

AVON ZONING ORDINANCE

- (c) No advertising, logos, or corporate symbols shall be permitted on any satellite dish antenna greater than two (2) feet in diameter.

Section 13-11. Amateur Radio Antenna

Amateur radio serves the community by providing emergency communications that benefit both the Town of Avon, and central Indiana generally. The Town of Avon supports these valuable community services and therefore, individual amateur transmitting and receiving antennae and associated support structures owned or operated by licensed amateur radio operators shall be permitted as accessory structures in accordance with these provisions.

1. Amateur Radio Club and repeater station antennae and support structures are permitted to such a height as necessary to maintain reliable communications.
2. Antenna structures of amateur radio operators licensed by the Federal Communication Commission may, as of right, have a height not exceeding seventy-five (75) feet above grade. The height shall be measured vertically and shall include the height of any building upon which the antenna support structure is mounted.
3. Antennae may be located above the antenna support structure as reasonably necessary for effective radio communications.
4. Upon the Federal Communication Commission licensed operator's cessation of ownership or leasehold rights in the subject antenna support structure, or on loss of his or her federal amateur radio license (whichever occurs first), the operator shall forthwith (but in no case more than thirty (30) days) safely remove all antenna support structures at no expense to the Town. In the event that the operator fails or refuses to remove the antenna support structure, then the owner of the subject lot shall be responsible for the removal of all such structures.
5. On residential lots, any antenna support structure shall be located in an area between the rear building line of the principal structure and the required rear yard setback line. In case of a corner lot, such antenna shall not be located within the exterior side yard setback.
6. Nothing in this Section shall effect any existing antenna support structure utilized by any federally licensed amateur radio operator which has been constructed and is in place prior to the passage of this Ordinance.

Section 13-12. Wireless Communication Service Facilities

1. Purpose

The purpose of this Section is to regulate the placement, construction, and modification of wireless communication service facilities in order to protect the health, safety, and general welfare of the public while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace within the corporate limits of the Town of Avon.

2. District Requirements

Wireless communication service facilities may be allowed in the following districts. (Subject to the limitations set forth herein, wireless communication service facilities shall be exempt from the maximum height limitations established in each zoning district.) Wireless communication service facilities requiring a special exception shall be subject to Chapter 4, Section 4-4 (Special Exceptions). Wireless communication service facilities permitted as of right shall be subject to the requirements of Chapter 4, Section 4-1 (Improvement Location Permit) and Chapter 4, Section 4-8 (Development Plans). A Wireless Communications Facility may be located on a lot occupied by another principal structure.

DISTRICTS	USE STATUS	HEIGHT LIMITATIONS
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C-1	Special Exception	Not to exceed 150 feet
C-2	Permitted	Not to exceed 150 feet
	Special Exception	Not to exceed 250 feet
C-3	Permitted	Not to exceed 150 feet
	Special Exception	Not to exceed 250 feet
C-4	Permitted	Not to exceed 150 feet
	Special Exception	Not to exceed 250 feet
SC	Permitted	Not to exceed 150 feet
	Special Exception	Not to exceed 250 feet
I-1	Permitted	Not to exceed 200 feet
	Special Exception	Not to exceed 250 feet
I-2	Permitted	Not to exceed 200 feet
	Special Exception	Not to exceed 250 feet
I-3	Permitted	Not to exceed 200 feet
	Special Exception	Not to exceed 250 feet
I-4	Permitted	Not to exceed 200 feet
	Special Exception	Not to exceed 250 feet

- A. For the purpose of determining compliance with the requirements of this Section, measurement of a facility's height shall include the structure itself (for roof or building mounted facilities), the base pad, and any other equipment attached thereto that extends more than twenty (20) feet over the top of the structure itself. The structure height shall be measured from grade.
- B. Notwithstanding the forgoing height requirements, building or roof mounted wireless communication service facilities shall not exceed a height in excess of one hundred percent (100%) of the host building.
- C. The Town of Avon encourages the collocation of commercial wireless telecommunications service facility antennae on existing or planned commercial wireless telecommunications service facilities in order to minimize the proliferation of antenna support structures and to achieve the most efficient use of land within the community. Therefore, the collocation of subsequent commercial wireless telecommunications service facility antennae on existing facilities, whether such facilities were originally permitted as of right or through the special exception process, will only require obtaining a Improvement Location Permit. (Chapter 4, Section 4-2)

3. Applications

In addition to requirements of Chapter 4, Section 4-4 (Special Exceptions), Chapter 4, Section 4-1 (Improvement Location Permit) or any other requirement prescribed by this zoning ordinance as the case may be, applications for the establishment of a commercial wireless telecommunications service facility shall include at least the following information.

- A. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the commercial wireless telecommunications service facility is to be situated. If the applicant is not the owner of the property, documentation that the owner of the property has granted, by agreement, use of the property for the proposed facility.
- B. The name, address, and telephone number of all owners of other wireless communication service facilities within the service area of the proposed facility, including municipally owned property.
- C. Documentation, signed by an Engineer licensed in the State of Indiana, that the facility is designed in accordance with the Town's Building Code and with national standards for steel towers, in addition to all other state and federal laws and regulations applicable thereto.
- D. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to

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receive permission to install or co-locate the applicant's facility on another service provider's facility within the service area desired by the applicant and that the proposed site is therefore, of practical necessity for the applicant. A diligent effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed Wireless Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

- (a) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement could not be accomplished at a reasonable cost.
- (b) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference could not be prevented at a reasonable cost.
- (c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (d) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- (e) A commercially reasonable agreement could not be reached with the owners of such structures.

4. General Requirements

In addition to any other requirement prescribed by this zoning ordinance, a wireless communication service facility shall be required to meet the following requirements.

- A. No wireless communication service facility shall be established or used within the Town of Avon until all necessary approvals and permits, whether local, state, or federal have been secured.
- B. No wireless communication service facility shall be located in any required yard setback, nor shall a free standing or guy anchored wireless communication service facility be located within fifty (50) feet of any property boundary line.
- C. A free standing or guy anchored wireless communication service facility shall be located no closer than fifteen hundred (1,500) feet from a residential district, residential use, or Planned Unit Development district containing residential structures.
- D. All guy wires must be situated on the same lot as the commercial wireless telecommunications service facility, and shall not be located within the required yard areas (setbacks) dictated by the zoning district in which it is located.
- E. Free standing or guy anchored wireless communication service facilities and their related accessory structures when located on a site as an accessory use shall be located behind the rear building line of the structure housing the principal use. Vehicle access to the tower and related accessory structure shall not interfere with the parking or vehicular circulation provided for the principal use.
- F. Wireless communication service facilities shall be designed to be compatible with neighboring buildings and uses. Efforts shall be taken when locating wireless communication service facilities to preserve or enhance the existing character of a site's topography and vegetation.
- G. Wireless communication service facilities shall be designed to accommodate three or more wireless communication providers in order to facilitate the co-location of other service provider's facilities.
- H. Wireless communication service facilities shall be painted to blend or match with a host

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building or the environment. The facility shall be of a single color, having a flat, matte, non-gloss, non-florescent finish. The color scheme for the facility shall be subject to the approval of the Plan Commission as a part of the development plan review process.

- I. Free standing or guy anchored commercial wireless communication service facilities, including any associated accessory building or structure, shall be enclosed by a fence or wall at least six (6) feet in height. All fences and walls shall be screened with appropriate landscaping and screening techniques, so that no more than two-thirds (2/3) of the surface of the fence or wall is visible within three (3) years after erection of facility from a public street or from any adjoining residential lot.
- J. No advertising, logos, or corporate symbols shall be permitted on any wireless communication service facility or any building or structure accessory thereto.
- K. Every wireless communication service facility shall be fully automated. No employee of the communication provider shall be stationed at the site, except for the completion of periodic maintenance.
- L. Equipment storage shelters associated with a wireless communication service facility shall be compatible with the surrounding built or natural environment and shall not exceed a height of fifteen (15) feet, nor exceed a size of four hundred and fifty (450) square feet.
- M. No signals or lights or other illumination shall be permitted on the wireless communication service facilities unless required by the Federal Communication Commission, the Federal Aviation Administration, or by the Town of Avon.
- N. Every wireless communication service facility shall be separated from all other wireless communication service facilities a minimum of fifteen hundred (1,500) feet.
- O. No wireless communication service facility may be established as an accessory use on a property prior to the establishment of a principal use.
- P. No wireless communication service facility may disturb or diminish the radio or television or similar reception for any adjoining property.
- Q. Where a wireless communication service facility becomes abandoned, obsolescent, or ceases to be used, except in relation to acts of God, it shall be taken down and removed from the premises by the owner of the facility, or its agents, or the person having control of the premises on which the facility is located within six (6) months of a finding by the Zoning Administrator of its abandonment, obsolescence, or cessation of use.
- R. Wireless communication facilities shall be accessible from a public street by means of an easement or private drive at least twenty (20) feet in width and covered with a dust-free, all-weather surface.

Section 13-13. Temporary Uses

1. Authorization

Subject to the general and specific regulations set forth herein and all other applicable regulations of the district in which a temporary use may be located, the temporary uses set forth below may be allowed provided, a temporary use permit is first obtained, pursuant to Section 4-9 (Temporary Uses) of this Ordinance.

2. General Regulations

- A. No temporary use shall be permitted in a district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.
- B. No temporary use shall be permitted that causes or threatens to cause an on-site or off-site