

CITY OF BLOOMINGTON



PLAN COMMISSION

Special Meeting
December 13, 2016 @ 5:30 p.m.
Hooker Conference Room, #245
CITY HALL

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PLAN COMMISSION**

December 13, 2016 @ 5:30 p.m.

∨ City Hall Hooker Room - Room #245

ROLL CALL

MINUTES TO BE APPROVED: None at this time

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

ZO-38-16

City of Bloomington

Amendments to Section 20.05.020 of the Unified Development Ordinance concerning requirements for Communications Facilities.

Case Manager: James Roach

****Next Meeting January 9, 2017**

Last Updated: 12/8/2016

**Auxiliary aids for people with disabilities are available upon request with adequate notice.
Please call [812-349-3429](tel:812-349-3429) or e-mail human.rights@bloomington.in.gov.**

MEMO:

To: City of Bloomington Common Council
From: Christy Langley, Director of Planning and Transportation
James Roach Development Services Manager
Amelia Lewis Zoning & Long Range Planner
Anahit Behjou, Assistant City Attorney
Date: November 16, 2016
Re: Request to Amend 20.05.20 “CF-01 [Communication Facility; General]”

The City of Bloomington (“City”) amended Section of the Unified Development Ordinance in December 16, 2015. The said Section was amended in the anticipation of the newly created chapter in the Indiana Code, Chapter §8-1-32.3, entitled "Permits for Wireless Services Providers".

However, Indiana Code 8-1-32.3-18, entitled “Zoning, land use, planning, and permitting authority not affected; land use laws and ordinances apply” states that the said chapter does not affect the ability of a permit authority to exercise zoning, land use, planning or permitting authority otherwise allowed under law, including Indiana Code 36-7, with respect to the siting of new wireless support structures.

Therefore, the City wishes to amend 20.05.20 “CF-01 [Communication Facility; General]” to incorporate the zoning requirements for communication facilities.

(a) Eligible Applicants: Must comply with the standards of Ind. Code § 8-1-32.3-19.

(b) Application Requirements and Review: Must comply with the standards of Ind. Code § 8-1-32.3-20, including.

- (1) A sworn statement shall be submitted documenting why collocation on an existing communication tower cannot meet the applicant's requirements. Such statement must demonstrate that collation of wireless facilities on an existing communication tower is not a viable option because collation:
- i. would not result in the same wireless service, functionality, coverage, and capacity;
 - ii. is technically infeasible; or
 - iii. is an economic burden to the applicant.

(b)(c) Construction Requirements: All antennas, communication towers, accessory structures and any other wiring shall comply with the following requirements:

- (1) All applicable provisions of this title and of the Indiana Building Code, as amended, and the Federal Communications Commission (FCC) when applicable.
- (2) All communication towers and communication equipment shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association.
- (3) With the exception of necessary electric and telephone service and connection lines approved by the board of zoning appeals, no part of any communication equipment or communication 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 a right-of-way, public street, highway, sidewalk, trail, or property line without appropriate approval in writing.
- (4) All communication towers and communication equipment 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.
- (5) All communication towers and communication equipment shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).
- (6) All communication towers and communication equipment shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.
- (7) An engineer's certification shall be submitted for all communication towers and all other communication equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, calculated fall zone, and strength requirements to withstand natural forces such as ice, wind, and earth movements.
- (8) All communication towers shall be of monopole design.

- (9) Communication towers shall be set back from all property lines a minimum distance equal to the calculated fall zone, as set forth in the applicant's engineering certification for the communication tower.
 - (10) Only lighting that is for safety or security reasons, or required by the FAA or other federal or State authority shall be permitted. All required lighting shall be oriented inward so as not to project onto surrounding properties.
 - (11) Communication towers shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure at ground level to the top of the highest point, including appurtenances.
 - (12) Screening: The following features shall be located around the outermost perimeter or security fence of a communication facility:
 - i. An evergreen screen consisting of shrubs planted at a maximum of three (3) feet on center, or a row of evergreen trees planted at a maximum of ten (10) feet on center shall be planted around the **entire** communication facility. The height of all plants at the time of planting shall be no less than five (5) feet.
 - ii. An eight (8) foot tall opaque fence or wall shall completely surround the entire communication facility.
- ~~(e)~~(d) Existing Structures: Modifications of existing antennas, communication towers and communication equipment shall comply with Ind. Code § 8-1-32.3-21.
- ~~(d)~~(e) Abandoned Towers: Any tower unused or left abandoned for six months shall be removed by the tower owner at the owner's expense. Should the communication tower owner fail to remove the tower after thirty days from the date a notice of violation is issued, the city may remove the tower and bill the owner for the costs of removal and cleanup of the site.