

#### 16.04.125 Wireless Communication Service Facilities

- A. Wireless Communication Service Facilities shall be a permitted use in the following districts:

    EI, EI-PD, OI, and OI-PD

- B. Wireless Communication Service Facilities shall be a special exception in the following districts:

1. GO-PD, GB-PD, and AG-SF1;
2. In any district where the antennas are to be located upon pre-existing structures or buildings owned or operated by units of government of public utilities so long as the antennas and antenna support structures do not exceed the height of those structures or buildings by more than twenty (20) feet;
3. In any district, in a Non-Urban Area, a term associated with Indiana Code 36-7-4-1103. "Urban Area" is defined in the Code as follows: all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

- C. Wireless Communication Service Facilities shall be bound by the standards below as well as the applicable requirements of the zoning district in which they are located except where otherwise noted in Section 2: Development Standards.

#### **Section 1: Procedural Standards**

All Wireless Communication Service Facilities shall meet the following requirements:

- A. The applicant for a Wireless Communication Service Facility must demonstrate that they have exhausted all efforts to locate the proposed facilities upon existing antenna support structures in the geographical area of the proposed Wireless Communication Service Facility. They should submit a master plan for their Wireless Communication Service Facilities throughout the jurisdictional area where the Town of Westfield exercises planning and zoning jurisdiction. That master plan should show efforts to minimize the size and number of antenna support structures throughout the geographical area, taking into consideration existing technology.
- B. The placement of antennas upon existing antenna support structures may be administratively approved by the Community Development Department.

- C. In the event an antenna support structure ceases to be used, the antenna support structure shall be removed within one hundred eighty (180) days of termination of use.
- D. In the zoning districts in which a Wireless Communication Service Facility is listed as either a permitted use or a special exception in WC 16.04.180, Figure 2, Permitted Use List a Wireless Communication Service Facility may be deemed an accessory use.

## **Section 2: Development Standards**

All Wireless Communication Service Facilities shall meet the following requirements:

- A. The height of the antenna support structure shall not exceed two hundred (200) feet.
- B. The antenna support structure shall be set back a minimum of forty (40) feet from the property line, unless the adjoining property is zoned or used for a residential use. If the antenna support structure adjoins property which is zoned or used for residential use, the setback shall not be less than the height of the support structure.
- C. Except as required by the Federal Aviation Administration or Federal Communications Commission, the antenna support structure shall not be illuminated by any artificial means and shall not display strobe lights.
- D. No signs or advertising shall be placed upon an antenna support structure and associated equipment buildings or structures.
- E. The support structure and any antenna located on the support structure must be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment.
- F. All utility buildings and structures accessory to the antenna support structure must be architecturally designed to blend into the surrounding area.
- G. A landscaping plan for the wireless communication service facility shall be submitted with the application and shall be substantially similar to landscaping required for other uses in commercial and industrial zones.
- H. All Wireless Communication Service Facilities shall be designed structurally, electrically, and in all other respects to accommodate the user's equipment and the equipment of at least two additional service providers.
- I. A qualified and licensed engineer must approve the design of the antenna support structure and certify that it is constructed to comply with the requirements set out in paragraph (H) above.

- J. All applications shall include a notarized letter of intent committing the antenna support structure owner or lessee on behalf of themselves and their successors in interest that the antenna support structure shall be shared with additional users if the additional user(s) agrees to meet reasonable terms and conditions of shared use.
- K. No transmissions from a Wireless Communication Service Facility shall interfere with any existing public safety communications.

**Section 3: Limitations on Zoning Authority**

- A. The Board of Zoning Appeals in consideration of the special exception, shall not consider any evidence or base a denial of the location of a Wireless Communication Service Facility on any evidence concerning adverse environmental or health effects of radio frequency emissions so long as those emissions meet the standards of the Federal Commission.
- B. Nothing herein shall be construed as a prohibition of the location of Wireless Communication Service Facilities within the planning jurisdiction of the Town of Westfield, Indiana.
- C. Nothing herein shall be construed or applied to unreasonably discriminate between providers of functionally equivalent service, or services which compete one against the other for various wireless communication services.