CITY-COUNTY GENERAL ORDINANCE NO. 100, 1999
Proposal No. 433, 1999

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET N0. 99-AO-01

THE WIRELESS COMMUNICATION ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Wireless Communication Zoning Ordinance, as amended, and fixing a time then the same shall take effect.

WHEREAS, IC 36-7-4 established the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the Metropolitan Development Commission to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana, ordinances for the zoning or districting of all lands within the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger, lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values and securing responsible development and growth; and,

WHEREAS, the wireless communications industry has produced new and changing technology not anticipated by the current zoning ordinances, but which requires regulation to protect land uses within the County; and,

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the citizens of Marion County in preparing an ordinance which meets the long-term needs of the City/County as a whole; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Wireless Communications Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission docket number 98-A0-1), pursuant to IC 36-7-4 be amended by deleting the stricken-through language and inserting the underscored language in bold type to read as follows:

CHAPTER 1.00 PURPOSE AND APPLICATION

Sec. 1.10. Statement of purpose.

This ordinance creates the framework for wireless communications regulations, so that wireless communications facilities can be sited in a manner which provides comprehensive service to the community, which protects the community from clutter and design, which is compatible with existing and future land use, and which reinforces the need for an urban landscape which contributes to a sense of place and sense of community. These regulations have been developed in accordance with the technological considerations known at this time, with some anticipation for future changes in the wireless communications industry. Changes to the industry which were not anticipated, will be considered in future amendments to this Ordinance.

The purpose of the wireless communications regulations set forth in this document shall be to: encourage facilities to be located in areas least disruptive to residential, park and greenway uses and functions, including wildlife habitats, and to be as unobtrusive and invisible as reasonably possible; encourage designs and use of colors which are compatible with the adjacent land uses, to retain current residents and attract new residents to the city; encourage and facilitate installation of necessary and desirable wireless communications infrastructure; preserve and improve the appearance of the city as a

place in which to live and work as an attraction to non-residents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and promote the public health, safety, morals and general welfare.

Sec. 1.20. Application of regulations.

The regulations of this Ordinance shall apply to the location, erection, and maintenance of all wireless communications facilities (WCF) within Marion County, Indiana.

CHAPTER 2.00 GENERAL REGULATIONS

The provisions of this section shall apply to all wireless communications facilities in Marion County.

Sec. 2.10. Wall-mounted and roof-mounted WCF.

A. When permitted in D-A, D-S, D-1, D-2, D-3, D-4, D-5 and D-5II Districts, wall-mounted and roof-mounted WCF shall be in compliance with the following requirements:

1. WCF shall be no greater than 3 square feet in area, and no more than 6 inches deep (excluding antennae).

2. Antennae may extend no more than 24 inches from the wall or other surface to which it is mounted.

3. WCF shall be compatible with the color(s) of the wall on which they are located.

4. WCF shall be located in a place least obtrusive to public view.

5. Administrator's approval is required for all wall-mounted and roof-mounted WCF.

B. In all other districts, where permitted by this Ordinance, wall-mounted WCF shall be in compliance with the following requirements:

1. Wall-mounted WCF may extend a maximum 24 inches from the facade on which the WCF is located. The distance shall be measured from the point on the wall where the WCF is attached, at right-angles from the wall, to the furthermost extension of the WCF.

2. Wall-mounted WCF shall be compatible with the color(s) of the wall on which they are located.

3. Wall-mounted WCF shall be designed to be compatible with the design and materials of the building on which the WCF will be attached, and located in a place least obtrusive to public view.

4. The total area of all wall-mounted WCF located on a facade shall not exceed 2% of the area of the facade on which the structure is located.

5. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

6. Administrator's approval is required for all wall-mounted WCF.

Sec. 2.20. Landscaping.

A landscape yard shall be provided around the entire perimeter of a tower site to screen the fence and the equipment structure, exclusive of vehicular or pedestrian entrances. This yard shall be planted to provide a continuous landscape screen around the site. This may be done by one of the following methods:

A. *Shrubs.* Shrubs must have a minimum height of four feet and shall be planted at a maximum of four feet on center. The shrubs must be either evergreen shrubs or densely twigged deciduous shrubs.

B. *Deciduous ornamental trees or multi-stemmed trees.* Deciduous ornamental trees or multi-stemmed trees must have a dense branching pattern that extends to the ground and shall be a minimum size of 1 1/2 caliper inches at time of planting and shall be planted at a maximum of 10 feet on center.

C. *Evergreen trees.* Evergreen trees must have a dense branching pattern and shall be planted at a maximum of 12.5 feet on center.

D. *Existing trees and shrubs.* Existing trees and shrubs may be used to screen the site. If the existing vegetation does not form a continuous screen around the site or does not extend from the ground to a height of six feet, it must be supplemented with additional vegetation.

E. *Combination.* A combination of the above methods may be used, provided that the vegetation forms a continuous screen around the site or extends from the ground to a height of six feet.

F *Maintenance.* Where multiple users of a site are involved, the owner of the site shall be responsible for the installation and maintenance of all landscaping.

The landscape yard shall be a minimum of 10 feet in width. If using method C., the yard shall be 20 feet in width to accommodate the larger width of the vegetation.

The minimum size of all required landscape plant materials, at the time of planting, including replacement trees and shrubs, shall be as required in Section 2.13, G., 1., g. of the Commercial Zoning Ordinance.

The required landscaping must be maintained at all times and replaced if it dies, for as long as the use remains.

The Administrator shall have the power to modify or waive any of the foregoing landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compabtible and consistent with the intent of the stated standards.

Sec. 2.30. Guy anchorages.

Any guy anchorages shall not be located within any front, side or rear transitional yard, and in any event, shall be set back at least 30 feet from any lot line.

Sec. 2.40. Provisions for more than one user.

A. Sufficient land shall be secured by the initial WCF tower provider, to reserve adequate area for more than one equipment structure.

B. All towers shall be designed and constructed so that more than one wireless communications company may attach equipment to the tower. When applying for an Improvement Location Permit, the owner of the tower shall provide assurance that the tower is available for use by other wireless communications providers.

Sec. 2.50. More than one tower in a half-mile.

If any tower is proposed within 1/2 mile radius of another tower, prior to obtaining an Improvement Location Permit, the entity requesting the new tower must:

A. Identify all towers within 1/2 mile radius of the proposed tower; and

B. Provide information to the Administrator outlining the reason(s) those towers cannot be used for additional WCF.

If there is space available for additional WCF on any of those towers, as required by Section 2.40 of this Ordinance, or by previous variance condition or commitment, or if the reason(s) are found by the Administrator not to be justified, the Improvement Location Permit for the new tower shall not be granted.

Sec. 2.60. Existing towers.

Any tower which is legally established on the effective date of this Ordinance, may be used for wireless communication facilities, as long as the height is not increased, nor the location of the tower changed.

Sec. 2.70. Signs prohibited.

No lettering, symbols, images, trademarks, signs or advertising of any kind shall be placed on, or affixed to, any part of a tower or structure, other than as required by the Federal Aviation Administration, by Federal Communications Commission or other agency regulations, or as required to protect public health and safety.

CHAPTER 3.00 SPECIFIC REGULATIONS

Sec. 3.10. Where permitted.

Wireless Communication facilities may be located in the zoning districts indicated on the following chart, subject to the standards referenced on the chart. Sites located within a locally-designated historic district are also subject to the requirements of Indiana Code Section 36-7-11.1, and sites located within the Meridian Street Preservation Area are subject to the requirements of Indiana Code Section 36-7-11.2, and this Ordinance is not intended to alter or affect the authorities of the Indianapolis Historic Preservation Commission (IHPC) or the Meridian Street Preservation Commission (MSPC), or the foregoing Indiana Statutes.

Wireless Communications facilities may also be located:

A. On signs as regulated by Section 3.50 of this Ordinance;

B. In highpower electric transmission line easements or rights-of-way as regulated by Section 3.40 A of this Ordinance; and

C. In public rights-of-way, as regulated by Section 3.40 B of this Ordinance.

Zone	Wall-mounted WCF	Roof-mounted WCF	Monopole tower for WCF	All other towers for WCF	Height category
D-A	Yes	Yes	No	No	5
D-S	Yes	Yes	No	No	5
D-1	Yes	Yes	No	No	5
D-2	Yes	Yes	No	No	5
D-3	Yes	Yes	No	No	5
D-4	Yes	Yes	No	No	5
D-5	Yes	Yes	No	No	5
D-5II	Yes	Yes	No	No	5
D-6	Yes	Yes	No	No	4
D-6II	Yes	Yes	No	No	4
D-7	Yes	Yes	No	No	4
D-8	Yes	Yes	No	No	4

Zone	Wall-mounted WCF	Roof-mounted WCF	Monopole tower for WCF	All other towers for WCF	Height category
D-9	Yes	Yes	No	No	4
D-10	Yes	Yes	No	No	4
D-P	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)
C-1	Yes	Yes	No	No	4
C-2	Yes	Yes	No	No	4
C-3	Yes	Yes	No	No	4
C-3C	Yes	Yes	No	No	4
C-4	Yes	Yes	Yes	No	3
C-5	Yes	Yes	Yes	No	3
C-6	Yes	Yes	Yes	No	2
C-7	Yes	Yes	Yes	No	2
C-ID	Yes	Yes	Yes	No	2
C-S	Yes	Yes	(Note 2)	(Note 2)	(Note 2)
CBD-1	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-2	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-3	Yes (Note 3)	Yes (Note 3)	No	No	4
CBD-S	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)
I-1 (U/S)	Yes	Yes	No	No	4
I-2 (U/S)	Yes	Yes	Yes	No	2
I-3 (U/S)	Yes	Yes	Yes	Yes	2
I-4 (U/S)	Yes	Yes	Yes	Yes	2
HD (1/2)	Yes (Note 5)	Yes (Note 5)	Yes	Yes	(Note 5)
UQ (1/2)	Yes (Note 5)	Yes (Note 5)	Yes	Yes	(Note 5)
PK-1	Yes (Note 8)	Yes (Note 8)	Restricted (Note 11)	No	(Note 11)
PK-2	Yes (Note 5)	Yes (Note 5)	(Note 9)	(Note 9)	(Note 9)
SU-1	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-2	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-3	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-5	Yes	Yes	Yes	Yes	1
SU-9	Yes (Note 5)	Yes (Note 5)	(Note 10)	(Note 10)	(Note 10)
SU-10	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-13	Yes	Yes	Yes	Yes	1
SU-18	Yes	Yes	Yes	Yes	1
SU-23	Yes	Yes	Yes	Yes	1
SU-28	Yes	Yes	Yes	Yes	1
SU-35	Yes	Yes	Yes	Yes	1
SU(all other)	Yes	Yes	No	No	4 (Note 7)

Note 1: Provisions for wireless communications must be provided in the D-P development statement.

Note 2: Provisions for wireless communications must be provided in the C-S rezoning ordinance. If no specific provisions were listed, wall and roof-mounted WCF are subject to height Category 4.

Note 3: The appropriateness of the request will be evaluated in the Regional Center review process.

Note 4: Provisions for wireless communications must be provided in the CBD-S rezoning ordinance.

Note 5: The appropriateness of the request will be evaluated in the Special Districts review process.

Note 6: Requires Special Exception.

Note 7: Requires Administrator's Approval.

Note 8: All WCF must be camouflaged to fit in with the surrounding environment. The appropriateness of the request will be evaluated in the Special Districts review process.

Note 9: If proposed tower is within 500 feet of a dwelling, it requires special exception. where height will be determined. The height of wall and roof-mounted WCF, and towers will be determined in the Special Districts review process.

Note 10: If proposed tower is within 500 feet of a Dwelling District, requires special exception, where height will be determined. Wall and roof-mounted WCF subject to height Category 4. Towers over 500 feet from a Dwelling District subject to height Category 1.

Note 11: Generally, towers are highly discouraged from location in PK-1 Districts. In certain areas, however, a tower might be appropriate, because the land use of the specific PK-1 District might not be that typically considered a park. Towers might be permitted by special exception only on the following PK-1 sites: salt depositories; maintenance areas which are not readily accessible or visible to the public; existing or proposed sports facility lighting structures; within highpower electric transmission line easements; and in areas not readily accessible to the public on the periphery of parks adjacent to Federal Interstate Highways or active railroad lines.

Sec. 3.20. Height regulations.

A. Category 1 (CBD-1, CBD-2, SU-5, SU-13, SU-18, SU-23, SU-28, SU-35, SU-9 limited). No height restrictions.

B. Category 2 (C-6, C-7, C-ID, I-2, I-3, I-4).

1. In the C-6, C-7 and C-ID Districts, no height restrictions for free-standing WCF located 500 feet or more from a Protected District or a greenway.

   In the I-2, I-3 and I-4 Districts, no height restrictions for free-standing WCF located 300 feet or more from a Protected District or a greenway.

2. Within 500 feet of a protected District or a greenway, in the C-6, C-7, and C-ID Districts, the height for a free-standing WCF is limited to a maximum of 25 feet higher than the building height permitted by the District where the WCF is located.

   Within 300 feet of a protected District or a greenway, in the I-2, I-3 and I-4 Districts, the height for a free-standing WCF is limited to a maximum of 25 feet higher than the building height permitted by the District where the WCF is located.

3. Roof mounted WCF subject to the following:

   Height may be 10 feet greater than the ~~maximum~~ **existing** building height ~~permitted by the District where the WCF is located~~.

   Height may be increased to 20 feet greater than the ~~maximum~~ **existing** building height ~~permitted by the District where the WCF is located~~, if the height increase is approved by the Administrator.

4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

C. Category 3 (C-4, C-5).

1. Maximum height of 90 feet allowed for free-standing WCF located 500 feet or more from a Protected District or a greenway.

2. Within 500 feet of a Protected District or a greenway, the height for a free-standing WCF is limited to a maximum of 5 feet higher than the building height permitted by the District where the WCF is located.

3. Roof mounted WCF subject to the following:

   Height may be 10 feet greater than the ~~maximum~~ **existing** building height ~~permitted by the District where the WCF is located~~.

Height may be increased to 20 feet greater than the ~~maximum~~ **existing** building height ~~permitted by the District where the WCF is located~~, if the height increase is approved by the Administrator.

4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

D. Category 4 (D-6, D-6II, D-7, D-8, D-9, D-10, C-1, C-2, C-3, C-3C, C-S, CBD-3, I-1, SU limited).

1. Roof mounted WCF subject to the following:

Height may be 10 feet greater than the ~~maximum~~ **existing** building height ~~permitted by the District where the WCF is located~~.

Height may be increased to 20 feet greater than the ~~maximum~~ **existing** building height ~~permitted by the District where the WCF is located~~, if the height increase is approved by the Administrator.

2. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

E. Category 5 (D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II).

Wall-mounted and roof-mounted WCF antennae may extend a maximum of 2 feet above the wall or roof on which they are located.

Sec. 3.30. Equipment structures for WCF.

A. Commercial, Industrial, and Dwelling Districts

Equipment structures shall be located in compliance with the specific accessory structure requirements for the district in which the site is located.

B. Central Business Districts.

Equipment structures are subject to the Regional Center approval process requirements.

C. Hospital Districts, University Quarter Districts, and Park Districts

Equipment structures are subject to the Special District approval process requirements for HD-1, HD-2, UQ-1, UQ-2 and PK-2 or special exception process as required for PK-1.

D. Special Use Districts.

1. Equipment structures shall not exceed 300 square feet in area, with a maximum height of 15 feet.

2. The location of equipment structures shall be subject to Administrator's Approval.

Sec. 3.40. Highpower electric transmission line easements or rights-of-way and public rights-of-way.

Wireless communications facilities may be located in highpower electric utility transmission line and substation easements or rights-of-way and public rights-of-way, under the following circumstances:

A. Highpower Electric Transmission Line Easements or Rights-of-way.

1. Existing Utility Structures - WCF may be located on existing utility structures, as long as the height of the WCF and the structure together is not more than 110% of the height of the existing structure.

2. New WCF Structures - New WCF structures shall only be located within the footprint of an existing utility structure (except in PK-1, where the location is subject to a special exception). WCF may be located on new structures, as long as the height of the WCF and the new structure together is not more than 110% of the height of the existing utility structure.

3. Design - Each WCF provider shall obtain written consent of the owner of the electric transmission line structure and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility structures.

4. Equipment structures for WCF - Equipment structures shall not exceed 300 square feet in area for each structure, with a maximum height of 15 feet.

B. Public Rights-of-way.

1. Local and Collector Streets (Any streets not indicated in the Official Thoroughfare Plan for Marion County, Indiana.)

   a. Wireless communications facilities may be located on utility poles, as long as the pole is not increased in height.

   b. Extension from poles - WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.

   c. Equipment structures for WCF- Equipment structures shall not exceed 8 square feet in area, with a maximum project of 2 feet from the utility pole, and shall be attached to the same utility pole as the WCF.

   d. Design - Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.

2. All other Streets (All streets indicated in the Official Thoroughfare Plan for Marion County, Indiana.)

   a. WCF may be located on utility poles, as long as the height of the WCF and the pole together is not more than 110% of the height of the existing pole.

   b. Extension from poles - WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.

   c. Equipment structures for WCF-

      I. Interstate Highways - Equipment structures in rights-of-way of Interstate Highways shall not exceed 300 square feet in area, with a maximum height of 15 feet.

      II. All other streets - Equipment structures shall not exceed 8 square feet in area.

   d. Design - Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.

Sec. 3.50. Signs.

Sign-mounted wireless communications facilities may be located on legally established signs under the following circumstances:

A. WCF may be incorporated into a sign face, or located on a sign structure, as long as the sign face and structure are in compliance with all aspects of the Sign Regulations, for Marion County, Indiana, (71-AO-4, as amended). If the WCF is located on the outside of the sign face and structure, and is visible, the area of the antenna shall be included in the measurement of the sign area permitted by the Sign Regulations.

B. Administrator's approval is required prior to installation of WCF on any sign or sign structure.

C. Equipment structures for WCF shall not exceed 200 square feet in area, with a maximum height of 10 feet. Equipment structures shall be in compliance with Section 3.30 of this Ordinance.

D. Where signs have been approved by variance, WCF may be integrated into the sign or sign structure, only if all parameters and conditions of the variance are met.

Sec. 3.60. Special exception.

Where wireless communications facilities are permitted by special exception, an application for a wireless communication facility must be filed with the Board of Zoning Appeals having jurisdiction. A public hearing and notice to adjoining property owners and registered neighborhood organizations is required in accordance with the Rules of Procedure of the Board of Zoning Appeals.

The Board may grant the Special Exception, only if the following conditions are met:

A. The grant will not be injurious to the public health, safety, morals, convenience or general welfare, and

B. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property and the surrounding community,

C. The grant will assure that the design of the WCF is compatible with the surrounding environment, by camouflage, integration with existing structures, or other design-related solution, and

D. The grant is consistent with the 1996 Telecommunications Act, and

E. The grant is consistent with the statement of purposes as set forth in Section 1.10.

Written findings shall be adopted by the Board, after its decision has been rendered.

Sec. 3.70. Tower removal.

A. Any tower which ceases to be used for a period of more than one (1) year shall be removed.

B. Before obtaining an Improvement Location Permit for a tower, an applicant which is not also the owner of the property must provide recordable evidence of a written agreement (a lease, a memorandum of lease, an affidavit or other recordable instrument) between the WCF operator and the property owner that the WCF operator has agreed to remove the tower as required by this Section 3.70 and further granting a right of access to the Department of Metropolitan Development to enforce this Section 3.70 and cause removal of the tower. If the Department of Metropolitan Development causes the removal of the tower, pursuant to this Section 3.70, the WCF operator, its successors, all other past users of the tower and the owner of the property upon which the tower is located shall be jointly and severally liable for the costs incurred by the Department of Metropolitan Development in accomplishing the removal.

C. Within thirty (30) days after use of a tower has ceased, the last user shall notify the Administrator of the discontinued use.

Sec. 3.80. Improvement location permit. An Improvement Location Permit application for a WCF shall include the following:

A. Site and landscape plans, drawn to scale.

B. A description of the WCF and its design.

C. Documentation, establishing the structural integrity of the WCF.

D. A statement that the WCF meets the standards of the American National Standards Institute.

E. A statement regarding the availability of another WCF provider to use a tower, as required in Section 2.40.

F. Proof of ownership of the proposed site, or property owner's consent to use the site for WCF.

G. Copies or other evidence of any necessary easements.

H. A map indicating the existing topography of the site.

I. For a variance or special exception, a graphic or photographic representation shall be submitted, which shows the height of the WCF, in relation to its surroundings.

CHAPTER 4.00 DEFINITIONS

The words in the text of this Ordinance shall be interpreted in accordance with the following definitions.

1. *Accessory.* A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use to the primary structure and use, and is located on the same lot as the primary structure or use.

2. *Administrator.* Administrator of the Division of Neighborhood Services, of the Department of Metropolitan Development, or his/her appointed representative.

3. *Antenna.* A device used to collect or broadcast electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as satellite dishes.

4. *Building.* Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

5. *Building height.* The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

   a. the elevation of the highest adjoining sidewalk or ground surface within a 10 foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than 10 feet above lowest grade;

   b. an elevation 10 feet higher than the lowest grade when said sidewalk or ground surface is more than 10 feet above the lowest grade.

6. *Camouflage.* A structural design or treatment, including colors, intended to conceal and make a WCF visibly compatible with the surrounding area.

7. *Equipment structure.* Any structure needed to house apparatus needed for the operation and maintenance of a wireless communication antenna, and located on the same site as the wireless communication antenna.

8. *Greenway.* A linear open space that connects parklands, improves recreational opportunities, and aids in the protection of wildlife and scenic regions. Greenways regulated by this ordinance are the responsibility of the Indianapolis Department of Parks and Recreation, as outlined in the Indianapolis City Code, Chapter 241, and shall include the corridors described in the Indianapolis Greenways Plan.

9. *Highpower electric transmission line.* A line segment in an electric utility system having an operating voltage of 69,000 volts or greater.

10. *Protected district.* Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For purposes of this Ordinance, a protected district shall include any Dwelling District, Hospital District, Parks District, University Quarter District, SU-1 (Church) District, or SU-2 (School District).

11. *Right-of-way.* Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.

12. *Structure.* A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

13. *Sign.* Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

14. *Sign structure.* Any structure, including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

15. *Tower.* A structure designed and intended to support one or more antennae. This term includes lattice-type structures, either guyed or self supporting, and monopoles, which are self-supporting pole-type structures, tapering from base to top and supporting a fixture designed to hold one or more antennae.

16. *Utility pole.* Any pole or structure utilized for electric, telephone, telegraph, cable television, radio, microwave, television services, street lights, other lighting standards, or comparable purposes.

17. *Wireless communications facility (WCF).* Any facility used by a licensed commercial wireless telecommunications provider to provide service, including, but not limited to cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and other similar services that are marketed to the general public.

18. *WCF design package.* Information used to portray all visual aspects of wireless communications facilities, and the apparatus needed to attach it to a structure, including, but not limited to, dimensions, colors, and materials.

CHAPTER 5.00 STANDARDS OF ADMINISTRATOR'S APPROVAL

Where the Administrator has been given the authority to review and approve certain aspects of WCF, the following standards shall be considered:

1. The visual impact of the proposed WCF on the adjacent properties, and the community, as a whole.

2. The recommendations of the Comprehensive Plan or the most recently adopted Neighborhood Plan for the site in question.

3. Current trends in the WCF industry and their potential impact on the community.

4. Consistency with other designs approved in other areas of the City.

5. Compliance with the Telecommunications Act of 1996.

6. Necessary or desirable infrastructure requirements of the community.

The Administrator's decision may be appealed in accordance with the provisions of the Rules of Procedure of the Board of Zoning Appeals.

CHAPTER 6.00 EXCLUDED CITIES

Prior to applying for an Improvement Location Permit (ILP) for a WCF in an excluded city, the WCF provider shall provide a written letter to the excluded city, indicating their intent. The letter shall be mailed at least 5 days prior to applying for the ILP, and shall include the proposed location, type, and design of the WCF, and a contact person for the WCF provider. The WCF provider shall submit a copy of the letter, and proof of mailing with the application for the ILP.

CHAPTER 7.00

Sec. 7.10. Severability. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Sec. 7.20. Compliance. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

The foregoing was passed by the City-County Council this 2nd day of August, 1999 at 10:04 p.m.

ATTEST:

Beurt SerVaas
Dr. Beurt SerVaas
President, City-County Council

Suellen Hart
Suellen Hart, Clerk, City-County Council

STATE OF INDIANA, MARION COUNTY)
) SS:
CITY OF INDIANAPOLIS)

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 433, 1999, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 2nd day of August, 1999, by a vote of 18 YEAS and 5 NAYS, and was retitled General Ordinance No. 100, 1999, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 6th day of August, 1999.

Suellen Hart

Suellen Hart, Clerk, City-County Council

(SEAL)