

PAGING TOWERS/WIRELESS COMMUNICATIONS

ORDINANCE NO. 98-3

THE ZONING ORDINANCE OF LAPORTE COUNTY INDIANA IS TO PROVIDE STANDARDS FOR PLACEMENT OF WIRELESS COMMUNICATION SERVICE FACILITIES.

WHEREAS, LaPorte County Plan Commission, under the direction of the Plan Commission, has developed a location policy and appropriate review standards for placement of such facilities;

WHEREAS, the Plan Commission has determined that the policy and standards adequately address land use concerns such as safety and aesthetics without unduly burdening wireless communication service providers and serve to promote the best interests of the citizens of LaPorte County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LAPORTE COUNTY, THAT:

**SECTION 1. Definitions of the Zoning Ordinance**

ACCESSORY EQUIPMENT BUILDING

A structure used to house equipment for the operation, maintenance or repair of a wireless communications tower including electronic receiving and relay equipment.

CO-LOCATION

The use of a wireless telecommunications facility by more than one wireless communications provider.

FACILITY COMPOUND

The area of a parcel on which wireless communications facilities such as towers and accessory equipment buildings are located.

MONOPOLES

A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

SELF SUPPORTING LATTICE TOWERS

A support structure, securely anchored to a concrete foundation, constructed of vertical metal struts and cross braces forming a triangular or square structure often tapering from the foundation to its apex.

WIRELESS COMMUNICATIONS

The technology by which communications or radio signals are transmitted or received from one communication source to another, which may include mobile units, land based units or satellite, whether radio, digital, telephone or television not otherwise exempted by federal regulation.

WIRELESS COMMUNICATIONS ANTENNA

The physical device through which wireless communication signals are transmitted or received.

WIRELESS COMMUNICATIONS FACILITY

A facility consisting of the equipment and structures involved in receiving and transmitting wireless communication signals.

WIRELESS COMMUNICATIONS TOWER

A structure intended to support equipment used to transmit and/or receive wireless communication signals including monopoles and self-supporting lattice towers.

**SECTION 2. "Board of Zoning Appeals-Powers and Duties" of the Zoning Ordinance**

1. Permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel, and removal of the tower.

**SECTION 3. General Provisions**

1. Terms.

- A. The term "tower" shall refer to a wireless communications tower and the term "antenna" shall refer to a wireless communication antenna.

2. Requirements.

The following requirements apply to all wireless communication facilities regardless of location and are to be supplemented with the specific requirements set forth below.

- A. The location of any wireless communications tower and accessory equipment building(s) shall comply with other applicable standards of the Zoning Ordinance not specifically indicated in this section, including but not limited to those for floodplains and wetlands.
- B. All wireless communication facilities shall be fully automated, shall not require attention on a daily basis and shall be visited only for periodic and necessary maintenance or emergencies.

## SECTION 4. Location

1. Any wireless communications facility must qualify under the following standards as a permitted use or a conditional use:

### A. Antenna Located on Existing Tower and Equipment Building.

1. Placement of an antenna on an existing or approved tower shall be a permitted use in all zoning districts.

### B. Antenna Located on Existing Building or Structure other than a Tower and Equipment Building.

1. Permitted use in all zonings.
2. Antennas located on the roof of the building or structure shall not exceed twenty five (25) feet or 20 % of the height of the building or structure (whichever is greater) above the existing building or structure;
3. Antennas located on the side of a building or structure shall project no more than six (6) feet from the facade of the building or structure; may not extend over any public way without obtaining the prior written approval the Building Commissioner; and must be so designed as to be architecturally consistent with the building or structure.
4. Placement of an antenna on an existing building or structure shall be a permitted use in all zoning districts, provided that no more than two (2) antennas per zoning lot shall be permitted, and antennas must be inconspicuously mounted on the building or structure and no accompanying equipment building shall be permitted under this section.

### C. Tower and Equipment Buildings.

1. Shall be a permitted use by "special exception" in "Industrial, Industrial Reserve and Agriculture" zoning only, with the following stipulations:
  - a) at least 300', minimum, from any one or two family residential use lot, or 50' greater than tower height;
  - b) at least 1,000' from any R1, R2 or R3 Residential District;
  - c) from any State thoroughfare' road right of way, 50' greater than height of tower.
  - d) on County road from road right of way, 50' greater than the height of tower.

e) certification that tower(s) will collapse unto themselves.

**D. Accessory Equipment Building.**

1. One accessory equipment building per FCC licensed system shall be permitted on a site on which an antenna or tower is allowed as a permitted or conditional use under this section, except where otherwise indicated. An accessory equipment building which accompanies a tower must comply with the same location requirements which are applicable to the tower. Any building over 144 square feet requires a building permit.

**SECTION 5: Conditional Uses**

The Board of Zoning Appeals shall approve or deny conditional use permit applications for wireless communications facilities based on consideration of the following factors:

1. Whether the facility will offer potential opportunities for co-location;
2. Whether all applicable development standards will be met;
3. The previous or existing use of the site and its impact on surrounding properties;
4. Compatibility of the proposed use with existing use of the site and existing neighboring uses;
5. The extent to which granting the conditional use would substantially serve the public safety and welfare;
6. The particular physical suitability of the site for the proposed use; and
7. Whether conditions may be imposed by the Board or commitments made by the applicant which are sufficient to mitigate any potential adverse impact on neighboring property.

**SECTION 6: Development Standards**

1. Tower - specific Standards.
  - A. All towers shall be either monopole or self supporting lattice towers. NO guyed or wires shall be permitted.
  - B. The maximum permitted tower height, including antenna, shall be 200' above surface grade.

- D. All towers shall comply with the national tower code, ANS/EIA/TIA-222-F and ANS/EIA/TIA-222-F (Annex H), as amended, to insure compliance with nationally accepted structural and ice load standards.
- E. All towers shall be designed to collapse onto themselves in the event of a structural failure.
- F. All towers shall maintain a galvanized steel finish or shall be painted a neutral color, subject to any requirements of the Federal Aviation Administration (FAA).

## 2. Accessory Equipment - Specific Standards

### A. Accessory Equipment Buildings

- 1) The maximum permitted height for accessory equipment buildings shall be 15'.
- 2) Individual accessory equipment buildings shall not exceed 340 square feet in area.
- 3) The architectural style and exterior building materials of an accessory equipment building shall be consistent with surrounding development.
- 4) Accessory equipment buildings must be located immediately adjacent to the tower or other structure or building on which the antenna is mounted.

### B. Accessory Equipment

Where an antenna is located on an existing building or structure, related accessory equipment may be:

- 1. Mounted on the roof of the building or structure in an enclosure, provided the exterior materials of the enclosure are consistent with that of other equipment mounted on the roof or consistent with the exterior materials of the building or structure itself;
- 2. Located within the building itself; or
- 3. Located in an accessory equipment building in accordance with all applicable standards.

### C. Fencing

- 1. In all zoning districts, all facility compounds shall be enclosed with 8' security fencing which shall include a vehicular gate.

2. Fences may be constructed of chain-link, wrought iron, or other similar industry standard metal, plastic, or conventional wood privacy fence. No sheet metal fence or chain link fence with plastic slats shall be permitted.

#### D. Landscaping

1. The facility compound shall be surfaced with stone, lawn or a combination thereof. All stone areas shall be maintained free of weeds and any lawn areas shall be regularly maintained.
2. Within the facility compound, parking areas and drives shall be surfaced with stone, asphalt or concrete.
3. Existing vegetation (trees and shrubs) shall be preserved around the perimeter of the facility compound to the maximum extent possible to preserve a natural visual buffer.

#### E. Access Drives

1. Facility compounds shall be serviced by an access drive a maximum of 12' in width.
2. On a site with an existing use, access shall be achieved through use of existing drives to the greatest extent possible.
3. Stone or slag drives shall be maintained weed free.

#### F. Signage

1. No advertising shall be permitted anywhere on a wireless communications facility, except for a 6 square foot identification sign mounted on the security gate. One (1) "No Trespassing Sign" shall be mounted along or on each side of the fence enclosure with a telephone number of the person to contact in case of an emergency. Such additional signage as may be required by law shall be permissible.

#### G. Lighting

1. No wireless communication tower under 200' in height shall be artificially lighted except to assure safety or as required by the F.A.A. The minimum security lighting necessary to secure the tower compound shall be permitted. With the exception of motion detection lighting utilizing a lightbulb of 100 watts or less, all security lighting must be directed downward onto the tower compound itself.

### SECTION 7: Application Requirements

An application for a zoning clearance permit or conditional use approval for a wireless communications facility shall be submitted to the County Planning and Zoning Office and shall comply with the requirements set forth below:

A. Tower Application

1. Co-location requirements.

An application for a zoning clearance permit or a conditional use permit for a new tower shall not be considered unless the applicant demonstrates to the satisfaction of the Board of Zoning Appeals that no existing tower, structure or building can accommodate the proposed antenna due to one or more of the following reasons:

- a) No existing or approved towers, structures or buildings are located within the geographic area needed to meet the applicant's engineering requirements.
- b) No existing or approved towers, structures or buildings are of sufficient height or structural capacity to meet the applicant's engineering requirements.
- c) The owner(s) of each existing or approved tower, structure or building upon which co-location would be feasible demands unreasonable fees or unreasonable contract terms for co-location.
- d) No tower placement within two miles of existing tower.
- e) The costs (including the cost of structural modifications) to adapt any existing or approved tower, structure or building to allow co-location are unreasonable.
- f) Placement of the applicant's equipment on any existing tower, structure or building would result in interference which would materially impair the operation of the applicant's equipment or the operation of any existing or planned equipment on the tower, structure, or building, and such interference cannot be mitigated at a reasonable cost.
- g) Other limiting factors which render existing or approved towers, structures or buildings impractical.

2. Documentation.

An application for a zoning clearance permit or a conditional use permit for a new tower shall include the following documentation:

- a) Documentation of inability to comply with co-location requirements.
- b) If the tower is to be located on a property owned by another party, the applicant shall

present evidence that the owner of the property has granted or will grant an easement or lease for the proposed facility and that vehicular access will be provided to the facility.

c) A site plan at a scale of not less than 1 inch to 50 feet which shall include the following:

- 1) Size and location of proposed tower and building on the property with dimensions.
- 2) Elevation drawing of the tower indicating overall height including antenna.
- 3) Location, size and type of fencing.
- 4) If trees are on site before construction begins, leave as many as possible.
- 5) Access drive location, width and surface material.
- 6) Existing buildings on site or within 500'.
- 7) Distance to any one or two family residential use.
- 8) Distance to any residential zoning.
- 9) Location and size of any proposed signage.

**B. Application for Antenna located on Existing Building or Structure.**

1. An application for a zoning clearance permit or a conditional use permit to place an antenna on an existing building or structure shall include the following information:

- a) Height of existing building or structure.
- b) Overall height of proposed antenna.
- c) Documentation by the owner of the building or structure indicating that an easement or lease on the building or structure has been or will be granted.
- d) Location and size of accessory equipment buildings.

2. Any application to locate a wireless communications antenna on a building or structure listed on a historic register (local or national) or located in an historic district shall be subject to review and approval by the County Historic and Cultural Preservation Comm.



C. Conditional Use Application.

An applicant for approval of a conditional use permit for a wireless communications facility shall:

1. Provide an explanation of why the facility cannot be located on a site for which it would be a permitted use.
2. In regard to a wireless communications tower, provide evidence of written contact with all wireless service providers who supply service within two (2) miles of the proposed facility. The applicant shall inquire about possible co-location opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days. The applicants letters and responses shall be submitted to the Board of Zoning Appeals in order to demonstrate the need for a new tower.

**SECTION 8: Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Ordained the 7 day of April, 1998.

EXAMINED AND APPROVED BY THE  
BOARD OF COMMISSIONERS OF THE  
COUNTY OF LAPORTE, INDIANA.  
DATE: 4/7/98

Alan Turner  
Jim Brown  
A. J. Campbell  
Donna H. H.  
ATTEST: \_\_\_\_\_ Auditor  
LAPORTE COUNTY, INDIANA