

**RESOLUTION: 2022 – R - 2
ORDINANCE: UDO - 76
AN ORDINANCE AMENDING THE
DEKALB COUNTY UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, The General Assembly of the State of Indiana granted powers to the counties to adopt unified development ordinances for their jurisdiction according to IC 36-7-4-600 series; and

WHEREAS, The County of DeKalb, Indiana adopted the DeKalb County Unified Development Ordinance which became effective on January 1, 2009, and has had subsequent amendments to the DeKalb County Unified Development Ordinance; and

WHEREAS, The General Assembly of the State of Indiana granted powers to counties to amend the text of an adopted unified development ordinance according to IC 36-7-4-602 (b), and Section 9.05 of the DeKalb County Unified Development Ordinance allows for the amendment of said Ordinance; and

WHEREAS, The DeKalb County Plan Commission held a public hearing on January 19, 2022, on the proposed textual amendments to the DeKalb County Unified Development Ordinance regarding Section 5.52: Telecommunications Facility and adding Telecommunications Facility as a permitted use to Zoning Districts in Article 2 and all other related sections, if applicable;

WHEREAS, The DeKalb County Plan Commission did send a favorable recommendation for the text amendments to the DeKalb County Board of Commissioners; and

WHEREAS, The DeKalb County Board of Commissioners believe there is merit in amending the Ordinance, in order to promote the public health, safety, comfort, morals, convenience and general welfare of the community; now therefore, be it

ORDAINED by the DeKalb County Board of Commissioners of DeKalb County, Indiana, as follows:

SECTION 1: That the DeKalb County unified Development Ordinance be amended according to the amendments, as follows:

ARTICLE BEING REVISED: Article 2 & Section 5.52, 5.53 & 5.54

PROPOSED TEXT CHANGE:

LANGUAGE TO REMAIN

ADDED LANGUAGE UNDERLINED

~~DELETED LANGUAGE STRIKE THROUGH~~

Article 2, Section 2.03, 2.05, 2.07, 2.09, 2.11, 2.13, 2.15 2.17, 2.19, 2.21, 2.23, 2.25, 2.27, 2.29, 2.31, 2.33, 2.35, 2.37, 2.39, 2.41:

Telecommunications Facility be added as a Permitted Use and Removed as a Special Exception Use, where needed.

5.52 TC-01: Telecommunications Facility; General

~~This Telecommunication Facility Standards section applies to the following zoning districts:~~



IN, C4, I2 & I3

With DeKalb County, Indiana being a "Broadband Ready Community" as defined by Indiana Code 5-28-28.5, Telecommunication Facilities are permitted in any zoning district, except OP, Open Space; AP1, Airport, Non-Municipal; AP2, Airport, Municipal & AP3, Airport Commercial.

The following telecommunication facility standards apply:

- A. Review Process: The Site Plan for all telecommunications facilities in this section are subject to review by the Zoning Administrator and shall meet the following requirements:
 1. All telecommunications towers shall be set back from any property line a distance equal to at least 80% of the height of the tower;
 2. Telecommunications towers are generally not permitted in the front yard setback, except where evidence provided by the petitioner demonstrates that placement in a front yard would provide the best camouflage for the tower;
 3. Maximum Height.
 - a. Tower: 199 feet;
 - b. Accessory structure: 15 feet.
 4. A tower may not be placed closer to any residential structure than 500 feet; and
 5. All telecommunications towers shall be a monopole design.
 6. All towers that are to be located within the Airport Compatibility Overlay District shall receive approval from the DeKalb County Airport Authority Board.
- B. Buffer Requirements: The location of the tower and equipment buildings shall comply with all local, state and federal natural resource protection standards. The following buffer planting shall be located around the perimeter of the outer most perimeter or security fence of a telecommunications facility:
 1. A live evergreen screen consisting of a hedge, planted three feet on center maximum, or a row of evergreen trees planted a maximum of ten feet on center shall be planted around the entire telecommunication facility and each of the guy wires and anchors, if used, and the height of all plants at the time of planting shall be no less than five feet; and
 2. An eight foot high wood fence or brick masonry wall shall completely surround the entire telecommunications facility, excluding the guy wires.
- C. Access to Site: Telecommunications towers and antennas shall meet the following access requirements:
 1. Vehicular access to the tower and equipment building shall be provided along an existing driveway, whenever feasible.
 2. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance, emergencies, installations or equipment removal.
- D. Design Requirements: Telecommunications towers and antennas shall meet the following design requirements:
 1. Telecommunications towers 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 (FAA).
 2. Only lighting that is for safety or security reasons, or required by the FAA or other federal or State authority is permitted. All required lighting shall be oriented inward so as not to project onto surrounding properties.
 3. The use of any portion of a communications facility for signs other than warning or equipment signs is prohibited.
- E. Collocation Requirements: Telecommunication towers and antennas shall meet the following collocation requirements:
 1. Telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial user and a minimum of one additional user. The owner shall make it economically feasible for an additional user to utilize the site. If an additional user demonstrates (through an independent arbitrator or other pertinent means, with the cost to be shared by the owner of the tower and the proposed additional user) that the owner of the tower

has made access to such tower and tower site economically unfeasible, then the permit of existing tower shall become null and void.

2. Telecommunication towers shall be designed to allow for future rearrangement of communication equipment and antennas upon the tower and to accept communication equipment and antennas mounted at varying heights.

F. Siting Requirements. With DeKalb County, Indiana being a Broadband Ready Community as defined by Indiana Code 5-28-28.5 there are no siting requirements.

~~A proposal for a new telecommunications tower shall not be approved unless the petitioner submits verification the telecommunication equipment planned for the tower cannot be accommodated on an existing or approved tower or other structure due to one or more of the following reasons:~~

- ~~1. The planned communications equipment would exceed the structural capacity of the existing or approved towers or structures as documented by a qualified and licensed engineer, and the existing or approved towers or structures cannot be reinforced, modified, or replaced to accommodate the planned communication equipment at a reasonable cost.~~
- ~~2. The planned communications equipment would cause interference impacting the usability of other existing communications equipment at the site if placed on existing structures. A qualified and licensed engineer shall submit supportive documentation indicating the interference cannot be prevented at a reasonable cost.~~
- ~~3. The existing or approved towers or structures within the search radius cannot accommodate the planned communications equipment at a height necessary to function reasonably as documented by a qualified and licensed engineer.~~
- ~~4. Other unforeseen reasons make it unfeasible or impossible to locate the planned communications equipment upon an existing or approved tower or structure.~~
- ~~5. Additional land area is not available at the base of existing towers or structures to accommodate the planned communications equipment.~~

G. Construction Requirements. All antennas, telecommunications towers, accessory structures and any other wiring shall comply with the following requirements:

1. All telecommunications towers and equipment shall be certified by a qualified and licensed engineer to:
 - a. Conform to the DeKalb County Unified Development Ordinance, as amended;
 - b. Conform to the International Building Code, as amended;
 - c. Conform to the standards of the Federal Communications Commission (FCC);
 - d. Conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association;
 - e. Conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended;
 - f. Conform to the requirements of the Occupational Safety & Health Administration (OSHA); and
 - g. Conform to the standards of the ANSI International manual, as amended.
2. An engineer's certification shall be submitted for all telecommunications towers and all other cellular communications 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, strength requirements to withstand natural forces such as ice, wind, earth movements, *etc.*
3. All telecommunications towers and cellular communication equipment 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 all collocation sites as required by this Unified Development Ordinance.
4. With the exception of necessary electric and telephone service and connection lines ~~approved by the Board of Zoning Appeals~~, no part of any equipment or telecommunications 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.

5. All signal and remote control conductors of low energy extending substantially horizontally above the ground between the tower and other equipment, or between towers, shall be at least ten feet above the ground at all points, unless buried underground.
- H. Existing Structures. The following shall apply to existing antennas, telecommunications towers and equipment:
 1. Existing structures shall not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this Unified Development Ordinance.
 2. All requests to install any equipment on an existing approved tower or structure shall be submitted to the Zoning Administrator for approval. All such requests shall require an Electrical Permit from the DeKalb County Building Department, an Improvement Location Permit, and a copy of the contract between the petitioner and the owner of the existing tower or structure, unless other approvals are required as set out in this Unified Development Ordinance.
- I. Inspection of Towers. The following shall apply to the inspection of telecommunications towers:
 1. All towers shall be inspected once every five years, or more often as needed to respond to complaints received, by the tower owner, at the tower owner's expense using their qualified and licensed engineer to determine compliance with the original construction standards and all current safety criteria. Deviation from original construction for which any permit was obtained constitutes a violation of this Unified Development Ordinance.
 2. Notices of Violation shall be sent by registered mail to the owner and the owner shall have 30 days from the date the notification is issued to make repairs. The owner is required to notify the Zoning Administrator that the repairs have been made. Another inspection shall be made and the owner notified of the results.
- J. Abandoned Towers. Any tower unused or left abandoned for 12 months shall be removed by the tower owner at its expense. Should the telecommunications tower owner fail to remove the tower after 30 days from the date a notice of violation is issued, the County may remove the tower and bill the owner for the costs of removal and cleanup of the site.

~~5.53 TC-02: Telecommunications Facility; Special Exception Review~~

~~This Telecommunication Facility Standards section applies to the following zoning district:~~

~~IN~~

~~The following telecommunication facility standard applies:~~

- ~~A. Review Process: Telecommunications facilities shall require special exception approval, Site Plan review by the Zoning Administrator and shall meet all other requirements of the Unified Development Ordinance.~~

~~5.54 TC-03: Telecommunications Facility; Site Plan Review~~

~~This Telecommunication Facility Standards section applies to the following zoning districts:~~

~~C2, I2 & I3~~

~~The following telecommunication facility standards apply:~~

- ~~A. Review Process: The Site Plan for all telecommunications facilities in this section are subject to review by the Zoning Administrator and shall meet the following requirements:

 - ~~1. All telecommunications towers shall be set back from any property line a distance equal to at least 80% of the height of the tower;~~
 - ~~2. Telecommunications towers are generally not permitted in front yards, except where evidence provided by the petitioner demonstrates that placement in a front yard would provide the best camouflage for the tower;~~
 - ~~3. Maximum Height.

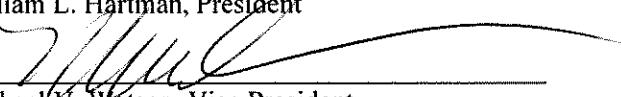
 - ~~a. Tower: 199 feet;~~
 - ~~b. Accessory structure: 15 feet.~~~~
 - ~~4. A tower may not be placed closer to any residential structure than 500 feet; and~~
 - ~~5. All telecommunications towers shall be a monopole design.~~~~

SECTION 2: That this amendment be in full force and effect upon its passage by the DeKalb County Board of Commissioners.

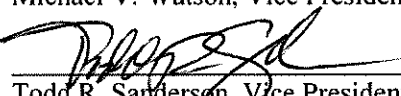
DULY PASSED AND RESOLVED this 31 day of January 2022.



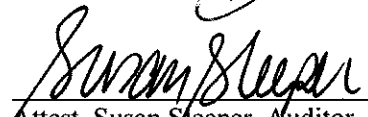
William L. Hartman, President



Michael V. Watson, Vice President



Todd R. Sanderson, Vice President



Attest, Susan Sleeper, Auditor

Prepared by: Chris Gaumer "I affirm under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."