

## Chapter 4 – Use Standards

- A. Purpose.** The purpose of this Chapter is to promote compatibility among land uses by establishing additional standards, where necessary, to ensure that uses permitted can function for the benefit of a property owner without causing a disturbance for neighbors and/or the community at-large.
- B. Application.**
1. **Generally.** The use standards of this Chapter apply to all land uses set out in Chapter 2, Zoning Districts, that are designated as a permitted use with additional standards or as a special exception.
  2. **Permitted Uses with Additional Standards.** Permitted uses with additional standards are to be permitted by the Administrator and do not require an approval by the Board of Zoning Appeals (BZA).
  3. **Special Exceptions.** Special Exceptions are permitted only with approval by the BZA after a public hearing has been heard on the matter which grants members of the public the opportunity to speak regarding the proposed application. See Sec. **XXX**, *Special Exceptions*.
  4. **Approval of Uses.** Permitted Uses with Additional Standards and Special Exception Uses shall only be approved if all of the requirements of this Chapter and all other relevant chapters of the UDO including but not limited to Chapter 3, *Site Development Standards*; Chapter 4, *Use Development Standards*; Chapter 5, *Subdivision Types*; and Chapter 6, *Subdivision Design Regulations*.
  5. **Timing of Compliance.** These standards apply at the time a use is requested for an existing or new structure, or when an existing use is proposed to be expanded by more than 25 percent of the gross square footage currently devoted to the use.
  6. **Expansion of Use.** This Chapter applies to an expansion of use whether it is to or within an existing building, or in an outdoor area devoted to the use.
- C. Standards.** This section of the UDO [Section 4.C] designates the land uses and associated land use standards that are required when a land use is designated as either a permitted use with additional standards or as a special exception use within a specific zoning district.
1. **Accessory Dwelling Unit, Attached.**
    - a. *Area.*
      1. Minimum area of the use shall be consistent with County Building Code regulations.  
~~two hundred twenty (220) square feet.~~
      2. Maximum area of the use shall be ~~fifty (50) percent of the primary dwelling unit or eight hundred (800) one thousand (1,000) square feet, whichever is less.~~
    - b. *Addressing.* Properties with an approved accessory dwelling ~~shall may be required to~~ maintain a single physical address with separate “unit” number associated with each of the units in accordance with the rules of the applicable postmaster.

- c. *Architecture and Building Materials.* Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit.
- d. *Quantity.* No more than one (1) accessory dwelling (regardless of whether said unit is attached or detached) shall be permitted per primary dwelling unit.
- e. *Lawfully Constructed.* The accessory dwelling unit shall only be allowed on lots where an existing single-family dwelling unit is a legal conforming structure as defined by this UDO.
- f. *Ownership.* The accessory dwelling unit shall not be under separate ownership from the primary structure.
- g. *Driveway.* The accessory dwelling shall utilize the existing driveway that serves the primary dwelling.
- h. *Sanitation.* Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the County's discretion as to when it is required.
- i. *Types of Structures Prohibited.* Accessory dwelling units shall only be allowed in lawfully built dwelling units that meet building code requirements. Accessory dwelling units shall not be allowed in:
  - 1. A recreational vehicle, travel trailer, or similar structure;
  - 2. A motor vehicle; or
  - 3. Any structure not intended for permanent human occupancy.

**2. Accessory Dwelling Unit, Detached.**

- a. *Area.*
  - 1. Minimum area of the use shall be two hundred twenty (220) square feet.
  - 2. Maximum area of the use shall be ~~fifty (50) percent of the primary dwelling unit or eight hundred (800) one thousand (1,000) square feet, whichever is less.~~
- b. *Accessory Structures.* An accessory dwelling shall not be permitted to have its own accessory structures.
- c. *Addressing.* Properties with an approved accessory dwelling ~~shall may be required to~~ maintain a single physical address with separate "unit" number associated with each of the units in accordance with the rules of the applicable postmaster.
- d. *Architecture and Building Materials.* Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling unit.
- e. *Quantity.* No more than one (1) accessory dwelling (regardless of whether said unit is attached or detached) shall be permitted per primary dwelling unit.
- f. *Lawfully Constructed.* The accessory dwelling unit shall only be allowed on lots where an existing single-family dwelling unit is a legal conforming structure as defined by this UDO.

- g. *Ownership*. The accessory dwelling unit shall not be under separate ownership from the primary structure.
  - h. *Driveway*. The accessory dwelling shall utilize the existing driveway that serves the primary dwelling.
  - i. *Sanitation*. Connections or modifications to an existing septic system may be needed to accommodate the use. This requirement is at the County's discretion as to when it is required.
  - j. *Height*. Maximum height of a detached accessory dwelling shall be twenty-five (25) feet or the height of the primary dwelling unit, whichever is less.
  - k. *Location*. A detached accessory dwelling must be located behind the front façade of the primary residential structure, in the buildable area of the side yard or the rear yard.
3. **Accessory Structures**. Accessory structures detached from, or attached to the primary building by an enclosed or unenclosed structure, may be permitted within the allowable building area of any lot defined by the required front, side, and rear building lines under the following conditions:
- a. No accessory buildings shall be permitted in a front yard (unless as specified in Section **XXX**, *Carports*)
  - b. Accessory structures may be permitted in a rear yard or side yard, provided:
    - 1. The primary structure is separated from any and all accessory structures by a distance of not less than ten feet;
    - 2. The height of the structure shall be no greater than twelve feet;
    - 3. No accessory structure shall be allowed to encroach in an alleyway.
    - 4. In no case shall the total floor area of all accessory structures or portions thereof within the rear yard exceed 30 percent of the buildable area within the rear yard.
4. **Adult Entertainment Business**. An Adult Entertainment Business shall be located at least 1,000 ft. **(at the time of permitting)** from a place of public assembly, indoor; school; childcare center; commercial recreation and amusement services; funeral home; cemetery; hospital / rehabilitative care; nursing home; park; studio: art, music, dance; theater, movie; stadium; amphitheater; a residential use or residential district; library; museum, or gallery; recreational center; or another adult entertainment business. Measurements for purposes of this section shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult entertainment business is conducted, to the nearest property line of the land uses listed above.
5. **Agritourism**.
- a. *Accessory to Active Agricultural Use*. All proposed uses related to agritourism shall be accessory to the active agricultural use and said agritourism uses shall either occur the same site or an adjoining site that is under common ownership.

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- b. *No Disturbance of Regular Agricultural Uses.* The proposed use shall be located, designed, and operated so as not to interfere with normal agricultural practices on and off of the site of the use.
  - c. *Architecture.* All new buildings should incorporate a rural character with ties to the local historic heritage where possible with regard to style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment.
  - d. *Plan of Operation.* A plan of operation is required to be submitted with an application for a special exception that will require recorded written commitments. See Sec. **XXX**, *Written Commitments*. The plan of operation shall include at a minimum the number of employees; hours of operation; areas to be used for parking; and specifics as to the types of agritourism uses that will occur on the property.
  - e. *Parking.* All parking surfaces shall be of a hard surface such as crushed stone, gravel, or pavement and be compliant with the Americans with Disabilities Act (ADA).
  - f. *Trash Receptacles.* Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by an opaque fence or wall.
  - g. *Sanitation.* Public restroom facilities, temporary or permanent, shall be provided on site and with approval of the State and/or County Health Department.
6. **Airport / Heliport.** Compliance with the Federal Aviation Administration (FAA) Airport Zoning Regulations is required.
7. **Apartment.** Apartments built within:
- a. 60 ft. of an AR, SR, or DR zoning district may not be more than 24 ft. in height; or
  - b. 100 ft. of an AR, SR, or DR zoning district may not be more than 36 ft. in height.
8. **Automobile / Vehicle Sales and Rental.**
- a. All outdoor display areas for rental or sales of vehicles shall:
    - 1. Be located on an improved hard surface;
    - 2. Be located in areas that are outside of the minimum required parking spaces for the use;
    - 3. Be located a minimum of 300 ft. from any residential district or residential use as measured from the closest two points of the property;
    - 4. Have no cars displayed for sale or rental either in the right-of-way or within 10 feet of the right-of-way; ~~Be located outside of the right-of-way;~~ and
    - 5. Include no more than one elevated display which raises the vehicle no more than three feet off the ground.
  - b. No inoperable vehicles or materials are stored on-site, unless within an enclosed building, or otherwise totally screened from view.

- c. When the use is located a distance of greater than 300 ft. but not larger than 1,000 ft., screening consistent with Sec. XXX, shall be required.

9. **Automobile / Vehicle Repair and Service.**

- a. The use shall be located a minimum of 300 ft from any residential district or residential use as measured from the closest two points of the property; ~~and~~
- b. When the use is located a distance of greater than 300 ft. but not larger than 1,000 ft., screening consistent with Sec. XXX, shall be required;
- c. No automobile shall be parked either within the right-of-way or within 10 feet of the right-of-way;
- d. No automobile shall be left on the premise that is inoperable for more than one week; and
- e. All work and/or repairs must happen within an enclosed structure and all customer vehicles left overnight must be stored indoors.

10. **Bar / Brewery.**

- a. The business must be properly licensed by multiple State of Indiana agencies to fully conduct the proposed use, including but not limited to obtaining a business license, food service license, seller's permit, and liquor license permit.
- b. The use shall be located a minimum of 300 ft from any residential district; residential use; schools; place of public assembly, indoor; library; hospital / rehabilitative care; correctional institution; cemetery; medical office/clinic; heavy equipment sales and rental; shooting / archery range; or childcare center.

11. **Cargo Terminal.** The use shall be located a minimum of 300 ft from any residential district or residential use as measured from the closest two points of the property.

12. **Cellular Communications Facilities (CCF).**

- a. *Standards for All Types of CCFs.*
  - 1. *Federal Requirements.* All CCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal government with the authority to regulate CCFs. If such standards and regulations are changed, then the owners of the CCF governed by this Section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the CCF at the owner's expense.
  - 2. *Radio Frequency Standards.* All CCFs shall comply with federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a CCF have been made to the County, the County may request that the owner or operator of the CCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the County, to demonstrate compliance, the County may request that the owner or

operator of the CCF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established federal standards. If, upon review, the County finds that the facility does not meet federal standards, the County may require corrective action within a reasonable period of time, and if not corrected, may require removal of the CCF pursuant to subsection A above. Any reasonable costs incurred by the County, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

3. *Signal Interference.* All CCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement ("signal interference letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems, and shall allow the County to monitor interference levels with public safety communications during this process.
4. *Legal Access.* In all applications for CCFs outside of the right-of-way, an applicant shall demonstrate that it owns or has lease rights to the site.
5. *Operation and Maintenance.* To ensure the structural integrity of CCFs, the owner of a CCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the County determines that a CCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the CCF, the owner shall have 30 days from the date of notice to bring such CCF into compliance. Upon good cause shown by the owner, the County Administrator may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such CCF into compliance within said time period, the County may remove such CCF at the owner's expense. No hazardous materials shall be permitted in association with CCFs, except those necessary for the operations of the CCF and only in accordance with all applicable laws governing such materials.
6. *Abandonment and Removal.* If a CCF has not been in use for a period of three months, the owner of the CCF shall notify the County of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any CCF that is not operated for a continuous period of 12 months shall be considered abandoned. The County, in its sole discretion, may require an abandoned CCF to be removed. The owner of such CCF shall remove the same within 30 days of receipt of written notice from the County. If such CCF is not removed within said 30 days, the County may remove it at the owner's expense and any approved permits for the CCF shall be deemed to have expired.
7. *Camouflage/Concealment.* All CCFs and any related accessory equipment shall, to the maximum extent possible, use concealment design techniques, and where not

possible utilize camouflage design techniques. Camouflage design techniques include, but are not limited to using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the CCF to the surrounding natural setting and built environment. Design, materials and colors of CCFs shall be compatible with the surrounding environment. Design elements shall be compatible with structures and vegetation on the same parcel and adjacent parcels.

- (a) Where CCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, to minimize the CCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, behind landscape berms.
- (b) A concealment design may include the use of alternative tower structures should the Administrator determine that such design meets the intent of this Chapter and the community is better served thereby.
- (c) All CCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and towers shall be constructed of non-reflective materials (visible exterior surfaces only).

8. *Siting.*

- (a) No portion of any CCF may extend beyond the property line.
- (b) CCFs shall be required to be designed and constructed to permit the facility to accommodate CCFs from at least two wireless service providers on the same CCF unless the County approves an alternative design. No CCF owner or operator shall unfairly exclude a competitor from using the same facility or site.
- (c) CCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below UDO standards.
- (d) CCFs shall not encroach into any sight triangles.

9. *Lighting.* CCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the CCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the County may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

10. *Landscape and Fencing Requirements.*

- (a) CCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel, below any applicable standard within this UDO.
- (b) The site of the CCF shall be landscaped with a buffer of plant materials that effectively screens the view of the CCF from adjacent residential property. The

standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.

- (c) In locations where the visual impact of the CCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the Administrator.
- (d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as CCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
- (e) No trees larger than four inches in diameter measured at 4½ feet high on the tree may be removed, unless authorized by the Administrator. To obtain such authorization, the applicant shall show that:
  - (1) Tree removal is necessary; and
  - (2) The applicant's plan minimizes the number of trees to be removed.
- (f) Any trees removed are replaced at a ratio of 2 to 1.

b. *Standards by CCF Type.*

1. *Base Stations.*

- (a) Base Stations shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached.
- (b) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two feet.
- (c) Wall mounted CCFs shall not extend above the roofline unless mounted to a penthouse.
- (d) Roof mounted CCFs shall be approved only where an applicant demonstrates a wall mounted CCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
  - (1) Roof mounted whip antennas shall extend no more than 12 feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
  - (2) Roof mounted panel antennas shall extend no more than seven feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
  - (3) Other roof mounted accessory equipment shall extend no more than seven feet above any parapet of a flat roof upon which they may be placed and shall not be permitted on a sloped roof.

2. *Alternative Tower Structures (ATS) and Small Cell Facilities Located Outside of the Right-of-Way.*



- (a) ATS shall be designed and constructed to look like a building, facility, or structure typically found in the area, in order that the CCF is concealed.
  - (b) Height or size of the proposed ATS or small cell facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet.
  - (c) ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries.
  - (d) ATS should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.
  - (e) ATS and small cell facilities shall be compatible with the surrounding topography, tree coverage, and foliage.
  - (f) ATS and small cell facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness.
  - (g) Visual impacts of the proposed ingress and egress shall be minimized.
3. *Alternative Tower Structures and Small Cell Facilities Located in the Right-of-Way.*
- (a) No ATS pole shall be higher than 35 feet.
  - (b) No pole or structure shall be more than 10 feet higher (as measured from the ground to the top of the pole or structure) than any existing utility or traffic signal within 500 feet of the pole or structure.
  - (c) Any new pole for ATS or small cell facilities shall be separated from any other existing CCF facility by a distance of at least 600 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Administrator.
  - (d) With respect to pole-mounted components, small cell facilities shall be located on an existing utility pole serving another utility; or be located on a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives.
  - (e) ATS must be concealed consistent with other existing natural or manmade features in the right-of-way near the location where the ATS will be located.
  - (f) When placed near a residential property, facilities must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets.
  - (g) Small Cell Facilities shall:

- (1) Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
- (2) Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure;
- (3) Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the ATS;
- (4) Require that any ground mounted equipment be installed in an underground or partially underground equipment vault (projecting not more than 36 inches above grade), or co-located within a traffic cabinet of a design approved by the Administrator, unless a use by special review is obtained subject to the requirements of Section 21;
- (5) Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way;
- (6) Comply with the federal ADA requirements and all applicable local, state, and federal law and regulations; and
- (7) Not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the County, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

#### 4. *Towers.*

- (a) Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the County;
- (b) Tower structures should use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;
- (c) All towers shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material;
- (d) Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet;
- (e) Towers should be sited in a manner that is least obtrusive to residential structures and residential district boundaries where feasible;

- (f) Towers should take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;
- (g) Towers should be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- (h) Visual impacts of the proposed ingress and egress shall be minimized.
- (i) *New Towers Permitted.* No new Towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the County that no existing CCFs can accommodate the needs that the applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing CCFs can accommodate these needs may consist of the following:
  - (1) No existing CCFs are of sufficient height and are located within the geographic area required to meet the Applicant's engineering requirements;
  - (2) Existing CCFs do not have sufficient structural strength to support applicant's proposed CCF;
  - (3) The applicant's proposed CCF would cause electromagnetic interference with the CCFs on the existing CCFs or the existing CCFs would cause interference with the applicant's proposed CCF; and
  - (4) The Applicant demonstrates that there are other limiting factors that render existing CCFs unsuitable for collocation.
- (j) *Setbacks.* A Tower shall meet the greater of the following minimum setbacks from all property lines:
  - (1) The setback for a principal building within the applicable zoning;
  - (2) 25 percent of the facility height, including CCFs and transmission equipment; or
  - (3) The Tower height, including antennas, if the tower is adjacent to a residential district or residential zoned property.
- (k) *Height.* Towers over 40 feet in height shall not be located within one-quarter mile from any existing tower that is over 40 feet in height, unless the applicant has shown to the satisfaction of the County that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.
- (l) *Right-of-Way.* No Towers shall be permitted in the right of way.
- (m) *Related Accessory Equipment.* Related accessory equipment for all CCFs shall meet the following requirements:
  - (1) All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;
  - (2) The total footprint coverage area of the CCF's related accessory equipment shall not exceed 350 square feet;

- (3) No Related accessory equipment or accessory structure shall exceed 12 feet in height; and
- (4) Located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the related accessory equipment shall be camouflaged or concealed.

**13. Child Care Center.**

- a. The use is in compliance with all State of Indiana licensing and certification requirements;
- b. No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
- c. The facility shall have at least one building entrance dedicated solely for its use.

**14. Child Care Home.**

- a. The use is in compliance with all State of Indiana licensing and certification requirements;
- b. No internal or external alterations inconsistent with the residential use of the dwelling are allowed;
- c. The use shall have no more than one employee per shift who does not reside on the premise; and
- d. Signage will be limited to a single non-illuminated placard or nameplate with a maximum size of two square feet that must be affixed securely and flat.

**15. Commercial Recreation and Amusement Services.**

- a. The minimum area of the parcel proposed for development is one acre;
- b. Amphitheater stages and drive-in screens shall face away from the nearest residential uses and any street of a classification of collector or higher;
- c. For activities such as midget auto-track or a go-cart track and if the use is in any way powered by an internal combustion engine, then such shall provide adequate mufflers on all vehicles; and
- d. If the use is located within 500 feet from a residentially zoned property or residential use then the commercial amusement shall be prohibited from operating between 12:30 AM and 8:00 AM.

**16. Contractor's Shop.**

- a. The only storage permitted shall be the storage necessary for the primary use to store operable equipment, materials, and associated items. This may include the storage of liquids, gels, and pastes (e.g., paints, sealers, etc.) provided that the use is stored only in enclosed buildings.

- b. The use shall not be used to dispose of inoperable machine waste or to rent storage space out to those not working regularly on the premises.
- 17. **Correctional Institution.** The use shall be located no closer than 500 feet from any residential district or use as measured along a straight line from the closest lot lines.
- 18. **Greenhouse / Nursery.** All sales must be products created and/or produced on-site. Off-site shipments of products to the site are expressly prohibited.
- 19. **Heavy Equipment Sales and Rentals.**
  - a. All equipment stored outside the principal business shall:
    - 1. Be located on an asphalt or concrete surface;
    - 2. Not be located on any minimum required parking spaces for the use; and
    - 3. Located outside of the right-of-way and outside of any required landscaping area.
  - b. No inoperable materials are stored on-site, unless within an enclosed building, or otherwise totally screened from view.
- 20. **Home Business.**
  - a. *Area.* The maximum area of the home business shall be twenty-five (25) percent of the total floor area of the dwelling unit or five hundred (500) square feet, whichever is less.
  - b. *Structural Improvements.* No internal or external alterations inconsistent with the residential use of the dwelling are allowed.
  - c. *Location.* The home business must be conducted entirely within the primary dwelling unit with the exception of the outdoor storage of materials within an accessory building.
  - d. *Nuisances.* A home business must not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare, electrical or audible interference, or otherwise create a risk to health, safety, or property of adjacent neighbors.
  - e. *Prohibited Businesses.* Prohibited home businesses include but are not limited to a food vendors who have customers pick up or eat the food on the property (food vendor such as caterers who delivery food that is prepared on-site are permitted as a home business); equipment and vehicle repair; appliance and small mechanical repair; kennel; veterinary clinic; funeral home; commercial cabinetry shop; welding; trucking, adult entertainment business; warehousing; vehicle sales; and other similar uses.
  - f. *Employees.* No home business shall have more than one employee per shift who does not reside on the premise commuting to work on the premise. Additional employees may not come to the residence for work purposes, including pick-up of materials, vehicles, assignments, or similar purposes.
  - g. *Clients by Appointment Only.* Clients or business-related visitors shall be by appointment only.
  - h. *Hours of Delivery.* Hours of operation for clients to be on the premise is limited to 8:00am to 8:00pm.

**21. Hotel / Motel.** All hotels shall meet the following standards:

- a. Incorporate an attached, covered, drive-through area adjacent to the main building entry and lobby area for the temporary parking of vehicles during guest check-in and check-out.
- b. Be located on a site of no less than three acres; and
- c. Management staff shall be on-site for 24 hours a day, seven days a week;
- d. Hotels that provide direct access to guest rooms from exterior doorways are prohibited; and
- e. All guest rooms are accessed from an interior corridor which is accessible primarily from an interior lobby area, and no guest room has any direct exterior doorway.

**22. Industrial and Manufacturing Product Sales and Supply.**

- a. All activities shall take place entirely within an enclosed building;
- b. Loading bays shall be located behind the principal building unless it is demonstrated that front-facing bays would have less impact on the function of the surrounding land uses, including but not limited to traffic circulation and sight visibility; and
- c. The use shall be fully screened through the use of vegetation, berm masonry wall, fence so that it is not visible from any public street or adjacent parcel.

**23. Junkyard / Salvage Yard.**

- a. The use shall be located no closer than 500 feet from any residential district or use as measured along a straight line from the closest lot lines.
- b. Upon receiving an appliance, vehicle, or other material, the battery, lubricants, fluids, coolants, refrigerants, and the similar components and shall be removed and recycled or disposed of same in accordance with all applicable state and federal laws regarding disposal of waste and hazardous materials.
- c. Combustible material which can be ignited by an ordinary match shall be placed or stored at least ten (10) feet from any fence or structure. No burning of any material shall occur on site.
- d. No junkyard shall be used as a dump by the public.
- e. No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water, or other natural causes. The storing of loose paper and the spilling of flammable or other liquids into the ground, streams, or sewers are prohibited.
- f. No portion of a junkyard, impound lot, or salvage yard shall be located within an area designated as a special flood hazard area.
- g. The use shall be fully screened through the use of vegetation, berm masonry wall, fence so that it is not visible from any public street or adjacent parcel.
- h. All fencing shall be securely locked unless being actively supervised for ingress or egress.

- i. A fire lane of at least fifteen (15) feet in width shall be maintained from the main entrance to a public street throughout the junkyard, so that no point of the junkyard shall be more than two hundred (200) feet from a fire lane.

**24. Kennel.**

- a. Any building, kennel, or exercise runway for said use shall be located a minimum of 100 ft. from any residential use or district; a place of public assembly, indoor; or a child-care center;
- b. Any building, kennel or exercise runway for said use shall be located a minimum of 25 ft. from any lot line; and
- c. Other than the aforementioned exercise runway, all activities shall be wholly enclosed within a building.

**25. Landfill.**

- a. The use shall be located no closer than 1,000 feet from any residential district or use as measured along a straight line from the closest lot lines.
- b. The refuse and earth, or other suitable cover material, are deposited and compacted in alternating layers of specified depth in accordance with the applicable sections of federal law per 40 Code of Federal Regulations (CFR); and
- c. A site plan showing how the land will be managed to ensure compliance with federal law is required to be submitted prior to the issue being scheduled for discussion with the BZA.

**26. Livestock Production.**

- a. A minimum lot size of 20 acres is required;
- b. The use shall be setback at least 850 ft. from all residential uses and at least 750 ft. from all other uses; and
- c. The use shall meet or exceed all Indiana of Department of Environmental Management (IDEM) regulations including but not limited to Confined Feeding Operations (CFO) and Concentrated Animal Feeding Operations (CAFO).

- 27. Livestock Raising.** The use shall be fully enclosed to ensure that all livestock do not wander off of the premise. Revocation of the permission to engage in this use may occur should a property owner be in violation of this requirement.

**28. Manufacturing, Heavy.**

- a. *Screening.* The use shall be fully screened through the use of vegetation, berm masonry wall, fence so that it is not visible from any public street or adjacent parcel.
- b. *Access.* Take access from a collector street or any other higher classification of roadway;
- c. *Truck Routing Plan.* Have a truck routing plan created showing the ingress and egress locations to the site that shows how the site will not be accessed by a local street.

- d. *Distance Separation.* The use shall be separated from the following uses by at least 500 feet:
1. Any residential zoning district or use;
  2. Places of public assembly, indoor;
  3. Child care home;
  4. Child care center;
  5. Hospital / rehabilitative care;
  6. Library;
  7. Museum, or gallery; and
  8. Medical / diagnostic laboratory.
- e. *Smoke Generation.* For uses that are smoke-generating emissions shall be limited to no more than 10 smoke units per hour per stack or smoke in excess of Ringleman No. 2. However, once during any 24 hour period, for soot blowing, process purging, and fire cleaning, each stack may emit an additional 10 smoke units, and during that period it may emit smoke up to and including Ringleman No. 3.
- f. *Odor.* No use may release an odor that is detectable at the lot line.
- g. *Toxic Materials.* No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which it occurs.
- h. *Glare and Heat.* No use may cause heat at the property line so intense as to be a public nuisance or hazard. No glare shall be seen from any street or residential area.

29. **Manufacturing, Light.** All activities shall take place entirely within an enclosed building.

30. **Manufactured Home Park.**

- a. *Area.* Minimum area of a residential structure within a manufactured home park shall be six hundred (600) square feet.
- b. *Maintenance.* Wrecked, damaged, or dilapidated homes shall not be kept or stored within the manufactured home park at any time. With the assistance of the building inspector, the Administrator shall determine if a home is damaged or dilapidated to a point which makes the home unfit for human occupancy. Whenever such a determination is made, the home shall be vacated and removed from the premises.
- c. *Utilities.* The manufactured home park shall be provided with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet or shall be provided with a separate treatment plant to be provided by the developer in accordance with and approved by the Indiana State Board of Health (see IC 16-41-27-8, IC 16-41-27-11, and regulation HSE 14, Indiana State Board of Health).
- d. *Sidewalks.*
  1. Paved pedestrian sidewalks shall be provided in a continuous arrangement throughout the park. Where possible, walks leading to frequently used public



facilities should be through interior areas removed from the vicinity of streets.

Public pedestrian sidewalks shall be at least five (5) feet in width and paved with a suitable material for use in all weather conditions.

2. Individual sidewalks shall be provided from a public sidewalk, street, or parking area to the individual mobile home stands. These walks shall be at least five (5) feet in width and should be paved with a suitable material for use in all weather conditions.

e. *Streets.*

1. Streets shall be provided on the development site where necessary to furnish principal traffic ways for convenient access to the mobile home stands and other important facilities on the property.
2. Streets shall be privately owned and maintained.
3. The street system shall provide convenient circulation. Dead-end or cul-de-sac streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall have a paved surface of at least eighty (80) feet in diameter. Dead end streets shall not exceed five hundred (500) feet in length measured from the center point of the turning circle to the intersection of the centerline of a dead end and a through street.
4. Pavements shall be of adequate width to accommodate the expected parking and traffic load in accordance with the type of street with twelve (12) feet minimum moving lane widths and eight (8) feet minimum lane widths for parallel parking.
5. Single-lane streets are prohibited.
6. Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewers.
7. Street intersections shall generally be at right angles. Offsets at intersections and intersections of more than two (2) streets at one (1) point shall be avoided.
8. The street improvements shall extend continuously from the existing improved street system to provide suitable access to the manufactured home stands and other important facilities on the property, to provide adequate connections to existing or future streets at the boundaries of the property, and to provide convenient circulation of vehicles.
9. Curbs and gutters along all streets are required.
10. Street base and pavement shall be constructed in accordance with the standards established in Chapter 5, Subdivision Design Standards.
11. *Permits.* Individual permits are required for the placement of individual manufactured homes and their accessory structures.

31. **Mineral Extraction.**

- a. The use shall be located no closer than 1,500 feet from any residential district or use as measured along a straight line from the closest lot lines.

- b. Events may only occur at the use during the hours of 7:00 am and 9:00 pm.
- c. A reclamation plan which outlines the scope, scale, and cost of associated remediation to enable the affected land use to be reused.

**32. Place of Public Assembly, Indoor.**

- a. *Area.* Minimum lot size shall be two (2) acres.
- b. *Attendance.* Attendance for a single event at the facility shall not exceed eight hundred (800) persons or last longer than a full day, not including set-up and take-down.
- c. *Hours of Operation.* Events may only occur at the use during the hours of 7:00 am to 9:00 pm.
- d. *Lighting.* All outdoor lighting associated with the special event shall be turned off by 10:00pm.

**33. Private Utilities.** All private utilities installed are required to meet or exceed the standards by which the County would install their own improvements.

**34. Recreational Vehicle Park and Campground.**

- a. *State Standards.* In addition to the standards of this UDO, a facility accommodating ten (10) or more tents, recreational vehicles, or campsites are subject to the regulations established by state standards per 410 IAC 6-7.1.
- b. *Area.* Each campsite shall be at least nine hundred (900) square feet in area and clearly marked and identified.
- c. *Density.* Maximum density shall be twenty-five (25) campsites per acre.
- d. *Occupancy.* No permanent or semi-permanent structures such as cabins, lean-tos, or other habitable buildings, shall be erected on the use.
- e. *Entrance Road.* The entrance to the campground shall be at least twenty-four (24) feet in width.
- f. *Internal Circulation.* Internal road widths shall be at least ten (10) feet in width for one-lane roads and at least twenty (20) feet in width for two-lane roads.
- g. *Drainage.* All areas shall be well drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment.
- h. *Sanitation System.* Sanitation facilities are required and shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the sewer provider as appropriate.
- i. *Water Supply.* A potable water supply system shall be designed, constructed, and maintained in compliance with the standards approved by the Health Department or the water provider as appropriate.

**35. Refueling Station.**

- a. Any lighting apparatus installed on the property must be properly shielded in accordance with Section **XXX**, *Lighting*, so as to prevent the direct glare of beams onto any abutting residential district or use;
- b. Access to the site will not occur from a local residential street; and
- c. A truck routing plan that shows the ingress and egress to the site shall be submitted.

**36. Retirement Housing.**

- a. A staff member is required to be on-site 24 hours a day.
- b. The facility is required to meet or exceed all the proper local, state, and federal license requirements.

**37. Roadside Agricultural Produce Stand.** All sales must be products created and/or produced on-site. Off-site shipments of products to the site are expressly prohibited.

**38. Sawmill / Timber Processing.**

- a. Take access from a collector street or any other higher classification of roadway;
- b. Have a truck routing plan created showing the ingress and egress locations to the site that shows how the site will not be accessed by a local street; and
- c. The use shall be separated from the following uses by at least 1,000 feet:
  - 1. Any residential zoning district or use;
  - 2. Places of public assembly, indoor;
  - 3. Child care home;
  - 4. Child care center;
  - 5. Hospital / rehabilitative care;
  - 6. Library;
  - 7. Museum, or gallery; and
  - 8. Medical / diagnostic laboratory.

**39. Self-Storage, Mini-Warehouse.**

- a. External overhead doors shall not face residential property or a public right-of-way, unless screened from view.
- b. All driveways within the facility shall be:
  - 1. Designed to accommodate appropriate fire fighting vehicles and be approved by the fire marshal;
  - 2. A minimum width of 30 ft; and
  - 3. Located on an improved hard surface capable of holding stripping of parking spaces and fire lanes.

- c. Outdoor storage is prohibited, with the exception of recreational vehicle (RV) or boat storage which must meet the following:
  - 1. Have a setback of at least 20 ft from any property line;
  - 2. Be screened from view by a fence or wall meeting all standards within Chapter 4 of this UDO; and
  - 3. Any and all onsite sales of merchandise stored within the mini-warehouse is prohibited.

**40. Shooting / Archery Range, Outdoor.**

- a. The use shall be separated from the following uses by at least 1,500 feet:
  - 1. Any residential zoning district or use;
  - 2. Places of public assembly, indoor;
  - 3. Child care home;
  - 4. Child care center;
  - 5. Hospital / rehabilitative care;
  - 6. Library;
  - 7. Museum, or gallery; and
  - 8. Medical / diagnostic laboratory.

**41. Short-Term Rental.**

- a. *Permitted.* Short-term rental units shall only be allowed in lawfully built dwelling units that meet building code requirements. This includes:
  - 1. All or a portion of the owner's primary residence;
  - 2. Any accessory dwelling that exists in accordance with this UDO.
- b. *Prohibited.* Short-term rental units shall not be allowed in:
  - 1. A recreational vehicle, travel trailer, or similar structure (outside of a campground);
  - 2. A motor vehicle; or
  - 3. Any structure not intended for permanent human occupancy.
- c. *Occupancy.* Maximum overnight occupancy shall be two (2) persons per sleeping area (excluding children five and younger), not to exceed ten (10) people, regardless of the number of sleeping areas.
- d. *Sign Posted with Information about the Use.* A sign shall be prominently posted on site that displays:
  - 1. That the structure is a registered short-term rental;
  - 2. The address of the property;
  - 3. The approved maximum occupancy;

4. That quiet hours are from 10:00pm to 7:00am every day; and
5. A 24-hour telephone number where the owner can be reached.

**42. Solar Energy System (SES), Accessory.**

**a. Roof-Mounted SES.**

1. Roof-Mounted SES maximum height overall (including building structure and SES equipment together) is to not exceed the maximum height per the Zoning District.
2. Roof-Mounted SES must conform to the slope of the roof and not project more than 6 inches from the roof surface for residential properties and 10 feet from the roof surface for non-residential properties.
3. Roof-Mounted SES must not exceed the footprint of the principal building or accessory structure.
4. Roof-Mounted SES to provide smoke ventilation opportunities and located in accordance with the Indiana Fire Code.
5. Roof-Mounted SES shall provide emergency access to the roof and cannot be located within 3 feet of any peak, eave, valley, edge and/or perimeter of the roof to maintain pathways of accessibility.
6. Roof-Mounted SES must provide a Roof Stability Report prior to approval.
7. Roof-mounted solar energy systems shall be placed only on the roof of a conforming structure. Should accessory panels total size exceed 3,000 square feet, they must be roof-mounted.

**b. Ground-Mounted SES.**

1. Ground-Mounted SES is not permitted in the front yard.
2. Ground-Mounted SES must conform with the set-back per the Zoning District and must be properly screened by a fence and cannot exceed 6 feet in height or height of fence, whichever is less for Residential; cannot exceed 15 feet in height for Non-Residential.
3. Ground-Mounted SES cannot be located over septic field, legal easement, ROW or County Drain without proper approval; Ground-mounted SES must be a minimum of 3 feet from any easement.
4. Ground-mounted SES shall be placed behind the front facade of the primary structure.

**c. Wall-Mounted SES.** Wall-Mounted SES permitted, but not on front wall of structure and cannot project more than 5 feet from building.

**d. Location.** Ground-mounted solar energy systems shall be placed behind the front facade of the primary structure.

**e. Nuisances.** Any accessory solar energy system, structure, or portion thereof declared to be unsafe by the Administrator, by reason of inadequate maintenance, dilapidation,

obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with best practices.

**43. Solar Energy System, Commercial.**

**a. Structure Standards.**

1. The height of any ground-mounted solar equipment is limited to fifteen (15) feet, as measured from the natural grade below each panel to the top of each panel at its maximum tilt in the vertical direction.
2. Roof-Mounted SES must provide a Roof Stability Report prior to approval.
3. A clear sight triangle must be maintained at all ingress/ egress locations.
4. Ground-Mounted SES cannot be located over septic field, legal easement, ROW or County Drain without proper approval; Ground-mounted SES must be a minimum of 3 feet from any easement.

**b. Setbacks.** Any commercial solar energy system equipment (excluding perimeter fencing, poles, and wire necessary to connect the facility to the electric utility) must be a minimum of 500 ft setback from the rear and side property lines. The front/roadway side of the parcel is to have a minimum of 200 ft setback from the property line.

**c. Decommissioning Plan.** A decommissioning plan shall be provided indicating the method and payment of the anticipated cost of removing the commercial solar energy system at the end of their serviceable life or upon their becoming a discontinued or abandoned use to ensure that the commercial solar energy systems are properly decommissioned. The decommissioning plan shall include, at a minimum, the following:

1. **Assurance.** Written assurance that the commercial solar energy system will be properly decommissioned upon the expiration of its serviceable life or in the event of their discontinuance or abandonment.
2. **Cost Estimates.** For all commercial solar energy systems, an estimate of the costs of decommissioning and removing the commercial solar energy system upon the expiration of their useful life, or in the event of their discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of commercial solar energy system.
3. **Financial Assurances.** The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the commercial solar energy system and to restore the site, the following steps shall be followed:
  - (a) For each commercial solar energy system, the applicant, owner, and/or operator shall determine an amount of money equal to the estimated removal and restoration cost.

- (b) The Administrator shall independently verify the adequacy of this amount.
- (c) This money shall be deposited in an escrow account specified by the jurisdiction, which may be an interest-bearing account. Alternatively, a bond may be posted for the amount.

4. *Discontinuation and Abandonment.*

- (a) *Abandonment.* Verification under penalties for perjury, that all easements and/or leases for the commercial solar energy system contain terms that provide financial assurances to the property owners to ensure that the commercial solar energy system are properly decommissioned within one (1) year of the expiration of their serviceable life or in the event of their discontinuance or abandonment.
  - (b) *Discontinuation.* Any commercial solar energy system shall be considered abandoned and a discontinued use after six (6) months without energy production, unless a plan is developed by the owner or applicant and approved by the Administrator outlining the steps and a schedule for returning the commercial solar energy system to service.
  - (c) *Removal.* An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within one (1) year of the discontinuation or abandonment of the commercial solar energy system. The restoration of the project area shall result in as near as practicable the condition of the site immediately before construction of such improvements.
  - (d) *Written Notices.* Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate jurisdictional body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).
  - (e) *Costs Incurred by the Jurisdiction.* If the jurisdiction removes a commercial solar energy system and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate grants a license to the jurisdiction to enter the property and to remove all commercial solar energy systems and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.
- d. *Nuisances.* Any commercial solar energy system, structure, or portion thereof declared to be unsafe by the Administrator or Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved decommissioning plan.

- e. *Access.* The operator of a commercial solar energy system must provide an emergency key box, with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the Administrator.
  - f. *Emergency Contact.* Emergency contact information shall be posted on the SES.
  - g. *Bufferyards and Fencing.*
    - 1. *Visual Buffers.* A commercial solar energy system shall have a minimum six (6) foot earth berm with heavy buffer, as defined by Table 3.12, along the entire perimeter of the SES property; bufferyard to be located outside of required fencing. The existing natural tree growth and natural landforms along the solar energy system perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Administrator.
    - 2. *Fencing.* All sites must have a completely fenced perimeter with fencing that is at least six (6) feet in height.
    - 3. *Easements.* If an easement is required for the location of a commercial solar energy system on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
    - 4. *Lighting.* Exterior lighting for a commercial solar energy system site shall be limited to that required for safety and operational purposes.
    - 5. *Glare.* Solar panels must be oriented/screened year- round to direct glare away from adjacent properties, structures and roadways.
    - 6. *Noise.* Cannot exceed noise of 50 decibels measured at the property line.
    - 7. *Utilities.* All electrical wires and utility connections for a commercial solar energy system shall be installed underground, except for transformers, inverters, substations, and controls.
    - 8. *Signage.* Limited to one sign per commercial SES. Sign standards are set forth by the zoning district the SES is located in. An emergency contact sign must be provided at each gate. The SES will be given an address to allow 911 services to locate it. There will be no advertisement banners/signage allowed on SES fencing, but warning signs are allowable per applicable law.
44. **Special Event.** An applicant for a special event shall submit a plan of operation which at a minimum address the following:
- a. *Location.* The size of the site shall be large enough to accommodate the expected attendance in a manner that is safe for the site, neighborhood, street, or other infrastructure.
  - b. *Hours.* The hours of the special event shall be limited to 7:00 am to 9:00 pm on weekdays and 8:00 am to 10:00 pm on weekends.



- c. *Duration.* The event shall not be held on a parcel more than four times per calendar year and shall be limited to no more than five consecutive days, not including set-up and tear-down.
- d. *Operational Requirements.* The County may request that a building code inspection occur prior to the event that could include a review of parking, security, noise trespass, and accessibility.
- e. *Traffic and Parking.* A plan for routing traffic to the property and where parking of vehicles will occur.
- f. *Licensure.* Documentation of any required federal, state, or local permits or licenses shall be required to be submitted with an application.

**45. Temporary Structures.**

- a. *Location.* All temporary structures must be set back at least 10 feet from all lot lines.
- b. *Residency Prohibited.* All temporary structures are prohibited from being used as a residence.
- c. *Duration.* Shall be removed prior to final permitting of the permanent structure.

**46. Townhouse.** Townhomes built within:

- a. 60 ft. of an AR or DR zoning district may not be more than 24 ft. in height; or
- b. 100 ft. of an SR zoning district may not be more than 36 ft. in height.

**47. Travel Center.**

- a. Any lighting apparatus installed on the property must be properly shielded in accordance with Section **XXX**, *Lighting*, so as to prevent the direct glare of beams onto any abutting residential district or use;
- b. Access to the site will not occur from a local residential street; and
- c. A truck routing plan that shows the ingress and egress to the site shall be submitted.

**48. Veterinary Clinic or Service.**

- a. Any building, kennel, or exercise runway for said use shall be located a minimum of 100 ft. from any residential use or district; a place of public assembly, indoor; or a child-care center;
- b. Any building, kennel or exercise runway for said use shall be located a minimum of 25 ft. from any lot line; and
- c. Other than the aforementioned exercise runway, all activities shall be wholly enclosed within a building.

**49. Wind Energy System (WES), Accessory and Wind Energy System (WES), Commercial.**

- a. *Structural Standards.*

1. *Construction Codes.* The facility shall comply with all applicable state construction and electrical codes as well as local building permit requirements.
  2. Roof-Mounted WES shall not exceed maximum accessory structure height of Zoning District. Height shall be calculated as the distance from grade to top of the WES at greatest incline.
  3. Roof-Mounted WES shall not be permitted on front wall of structure.
  4. Roof-Mounted WES shall be located in such a manner as to ensure emergency access to the roof and provide smoke ventilation opportunities and cannot be located within 3 feet of any peak, eave, valley, edge and/or perimeter of the roof to maintain pathways of accessibility.
  5. Roof-Mounted WES must provide a Roof Stability Report
  6. Ground-Mounted WES shall not be permitted in the front yard or street side yard.
  7. Ground-Mounted WES shall not exceed maximum accessory structure height of Zoning District. Height shall be calculated as the distance from grade to top of the WES at greatest incline.
- b. *Setbacks.*
1. Ground-Mounted WES shall conform with the side and rear setbacks per the Zoning District or a distance from any property line by the total height of the WES (to the highest vertical), whichever is greater.
  2. For wind energy systems mounted on an existing, conforming principal structure or existing conforming accessory structure, the distance between an on-site use wind energy system and the owner's property lines shall be equal to or greater than the height of the wind energy system tower including the top of the blade in its vertical position as measured from where the system is attached to the structure.
  3. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower.
  4. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines.
- c. *Use and Operational Standards.*
1. *Electromagnetic Interference.* No on-site wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No on-site wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce

electromagnetic interference in the link's operation unless the interference is insignificant.

2. *Safety.* An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
  3. *Sound Pressure Level.* On-site use wind energy systems shall not exceed 55 dB(A) at any property line. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
  4. *Maximum Kilowatt.* All accessory uses must have less than a 10 KW System
  5. *Lighting.* Limited to what is required for safety and operational purposes.
  6. *Glare.* Must be oriented/screened year-round to direct glare away from adjacent properties, structures and roadways.
  7. *Utility Location.* Ground-Mounted WES cannot be located over a septic field, legal easement, ROW or County Drain without proper approval; Ground-Mounted WES must be a minimum of 3 feet from any easement. Roof-Mounted WES cannot be located under utility powerlines.
- d. *Nuisances.* Any WES, structure, or portion thereof declared to be unsafe by the Administrator or the Building Inspector, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with best practices.
- e. *Emergency Contact.* Emergency contact information shall be posted on the WES.