



---

---

**MICRO CELL TOWER POLICY – EFFECTIVE DATE: 12/12/16**

---

---

The purpose of this policy is to provide for sensible and reasonable development standards for Micro Cell Towers to allow for the provision of reliable public and private telecommunication service; and whereas, there is a need to maximize the use of any communication transmission towers in order to reduce total number of towers needed to serve the communication needs of the area; and whereas, there is a need to minimize the adverse, undesirable visual effects of such communication facilities and to provide for the reasonable location of such facilities.

May 4<sup>th</sup>, 2015 House Bill (HB) 1318 [aka: House Enrolled Act (HEA) 1318] was signed into Indiana State Public Law [aka: P.L. 145 and 145-2015] by the Governor Pence. P.L. 145 establishes a uniform statewide procedure for applications for and issuance of permits for the construction and modification of structures and facilities for the provision of wireless communications service. Specifies that local planning and zoning laws apply to the issuance of permits for communications structures and facilities under the new provisions. Requires applications for permits to show evidence of compliance with criteria set forth in applicable zoning ordinances with respect to special exceptions, special uses, contingent uses, conditional uses, and variances. The Town of Zionsville's policy is meant to further refine Ind. Code §8-1-32 and clarify the process for applicants seeking to establish Micro Cell Towers within our community.

Micro Cell Tower facilities must comply with the following:

- A) Definitions:** Definitions of the following terms which are set forth in IC 8-1-32.3 and in §194.024 of Town of Zionsville Zoning Ordinance apply throughout this Section: "Antenna"; "Base Station"; "Business Day"; "Collocation"; "Electrical Transmission Tower"; "Equipment Compound"; "Small Cell Facility"; "Small Cell Network"; "Substantial Modification of a Wireless Support Structure"; "Utility Pole"; "Wireless Facility"; "Wireless Support Structure".
- B) Limitation to Right-of-Way (ROW):** Small cell facilities for telecommunications are limited to placement within the ROW. Small cell facilities for telecommunications may be permitted within ROW having "Local" functional classification as defined in the Town of Zionsville's Transportation Plan on a case by case basis (as local streets predominantly serve residential areas.)
- C) General Standards:**
- i. **Permits:** A person that provides wireless communications service or otherwise makes available infrastructure for wireless communications services may apply for a permit to (a) locate a wireless facility or wireless support structure, (b) perform a substantial modification or (c) collocate wireless facilities on existing structures in the ROW. An applicant shall demonstrate that the proposed wireless facility, wireless support structure or substantial modification thereof complies with the requirements of this policy.
  - ii. **Collocation Preference:**
    1. At a minimum, new wireless facilities shall be a monopole constructed to support the initial user plus the anticipated loading of one additional user.
    2. The site of the initial wireless facility at any location shall be of sufficient area to allow for the location of one (1) additional wireless facility.

3. Any proposed wireless support structure shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial wireless facility and one additional wireless facility support structure shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon the structure and to accept cellular communication equipment and antennas mounted at varying heights.
  4. A proposal for a new wireless support structure shall not be approved unless the person submits an affidavit that the telecommunication equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved utility pole or electrical transmission tower or other structure due to one (1) or more of the following reasons:
    - a. The planned telecommunication equipment would exceed the structural capacity of the existing or approved utility pole or electrical transmission tower, buildings, or structures as documented by a qualified and licensed professional engineer, and the existing or approved utility pole or electrical transmission tower, buildings or structures cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost, or
    - b. The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost; or
    - c. The existing or approved utility pole or electrical transmission tower, buildings or structures within the search radius cannot accommodate the planned telecommunication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
    - d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved utility pole or electrical transmission tower, building or structure; or
    - e. The person has been unable to enter a commonly reasonable lease term with the owners of existing utility pole or electrical transmission tower, buildings or structures.
- iii. **Specifications:** New wireless facilities and wireless support structures shall meet the following specifications:
1. Overall Maximum Antenna and Tower Height:
    - a. If an existing manufactured environment is present within 660 feet (measured from the footprint of the proposed small cell facility to the footprint of the existing manufactured element) and is a) thirty three feet (33') from AGL (at grade level) in height, or b) greater than thirty three feet (33') from AGL (at grade level), the permissible maximum antenna and tower height is forty five feet (45') from AGL.
    - b. If an existing manufactured environment is present within 660 feet (measured from the footprint of the proposed small cell facility to the footprint of the existing manufactured element) that is less than thirty three feet (33') from AGL (at grade level), the permissible antenna and tower maximum height is thirty five feet (35') from AGL (at grade level).
    - c. If no existing manufactured environment is present, the permissible antenna and tower height is thirty five (35) feet from AGL (at grade level).
  2. Minimum Tower Separation: All new micro tower facilities shall be one thousand feet (1 ,000') between any other support structure primarily used for telecommunications, measured in any direction between support structures, not necessarily a dimension measured parallel to a road right-of-way. Tower separation is applicable to all micro tower facilities (competing or non-competing)
  3. Support structures must be metal and/or fiberglass poles similar to the Town's street light poles, per engineering specifications as may be amended from time to time and shall be "Fishers Green" which is commonly called Lilly Industries "Holiday Green" RAL 6004. Support structures, if including lighting

elements, shall include luminaires that match §194.113 Lighting Standards or approved otherwise at the direction of the Street and Stormwater Superintendent for lighting and be maintained in good working order at the cost of the applicant (or its assigns), including the cost of electricity. Any antenna equipment mounted to the support structures (antenna or other permitted equipment) shall also be matching in color to the support structure.

4. All facility equipment at a single facility, with the exception of the antenna itself, shall be ground mounted in a cabinet having an area not to exceed forty (40) cubic feet and no greater than forty-eight (48) inches overall height. Under special circumstances based on a mutual agreement, the permit authority may allow a pole mounted cabinet with dimension not exceeding twenty (20) inches by twenty (20) inches by six (6) inches (20" x 20" x 6"), ground mounted cabinet not to exceed two (2) feet by two (2) feet by one (1) foot (2' x 2' x 1 ') and other considerations, such as, but not limited to, the addition of shrouding and landscaping to mitigate the visual impact of the equipment. If a mutual agreement cannot be reached, then Zionsville Safety Board shall intervene and make a determination.
  5. All support structures shall have a plaque identifying the structure, the owner and the owner's contact information, said plaque shall not exceed 0.25 square feet.
  6. All wiring and fiber shall be concealed within the support structure and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure must also be buried unless service lines in the area of the support structure are aerial then service lines to the support structure can also be aerial, except for any service drop crossing a street or roadway which would need to be bored and placed under such street or roadway.
  7. Wireless support structures and facilities shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment and the entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Specific requirements for aesthetics of the wireless support structures and facilities shall be in accordance with standards established by the Zionsville Safety Board, from time to time.
- iv. **Continued Operation:** A person receiving a permit for a new (1) construction of a new wireless support structure; (2) substantial modification of a wireless support structure; or (3) collocation of wireless facilities on an existing structure inherently agrees that if the wireless support structure or wireless facilities are not used for a period of six (6) consecutive months, they will be removed by the facilities owner at its expense. Should such owner fail to remove the wireless support structure or wireless facilities after thirty (30) business days from the date a Notice of Violation is issued by the Town, the Town may remove such structure or facilities and bill the owner for the costs of removal and cleanup of the site. The owner of any facility shall annually file a copy of any inspections completed on such wireless support structure or wireless facilities with the permit authority for continued operation and use of the wireless support structure or wireless facilities.
- v. **Confidential Information:** All confidential information submitted by an applicant shall be maintained to the extent authorized by Ind. Code 5-14-3 et. seq.

**D) New Wireless Support Structures:**

- i. Contents of Application: An application for a permit shall include the following:
  1. The name, business address, phone number, email, and point of contact for the applicant (LINK to form).
  2. The location address, and Latitude and Longitude of the proposed or affected wireless support structure or wireless facility, and identify all small cell towers within one thousand five hundred (1,500) feet of the proposed new support structure.

3. A construction plan, as defined herein, that describes the proposed wireless, support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment sufficient to determine compliance with these standards.
  4. Evidence supporting the choice of location, including, without limitation
    - a. Maps or plats showing the proposed location(s) of applicant's proposed wireless support structure; and
    - b. A sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option.
  5. Application for Work within the ROW ([LINK](#) to application)
- ii. *Single Application:* An applicant may submit one (1) application for multiple wireless service facilities that are located within the ROW. The permit authority may issue a single permit for all wireless support structures and service facilities included in the application rather than individual permits for each wireless support structure and service facility.
  - iii. *Procedure:*
    1. *Determination of Completion/Defects:* Within ten (10) business days of receipt of an application, the permit authority shall review the application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within thirty (30) business days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.
    2. *Decision by Permit Authority:* Not more than fourteen (15) business days after the permit authority makes an initial determination of completeness, the permit authority shall: (1) review the application to determine if it complies with applicable requirements of this Section; (2) review the application to determine if it complies with standards required as established by the permit authority, and (3) notify the applicant in writing whether the application is approved or denied. However, if the applicant requested additional time to cure defects in the application, the fourteen (15) business days shall be extended for a corresponding, reasonable amount of time.
  - iv. *Written Determinations:* A written determination shall state clearly the basis for the decision to deny an application. If the permit authority denies an application, the written notice must include substantial evidence in support of the denial.

**E) Construction Requirements:** All antennas, telecommunication towers, accessory structures and any other wiring constructed within the Plan Commission jurisdiction shall comply with the following requirements:

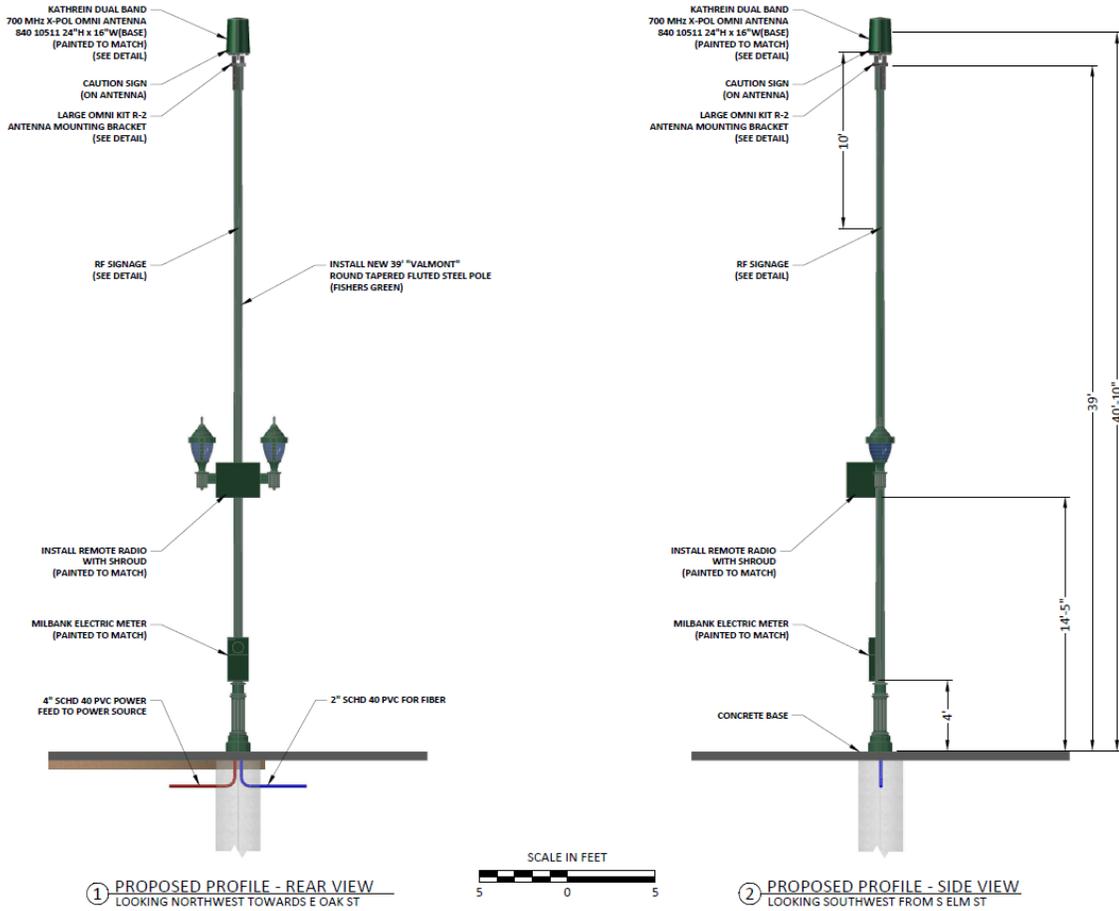
- i. All applicable provisions of this Ordinance and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission (FCC) when applicable.
- ii. All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
- iii. All wireless facilities and support structures shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
- iv. All wireless facilities and support structures shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).
- v. All wireless facilities and support structures shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

Intake for these applications will be done by [insert Process to be outlined by Street Department].

The date this policy will go into effect is December 12, 2016. Questions or concerns can be directed to Wayne DeLong, Director of Planning and Economic Development.

Illustrations for Reference:

Micro Cell Tower V.1:



Micro Cell Tower V.2:

