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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

Preemption of Local Zoning Regulation of Satellite Earth Stations	)	IB Docket No. 95-59

DOCKET FILE COPY ORIGINAL

NOTICE OF PROPOSED RULEMAKING

Comments of
MIDWEST STAR SATELLITE

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MIDWEST STAR SATELLITE
1065 N Main
Crete IL 60417
(708) 672-6677

Retailers and Installers of current satellite technology affiliated with its industry.

No. of Copies rec'd 0+1
List A B C D E

I. BACKGROUND

1. The state of zoning for satellite technology with local municipalities is a complete disaster. The gross discrimination directed at C-band system installers and owners (and owners-to-be) is so severe that the technology can NEVER be able to reach it's potential as a competitive factor in the age of information unless the FCC steps in and provides the relief necessary for it to compete.

2. Despite the FCC's 1986 ruling, discrimination continues to range from excessive time and costs paid to the municipalities to the denial of the line-of-sight placement requirements associated with the purchase and implementation of the technology which other forms of video technology do not endure.

3. It is currently fashionable for municipalities to get the idea of imposing zoning regulation, with the underlying concept of raising money as **revenue** for their own coffers, from the neighboring towns much like an amusement tax. In doing so, they add their own predisposed twists to the regulation. This is being done without having any clue as to the nature of the technology or consideration as an alternative to broadcast or cable franchise television. The greatest reason for regulation, however, continues to be the revenue produced - period.

4. The municipalities want control. Control allows them revenue they would not otherwise have. Control allows them an uninformed answer to a misguided local complaint of the technology by quoting an already misguided ordinance. It allows them the luxury of knowing from whom they will no longer be getting pole

attachment fees. It allows them the appearance of working at what they do - governing. It allows them the mentality they have some power and say-so over a part of their citizenry as opposed to serving them.

5. They continue to have more control than they admit because they thumb their noses at the Federal Government and the FCC. They justify it by their random interpretation of the 1986 ruling. Even the municipal attorneys cater to their whims consorting with questionable legalese. Many of them do not believe the FCC has any say in their affairs as evidenced in their own words and deeds of their ordinances.

A. See EXHIBIT 1. - 1 Page

There are two examples on this page of the inconsistent manner in which municipalities treat satellite technology. These differences are typical among the 69 Chicago south suburban communities we service.

6. Example A, Crete IL, is the community Midwest Star is located in. If an initial reading of this ordinance confuses you and does not seem to make any relational sense, you would not be guilty of being feeble-minded. **The municipal trustees voting at the end of this notice had no idea what they were voting on.** In this case, our company was able to work with the zoning and planning bodies beforehand, so that this ordinance did not hurt our customers or our ability to sell and install (we did not address the unrelated items).

7. By the time it came to a vote for passage, it slid right through (we had communicated early that we would not oppose the ordinance as finally written). At the vote, not a single question

was asked or a single word of discussion uttered! This is typical of the way all satellite zoning is passed. We are unable to work with the other 68 communities and sustain business at the same time.

8. Example B, Glenwood IL, is one of the communities near us. It is self-explanatory. A special use permit and fee, a hearing with $125 cost for it and the legal notice. This is in addition to permit fees and multiple inspection fees. Name a single franchise cable consumer that has to wade through procedures and costs like this. Name a single consumer with an off-air antenna on his roof that has to navigate processes such as this. Discrimination is written in black and white.

B. See EXHIBIT 2. - 7 Pages

9. Flossmoor IL is yet another example of municipality abuse of control of satellite zoning. Flossmoor's regulation procedures take up to 5 months to approve a home satellite system not counting appeals. And still, the ordinance furnished you does not tell the full story. It does not tell about the additional building and electrical inspection fees raising the consumers basic cost to the municipality to over $300. It does not tell about the letters of notice sent to all surrounding neighbors inviting them to voice any complaints they may have at the public hearing. It does not say what conditions and restrictions the Plan Commission and Board of Trustees may impose exceeding the minimum requirements. It does not take into account any consideration of the line-of-sight requirement.

10. What the regulations do say leaves an installer and retailer in absolute horror; and the consumer, soon to find out how impossible the situation leaves them, also in horror. We personally

know of one customer who has spent over $5,000 in legal fees alone for an approval of his system. Zoning regulations such as Flossmoor has is not just an isolated instance. The gross discrimination they reflect is typified time and time again in other municipalities.

C. See EXHIBIT 3. - 2 Pages

11. University Park is a small suburb of Chicago who has looked to other suburbs for examples of raising revenue. By requiring a building permit for satellite technology, they would receive revenue. And they would continue to receive revenue year after year for the servicing of a consumer system. A stern warning is extended to the serviceman who does not submit to their licensing plan in the form of up to a $500 fine per day for noncompliance. This means that if a consumer has a problem which must be sent to the manufacturer for a total period of about 14 days, a serviceman not continuing to obtain a license could be fined $7,000 for a $150 repair and labor bill. Most of the fine would go to the municipality. And yet, that consumer deserves service. So what, then, is the priority of the municipality? And, in relation to satellite technology?

How does the FCC propose that satellite retailers stay in business and the technology proliferate under these circumstances?

12. The governmental intrusion we experience is **local** in the instance of satellite technology. **We believe the FCC should open this technology up and take the burdens placed by municipalities off businesses and consumers, the end-result being the total freedom of consumer choice.** Why should it be any other way? Municipalities are typically using a catch-all expression "in the best interests of our people" to further their own local and private agendas.

Additionally, the hoops to jump through and the monies collected are strictly a means of additional revenue not born by any other source of print or video technology. This is currently most certainly true of satellite technology versus cable, local broadcast, magazines, newspapers, ad infinitum.

13. In light of the cost of the equipment to obtain these signals, businesses are finding it extremely difficult to perpetuate the technology, abide by so many different satellite zoning "rules" and just try to stay in business. For a single satellite tradesman, the effort and expense needed for compliance is impossible. For a small company of 10 people, acquiescence is just as unachievable. In the Chicago area, these local rules are of vital concern for the consumer, business, and the industry.

14. If the FCC wants to do a thorough job at perpetuating competition and the Information Highway, it should order up all zoning regulations from all municipalities and read them. The FCC would be amazed at and angered by what they would find. In light of competing technologies they would find ignorance, wrongful interpretation of the 1986 ruling, conflict of interest, trade restraint, misguidance, consumer and retailer coercion, and flagrant discrimination to name a few. Simply requesting a municipality's "satellite ordinance" will get the desired result of this writing.

15. Upon the FCC's confirmation of gross misuse of power in ignorance by municipalities, **it should take the receivership of interstate signals out of their hands**. These signals are not a local matter. There is NO excuse or reason for the discriminatory practices municipalities heap upon satellite technology.

16. Satellite zoning problems desperately need to be relieved,

remedied and resolved. **It is Midwest Star's position that all local zoning should be finally nullified.**

II. DISCUSSION

With the preceding in mind as a background the proposed rulemaking is now addressed.

17. Midwest Star first notes that the entire reason for needing to resolve the satellite and local zoning issue began when franchise cable wanted to quash any attempt by competitors and possible superior technology to gain any proliferation that might pierce the stronghold on consumer video demand they held.

18. Many years ago, it was franchise cable, alone, that planted the idea that satellite dishes were ugly. The fruit of that idea is evident even now in the FCC's desire not to intrude upon the perceived prerogatives of local land-use regulation [See NPRM at 29, 46].

19. As satellite technology grew, municipalities became concerned about it in two ways. First, they would no longer be getting the subscribers share of pole-attachment fees from the cable franchise. Secondly, they would need to figure a way to recoup those losses to the greatest extent possible. This naturally led to the idea of general revenue.

20. In concert with individual cable franchises (advice), a few municipalities set about the task of regulation. After a number of these were accomplished, other municipalities caught on and copied (to great extent) the regulations for themselves. (It wasn't as though they knew anything at all about the technology.) Since then, new municipal regulation continues like a wildfire. There are

problems contained in virtually every municipal regulation that blunts the proliferation of satellite technology.

21. It is in this context that we disagree with the FCC's position that they must be careful not to intrude upon the local interest and the principle of Federalism. [See NPRM Dkt 95-59 at 2, 4, 11, 41, 62, 65, 68, 70.] A municipal regulation IS of their own making. Their regulation is NOT a state or federal mandate. Nor are these regulations unfunded mandates for which municipalities are famous for complaining. In light of retail purchased satellite systems and interstate signals, the cost of any regulation should be a general function of the governmental base, if they so choose to regulate. A satellite system regulation should not be treated as some exception to governmental function to profit from additional monies raised by the consumers' choice.

22. Considering the blatant abuse towards satellite technology by MOST of these municipalities, we believe the FCC will again be spinning its wheels if their Order is not strong enough. We can appreciate the FCC's concern of intrusion and Federalism. We privately agree that the less there is of intrusion, the better it is for all people served. However, we have a deep concern that the lack of FCC leadership involvement in refusing to acknowledge an ultimate order, in regard to local autonomy, will continue to seriously blunt satellite technology. What about the intrusion of... local government into the consumers' choice of satellite technology?

23. So, the FCC believes itself in a conflict between promoting federal interest and the principle of federalism [See NRPM at 41]. Again, we are sure Abraham Lincoln felt the same way when his

decision concerning slaves was made. To be sure, we agree that the nonfederal regulations in question are not overt attempts to assert control over "interstate" communications. **The problem is they have that effect via consumer use**. Therefore, we don't find the principle of federalism so weighty. As we have repeatedly said, the local land-use restriction issue is being used as an pretext for municipal revenue. We know because we have paid and paid and paid. Our customers pay and pay and pay. In most instances, it is customary to NEVER see a building inspector, electrical inspector, or any other official overlooking an installation save the city hall clerk. They have their money.

24. As an example, we have to wonder that if Abraham Lincoln had taken the same stance as the FCC with respect to Federalism, would the slaves have been freed? Did Abraham Lincoln federally intrude upon state and local autonomy to free the slaves? If the answer is "yes," the question then becomes a matter of whether he made the right decision for the right reasons. If the answer is "no," we have to ask how the FCC's conclusion of local autonomy with regard to the abusive nature of municipal regulation differs from the above example. A per se approach to satellite regulation could have demanding consequences but the technology would be free to proliferate. **An Order not strong enough would have little effect on the already historical nature of the abuses of the past as well as has been the hope of local cooperation.**

25. Today, land-use is not so much an issue for satellite technology as is the revenue. This is how we approached Exhibit 1-Crete, IL, whose original intent was revenue of the permit fee and associated inspection fees in the amounts of $65 and $35 + $35

respectively. In this case, the consumer must now have a permit but it will cost them nothing unless self-installed. As the only retailer in this village, we were able to accomplish this by staying on top of developments and working closely with them coupled by a relationship of community service and involvement.

26. The "land-use" concern cited by those representing municipalities is no more an issue than those examples provided the FCC such as childrens' swing sets and jungle gyms, mail boxes, hydrants, garbage containers, basketball backboards, landscaping, telephone poles, signs, local TV antennas, air conditioners, ad infinitum. The land-use concern continues to be a sham for the above revenue reason unspoken in every municipality. Land-use cannot be an issue when satellite technology can effect every area of life, liberty, and the pursuit of happiness. Further, land-use in this instance erodes the weightier Federal principle of citizen land-ownership.

27. The FCC examples residences as areas where there are generally higher restrictions as a standard based on underlying land-use designations. [See NPRM at 62]. This is true only because local government has imposed arbitrary restrictions on the Constitutional individual American right of land ownership.
As a practice, the FCC thinks it appropriate not to override local autonomy for some additional restriction of satellite technology. We believe this is wrong. As an example, it would not be farfetched to say municipalities might allow local telephone usage but not long-distance in some areas for some perceived reason. It would also be true that much restriction is tied to additional municipal revenue.

28. In the same paragraph, the FCC examples certain different specific common items that give cause to a 2 meter antenna. We could do the same for 3 meter antennas **and**.. in residential areas. Given the increasing importance of satellite technology to which ALL Americans should have a right and a choice, we believe the FCC has provided a certain definition by which there should be NO restriction upon the consumer technology at all.

29. Of course, local government is going to object to a per se preemption but not for reasons the FCC might believe [See NPRM at 63]. Local officials pointing out small dishes versus other "structures" is a flaw of itself. These officials want to consider anything over a size 18" antenna a structure. We contend that any usable antenna 3 meters or less is NOT a structure. Local justification is given, if not for aesthetics, for health and safety reasons against a per se approach. In our 10 years in business among 69 communities, we have not seen ANY reasonable justification for health and safety issues. Further, there is no such thing as balance of competing interests when abuse and discrimination are prevalent. Where there is no abuse or discrimination, competing interests should be a non-issue especially if the FCC adopts waivers.

30. Regarding technological advances for use of smaller C-band signal antennas [See NRPM at 12]: As satellite generations become higher in power, smaller antennas can be used but there are exceptions that preclude these in instances. We have customers who wish to access direct broadcast of Croatia over the Atlantic on the PanAm satellites and requires a full-size antenna to receive them. Further, the FCC's 2-degree satellite orbital spacing policy

inhibits smaller antenna efficiency in receiving the same signals as the larger one [See NPRM at 14 n.25]. Changing the 2-degree requirement to 3-degree spacing could aid the goal of smaller antennas. At this time, consideration of smaller C-band antennas is not feasible.

31. The FCC appears to be developing an attitude in priority of smaller antennas over the larger ones [See NPRM at 29, 46]. As retailers and installers of both large and small antennas, MIDWEST STAR believes this to be discriminatory on its face. Different size antennas have different capabilities. It is ALL still satellite technology. In catering to DBS and VSAT providers, we recognize the FCC's intent as too compromising to special provider interests in their attitudinal mindset of "..smaller antennas that are presumably less aesthetically objectionable than larger ones." **To provide a special ruling on 2 meter and 1 meter antennas is contrary to satellite technology in general.** We strongly disagree with singling out particular smaller sized antennas in regard to preemption. If size is to be written into the Order, our experience indicates a size of 3 meters should be used. We cannot stress enough the importance of this measure. The legitimate larger antenna has been treated as the unspoken stepchild in communications technology long enough.

32. The concept that the latest smaller antennas should diminish regulation by municipalities, we believe, is a prejudice of prevalent thought as it applies to satellite technology, including the FCC [See NPRM at 61]. If carried a little further, Continental-Lincoln automobiles would receive more regulation than Chevrolet Geo automobiles because they use more gas, use more

parking space, and do more damage in crashes because of their weight. Most consumers would find greater regulation of large autos discriminatory. In addition, denoting that small dishes do not appear to raise the same aesthetical concerns as the larger ones would be like saying that the Chevrolet Geos should be considered the same way because they are cuter and more cuddly. While we're at it, let's just require all cars to be grey in color to blend into the road environment.

33. It should be noted that Hughes comment concerning litigation [See NPRM at 23] is also true of residential installations. Many consumers struggle with just the cost of satellite systems and when litigation is justified, they must forego the action (and in most instances, a system) because of cost and the fear of harassment from the municipality.

34. The FCC believes and prays that the education of municipalities as it relates to satellite technology will help facilitate the ruling it finally makes. This is largely untrue. As a small business, MIDWEST STAR does not have the resources to accomplish this. Additionally, the past practices of municipalities shows that education provided by us had no effect on the outcome of their individual regulations, many written prior to 1986. With only a handful of retailers in the entire south Chicago area of over 70 communities, individual education would not be possible. This is where the FCC MUST step in with the strongest directive possible.

35. The views of municipal government representatives can be completely dismissed [See NPRM at 30-34]. Such terms as "federal intrusion," "valid restrictions," "a city's best interests," "weight," "structure," "screening," "hearings," "fee demands," and

"insurance requirements" are invalid, in our view. Weight, for example, of a 3 meter mesh antenna is around 125 lbs. Common sense tells us that 125 lbs should not be a problem in any circumstance.

36. Structure, another example, is a misnomer. An antenna must be considered a structure in order for permit fees, building permits, electrical inspections, and the hosts of other expenses and requirements to be attached. We can go round and round but a residential antenna is NOT a structure. We will not comment on each term, but suffice it to say most are born in technological ignorance.

37. The same can be said of any additional comments from the local governments. We suspect they would be considerably the same. In an effort to protect current revenue generated from their regulation tactics, comments will continue not to be based on the benefits of satellite technology and technologically knowledgeable consideration.

38. We agree with SBCA and Hughes concerning the exhaustion of other legal remedies before a Commission review [See NPRM at 35]. A change to only the exhaustion of nonfederal administrative remedies before Commission review is certainly much fairer than the previous. We do believe that even the new requirement <u>will not prevent the excessive current administrative costs</u> imposed by many municipalities upon consumers, installers and retailers. We would expect those municipalities will stop just short of Commission review.

39. We agree completely with ASTA concerning a rule preempting any regulation that operates to prevent reception of (any) satellite delivered signals [See NPRM 56]. Under the technological

circumstances, we believe an Order can be no other way and be effective and fair.

40. We also agree with ASTA, on one hand, that a consumer having to come to Washington, D.C. along with municipal officials (presumably) is a regressive idea to the intent of a new Order [See NPRM at 37]. On the other hand, we disagree that direct Commission reviews would have the effect of turning it into a national zoning board of appeals. One must understand the nature of ASTA to understand their belief that only limited modification and clarification is needed. In fact, we believe that would be untrue because of the nature of communication travel through municipality to municipality. Just as we have seen the adoption of so much abusive regulation since the 1986 preemption, so will we see less violation with a significantly stronger and clarified Order. We believe that only a handful of varied issues is all that will be needed to get the serious intent of competing technology for the information infrastructure across to any engaged in its obstruction.

41. It seems to us that waivers could provide an escape-valve for special or unusual concerns of municipalities [See NPRM at 46(f)]. Caution would be in order, because like a Commission review, a waiver would likely "catch on" to other municipalities as a justification for them to do the same without benefit of a Commission grant. For instance, the "historical" aspect has caught on to justify regulation even though other modern accouterments are everywhere.

42. We support the minimization of costs on consumers [See NPRM at 45]. In fact, we believe that there should be NO COST at all. Municipal costs on the single choice of satellite technology is

discriminatory. These costs amount to unfunded mandates upon the consumer. Municipalities know full-well about them, **yet aggrieve their constituents with the same treatment**. The regulation of satellite antennas is NOT required. Therefore, it is an action they do to themselves. If regulation is so important to them, they must bear whatever cost is associated with that decision as a basic function of government. It costs nothing to not regulate. We do not believe health, safety, or aesthetics has anything to do with satellite technology whatsoever. Also, radio frequency radiation is a non-issue. We know. We use satellite delivered signal cellular telephones. It also needs to be noted that municipalities do not care about healthy competition so long as they are getting their pole-attachment fees.

43. The policies municipalities are pursuing have to do more with matters unspoken [See NPRM at 65]. Attached to, but never mentioned, are the municipal revenue fees. Because only that which is verbalized are aesthetics and health and safety, in general terms, the FCC dances to these truly non-issues of the municipalities in an attempt for their cooperation. Whether to a lesser extent or not, we believe the entire reason for the 1986 ruling will continue to drag on and on. <u>We are certain of required action from the FCC in the future unless there are additional technological and pro-consumer attitudinal changes.</u>

44. The term "substantial" needs to be removed. The FCC uses the phrase "substantially impair reception" [See NPRM at 13] to describe problems with local ordinances. At the same time, the proposed modification states "..that substantially limits reception by receive-only antennas.." as a change [See NPRM at 46]. We are

certain the term "substantial" is meaningless as to whether a signal is received or not. We believe any compromisational term in the Order will be used to stonewall faster progress in the necessity for line-of-sight requirements.

45. We reiterate the word "substantial" should be dropped from both its places in text (a). Also, we stringently reject the disposition that substantial costs are defined as "the expenditure of an amount greater than the aggregate purchase and installation costs of the antenna" [See NPRM at 46(e)(3)]. With whom did that idea start? Is your idea of promoting the federal interest only to the rich? Perhaps the poor urban dweller is not deserving of satellite technological inspiration. Perhaps the blue-collar worker is not worthy of the resourcefulness of the technology for better living. Perhaps the young businessman is not expected to gain more information through the technology to propel his business.

46. Our interpretation of substantial, which we believe would be in kind with a majority, is that it is an unreasonably high threshold. It appears to us to potentially double the price of the technology. A $1000 18" antenna system could reach $2000. A $5000 120" antenna system could reach $10,000. As retailers, consumers, users, and property owners, we don't see a need for ANY additional costs other than the equipment itself. We do not have a suggestion for compromise at this time.

III. CONCLUSIONS

47. In the matter of zoning, there is considerable difference between "earth stations" and various sizes of consumer dish antennas. Earth stations typically are 16', 20', 30', even 40' in

diameter requiring special construction as structures and in commercially zoned areas. Municipalities have taken this one step beyond for the purposes of revenue and included consumer-use models 3 meters or less. The FCC has then further distinguished 1 and 2 meter antennas. Continuing to be left in the middle as a stepchild is the standard 3 meter antenna. We reject the FCC concept there should be different definitions and standards within the general consumer-user satellite technology and believe such would amount to the discrimination of consumer choice.

48. Because of historical abuse and discrimination by municipalities of consumer satellite technology, and our experience with those municipalities, we believe the ultimate per se preemption should be adopted. Since it appears the FCC is deferring in part to local autonomy, it is necessary that every effort be made in its final Order to allow total consumer participation in satellite technology with a ruling strong enough so <u>any interpretation</u> is found in favor of competing technology.

49. Within the Order, "qualifying" signal reception and costs on users presents a clear danger of random interpretation. Generally, municipal zoning tends to be two-pronged; placement with associated rules, and revenue. We don't see municipalities giving up their revenue (or part of) at all, hence a sizable pugnacity will ensue in efforts to keep their promethean fees. They are more likely to throw their hands in the air regarding the rules of land-use, we believe. Although, they will use land-use as justification of their revenue.

50. Because of the ways in which municipalities have treated the FCC's 1986 Preemption Order, we strongly support the commissions

proposal for review. We also believe a few of these reviews will go a long way since most ruling bodies will try to avoid costs unnecessary to themselves. We expect there may be some exceptions. It will be important to promulgate review findings in favor of consumerism.

MIDWEST STAR prays that before it is no longer able continue its ability to participate in the satellite technology revolution, hence the information infrastructure, the FCC will provide the leadership and forthrightness to FREE the technology from those who would oppress and exploit it.

A

EXHIBIT 1

PUBLIC NOTICES

VILLAGE OF CRETE
WILL COUNTY, ILLINOIS
ORDINANCE NO. 95-23

An Ordinance Establishing Struture Height Restrictions and Antenna and Satellite Dish Placement and Construction Standards

WHEREAS, the President and Board of Trustees of the Village of Crete intend to ensure strict building standards for structures which height exceeds the distance of its base from the edge of the zoning lot and thereby may impact on adjacent properties: and

WHEREAS, the Village of Crete is located in an area which historically has been shown to be subject to damaging winds and tornadic activity; and

WHEREAS, the Village of Crete wishes to supplement the goals of its anti-monotony and appearance review ordinances in order to preserve an uncluttered appearance of its residential neighborhoods and business communities; and

WHEREAS, the President and Board of Trustees maintain that all of the above establish reasonable health, safety, and aesthetic objectives; and

WHEREAS, the President and Board of Trustees find these objectives to be in the best interest of the residents of the Village of Crete; and

WHEREAS, the President and Board of Trustees intend not to impose unreasonable limitations, or prevent, the reception of satellite delivered signals nor to impose excessive costs on owners of said equipment;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Crete, as follows:

SECTION ONE. The following provisions are hereby adopted and the below delineated municipal codes sections are established and/or amended.

SECTION TWO. Chapter 28 of the Crete Municipal Code is amended by adding the following section:

"28-262. Antenna, Satellite Dishes and Structure Heights

The following requirements apply to all zoning districts:

(a) Chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, barns, silos, stacks, step towers or scenery lofts, tanks, ornamental towers, grain elevators, spires, wireless towers, penthouses, or any mechanical appurtenances to any structure, or standing along, may be erected up to a height not to exceed the maximum structure height within that zoning district in which it is erected if designed to engineering specifications or proper support as approved by the Village and otherwise are permitted within the zoning district.

(b) One ground mounted, tower type, self supporting antenna structure shall be permitted in the rear yard only and may not exceed ten (10) feet over the specified structure height for that zoning district. Any such structure must be screened, enclosed or otherwise constructed to prevent climbing by unauthorized persons.

(c) Satellite dish structures in excess of 24" diameter, are permitted in a rear or side yard and are limited to two (2) such structures for each zoning lot and may not exceed ten (10) feet over the specified structure height for that zoning district and must comply with the applicable set back of the zoning district unless these restrictions clearly impose an unreasonable limitation on the reception of satellite delivered signals. In the event that usable satellite signals cannot be received by locating the satellite dish structure on the rear or side yard and within the appropriate setback, such satellite dish structure may be placed in the front yard within the appropriate setback or on the roof of the dwelling structure provided a showing is made by the applicant that usable satellite signals are not receivable from any other location. When used in this section "usable satellite signals" mean satellite signals that when viewed on conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television. Satellite dish structures less than 24" diameter may be located anywhere on the zoning lot within the applicable setbacks and require no permit.

(d) A building permit is required and must be supported by a plat of survey showing the placement of the above enumerated structures (listed in Sections (a) (b) and (c)) on the lot and a drawing showing all items pertinent to its construction.

All building permit fees will be paid before work begins and inspections will be called for twenty-four hours in advance. The fee amount is set forth in Section 2-301 of the Crete Municipal Code unless proof of a business license or contractor's license is shown at the time of building permit application limited to only antenna or satellite dish installations.

SECTION THREE. Chapter 12 of the Crete Municipal Code is amended by adding the following Article:

Article XXXVIII. Antenna Tower and Satellite Dish Installers

Sec. 12-857 License.

It shall be unlawful for any person, firm (whether a partnership, joint venture or other form of business entity) or corporation to conduct or operate a satellite dish installation business or antenna tower installation business or to perform any satellite dish installation or antenna tower installation without first having obtained a building permit or business or contractor's license. Prior to the beginning of any such satellite installation or antenna tower installation work, the person, firm or corporation intending to perform such work shall register with the Village administrative offices and pay the appropriate building permit fee or show proof of business license or contractor's license. The business license fee shall be in the amount as set forth in Article V of Chapter 3 immediately to the right of the reference to Section 12-13.

(e) Penalty. A violation of the provisions of this Section is punishable by fine as provided by Section 25-4 of the Crete Municipal Code."

SECTION FOUR. Section 2-301 "Fees and Fines Schedule" of the Crete Municipal Code is amended by adding the following provisions:

"28-262 - Antenna Tower or Satellite dish in excess of 24 Building Permit, 25.00"

SECTION FIVE. Severability. If an article, section, subsection, clause, sentence or phrase in this Ordinance is, for any reason, held to be void, such decision shall not affect the validity of any other article, section, subsection clause, sentence or phrase.

SECTION SIX. That this Ordinance shall be in full force and effect from and after its passage, approval and publication; and, the Village Clerk is hereby authorized and directed to publish the instant ordinance in pamphlet form as provided by law.

PASSED by the Corporate Authorities of the Village of Crete, Will County, Illinois on this 22nd day of May, A.D., 1995.

DUNBAR YES
JOHNSTON YES
KNAAK YES
KNUTH ABSENT
PALASKY YES
PLESS YES

APPROVED by the President of the Village of Crete, Will County, Illinois on this 22nd day of May, A.D., 1995.

/s/The Honorable
Michael S. Einhorn
Village President
ATTEST:
/s/Mariann E. Gemper
Village Clerk
Star 130104

PERSONALS

IN THANKSGIVING to St. Jude for favors granted. M.C.

SURROGATE MOTHERS WANTED
Fee plus expenses for carrying a couple's child. Must be 18-35 and previously had a child.
Steven Litz, Attorney
(317) 996-2000

vited to attend and be heard. For further information, please contact Larrie Kerestes at Park Forest Village Hall, 748-1112.
by order of
Leonard Sophian
Plan Commission Chairman
Star 129604

PUBLIC NOTICE
TUESDAY, JUNE 13, 1995
7:30 P.M.
GLENWOOD VILLAGE HALL

Public hearing of petition submitted by the Little Guys, 18425 S. Halsted, Glenwood, Illinois, requesting a special use for a satellite dish.
Star 131030

B

Village of Flossmoor

EXHIBIT 2

2800 Flossmoor Road • Flossmoor, IL 60422-1186 • 708/798-2300 • FAX 708/798-4016

Mayor
Frank J. Maher, Jr.
Village Clerk
Jeanne M. Gummerson

Village Manager
Peggy A. Glassford

4-94

SATELLITE RECEIVER INFORMATION - SPECIAL USE PERMIT REQUIRED

In order for a Special Use Permit to be obtained, a Public Hearing must be held by the Plan Commission. The Plan Commission meets on the third Thursday of each month. In order for a Public Hearing to be placed on their agenda the following information and fees must be submitted approximately 25 days prior to the scheduled meeting. Call the Building Department at 957-4101 for the exact date. You or a representative will be required to attend the Plan Commission meeting.

Submittals required for review by the Plan Commission:

1. Legal description of the property.
2. A site plan showing the location of the proposed satellite receiver.
3. A description of the landscaping or screening materials to be used.
4. A catalog cut or brochure that illustrates the receiver to be used. Be sure to include height, diameter and color.
5. $100.00 filing and review fee.

Because a Public Hearing is conducted a legal notice must be published in the local newspaper. You will be invoiced for the cost of this publication which is usually between $15.00 - $30.00.

Once approval is recommended by the Plan Commission, the Village Board must pass an ordiance granting the special use permit. This will require you or a representative to attend a Village Board meeting which takes place on the 1st and 3rd Mondays of each month.

A building permit must be issued for the actual installation of your satellite receiver. Building Department review of your plans can begin at any time; however, a permit will not be issued until the Village Board approves your special use permit and passes the ordinance. The Building Department requires some of the same submittals that were made for Plan Commission review (specifically, items 2, 3 and 4 listed above). In addition you must submit information on how the dish will be anchored into the ground (footing details). Also, wind and overturn calculations must be provided. Permit fees are $70.00.

For futher information, please contact Patrick Finn, Assistant Village Manager at 798-2300.

Zoning Ordinance attachments:
- Section 3-102.8 (Standards for Development)
- Section 3-101.5 (Building Height, etc.)
- Section 26-108 (Special Use Permit Process)

TOTAL STARTS AT $200.00

Trustees
Val D. Adams *Thomas W. Fleming* *Russell E. Langenderfer*
John J. Armellino *Jerry L. Lambert* *Roger G. Molski*

3-101.4. The lot area being occupied by a swimming pool shall be excepted when determining the amount of lot coverage for the purpose of maintaining the maximum allowable percentage of lot coverage.

3-101.5. Satellite receivers shall not be permitted on the roof of any building or structure except as provided for herein and shall be limited to a maximum height of 10 feet. Pads and structures shall be built in compliance with the Flossmoor Building Code. (Ord. #717, 7/26/82) (Ord. #792, 12/3/85)

3-102. AREA:

3-102.1. In the case of buildings upon lots running through from street to street, the setback requirements shall be met on each street side.

3-102.2. Every part of a required yard or court shall be open from its lowest point to the sky, unobstructed except for accessory uses and except for the projections of roofs, sills, belt courses, cornices and ornamental features not to exceed thirty inches, as measured horizontally from the vertical face of the structure.

3-102.3. No yard, court or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall again be used as a yard, court or other open space for another building.

3-102.4. In residential districts, wherever the rear line or side line of a lot forms part of the front half of the side line of an adjacent lot, no accessory or auxiliary building shall, on said first-mentioned lot, be placed nearer to the said rear or side line of said lot than a dimension equal to the side yard requirements of the adjoining lot, unless such accessory or auxiliary building is placed sixty-five (65) feet or more from the street line which is intersected by the rear or side lot line in question.

3-102.5. In all districts, except the R-6 Single Family Residential District, buildings on corner lots shall meet the front yard building line setbacks on both streets. In the R-6 district, reversed corner lots shall meet the front yard building setback line on that side of the lot that this ordinance defines as the front; and shall provide a setback on the side that abuts the front yard of an abutting lot, equivalent to one half of the front yard setback requirement of the abutting lot. In the R-6 district, lots that are not reversed corner lots shall meet the front yard building setback requirement on that side of the lot that this ordinance defines as the front, and shall be required to meet the sideyard requirements on both side yards. (see Appendix P. 1 for illustration purposes only.) (Ord. #733, 8/1/83)

3-102.6. On corner lots where a front and/or side yard is required or provided, no building, fence, hedge or other obstruction shall be placed so as to interfere with clear vision between a height of two and a half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting streets bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

3-102.7. Every principal building hereafter erected shall be on a zoning lot or parcel of land which abuts an improved public street which the Village has accepted for maintenance purposes or an improved permanent easement of access having a minimum improved width of twenty (20) feet.

3-102.8. Microwave receivers, satellite receivers and any other transmitting or receiving antennas are Special Uses in all zoning districts. The Special Use Permit process as provided in Article 26-108 shall apply to all installations. (Ord. #792, 12/3/85)

3-102.8.1. Standards for Development. The devices and equipment referred to in Section 3-102.8 shall meet the following development standards:

a. shall not be located in any provided front or provided side yard or in any required yard;

b. the maximum height shall not exceed ten (10) feet above grade;

c. the color of the devices shall be harmonious with the surroundings;

d. landscaping appropriate to the site shall be provided so as to screen the device from the view from other properties. (Ord. #792, 12/3/85)

3-103. RETROACTIVE EFFECT:

3-103.1. Existing Building Permits.

Nothing in this Ordinance shall require any change in the plans, construction or designated use of any building or structure in the event that:

3-103.1.1. A building permit for such building or structure was lawfully issued or application for a building permit was submitted before the effective date of this Ordinance, and

ARTICLE 5

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

5-100. PURPOSE:

The R-1 Single-Family Residential District is mapped in those areas of the Village where low density and an estate-type of neighborhood is desirable. Many of these neighborhoods developed at a time when large houses were built. It is the policy of the Village to preserve the character of these areas.

5-101. PERMITTED USES:

Single-family dwellings.

Accessory uses and home occupations in accordance with Article 21.

Farming and truck gardening, but excluding livestock and animal husbandry.

Temporary uses in accordance with Section 4-107.

5-102. SPECIAL USES PERMITTED (in accordance with Section 26-108):

Places of public worship, community centers and accessory buildings and uses thereto.

Non-public preschool and elementary school buildings or uses.

Railroads and railways or electric right-of-way or passenger stations, but not including yard tracks or switch tracks.

Golf courses and country clubs, and concessions incidental thereto.

Permanent sport and recreational facilities, including but not limited to platform tennis courts, tennis courts and swimming pools as accessory uses to single-family dwellings.

Planned Unit Development in accordance with Article 20.

Gas regulator stations, telephone exchanges and electric substations operated by quasi-public utilities.

Satellite Receivers. (Ord. #717, 7/26/82)

26-107.2. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the decision appealed unless the Zoning Administrator certifies to the Board, after the notice of the appeal has been filed, that by reason of facts stated in the Certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed unless by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator.

26-107.3. Hearing and Decision. The Board shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, including the appellant, the Zoning Administrator and any other affected party who has requested written notification. The Board shall render a written decision on the appeal within a reasonable time after the conclusion of the hearing, and shall promptly forward a copy of the decision to the parties. The Board may affirm or may, upon the concurring vote of four (4) members, reverse wholly or in part or modify the decision of the Zoning Administrator, as in its opinion ought to be done, and to that end shall have all the powers of the Zoning Administrator. (Ord. #804, 3/17/86)

26-108. SPECIAL USE PERMITS:

26-108.1. Purpose. This Ordinance is based upon the division of the Village into districts, within which the uses of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are Special Uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such Special Uses fall into two (2) categories:

Uses publicly operated or traditionally related to a public interest; and

Uses entirely private in character, but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities or the Village as a whole.

26-108.2. Authority. Special Use permits may be granted by the Board of Trustees, but only in accordance with the requirements hereinafter set forth.