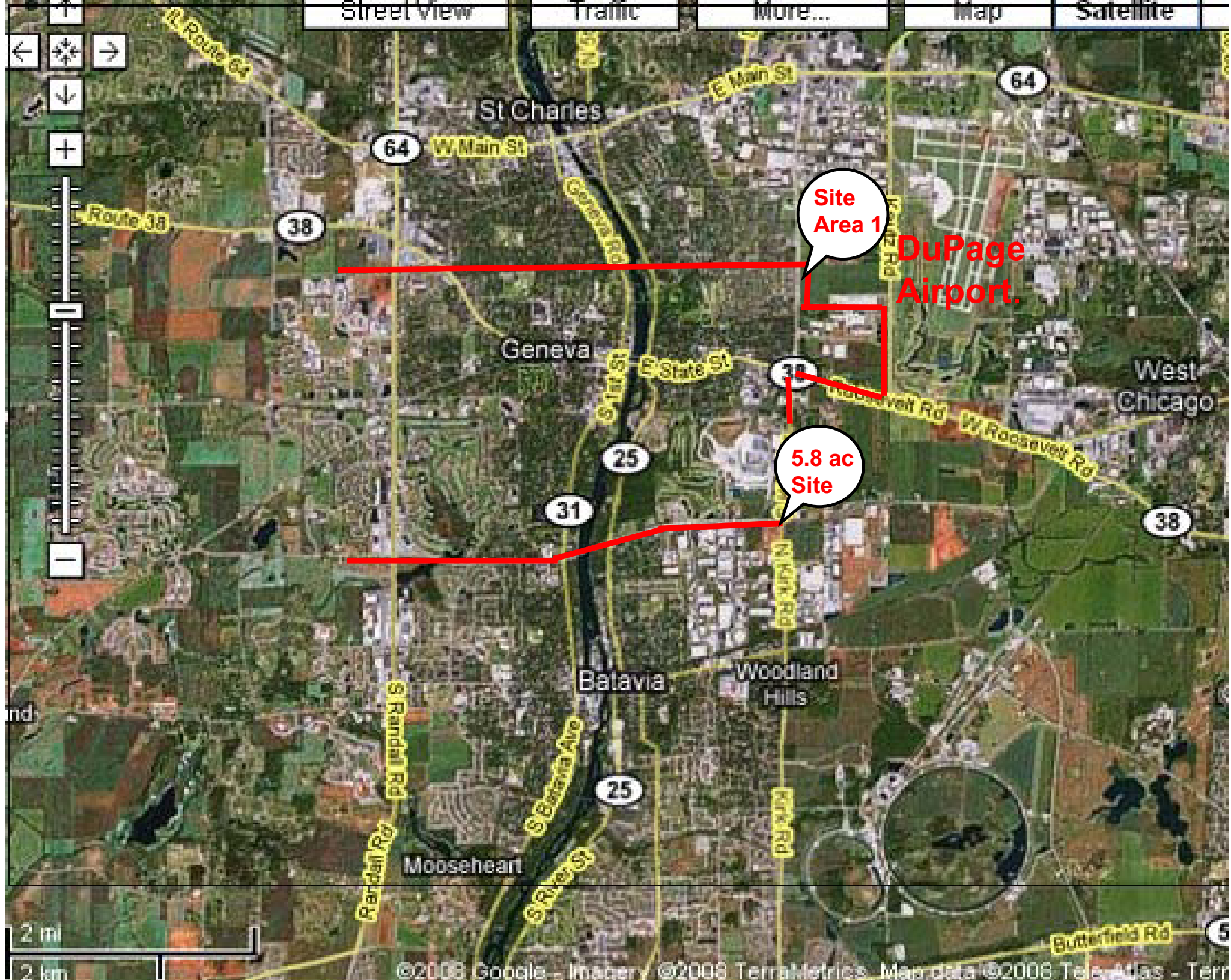
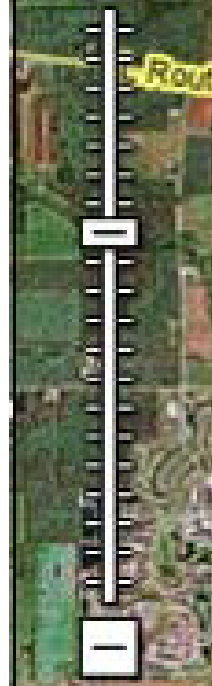
Street View

Traffic

More...

Map

Satellite



Site Area 1

DuPage Airport.

5.8 ac Site



# FOR SALE

$\pm 5.8$  Acres  
SWQ of Roosevelt and Kirk Roads  
Geneva, Illinois

Offered by:

**Tony Gange**

Executive Vice President  
630.573.7030

**Jacob Dell**

Senior Associate  
630.573.7088



**CB Richard Ellis**

700 Commerce Drive  
Suite 550  
Oak Brook, IL 60523  
T 630.573.7000  
F 630.573.7018  
[www.cbre.com](http://www.cbre.com)

## **TABLE OF CONTENTS**

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- 2. ALTA SURVEY**
- 3. PLAT OF HIGHWAY**
- 4. ZONING USES**
- 5. FLOOD PLAIN/WETLAND AERIAL**
- 6. TRAFFIC COUNTS**
- 7. DEMOGRAPHICS**

# SOUTHWEST QUADRANT OF ROOSEVELT & KIRK ROADS

## GENEVA, ILLINOIS

### ±5.8 ACRE COMMERCIAL DEVELOPMENT OPPORTUNITY (DIVISIBLE)

For information, contact:

**Tony Gange**

Executive Vice President

T 630.573.7030

tony.gange@cbre.com

**Jacob Dell**

Senior Associate

T 630.573.7088

jacob.dell@cbre.com

**CB Richard Ellis**

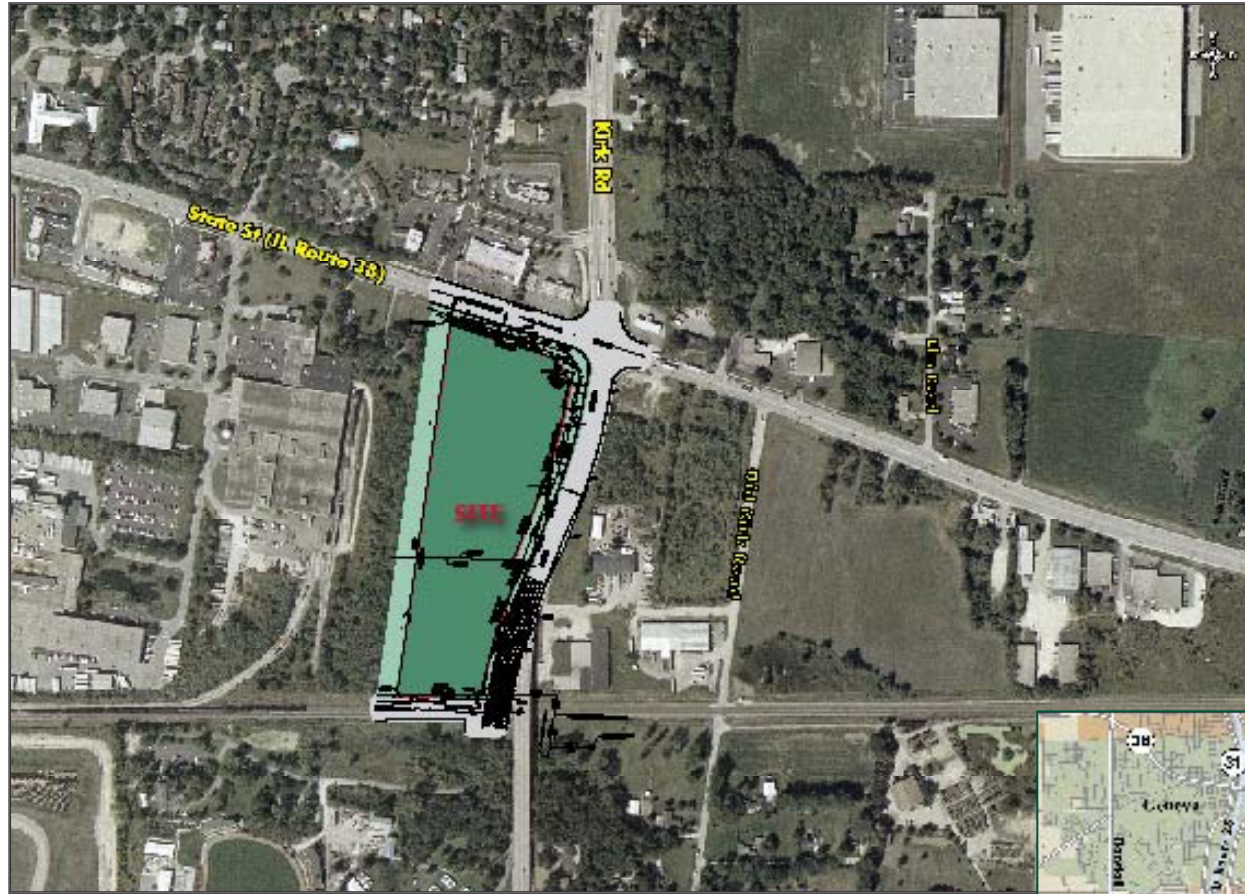
700 Commerce Drive, Suite 550

Oak Brook, IL 60523

T 630.573.7000

F 630.573.7018

[www.cbre.com/lsgoakbrook](http://www.cbre.com/lsgoakbrook)



#### PROPERTY INFORMATION

- ▶ Contiguous land available
- ▶ Zoned commercial
- ▶ **High Traffic Location:**  
29,100 vehicles per day on Roosevelt Rd.  
25,300 vehicles per day on Kirk Rd.
- ▶ Asking price: 1 acre lot \$20.00 psf,  
balance of property \$15.00 psf
- ▶ Please call for additional information or  
go to [www.loopnet.com](http://www.loopnet.com), listing number  
15562988

#### DEMOGRAPHICS

**Average HH Income (2007 Est.):**

1 mile:	\$88,581
3 miles:	\$96,668
5 miles:	\$100,614

**2007 Estimated Population:**

1 mile:	5,820
3 miles:	46,557
5 miles:	128,625





# SOUTHWEST QUADRANT OF ROOSEVELT & KIRK ROADS

## GENEVA, ILLINOIS

**±5.8 ACRE  
COMMERCIAL  
DEVELOPMENT  
OPPORTUNITY  
(DIVISIBLE)**

For information, contact:

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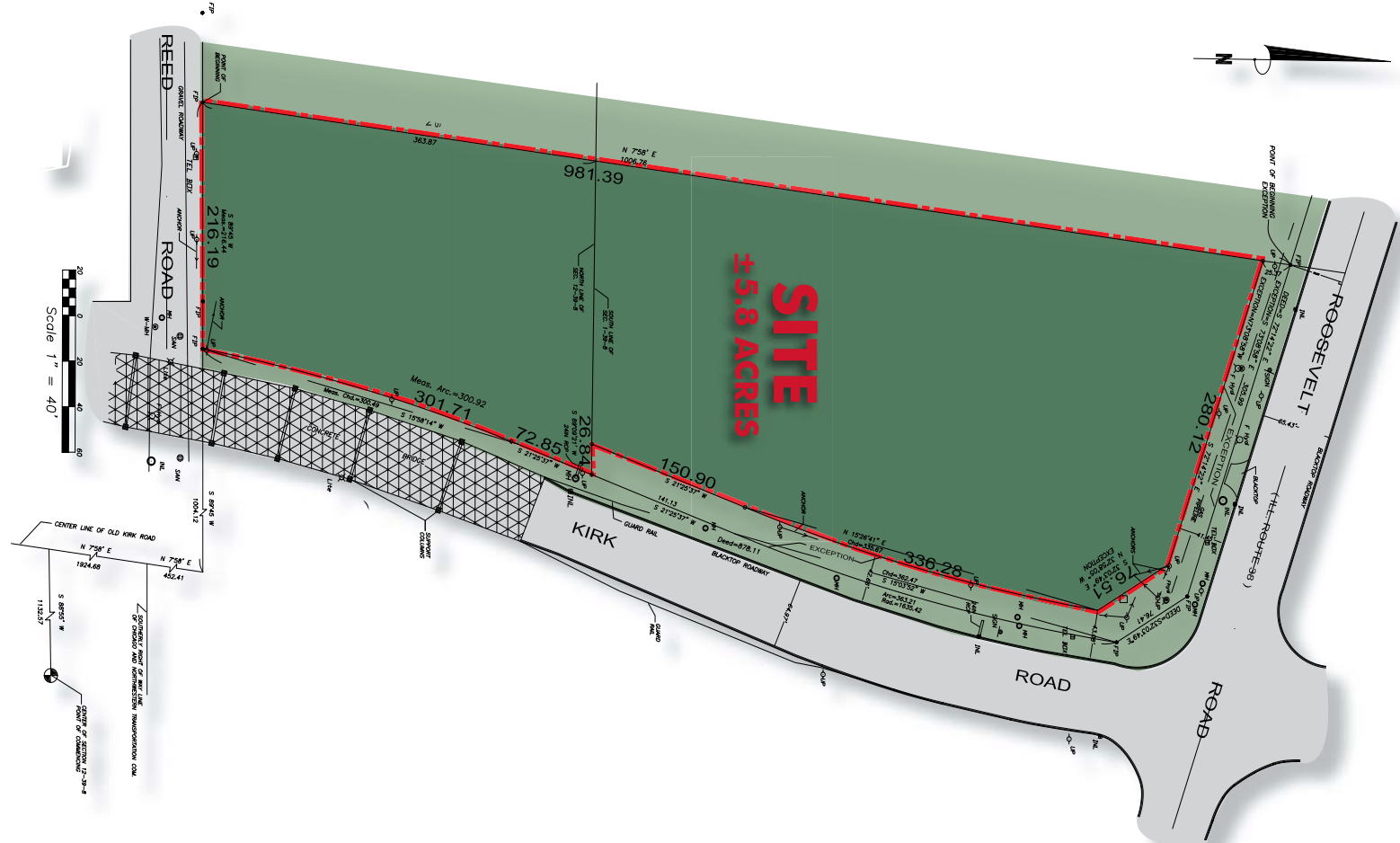
Oak Brook, IL 60523

T 630.573.7000

F 630.573.7018

[www.cbre.com/lsgoakbrook](http://www.cbre.com/lsgoakbrook)

## SURVEY



\*Dimensions not to scale. Survey available upon request.

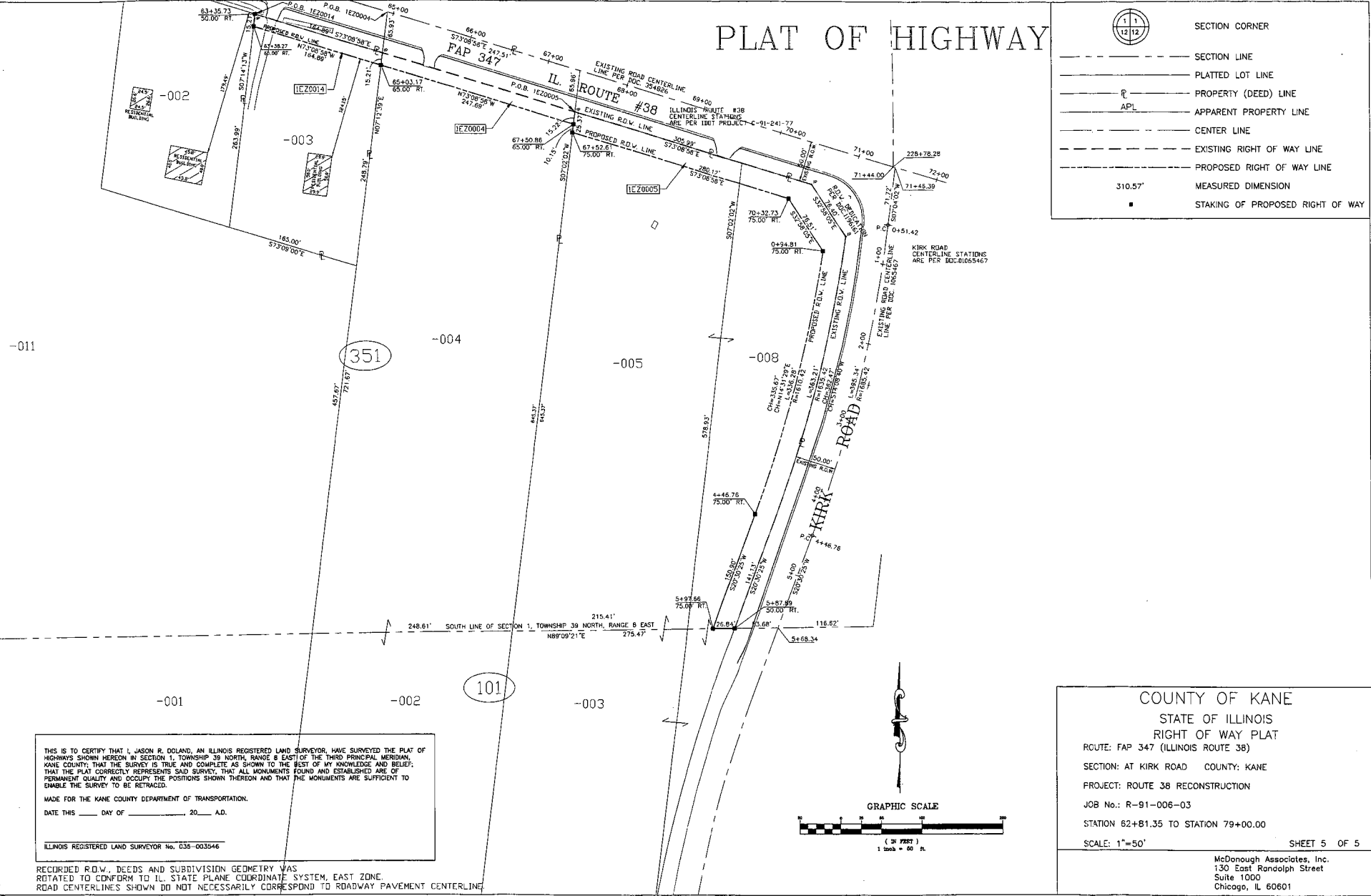
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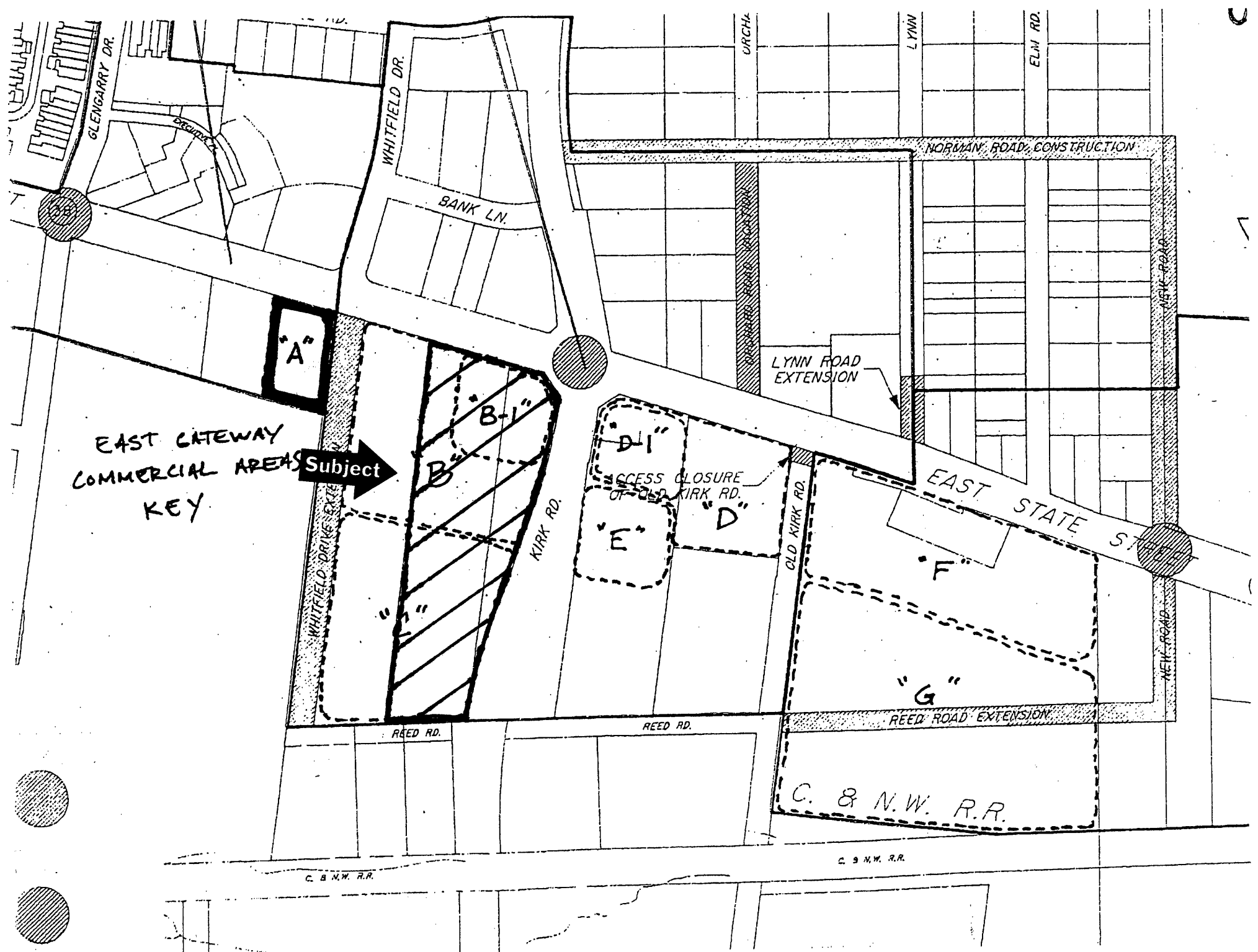
**CBRE**  
CB RICHARD ELLIS





PART OF SEC. 1, T.39 N., R. 8 E. OF THE THRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS





EAST GATEWAY  
COMMERCIAL AREA  
KEY

Subject

"A"

"B-1"

"B"

"D-1"

"D"

"E"

"F"

"G"

C. & N.W. R.R.

C. & N.W. R.R.

C. & N.W. R.R.

NORMAN ROAD CONSTRUCTION

LYNN ROAD  
EXTENSION

REED ROAD EXTENSION

ACCESS CLOSURE  
OF OLD KIRK RD.

WHITFIELD DRIVE EXTENSION

KIRK RD.

REED RD.

REED RD.

OLD KIRK RD.

NEW ROAD

NEW ROAD

ELM RD.

LYNN

URCH

WHITFIELD DR.

BANK LN.

GLENGARRY DR.

EXHIBIT

**PROPOSED**  
PERMITTED, SPECIAL AND  
PROHIBITED USES IN COMMERCIAL AREAS

## I. AREAS A, B, D, and F

A. Permitted Uses:

1. Apparel shop.
2. Appliance store.
3. Antique shop.
4. Art gallery.
5. Art and sculpture studios.
6. Art and office supply store.
7. Automobile sales, new.
8. Automobile accessory sales. (Retail sales only.)
9. Bakery (on-site retail sales only.)
10. Banks and other financial institutions (including drive-up or drive-in facilities).
11. Banquet facility.
12. Barbershops and hair salons.
13. Beauty shop.
14. Blueprint and photocopying establishments.
15. Book, periodical, or stationery store.
16. Brokerage office.
17. Camera and photo equipment store.
18. Candy and ice cream stores.
19. Car care center, including brakes, mufflers, lube, tires, detailing, etc.
20. Carpet, rug and linoleum stores.
21. Catalogue stores.
22. Catering establishment.
23. China or glassware shop.
24. Consumer electronics store.
25. Cosmetic store.
26. Day care centers and preschools.
27. Delicatessen.
28. Department stores.
29. Drugstores.
30. Dry cleaning and laundry establishments.
31. Dry goods store.
32. Dwelling units (above ground floor. Area F only.)
33. Employment agency.
34. Fast food restaurants (single drive through).
35. Florist shop.
36. Food stores, retail only.
37. Funeral home.
38. Furniture and home furnishings store.

39. Gasoline fuel station, including a mini market: a) car wash is a permitted use as part of a gasoline fuel station; b) fast food, single drive through is a permitted use as part of a gasoline fuel station.
40. Gift shop.
41. Gourmet shop.
42. Greenhouse, retail only.
43. Grocery store.
44. Handicraft store.
45. Hardware store.
46. Health or fitness clubs (children and/or adult facilities.)
47. Health care facility (outpatient medical care or clinic or medical office).
48. Hobby shop.
49. Home improvement center (including fenced-in outdoor sales).
50. Hotel with interior access to rooms.
51. Household furnishings.
52. Ice cream store and parlor.
53. Interior decorating.
54. Jewelry store.
55. Kitchenware store.
56. Lawn and garden center (including fenced-in outdoor sales).
57. Leather goods store.
58. Liquor store, package retail.
59. Locksmith and security sales.
60. Machinery and equipment sales, provided totally enclosed.
61. Microbrewery.
62. Monument sales, but not manufacturing.
63. Mortuaries and funeral parlors.
64. Music and musical instrument store
65. Music, dance studio/store.
66. News agency.
67. Offices, including, but not limited to, service, business, medical, professional and civic organizations, higher education facilities and classrooms for business and professional schools.
68. Office supply store.
69. Optical sales and service.
70. Paint and wallpaper store.
71. Pet shop, excluding kennels, and pet supply store.
72. Photocopying and blueprint shops.
73. Photographer's studio.
74. Photography shop.
75. Picture framing store.
76. Plumbing showroom and shop.
77. Record, CD, music stores.

78. Restaurants (carryout, sitdown, sitdown/carryout permitted on any lot including outdoor cafes and service areas: drive-in, single drive-through, carryout/sitdown/single drive-through permitted on no more than        (—) zoning lots; all lots meet requirements for Class B-3 liquor license, including requirements for temporary or permanent outdoor seating).
79. School - music, dancing or business.
80. Secretarial services.
81. Service and business offices, including the following:
- a. Accounting and bookkeeping services
  - b. Advertising agency
  - c. Broadcasting studios
  - d. Business machine services
  - e. Consulting agency
  - f. Employment agency
  - g. Engineering, planners, and architects offices
  - h. Insurance agency
  - i. Investment services
  - j. Legal services
  - k. Public and private utility companies
  - l. Real estate services
  - m. Securities and commodities brokers services
82. Shoe store.
83. Shoe repair shop.
84. Shopping center.
85. Sporting goods store.
86. Sundries.
87. Tailor shop.
88. Taverns - provided that the lot line of said premises shall not be less than one hundred fifty (150) feet from any residential zoning district.
89. Telephone sales, service and/or exchange.
90. Theater.
91. Tobacco sales.
92. Toy store and/or hobby shop.
93. Travel agency.
94. TV sales and service, computer and/or electronics store and/or the sale, installation and service of cellular phones, pagers and related electronic equipment.
95. Variety store.
96. Videotape and/or DVD sales and rental.
97. Wine shop. (Provided that the provisions of Chapter 5 of the Geneva Municipal Code are fully met).
98. Accessory uses to the above permitted.

B. Special Uses:

1. All uses not expressly identified as a Permitted or a Prohibited Use.

C. Prohibited Uses in Areas A, B, D, and F. Generally:

1. Auction house.
2. Advertising signs and billboards.
3. Bowling alleys.
4. Bus station.
5. More than — car care centers.
6. More than — (—) drive-in, single drive-through, carryout/sitdown/single drive-through restaurants.
7. Exterminating shops.
8. Fast food restaurant with double drive-through.
9. Firewood sales.
10. More than — (—) gasoline fuel stations.
11. Glazing shop.
12. Greenhouse, wholesale.
13. Gymsnasiums.
14. Kennel.
15. Liquor sales, wholesale.
16. Miniature golf.
17. Motel.
18. Parking garage.
19. Post office.
20. Stadiums.
21. Tax-exempt users.
22. Taxi stand.
23. Taverns within one hundred fifty (150) feet of any residential zoning district.
24. Theater, drive-in.

D. Prohibited Uses in Areas B-1 and D-1. Specifically:

1. Car care centers.
2. Drive-in, single drive-through, carryout/sitdown/single drive-through restaurants.
3. Gasoline fuel stations, with or without mini-marts.

## III. AREAS C, E, and G

A. Permitted Uses:

1. Any use permitted in Areas A, B, D, and F
2. Apparel and other products manufactured from textile
3. Automobile and major truck repair (outdoor storage prohibited)
4. Bakeries, wholesale
5. Bedding manufacture
6. Belting manufacture
7. Bicycle manufacture
8. Boat building and repair
9. Boot and shoe manufacture
10. Bottling works

11. Brooms and brushes manufacture
12. Building equipment and yards for manufacturing
13. Cabinet manufacture
14. Candle manufacturing
15. Carpet and rug cleaning
16. Canvas and canvas products manufacturing
17. Cleaning, pressing and dying plants
18. Clinic or medical Offices
19. Cold storage plants
20. Community living or congregate living facility
21. Contractors, architects and engineers offices, shops and yards
22. Cork products manufacturing
23. Cosmetics manufacturing
24. Dwelling units (above ground floor)
25. Electronic component manufacturing
26. Emergency trauma facility
27. Food manufacture, packaging and processing
28. Fuel and ice plants
29. Glass products from previously manufactured glass
30. Health or exercise clubs
31. Health services staff housing
32. Hospital
33. Kennels and veterinary hospitals and clinics
34. Light steel fabrication
35. Medical and dental clinics
36. Metal and metalware processing, assembly and manufacture
37. Metal polishing and plating
38. Moving and Storage facilities
39. Musical instruments manufacturing
40. Nursing Home
41. Offices -- business, professional, medical arts, and headquarters
42. Orthopedic and medical appliance manufacture
43. Paper products manufacture
44. Plumbing and metal shops
45. Precision instruments manufacturing
46. Printing and publishing
47. Processing of water softening equipment and appliances
48. Public utility and public service uses
49. Radio and television studios
50. Research and development and testing facilities
51. Precision instruments manufacturing
52. Printing and publishing services
53. Radio and television studios
54. Retail sales of commodities manufactured or processed, fabricated, or assembled on the premises not to exceed ten (10) percent of the gross floor area nor exceed a total of five thousand (5,000) square feet.
55. Rope, cord and twine manufacture



- 56. Seasonal or Temporary Uses
- 57. Self service storage facility
- 58. Veterinary hospitals and clinics
- 59. Warehousing and distribution
- 60. Watchman's quarters
- 61. Woodworking and wood products manufacture

B. Special Uses:

- 1. Any Special Use permitted in Areas A, B, D, and F
- 2. Alcoholism and Substance Abuse Treatment Center
- 3. Colleges and universities
- 4. Heliport
- 5. Other manufacturing, processing and storage uses in compliance with the performance standards
- 6. Parking structure or lot (as a principal use)
- 7. Parks and recreational areas
- 8. Planned unit developments
- 9. Public utility and public service uses
- 10. Sanitarium
- 11. Storage and distribution of flammable liquids, fats or oils
- 12. Truck terminal or cartage express facility

JAN 22 1996 01:14 Prohibited Uses: None

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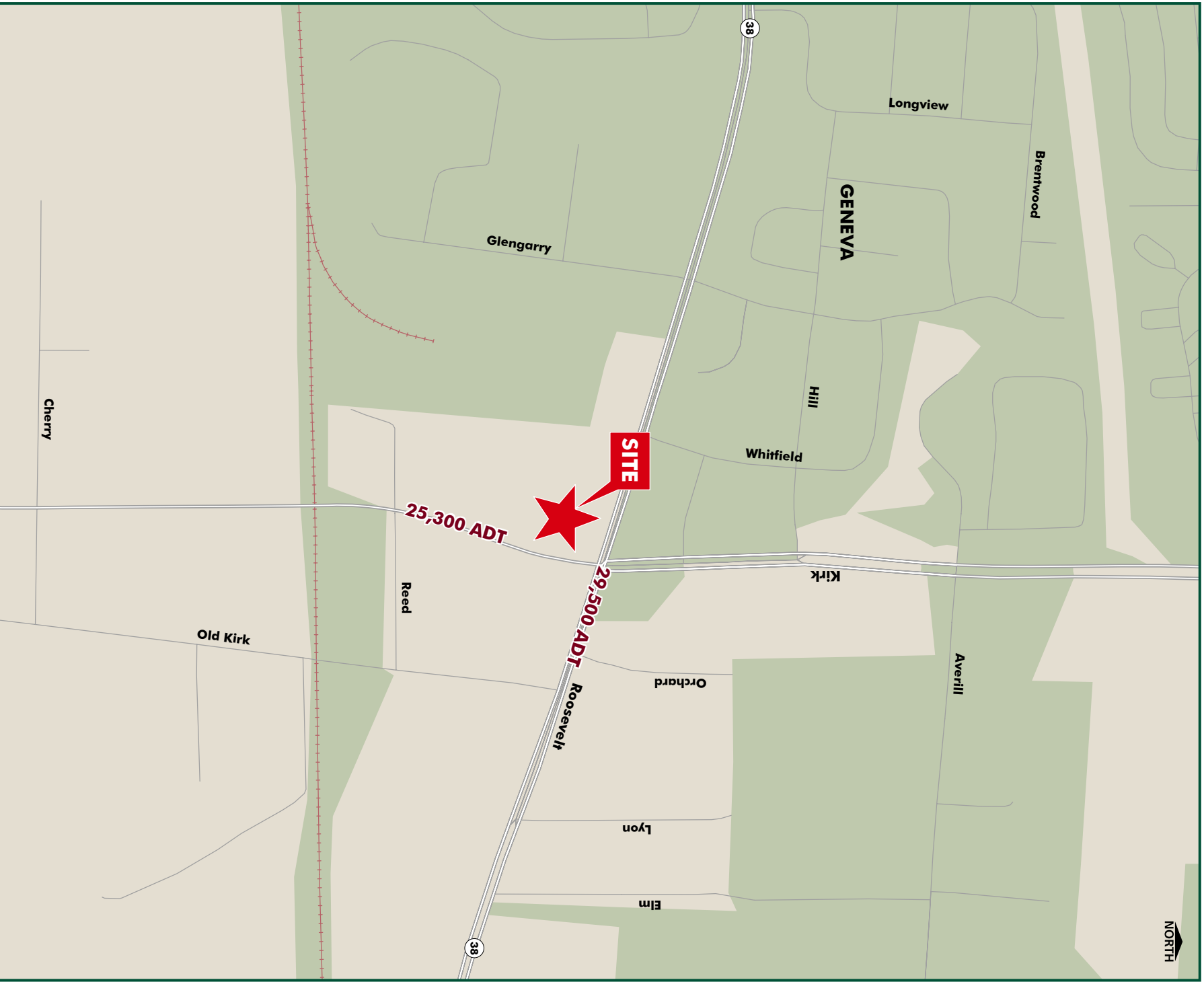


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# IL Route 38 & Kirk Rd

## Geneva, IL



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100

AGENCY OF SERVICE  
1996 | 2006

CBRE

CB RICHARD ELLIS



## Available Land Proj

10/12/2008

Summary (380)



Site

Zoning: M1-1

Utilities

Comments

**Property Comments:** 2 - 6.16 acres of land (will subdivide).**Listing Comments:** Property located in prestigious St. Charles Business Park. Just South of North Ave & Tyler Rd intersection.

Traffic count about 40,000 cars/day.

Available for Build-To-Suit from 20,000 - 100,000 sq. ft.

Potential retail &amp; service development.

Located adjacent to retail, restaurant, office, hotel &amp; industrial.

Will consider ground lease.

Seller financing available.

**410 Tyler Rd.**  
**St. Charles, IL 60174**

**County:** Kane  
**Market:** Chicago  
**Sub Market:** Fox Valley  
**Land Size (Acres)** 6.16 ACRES  
**Land SF:** 268,396 SF

## General Listing/Transaction Information

**Asking Price:** \$2,133,220.00 \$7.95 Per S  
**Price/Acre:** \$346,301.95  
**Transaction Type:** Sale

## Contacts

**Listing Broker(s)** Michael Marconi  
 Epic Savage Realty Partners  
 847.588.5689  
 mmarconi@epicrp.com

*10 AC = \$3,463,000 + clean up of Site*

**EXHIBIT**

**INTERFERENCE REDUCTION**

**SECTION I - March 27, 2006 Nelson Multimedia, Inc. Amendment Filing**

**SECTION II - Portion of the January 2008 Nelson Multimedia, Inc. showing update  
Interference Reduction population and Sq KM.**

JERROLD D. MILLER  
JOHN S. NEELY\*

\*ADMITTED PA AND DC ONLY

LAW OFFICES  
**MILLER AND NEELY, P.C.**  
SUITE 704  
6800 WISCONSIN AVENUE  
BETHESDA, MD 20815

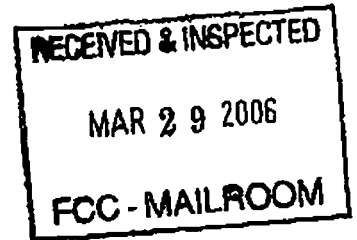
*Handwritten:* STAMP & RETURN

(301) 986-4160  
FAX: (301) 986-4162

2006 MAR 29 P 2:06

March 27, 2006

Secretary  
Federal Communications Commission  
Washington, DC 20554



RE: Supplement to §307(b) Showing  
WSPY(AM) Facility ID No. 69700  
Millbrook, IL (major change), File No. BMJP-20040127ACW

Dear Madam Secretary:

Transmitted herewith in triplicate on behalf of Nelson Multimedia, Inc., applicant for a major change of AM station WSPY, as referenced above, is a supplement to the applicant's October 31, 2005, Section 307(b) amendment to the pending application.

Please address any questions concerning this matter to the undersigned.

Sincerely,  
  
John S. Neely

encs.

The following information supplements the 307(b) showing filed by Nelson Multimedia, Inc., ("Nelson") October 31, 2005, concerning MX Group 84-18.

After reading the Audio Division's decision of March 2, 2006, concerning WMCW, Harvard, Illinois (DA-06-502), Nelson would like to clarify its 307(b) showing for major change in community of license from Geneva, IL to Millbrook, IL, and incorporate by reference certain material already a matter of public record in the Commission's files.

The proposed major change would remove the sole transmission service licensed to Geneva, IL, and establish the first local transmission service at Millbrook, IL. As stated in the applicant's pending Form 301 (File No. BMJP-20051031ADG) and the Engineering Report submitted with its Joint Request for Approval of Settlement filed October 31, 2005, the proposed major change of station WSPY should be processed pursuant to the Commission's Interference Reduction Policy, Policies to Encourage Interference Reduction Between AM Broadcast Stations 67 RR 2d 1612, 5 FCC Rcd 4492, (1990) ("Interference Reduction Policy") copy attached.

To encourage interference reduction and revitalize the AM band, the Interference Reduction Policy recognizes the public interest in deleting or modifying an AM station broadcast license, including the broadcast license for a community's sole local transmission service, which causes and receives interference. Nelson hereby expressly reasserts the Interference Reduction Policy in this proceeding and seeks a waiver of the policy against removing the sole local transmission service.

The Commission's consolidated database system indicates that prior to Nelson acquiring control of the broadcast license in 2001, WSPY had been through a series of station ownership changes and unconsummated sales. (See Exhibit 1) According to previous station licensees, the station operated at a financial loss. In April 2001, the then-current owner, Valley Communications, Inc., determined that the radio station could not pay its own costs and was not worthy of further investment nor resources. The licensee turned the station off the air, sold the transmitter/studio real estate to pay accumulated losses and determined to surrender the license for cancellation if the assignment of license to Nelson was not consummated.

On June 28, 2001, Nelson assumed the broadcast license and purchased the station's tangible assets including the transmitter, phaser equipment, etc. The station's licensed tower site was already under development for residential use and was not available for purchase or use by a radio tower. Nelson next took steps to restore broadcast operations. Service resumed with reduced power from a temporary transmitter site pursuant to an STA granted March 4, 2002. Nelson then sought to locate a permanent transmitter site which would serve Geneva, IL, and satisfy the Commission's AM technical requirements. Further information concerning steps to restore operations and the search for a temporary and permanent tower site are a matter of public record in various STA requests which are incorporated herein by reference.

The city of Geneva is an urbanized area within the Chicago metro area. A new directional antenna array serving Geneva will require approximately 10 acres of land to satisfy directional pattern technical requirements. After a thorough search, Nelson, determined that the scarcity of

sufficiently sized and situated parcels of vacant land in the urbanized area, the very tight area to locate the different licensed day and night directional patterns, zoning concerns, and airport locations (air space clearance) precluded an alternate licensed tower site which would serve Geneva consistent with the Commission's technical requirements. Even if each of these substantial hurdles could be cleared successfully, the exorbitant cost of prime real estate in a highly developed urbanized area would irrationally overwhelm the modest revenue of a low powered AM station which receives significant interference in a competitive metro market. Faced with this reality, Nelson began to explore alternate geographical areas where antennas might be relocated.

After a considerable search, Nelson found an alternate location and filed a major change application during the 2004 AM Auction 84 filing window. Larry and Pam Nelson, principals of Nelson, purchased a ten acre transmitter site for the proposed tower site in rural LaSalle/Kendall County, Illinois.

Paragraphs 11 thru 14 of the Interference Reduction Policy describe that when an applicant proposes to delete or modify an AM station, the applicant must demonstrate that a sufficient "local service floor" will be maintained in a community losing a local transmission service. The policy anticipates that the public interest in interference reduction may result in the loss of a community's sole local transmission service. Due to the unique public interest factors which might be presented in each situation, the Commission determined to apply the local service floor issue on a case by case basis. Local service floor issues were explored in 1996, when the Commission cancelled three AM broadcast licenses to accommodate a power increase for WWRL(AM) New York, NY, to serve an area already well served by at least 5 broadcast stations. Included among the cancelled broadcast licenses was that of WERA, the only local transmission service licensed to Plainfield, NJ. The Letter Ruling determined that the residents of Plainfield, NJ, would not be harmed by the loss of the sole local transmission service due to the fact that the community was in a metro area and would continue to be well-served by the primary service contour of at least five other stations: WFAN, WOR, WABC, WCBS and WBBR. (Copy of Letter Ruling attached)

The low-powered directional facilities licensed to WSPY(AM) (1kw Day, 500W Night DA-2) receive a significant amount of interference. The station has had a very difficult time competing in its Chicago market as evidenced by frequent transfers and assignments of station control over the last 20 years, failed attempted station sales, financial difficulty, and the penultimate owner's decision to sell the tower site to pay accrued expenses and possibly surrender the license for cancellation rather than sell the station as a going concern. Further, the tight directional patterns, the unavailability of adequate sites, metro air space and zoning issues and the high real estate costs are major impediments that have made it impractical if not impossible to locate a technically sufficient tower site providing the necessary city-grade signal to Geneva.

The Chicago metro-area is one of the largest radio markets in the nation. The city of Geneva receives 25mv/m or better AM service from WGN, WBBM, WSCR; 5mv/m or better from WLS, WYLL, WBIG, WRMN, etc. (based on M-3). Moreover, there are numerous other Chicagoland AM and FM stations serving Geneva with a primary service contour. This is more primary



service for the community than five services cited as sufficient for Plainfield, NJ, in the WWRL Letter Ruling and the two services cited as sufficient at ¶13 of the Interference Reduction Policy.

The Millbrook proposal significantly reduces given interference on first adjacency .25mv/m to .5mv/m by a total of 874.89 KM and reduces given interference to WPNA by 250,098 persons; WGEZ by 4,821 persons, and WZOE by 10,385 persons. Further, the proposal reduces a more severe interference of .5mv/m to .5mv/m significantly to WPNA by 554,798 persons and completely removes the .5mv/m to .5mv/m overlap with WCFJ (See Exhibit 2). As mentioned above, the station's licensed facilities receive significant interference which would be reduced or eliminated by the proposed change of community.

The proposed move from the Chicago urbanized area to rural Millbrook is also consistent with the Commission's concern when a station proposes to abandon rural service area in favor of relocating to an urbanized area. Nelson is proposing to move the facility from an urbanized metro, significantly reduce destructive interference given and received, and provide a first local transmission service to rural Millbrook, Illinois. This proposal invokes Priority 3 factors which have a higher public interest than the Priority 4 factors used in the WWRL Letter Ruling to justify the cancellation of the only local transmission service to Plainfield, NJ, in favor of WWRL's power increase to serve areas already well-served by more than five aural services.

Taken as a whole, the Millbrook proposal will maximize efficient spectrum use by reducing the interference caused to a number of stations, allow WSPY to reduce the interference received by its licensed operation which is not possible at Geneva, and all with the additional public interest benefits of creating a first local transmission service at Millbrook.

The application of Nelson Multimedia, Inc. for a major change AM construction permit at Millbrook, IL, is amended to submit the attached Section 307(b) information.

A handwritten signature in black ink, appearing to read 'Larry Nelson', is written over a horizontal line.

Larry Nelson  
President  
Nelson Multimedia, Inc

Date: March 23, 2006

Brief Summary of CDBS records concerning Station transfers/assignments

1980 Sold to Miller Broadcasting from Brickhouse

1980 - 1983 - Unclear what happened. Miller had station back by 1983 transfer per FCC on-line records

1983 Transfer from Miller Broadcasting to Gamel November 1983

(old owner said because of financial difficulties)

1983 - 1985 - Unclear what happened - Cassens must have acquired by 1985

1985 Transfer from Cassens back to Gamel

(old owner said because of financial difficulties)

1988 Local owners sell to Valley Communications due to financial difficulties

1990 and 1993 Valley tries to sell but deals fall through (per Valley)

April 1996 CCC Communications Inc files to purchase WFXW

1998 License renewal issue - lost records, EEO, Sale to CCC on hold

2000 Pending Sale finally died - per old owners ?

4-1-2001 Off air due to financial difficulties

6-28-2001 Nelson purchased

3-04-2002 Nelson obtained STA and then restored station to air

2002 to Current - Nelson has operated the station on an STA. Principals Larry and Pam Nelson met with Ed DeLaHunt to discuss WSPY-AM STA and Interference Reduction move.

**Interference Reduction Data****Interference to WPNA .5mv/m Contour**

From .25mv/m:

Current License	1,433,441 population	1,690.57 sq KM
New Millbrook	1,183,346 population	1,428.48 sq KM
<b>Interference Reduced by: 250,096 persons-17.5%</b>		<b>262.09 sq KM - 15.5%</b>

From .5mv/m:

Current license	827,968 population
New Millbrook	273,170 population
<b>Interference Reduced by 554,798 persons - 67.7%</b>	

**Interference to WCFJ .5mv/m Contour**

From .25mv/m:

Current License	134.58 sq KM
New Millbrook	127.23 sq KM
<b>Interference Reduced by:</b>	<b>7.35 sq KM 5.3%</b>

From .5mv/m:

Current License	4.18 sq KM
New Millbrook	0 sq KM
<b>Interference Reduced by:</b>	<b>4.18 sq KM 100%</b>

**Interference to WGEZ .5mv/m**

From .25mv/m:

Current License	5,934 population	320.15 sq KM
New Millbrook	1,113 population	37.04 sq KM
<b>Interference Reduced by: 4,821 persons-81%</b>		<b>283.11 sq KM - 88.4%</b>

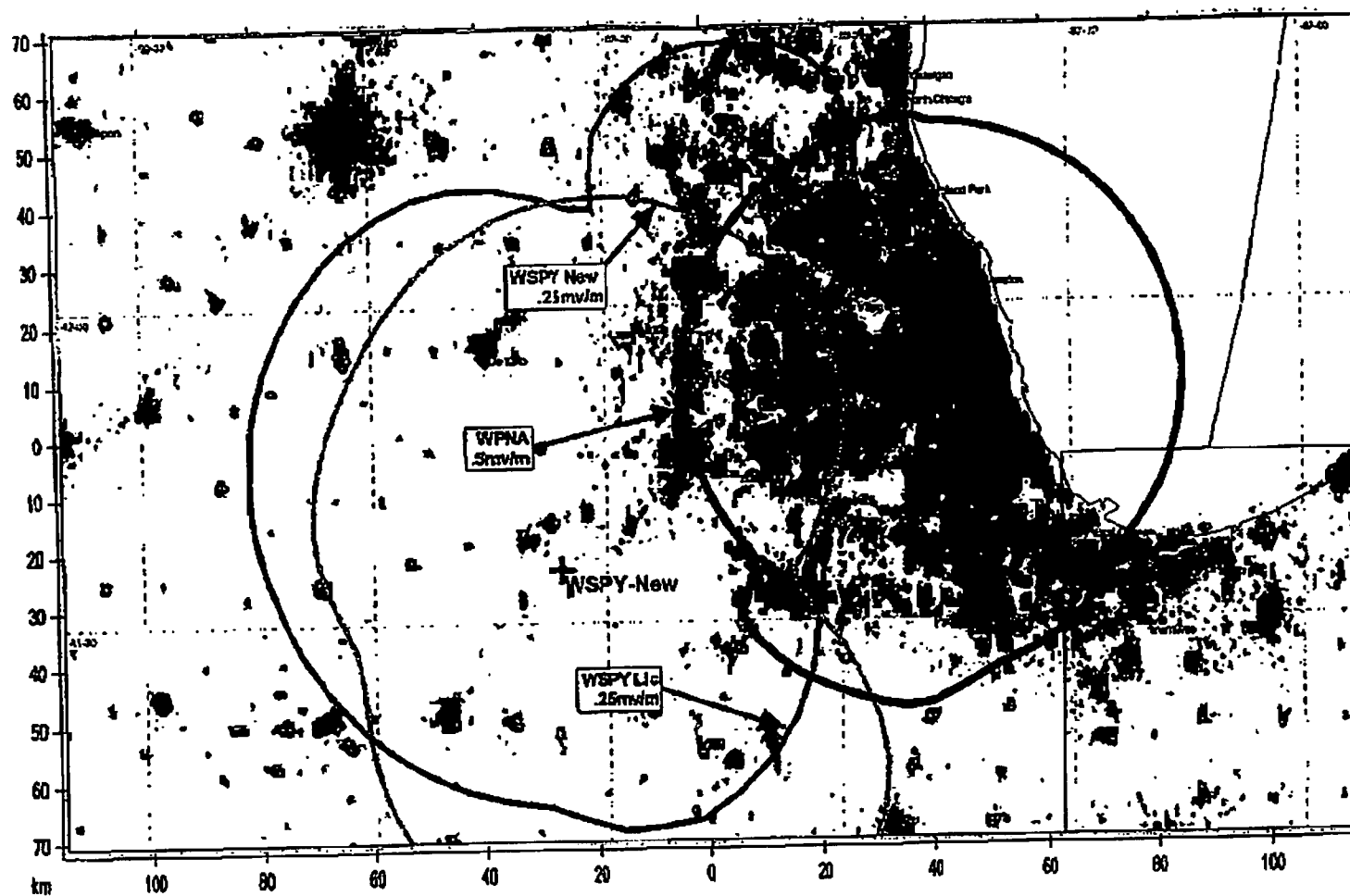
**Interference to WZOE .5mv/m**

From .25mv/m:

Current License	13,184 population	636.14 sq KM
New Millbrook	2,799 population	313.80 sq KM
<b>Interference Reduced by: 10,385 persons-78.7%</b>		<b>322.34 sq KM - 50.7%</b>

Note: Nelson Multimedia, Inc. intends to take field readings to measure the conductivity for it's proposed new transmitter site this summer and adjust the pattern of the day directional to reflect the readings obtained; thus, the population and area of interference may vary but the overall magnitude of the interference reduction will remain similar.

.25mv/m Interference Reduction to WPNA 250,098 Persons, 262.09 Km.

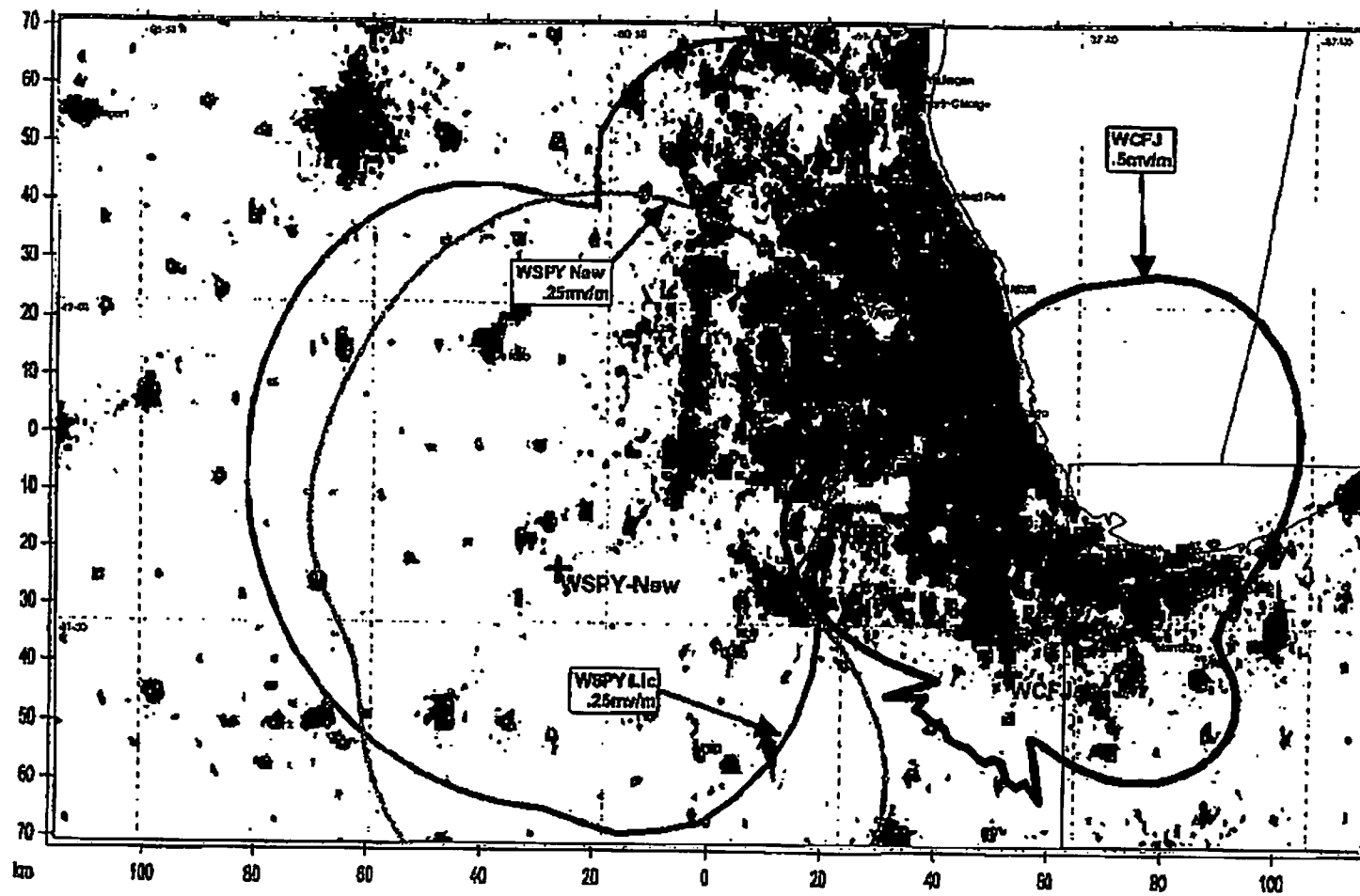


2000 U.S. Census and FCC M-3

Map Scale: 1:1092698 1 cm = 10.03 km V/H Size: 141.35 x 231.77 km

Larry Nelson & Doug Nelson Groundwave, Inc. March 2006

## .25mv/m Interference Reduction to WCFJ 7.35 Sq. Km.

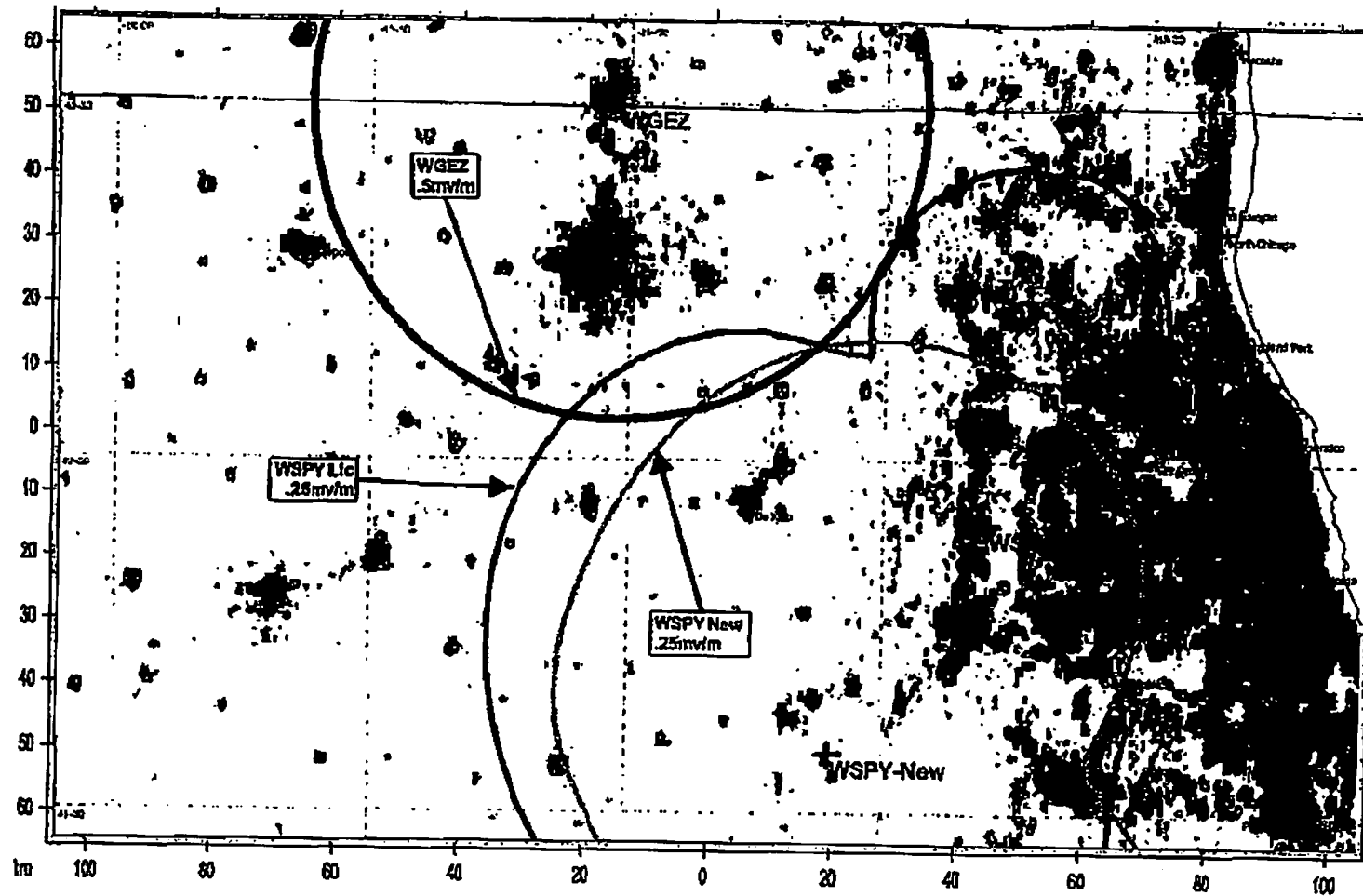


2000 U.S. Census and FCC M-3

Map Scale: 1:1002698 1 cm = 10.00 km V/E Size: 141.35 x 231.77 km

Larry Nelson &amp; Doug Nelson Groundwave, Inc. March 2006

# .25mv/m Interference Reduction to WGEZ 4,821 Persons, 283.11Sq. Km.

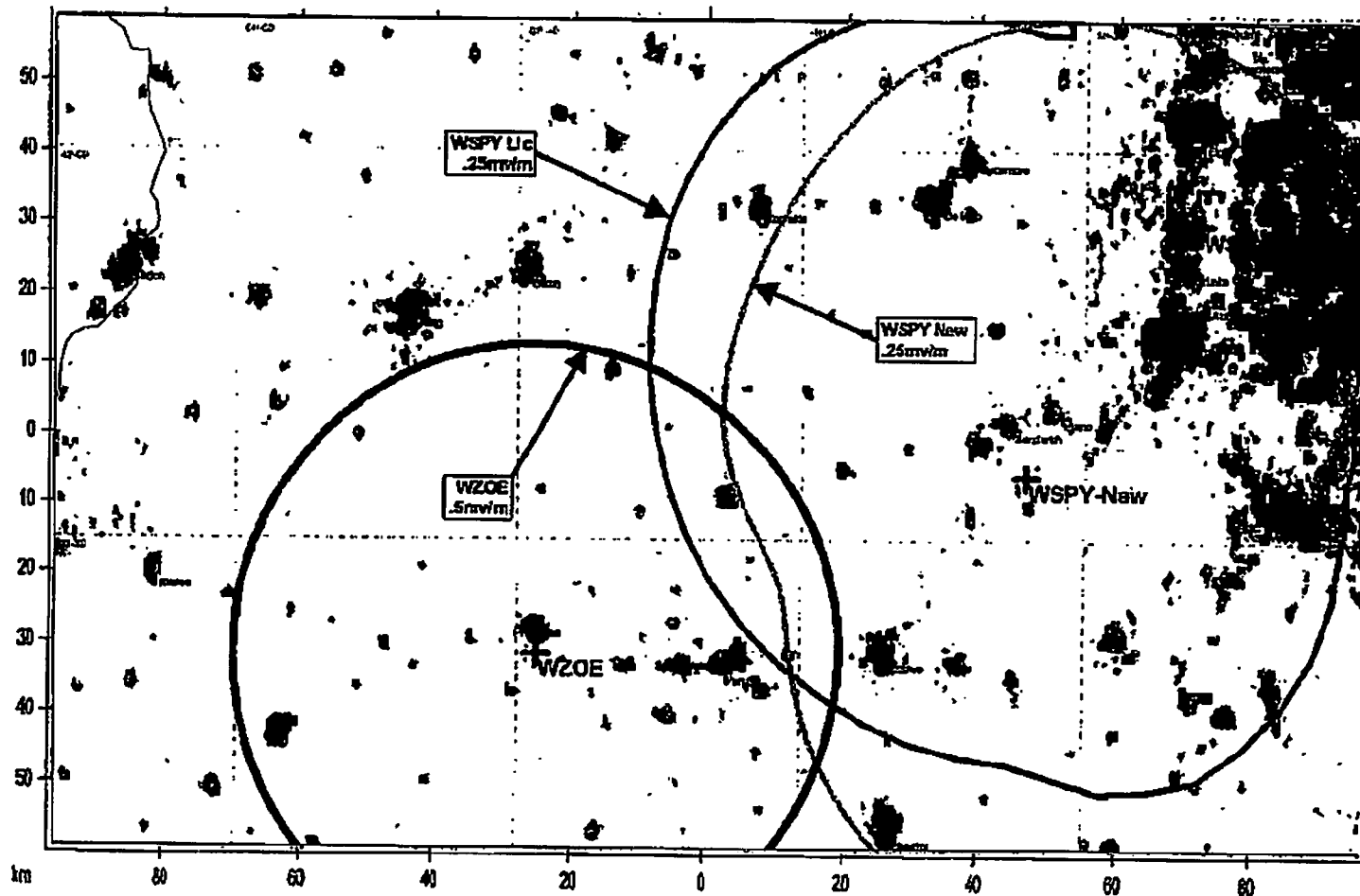


2000 U.S. Census and FCC M-3

Map Scale: 1:910090 1 cm = 9.10 km V/H Size: 128.30 x 210.36 km

Larry Nelson & Doug Nelson Groundwave, Inc. March 2006

# .25mv/m Interference Reduction to WZOE 10,385 Persons, 322.34 Sq. Km.



2000 U.S. Census and FCC M-3

Map Scale: 1:833947 1 cm = 8.34 km VIB Size: 117.56 x 192.76 km

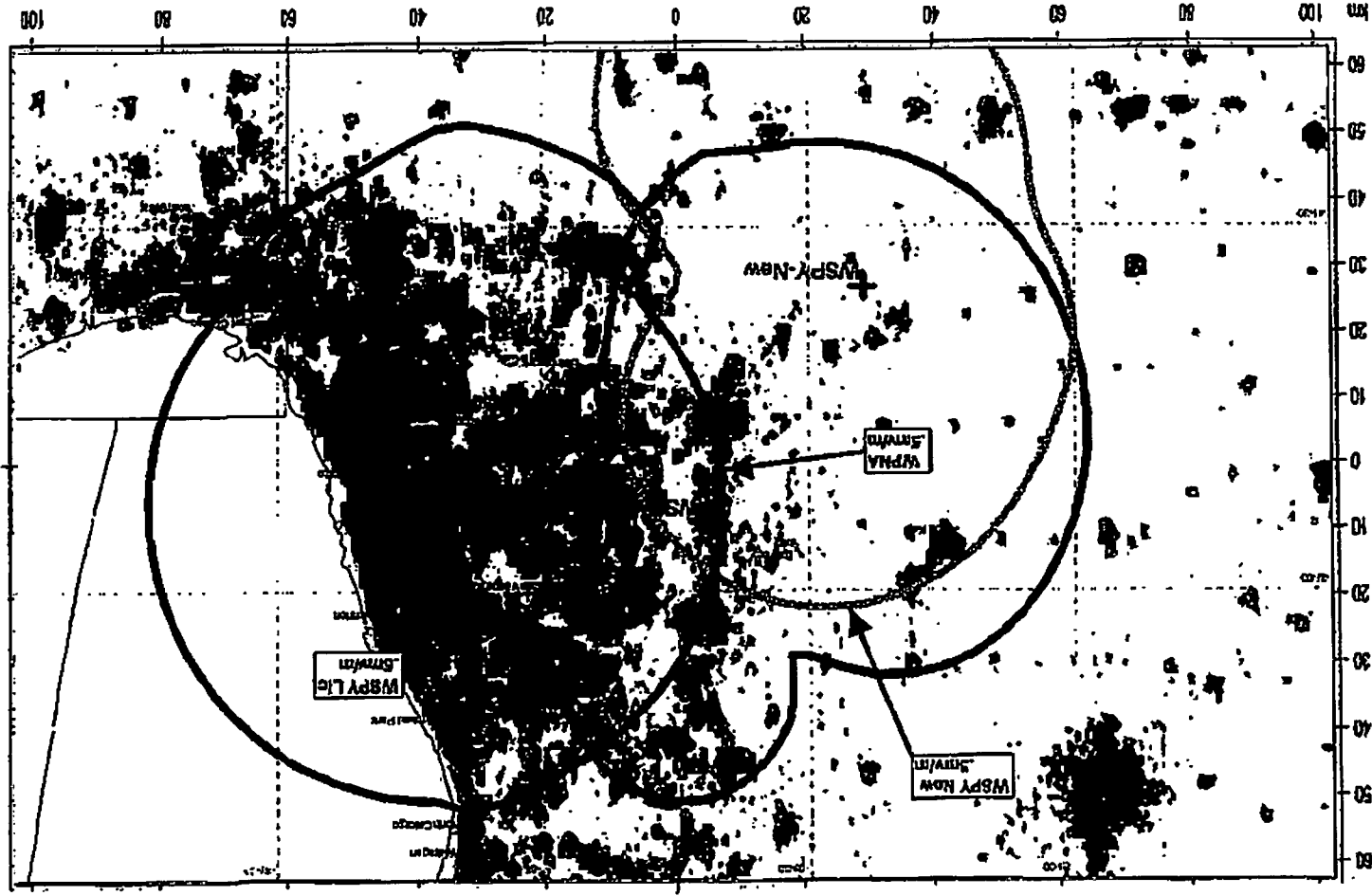
Larry Nelson & Doug Nelson Groundwave, Inc. March 2006



WSPY AM 1480kHz

Exhibit

5mV/m Interference Reduction to WPNA 554,798 Persons



2000 U.S. Census and FCC M-3

Map Scale: 1:886752 1 cm = 8.87 km V/H Size: 125.01 x 204.97 km

Larry Nelson & Doug Nelson Groundwave, Inc. March 2005

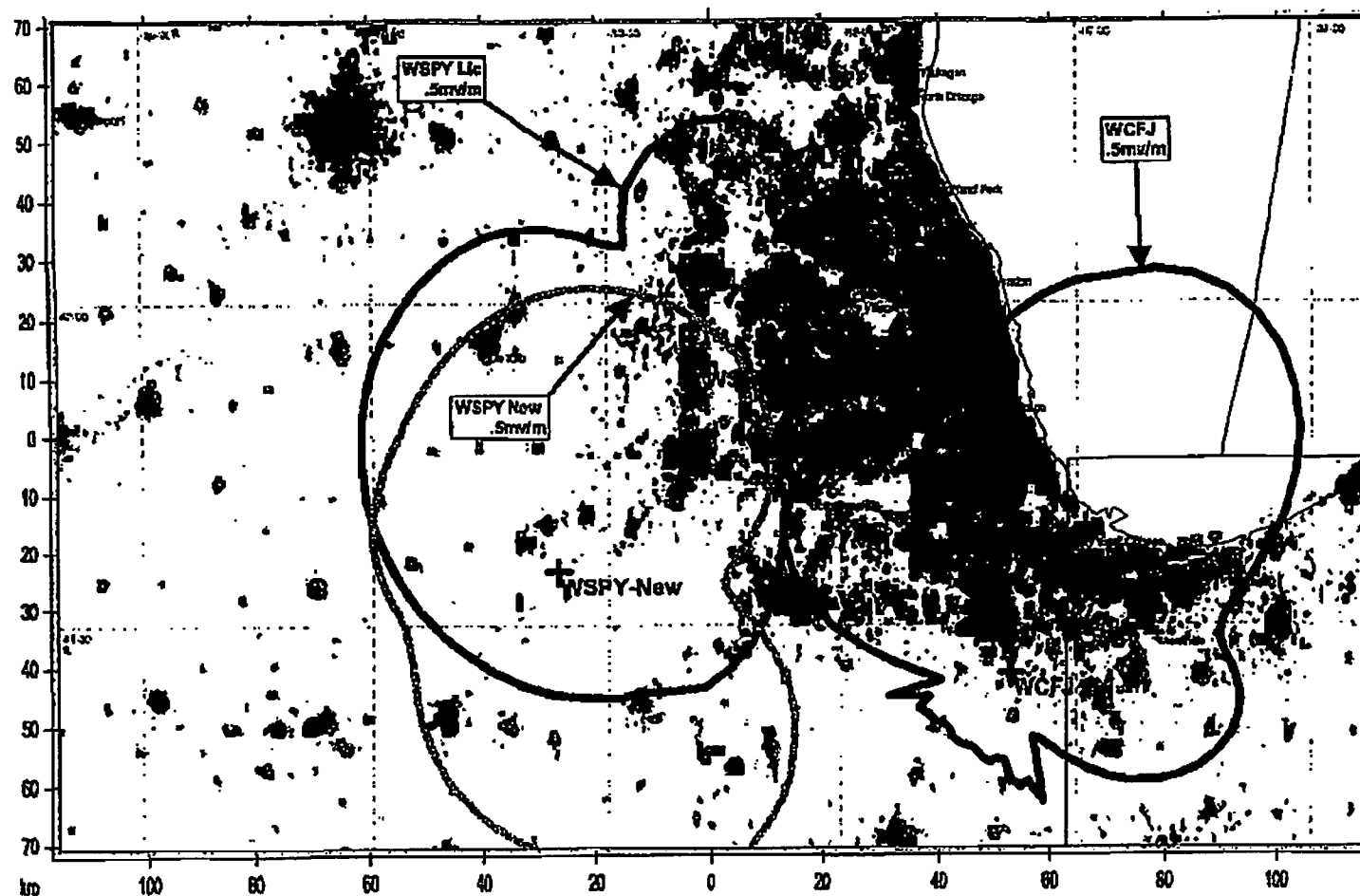
**PAGE 08/19**

MILLERNEELY

381 9864162

14:22

12/27/2007



2000 U.S. Census and FCC M-3

Map Scale: 1:1002698 1 cm = 10.03 km VHM Size: 141.33 x 231.77 km

Larry Nelson & Dong Nelson Groundwave, Inc. March 2006

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

December 5, 1996

IN REPLY REFER TO:  
1800B3-BSH

Steven J. Stone, Esq.  
Rubin, Winston, Diercks, Harris & Cooke, L.L.P.  
1333 New Hampshire Ave., N.W., 10th Floor  
Washington, D.C. 20036

In re: WWRL(AM), New York, NY  
Major Change of Facilities  
BP-960611AB

Dear Mr. Stone:

This is in reference to the above-captioned application filed by Unity Broadcasting Network-New York, Inc. ("Unity"), licensee of WWRL(AM), New York, New York, for a major change to the broadcast facilities of WWRL(AM). This construction permit application seeks consent for WWRL(AM) to increase its daytime operating power from 5 kW to 25 kW and to make changes in its directional antenna system to increase WWRL(AM)'s interference-free 0.5 mV/m daytime contour. In conjunction with this application, Unity has filed an Amended Joint Petition to Grant Applications Pursuant to Interference Reduction Agreements ("Joint Petition"). (FN1) Additionally, Unity requests a waiver of 47 C.F.R. Section 73.37, as grant of the above-captioned application would result in de minimis contour overlap. (FN2)

Furthermore, a petition to deny the above-captioned application was filed on November 8, 1996 by Blount Communications, Inc. ("BCI"), licensee of station WARV(AM), Warwick, Rhode Island. On December 5, 1996, BCI requested that its petition to deny be withdrawn. For the reasons stated below, we will grant the subject application, as conditioned, and the attendant waiver request, and grant BCI's request to withdraw its petition to deny and dismiss the petition.

**Agreement**

The parties joining Unity in the Joint Agreement are Main Street Broadcasting Company, Inc. ("Main Street"), licensee of WLNG(AM), Sag Harbor, New York; Cloud 9 Broadcasting, Inc. ("Cloud 9"), licensee of WERA(AM), Plainfield, New Jersey; and Comko, Ltd. ("Comko"), licensee of WQQW(AM), Waterbury, Connecticut. The parties request approval of an overall interference reduction plan which improves utilization of the 1600 kHz frequency in the New York metropolitan area. Specifically, the Joint Petition provides for: (1) an Asset Purchase and Interference Reduction Agreement between Unity and Main Street, calling for the transfer of certain assets and the FCC license of WLNG(AM) to Unity. (FN3) Upon consummation, the license of WLNG(AM) will be relinquished; (2) an Asset Purchase and Interference Reduction

Agreement between Unity and Cloud 9, which provides for the transfer of certain assets and the FCC license of WERA(AM) to Unity. (FN4) Upon consummation, Unity will relinquish the license of WERA(AM); and (3) a Relinquishment of License and Rights Purchase Agreement between Unity and Comko, providing for the relinquishment of WQQW(AM)'s license, contingent upon the grant of Unity's application for construction permit. (FN5)

## Discussion

The Commission has undertaken significant initiatives to improve and revitalize the AM service. Review of the Technical Assignment Criteria for the AM Broadcast Service, 6 FCC Rcd 6273 (1991), recon. granted in part and denied in part, 8 FCC Rcd 3250 (1993). One such initiative permits licensees to reach agreements to make facilities changes to reduce interference. Policies to Encourage Interference Reduction Between AM Broadcast Stations, 5 FCC Rcd 4492 (1990) ("Interference Reduction Proceeding"). In order to encourage such agreements, the Commission's rules were amended to provide for the acceptance of contingent applications that would facilitate a reduction in overall AM interference. Id at 4493. The amended contingent application rule, 47 C.F.R. Section 73.3517, applies to both deletions and modifications of existing interfering AM stations. In amending the rule to permit the filing of contingent applications that would "reduce interference to one or more AM stations or . . . otherwise increase the area of interference-free service," the Commission removed regulatory barriers that prevent or discourage individual AM stations from entering into private agreements that would ultimately decrease interstation interference and improve the quality of AM service. Id at 4492.

Contingent application arrangements that propose the deletion or modification of an AM station require a case by case public interest determination and the parties must demonstrate that a sufficient "local service floor" will be maintained in the community losing a local transmission service. In order to evaluate the local service floor associated with the contingent modification or deletion of AM stations facilities proposed in an interference reduction agreement, the Commission generally considers four factors: the amount of AM interference that will be eliminated in relation to the number of AM and FM services remaining available to areas that will lose service; the areas and populations that will gain service as a result of the proposed contingent facilities changes; whether the proposed contingent facilities changes will create new "white" or "gray" areas (FN6); and the availability of AM and FM service in the area that will experience a reduction in service due to the contingent facilities changes. Id at 4494.

**Interference Reduction.** The Joint Petition demonstrates that removing the interference caused by WLNG(AM), WERA(AM) and WQQW(AM) to WWRL(AM) would result in increased service by WWRL(AM) to 566,331 persons in an area of 689 square kilometers. Furthermore, grant will result in significant reduction in nighttime interference to, and increased nighttime coverage by, WARV(AM), Warwick, Rhode Island; WAUB(AM), Auburn, New York; WPWA(AM), Chester, Pennsylvania; and WSMN(AM), Nashua, New Hampshire.

**Increased Service.** Grant of an increase in power for WWRL(AM) will result in an additional increase of interference-free 0.5 mV/m service to at least 2,301,736 persons in an additional 3664 square kilometers.

**Local Service Floor.** Engineering exhibits demonstrate that at least five other primary aural services would remain available to the entire areas currently served by WQQW(AM), WLNG(AM) and WERA(AM). Thus, no new white or gray area will result. Moreover, Waterbury will continue to be served by two AM stations (FN7) and two FM stations (FN8) licensed to Waterbury. Furthermore, Sag Harbor will continue to be served by an existing station licensed to Sag Harbor, WLNG-FM. Plainfield will continue to be served by at least the following stations providing primary aural service: WFAN(AM), WOR(AM), WABC(AM), WCBS(AM) and WBBR(AM). Accordingly, these communities will continue to receive an ample number of aural services. See Bay City, Brenham, Cameron, etc., Texas, 10 FCC Rcd 3337, 3337 (1995) (affirming Commission policy that five receptive services is considered adequate).

#### **Waiver of Section 73.37**

Unity requests a waiver of 47 C.F.R. Section 73.37, as WWRL(AM)'s proposed 0.5 mV/m coverage contour will overlap with the 0.025 mV/m interfering contour of station WAQY(AM), East Longmeadow, Massachusetts. We have determined that a waiver of 47 C.F.R. Section 73.37, with respect to this overlap, is justified because available measurement data shows that the location of the overlap area is well outside WWRL(AM)'s primary service area. See Spann Communications, 4 FCC Rcd 617 (1989) (Commission grants waiver of Section 73.37 where overlap exists due to salt water path and does not involve primary service area of either station).

#### **Petition to Deny**

We have examined the affidavit attached to BCI's request to withdraw its petition to deny and find that it complies with 47 C.F.R. Section 73.3588. Furthermore, we have examined the issues raised in BCI's petition and find no basis for further action in regard to those matters. Accordingly, we shall grant BCI's request to withdraw its petition to deny.

#### **Conclusion**

We find that the Joint Petition demonstrates compliance with the local service floor guidelines with respect to the Waterbury, Connecticut, Sag Harbor, New York and Plainfield, New Jersey areas after deletion of the WQQW(AM), WLNG(AM) and WERA(AM) facilities. Our staff has examined the Joint Petition and the exhibits provided therewith and finds that evidence has been provided which supports the conclusion that a net decrease in interference will result.

Based upon its showing, we believe that Unity has demonstrated that the public interest will be served by grant of the Joint Petition. Accordingly, BCI's request to withdraw its petition to deny IS GRANTED and its petition to deny IS HEREBY DISMISSED. Unity's request for a waiver of 47 C.F.R. Section 73.37 IS HEREBY GRANTED. The Amended Joint Petition to Grant Applications Pursuant to Interference Reduction Agreements IS HEREBY GRANTED and the application for a major change in the facilities of WWRL(AM), New York, New York (File No. BP-960611AB) IS HEREBY GRANTED. This action shall be conditioned as follows:

This action shall be conditioned upon the surrender of the licenses of WLNG(AM), Sag Harbor, New York, WERA(AM), Plainfield, New Jersey and WQQW(AM),

Waterbury, Connecticut to the Commission for cancellation upon commencement of Program Test Authority by the WWRL(AM) facility authorized by the subject construction permit, pursuant to the discontinuance of operation provisions in 47 C.F.R. Section 73.1750.

In the event that a conflicting application for facilities operating on 1610 kHz or 1620 kHz is filed pursuant to the Review of the Technical Assignment Criteria for the AM Broadcast Service, 6 FCC Rcd 6273 (1991), any modification necessary to resolve such conflict shall be made to the WWRL(AM) facilities.

Sincerely,

Dennis Williams, Assistant Chief  
Audio Services Division  
Mass Media Bureau  
cc: Barry D. Wood, Esq.  
Thomas DiBiasi, Esq.  
Francis E. Fletcher, Jr., Esq.

---

Footnotes:

(FN1):

The Joint Petition to Grant Applications Pursuant to Interference Reduction Agreements was filed on June 11, 1996. The Amended Joint Petition was filed on September 12, 1996. The Petitions will collectively be referred to as the "Joint Petition".

(FN2):

Unity also requested a waiver of 47 C.F.R. Section 73.182. That request is unnecessary and therefore, need not be addressed herein.

(FN3):

On October 24, 1996, the Commission granted the application for assignment of license of WLNG(AM) from Main Street to Unity (File No. BALH-960611HF). This transaction has not yet been consummated.

(FN4):

On October 24, 1996, the Commission granted the application for assignment of license of WERA(AM) from Cloud 9 to Unity (File No. BALH-960830EA). This transaction has not yet been consummated.

(FN5):

WQQW(AM) has been silent since January 1992.

(FN6):

A "white area" is an area that does not receive interference-free primary service from an authorized AM station or does not receive a signal strength of at least 1 mV/m from an authorized FM service. See 47 C.F.R. Section 73.14. A "gray" area received one full-time service. See Interference Reduction Proceeding, 5 FCC Rcd at 4496, n. 14.

(FN7):

The stations are WWCO(AM) and WATR(AM).

(FN8):

The stations are WWYZ(FM) and WMRQ(FM).

**Attachment # 11**  
**Discussion**  
**Comprehensive Technical Exhibit**  
**Covering Exhibits 11 through 18**  
**Amendment January 2008**

This engineering Report is in support of an application for a Major Change from WSPY, Geneva, Illinois to Millbrook, Illinois, 1480 kHz Class B channel – 400 W day and 300 W night DA-2.

**Discussion**

This application is filed pursuant to the settlement of MX 84-18. Attached is “Engineering Report”, “Settlement Summary of MX Group 84-18”.

This application, a change in both technical facility and city of license, is filed under the FCC Policy for “Interference Reduction” in that, overall, this proposal gives and receives less interference than the current licensed facility. See attached Interference Study. As demonstrated in every case the relocation of 1480 to Millbrook, Illinois will reduce the Daytime Sq KM of interference given to a station, in total over 777 sq KM over 542,710 population. The proposed facility will reduce interference received by over 2,863 sq KM and bring the First Broadcast Service to the town of Millbrook Illinois located in a non-urbanized area.

The proposed Facility receives interference over an increased 399.87 sq KM from WZOE and receives interference from WMBD 12.52 KM total population in this area is 22,745 persons. All persons in these areas are well served, receiving service from 5 or more broadcast stations. If a request for a waiver of the interference received rules is needed, please consider this a request – as, on balance, over 542,710 persons will receive less interference and over 2,863.93 sq KM will receive interference compared to the small increase (WZOE & WMBD) of 399.87 sq KM.

**Broadcast Facility**

The applicant proposes to construct a total of 4 towers, 4 towers for day, 3 for night (3 common), as specified in the Tech Box. The transmission system would include a transmitter, phaser, and sampling system, all compliant with the FCC current requirements. Each tower would have 120 ground radials, 90 degrees long, except where they intersect radials from another tower, and 120 50-foot radials from the base of each tower. The transmitter site is 10 acres, 660 feet by 660 feet on flat farm land. (See site aerial and site photos attached.) The towers are less than 199 feet tall and are not in the glide slope of an FAA recognized airport and will not be painted or lit, unless required by the FAA.

**Blanket Contour**

The proposed 1.0v/m “Blanket Contour ” map has been included in this report. While the population count using the 2000 U.S. Census shows there is 0 persons in the



1.0 v/m, currently there is an old farm house within the 1v/m contour and it is believed as many as 6 persons live there.

The proposed facility at 1480 kHz has the following population counts based on 2000 U.S. Census (except 1 v/m):

	<u>Population</u>	<u>Sq KM</u>
1,000 mv/m	6	.1
5 mv/m	38,542	640.5
2 mv/m	84,951	1,594.1
.5 mv/m	712,546	5,778.3
5.429 I.F.	32,799	431.9

### 307(b)

In a separate filing the applicant has made a 307(b) showing for Millbrook, Illinois as requested by the FCC, copy attached.

### Main Studio

The main studio will be located in compliance with the requirements of 73.1125.

### Groundwave

The proposed allocation study of 1480 kHz shows compliance with the requirement of FCC rules and/or meets the objectives of the FCC Policy of AM Interference Reduction. The attached Allocation Study maps demonstrate that fact. FCC M-3 conductivities have been used in calculating most contours. See Engineering Maps for 1480, 1490, 1470, 1460 and 1500 and 1450 and 1510 kHz.

### Skywave Interference

The major change station meets the FCC requirements for "Class B" station under the Interference Reduction policy. Night pattern was reviewed by both the applicant and Lundin, duTreil & Rackley Engineering firm using DataWorld night study attached.

### Critical Hours Interference

This proposed operation is in compliance with the requirement of 73.187, no critical hours of operation is required.

### Environmental Effects

The proposed operation is in compliance with OET Bulletin No. 65. Full protection is afforded by the proposal. An RF study has been included in Exhibit 18. Workers and the general public will not be exposed to high radiation at the station. The towers will be in a location, properly enclosed by a locked security fence, and RF warning signs are posted. The station will operate with transmitter power of 400 W. The station will be in compliance with the radio frequency protection guides of the American National Standards Institute, and OET Bulletin No. 65, including the reduction or

cessation of transmitter power when persons have access to the site, towers or antenna. The station will comply with Section 1.1307 of the Commission's rules. Grant of the station's application will not result in a significant environmental impact per the worksheet. The applicant's controlling shareholders, Larry and Pam Nelson, currently own the proposed transmitter site. Zoning for the site was applied for, and denied by the township zoning authorities. The Circuit court then reversed the township and granted the zoning for the transmitter site. The township applied to the Illinois Appellate Court and the Appellate Court upheld the Circuit Court. The State of Illinois then removed the zoning authority from the Township and County (see attached new state law) and the County of LaSalle issued a building permit for the towers and the transmitter building. The applicant is ready to proceed with construction upon the FCC issuance of a Construction Permit.

## **Exhibit 18**

### **1. R-F RADIATION GUIDELINES COMPLIANCE STUDY**

This instant application has been evaluated for potential of human exposure to non-ionizing radiofrequency radiation. The guidelines set forth in OET Bulletin No. 65 were used as the standard for this evaluation.

The proposed facility at 400 watts, with a Radiator indicated and a frequency of 1480 kHz requires fencing at 1 Meter from the tower base (1 Meter for 1kw). Fencing as the tower site will comply with or exceed this requirement.

In the event maintenance personnel are required to work within the restricted areas, they will be advised to limit their work in the high RF field areas to specified periods of time appropriate for compliance with the FCC guidelines set forth in OET Bulletin No. 65 (Edition 97-01). If their work cannot be completed within the specified period of time, it is proposed to reduce power appropriately or shut down the operation of the stations to permit completion of the assignment.

Larry Nelson  
President  
Nelson Multimedia, Inc.  
January 2008  
FCC License PG-18-9128

Doug Nelson  
FCC License PG00016571

## **ENGINEERING REPORT**

### **Settlement Summary of MX-Group 84-18**

These stations were part of this group:

WSPY	ARN 20040127ACW	Major Change to Millbrook, Illinois
WCFJ	ARN 20040126AJC	Major Change to Dolton, Illinois
New	ARN 20040129ATZ	New – Monona, Wisconsin

The applicant at Monona, Wisconsin has reached a settlement with WSPY to dismiss their New application at Monona, Wisconsin.

WCFJ is requesting a change in City of License only – no change in technical facilities. This application has been dismissed.

WSPY's proposed facility at Millbrook, Illinois gives and takes interference to the WCFJ facility. WSPY's major change is both change of City of License and technical facilities and is filed under the FCC Policy for "Interference Reduction".

With the major change at Millbrook, Illinois, WSPY takes and gives No interference to WCFJ.

Therefore, WCFJ's request and WSPY's request become and should be treated as "singletons", thus, deleting MX-Group 84-18.

**WSPY INTERFERENCE REDUCTION STUDY**  
**January 2008**

**CO-CHANNEL**

**To WLMV    1480 kHz    .5 mv/m    From:**

<b>WSPY Lic</b>	<b>.025 mv/m</b>	<b>9,863 pop</b>	<b>71.56 KM</b>
<b>New</b>	<b>.025 mv/m</b>	<b>0</b>	<b>0</b>
<b>Reduction</b>		<b><u>9,863 pop</u></b>	<b><u>71.56 KM</u></b>

**FROM:        1480 kHz        .025 mv/m To:**

<b>WSPY Lic</b>	<b>.5 mv/m</b>	<b>205,654 pop</b>	<b>1,035 KM</b>
<b>New</b>	<b>.5 mv/m</b>	<b>85 pop</b>	<b>3.93 KM</b>
<b>Reduction</b>		<b><u>205,569 pop</u></b>	<b><u>1,031.07 KM</u></b>

**WSPY INTERFERENCE REDUCTION STUDY**  
**January 2008**

**1<sup>st</sup> ADJACENCY**

**To WGEZ    1490 kHz   .5 mv/m   From:**

<b>WSPY Lic</b>	<b>.25 mv/m</b>	<b>5,812 pop</b>	<b>371.62 KM</b>
<b>New</b>	<b>.25 mv/m</b>	<b>0</b>	<b>0</b>
<b>Reduction</b>		<b><u>5,812 pop</u></b>	<b><u>371.62 KM</u></b>

**FROM: WGEZ   1490 kHz   .25 mv/m To:**

<b>WSPY Lic</b>	<b>.5 mv/m</b>	<b>109,326 pop</b>	<b>689.64 KM</b>
<b>New</b>	<b>.5 mv/m</b>	<b>0 pop</b>	<b>0 KM</b>
<b>Reduction</b>		<b><u>109,326 pop</u></b>	<b><u>689.64 KM</u></b>

**WSPY INTERFERENCE REDUCTION STUDY**  
**January 2008**

**1<sup>st</sup> ADJACENCY**

**To WPNA    1490 kHz    .5 mv/m    From:**

<b>WSPY Lic</b>	<b>.5 mv/m</b>	<b>827,963 pop</b>	<b>1,058.02 KM</b>
<b>New</b>	<b>.5 mv/m</b>	<b>380,712 pop</b>	<b>528.14 KM</b>

<b>Reduction</b>		<b><u>447,251 pop</u></b>	<b><u>529.88 KM</u></b>
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<b>WSPY Lic</b>	<b>.25 mv/m</b>		<b>1,697.47 KM</b>
<b>New</b>	<b>.25 mv/m</b>		<b>1,670.47 KM</b>

<b>Reduction</b>			<b><u>27.00 KM</u></b>
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**FROM: WPNA    1490 kHz    .25 mv/m To:**

<b>WSPY Lic</b>	<b>.5 mv/m</b>	<b>1,265,646 pop</b>	<b>2,546.96 KM</b>
<b>New</b>	<b>.5 mv/m</b>	<b>582,726 pop</b>	<b>1,729.15 KM</b>

<b>Reduction</b>		<b><u>682,920 pop</u></b>	<b><u>817.81 KM</u></b>
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**WSPY INTERFERENCE REDUCTION STUDY**  
**January 2008**

**1<sup>st</sup> ADJACENCY**

**To: WCFJ    1470 kHz   .5 mv/m   From:**

WSPY Lic	.25 mv/m	76,570 pop	135.34 KM
New	.25 mv/m	0	0
Reduction		<u>76,570 pop</u>	<u>135.34 KM</u>

**FROM: WCFJ    .25 mv/m To:**

WSPY Lic	.5 mv/m	243,912 pop	325.41 KM
New	.5 mv/m	0 pop	0 KM
Reduction		<u>243,912 pop</u>	<u>325.41 KM</u>



**WSPY INTERFERENCE REDUCTION STUDY**  
**January 2008**

**1<sup>st</sup> ADJACENCY**

To WZOE    1490 kHz   .5 mv/m   From:

WSPY Lic	.25 mv/m	13,184 pop	637.41 KM
New	.25 mv/m	9,970 pop	381.85 KM
Reduction		<u>3,214 pop</u>	<u>255.56 KM</u>

FROM: WZOE    .25 mv/m To:

WSPY Lic	.5 mv/m	4,837 pop	290.26 KM
New	.5 mv/m	27,561 pop	690.13 KM
Reduction		<u>(22,724) pop</u>	<u>(399.87) KM</u>

**WSPY INTERFERENCE REDUCTION STUDY**  
**January 2008**

**1<sup>st</sup> ADJACENCY**

**To WMBD 1470 kHz .5 mv/m From:**

<b>WSPY Lic</b>	<b>.25 mv/m</b>	<b>0 pop</b>	<b>0 KM</b>
<b>New</b>	<b>.25 mv/m</b>	<b>0 pop</b>	<b>0 KM</b>
<b>Reduction</b>		<b><u>0 pop</u></b>	<b><u>0 KM</u></b>

**FROM: WMBD 1470 kHz .25 mv/m To:**

<b>WSPY Lic</b>	<b>.5 mv/m</b>	<b>0 pop</b>	<b>0 KM</b>
<b>New</b>	<b>.5 mv/m</b>	<b>21 pop</b>	<b>12.52 KM</b>
<b>Reduction</b>		<b><u>(21) pop</u></b>	<b><u>(12.52) KM</u></b>