

- m. office for clergy,
 - n. art studio, writing studio, music studio, photography studio,
 - o. teaching art, writing, or music for one student at one time, and
- R. The following types of business shall not be permitted as a Home Occupation #2:
- a. medical clinics of any kind,
 - b. retail dress shops,
 - c. funeral homes,
 - d. tourist homes,
 - e. animal hospitals,
 - f. kennels,
 - g. trailer rentals,
 - h. automobile, motor vehicles, equipment repair of any kind,
 - i. painting of automobiles, motor vehicles, or equipment of any kind,
 - j. photo developing,
 - k. television, radio or other electronics repair,
 - l. tooling, welding, or machining of any kind,
 - m. retail or manufacturing of any kind,
 - n. tool or equipment rental of any kind,
 - o. restaurant or similar establishment,
 - p. salvage operations of any kind,
 - q. freight or trucking operations of any kind,
 - r. contractors business,
 - s. landscaping/lawn care business, and
 - t. escort services, adult bookstores, adult novelty sales, sales of pornographic materials, or nude or partially nude modeling services of any kind.
- S. Permitted uses are deemed so until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Town that the use is a nuisance.
- T. Uses not specifically mentioned will be interpreted by the Zoning Administrator or BZA as to whether the use is permitted or not.

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7.20 Telecommunication Facilities Standards (TF)

TF-01: Statement of Purpose: The purpose of this section of the ordinance is to provide for sensible and reasonable land uses to allow for the provision of adequate reliable public and private telecommunication service and to maximize the use of any transmission tower in order to reduce the total number of towers needed to serve the telecommunications needs of the area; to minimize adverse, undesirable visual effects of towers through careful design, siting, and vegetative screening.

All Wireless Telecommunication Facilities shall meet the following provisions:

- A. The location of the tower and equipment buildings shall comply with all local, state, and federal natural resource protection standards.
- B. The following buffer plantings shall be located around the perimeter of the outer most perimeter or security fence of a wireless telecommunications facility:
 - a. A live evergreen screen shall be planted around the entire facility including the guy wires and anchors, if used, that consist of a hedge, planted three feet on center maximum, or a row of evergreen trees planted a maximum of ten feet on center, height of plants at time of planting shall be no less than 5 feet tall.
 - b. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- C. An antenna may be located on a building or structure that is listed on a historic registry only after obtaining all necessary and required approvals. Any antenna located in a historic district

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- will require approval by the Board of Zoning Appeals for a Special Exception approval.
- D. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along the existing driveways.
 - E. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
 - F. Proposed or modified towers and antennas shall meet the following design requirements:
 - a. Tower and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - b. Wireless telecommunication service towers less than 131 feet tall shall be of a monopole design and when located within or adjacent to an environmentally, aesthetically sensitive area or a residential district, designed in such a way as to architecturally camouflage the wireless telecommunication service tower as much as reasonably practical to blend into the surroundings.
 - c. The entire facility must be aesthetically and architecturally compatible with its environment. The use of residentially compatible materials such as wood, brick, or stucco 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. Only if the facility will be 100% screened during all seasons will other materials be approved.
 - d. Only when lighting is for safety or security reasons or required by the Federal Aviation Administration or other federal or state authority will it be permitted. When approved the lighting shall be oriented inward so as not to project onto surrounding residential properties.
 - G. Any request submitted to the Office of the Cicero/Jackson Township Plan Commission to install an antenna to be located on an existing approved or "grandfathered" tower will only require a building permit and the contract between the applicant company and the owner of the tower.
 - H. All towers at a minimum are to be constructed to support the initial user (wireless telecommunication antenna) plus handle the anticipated loading of a second user on a monopole and third user on all other towers equal to the antenna loading of the initial user.
 - I. The size of the site of the initial tower and support facility shall be sufficient area to allow the location of one (1) additional tower and associated support facility for future monopole tower and sufficient area to allow for the location of two additional towers and associated support facilities for non-monopole towers.
 - J. A proposal for a new commercial wireless telecommunications service tower shall not be approved unless the applicant submits verification that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower, building, or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified, or replaced to accommodate planned or equipment at a reasonable cost.
 - b. The planned equipment would cause interference impacting the usability of other existing or planned equipment at the tower site. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost.
 - c. That existing or approved towers, buildings or structure within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

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- d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned tele-communications equipment upon an existing or approved tower, building or structure.
 - e. Unable to enter a commonly reasonable lease term with the existing tower owner.
 - f. If agreement cannot be reached between parties both parties shall agree to binding arbitration.
 - g. Additional land area is not available.
- K. Any proposed commercial wireless telecommunication service tower shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicants height and at least one additional users for every 30 feet of tower above 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and accept antennas mounted at varying heights. Tower sites shall be large enough to accommodate all future accessory structures needed by future antenna users.
- L. All antennas, towers, accessory structure and wiring constructed within the Cicero/Jackson Township Plan Commission jurisdiction, shall comply with the following requirement:
- a. All applicable provisions of this Code and the Building Code of the State of Indiana and the Federal Communications Commission when applicable.
 - b. Towers 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 and the Electronics Industry Association.
 - c. With the exception of necessary electric and telephone service and connection lines approved by the Board of Zoning Appeals no part of any antenna or tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, trails or property line without appropriate approval in writing.
 - d. The tower and associated antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
 - e. All towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
 - f. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
 - g. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower, antenna and a structure, or between towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.
 - h. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute manual, as amended.
 - i. An engineers certification shall be submitted to document and verify the design specifications but not limited to, the foundation for the tower, and anchors for the guy wires if used, co-location, strength requirements, for natural forces; ice, wind, earth movements, etc.
 - j. Towers and antenna shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice and to accommodate any co-location requirements.
- M. The following shall apply to Existing Antennas and Towers:
- a. May continue in use for the purpose now used and, as now existing but may not be replaced or structurally altered without complying in all respects to the requirements in this Ordinance.
 - b. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location, and physical dimensions upon

obtaining a building permit provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be ten percent (10%) more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with all requirements in this Ordinance

c. Existing antennas or towers cannot be used for anything other than their originally intended use.

N. The following shall apply to the inspection of towers:

a. All towers may be inspected at least once every one to five (1-5) years by an official of the Cicero/Jackson Township Plan Commission and/or a qualified and licensed engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Ordinance.

b. Notice of violations will be sent by registered mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs. The owner will notify the building inspector that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

O. Any tower unused or left abandon for twelve (12) months shall be removed by the tower owner at its expense.

TF-02: Roof/Wall Mounted Antennas: The following chart shows where roof mounted antennas are permitted, and where and how they are restricted and necessary approvals.

BZA Approval	Directors Approval
Unscreened 11 or more feet above the roof line	Unscreened 10 or less ** feet above the roof line
Directors Approval	Directors Approval
Screened 11 or more feet above the roof line	Screened 10 or less feet above the roof line

** If within 200 feet of residential property lines BZA approval required

TF-03: This section applies to residential and agriculture districts.

Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all the general and following requirements when located in a residential or agriculture district:

A. The tower shall be setback from any property line a distance equal to at least one hundred percent (100%) the height of the tower.

B. Maximum height: tower 125 feet - accessory structure 15 feet

C. Minimum number of antenna sites for a 125 feet tower is 3; if tower is less than 125 feet refer to TF-01K.

D. The tower shall be a monopole design.

TF-04: This section applies to the NC, OC, DC, C1 and C2 districts.

Wireless Telecommunications Facility shall require approval as Special Exception by the Board of Zoning Appeals and meet the following and all other requirements within this ordinance:

A. Minimum side and rear property setbacks equal to 80% of the height of the tower. Towers are not permitted in the front yards.