



# BROWN COUNTY GOVERNMENT Plan Commission

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## BOARD OF ZONING APPEALS SPECIAL EXCEPTION for WIRELESS COMMUNICATIONS FACILITY APPLICATION CHECKLIST

Upon submission of an application for a WCF, the county will select an independent consultant to review the proposed project and provide an analysis of the project to the Board.

The applicant shall pay the cost of the independent consultant.

**Applications for a special exception must include all the required items as listed below. Applications that do not include all the required items are incomplete and will NOT be docketed. Complete applications must be submitted by 2:30 p.m. of the submission deadline day. Complete applications and all checklist items must be delivered in person.**

Applications must conform to Chapter 12 of the Brown County Zoning Ordinance, and must include all the items on the list below.

\_\_\_\_\_ **Application form**

\_\_\_\_\_ **Filing fee** (\$200) - payment due on Docket Date

\_\_\_\_\_ **Copy of deed**

\_\_\_\_\_ **Legal description** of property on which Special Exception is proposed if it is different from legal description in deed

\_\_\_\_\_ *Provided by the Plan Commission ON DOCKET DATE.* List of property owners within 600 feet of the proposed property (250 feet for Town of Nashville and CSCD). It is highly recommended the applicant review the **public terminal** (located in the Treasure or Recorder's Office) to confirm current owner information. The Plan Commission office is not responsible for incorrect addresses or property owners. Please see Procedure to file for Hearing handout for information about mailing certified letters.

\_\_\_\_\_ **Written statement**, with illustrations, that describes the proposed wireless communications facility (e.g., type of construction, tower height, provisions for co-location)

\_\_\_\_\_ **Inventory** of the provider's existing wireless communications facilities (WCF) and antenna arrays within Brown County and within the area three (3) miles outside the county boundaries, along with a plan describing any potential future facility locations. The inventory and plan shall include:

\_\_\_\_\_ locations of all existing and proposed facilities (by property address, latitude/longitude coordinates, and township, range, section, 1/4 section) shown on a plat map obtained from the County Auditor

\_\_\_\_\_ height and type of each existing and proposed facility (including antenna types, output frequency, number of channels, power output and maximum power output per channel)

\_\_\_\_\_ information on the practical capacity for accommodating additional co-located antenna arrays for each existing and proposed facility

\_\_\_\_\_ delineation of existing and anticipated coverage patterns in Brown County with brightly colored radial plots showing clear demarcations between signal strengths.

For each existing and proposed facility, signal propagation and radio frequency studies and plots shall be prepared, clearly identified, and signed by a qualified radio frequency engineer (power density calculations shall be in accordance with “worst case” formulas, assuming operation at maximum power and maximum capacity)

\_\_\_\_\_ **Site Plan**, prepared by a registered land surveyor, with the following:

- \_\_\_\_\_ property lines, with distances and bearing illustrated
- \_\_\_\_\_ existing site improvements, including buildings, structures, and ponds
- \_\_\_\_\_ existing/proposed roadways and all easements on property
- \_\_\_\_\_ proposed wireless communications facilities
- \_\_\_\_\_ proposed landscaping and existing vegetation

\_\_\_\_\_ **Maintenance and Facility Removal Agreement** for each WCF or support structure signed by the applicants and/or petitioner. It shall

1. bind the applicants and all successors in interest to properly maintain the exterior appearance of all facilities and, ultimately, remove all facilities upon abandonment in compliance with the provisions of this chapter and any conditions of approval.
2. bind the applicants to pay all costs for enforcement of the agreement and to reimburse Brown County for any and all costs incurred to perform any work required by this agreement that the applicants fail to perform.
3. be signed by the applicants and by the director of the Area Plan Commission and be recorded in the office of the Brown County Recorder.

\_\_\_\_\_ **Indemnification** from applicants (owners/operators) and/or wireless communications service providers. This indemnification must:

1. release Brown County from all liability arising out of the construction, operation, removal or repair of a WCF and/or an antenna array. Parties to a wireless communications agreement agree to not sue or seek any monies or damages from Brown County in connection with the above.
2. indemnify and hold harmless Brown County; its elected and appointed officials, agents, servants and employees, from and against all claims, demands, or causes of action whatsoever, and the resulting losses, costs, expenses, attorney’s fees, liabilities, damages, orders, judgements or decrees, sustained by Brown County or any third party arising out of, or resulting from, each wireless communications facility’s owner’s, operator’s, agent’s, employee’s, or servant’s negligible acts, errors, or omissions.
3. provide that the covenants and representations relating to the indemnification provision shall survive the term of any agreement and continue in force and effect as to the responsibility of the party to indemnify.

\_\_\_\_\_ **Proof of Insurance** covering liability, bodily injury and property damage must be obtained and maintained for the entire period the wireless communications facility is in existence. The Brown County Area Plan Commission shall be named as an additional insured. A certificate of insurance verifying such insurance must be submitted at the time of application.

\_\_\_\_\_ Copies of any **reports or inspections** that are required by, and have been submitted to, the FAA and/or the FCC.

\_\_\_\_\_ **Proof of an escrow account** for the benefit of Brown County, in the amount of five thousand dollars (\$5,000) per support structure and one thousand dollars (\$1,000) per antenna array (the amount applicable to support structures shall not apply to attached WCF). The escrow account shall be established with a bank located within sixty (60) miles of Nashville, Indiana. The Board of County Commissioners or the Area Plan Commission shall have the authority to draw funds from the account as needed to ensure compliance with the maintenance, indemnification, insurance and abandonment provisions of the ordinance.

**Applicants should be ready to address the following items at the public hearing before the Board of Zoning Appeals**

1. Does Section 3.1 or 3.9 of the Zoning Ordinance authorize a special exception for this use in the district in which the property is located? (Check with the Plan Office before you file for the special exception)
2. Will the requirements for special exceptions prescribed by the Brown County Zoning Ordinance be met? (Check with Plan Office before you file for the special exception)
3. Will granting the exception subvert the general purposes served by this ordinance and materially and permanently injure other property or uses in the same district and vicinity? (Describe how it affects the neighbors and why it will not conflict with intent of the zoning ordinance)