

Chapter 4: Standards for Specific Uses.

A. General Provisions.

1. This chapter shall apply to all parcels of land within the jurisdiction unless otherwise stated herein.
2. The development of the uses listed in this chapter shall meet the respective requirements of this chapter as well as all other chapters of this UDO, including the zoning district regulations and development standards.
3. The uses listed in this chapter shall be permitted as outlined in Chapter 2: Zoning Districts and Overlay Districts.
 - a. In a district in which the specified use is permitted by right, the Administrator shall determine that the development standards of this chapter will be met.
 - b. In a district in which the specified use is allowed by Special Exception or a Use Variance is requested, the Administrator and the BZA shall determine that the development standards of this chapter will be met prior to BZA approval.
4. An ILP is required to construct and/or establish all structures as required by this UDO in order to ensure that the structure meets all of the applicable building codes.

B. Establishment of Development Standards for Specific Uses.

Uses With Additional Development Standards
Accessory Dwelling Unit
Adult Day Care Facility
Adult Oriented Business
Campground & Recreational Vehicle Park
Home Occupation
Home Based Business with Employees
Manufactured Home Park
Short-term Rental
Solar Energy System, Accessory
Tiny Home or Tiny Home Development
Wind Energy System, Accessory
Wireless Communication Facility

1. Accessory Dwelling Unit.

- a. Accessory Dwelling Unit Purpose. It is the purpose of this section to regulate an accessory residential structure on a parcel where a primary residential structure exists to provide housing options for family members, students, aging residents, in-home health care providers, the disabled, and others; promote a variety of housing opportunities in the community; and allow homeowners to benefit from added income and an increased sense of security.
- b. Accessory Dwelling Unit General Standards.
 - i. Approval of an accessory dwelling does NOT permit the accessory dwelling to be used as a short-term rental. If an accessory dwelling is used as a short-term rental, the short-term rental use shall comply with all applicable standards of this UDO and be approved as required by this UDO.
 - ii. If an accessory structure (attached or detached) includes a bathroom, kitchen facilities, and/or living area for sleeping, it shall be considered an accessory dwelling unit and shall comply with all applicable standards unless a "Use Affidavit" stating the structure will not be used as a dwelling is filed with the Administrator and recorded with the County Recorder.

Accessory Dwelling Unit (ADU) Structure Standards	
Minimum Area	<ul style="list-style-type: none">• 400 sq ft
Maximum Area	<ul style="list-style-type: none">• 800 sq ft or 50% of the primary dwelling unit living area footprint (whichever is less)
Living Area Components	<ul style="list-style-type: none">• The ADU shall be an independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress (self-sufficient)• Shall not contain more than 1 bedroom
Maximum Height	<ul style="list-style-type: none">• Governed by the zoning district but cannot exceed the height of the primary dwelling
Architecture and Building Materials	<ul style="list-style-type: none">• Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling
Maximum Quantity	<ul style="list-style-type: none">• 1 ADU per parcel
Permitted Structure Types	<ul style="list-style-type: none">• Detached or attached to the primary dwelling unit• Lawfully built structure that meets all building code requirements, including all requirements for a single-family dwelling
Prohibited Structure Types	<ul style="list-style-type: none">• A recreational vehicle, travel trailer, motor vehicle, parts of a motor vehicle, or similar structure• Any structure not intended for permanent human occupancy• Any structure that does not meet all building code requirements for a dwelling or does not meet the use standards for an accessory dwelling unit (including layout and components)

Accessory Dwelling Unit (ADU) Site Standards	
Address	<ul style="list-style-type: none">• Addresses for properties with an approved accessory dwelling unit shall be assigned and approved by the addressing entity
Access	<ul style="list-style-type: none">• ADU shall utilize the same driveway that serves the primary residential dwelling

	<ul style="list-style-type: none"> • A separate driveway from any public right-of-way shall not be permitted
Location	<ul style="list-style-type: none"> • Only allowed on lots where an existing, lawfully constructed, primary single-family dwelling exists • Must be located behind the front façade of the primary dwelling and comply with all site development standards (including setbacks) of the subject zone district
Accessory Structures	<ul style="list-style-type: none"> • • The ADU shall not have its own accessory structures
Ownership	<ul style="list-style-type: none"> • The ADU shall be under the same ownership as the primary dwelling • The primary dwelling or the accessory dwelling shall be owner-occupied
Parking	<ul style="list-style-type: none"> • Minimum number and design of parking spaces shall comply with Chapter 3, Section F: Parking and Loading Standards • Parking may be shared with the primary dwelling provided the number of spaces complies with Chapter 3, Section F: Parking and Loading Standards

Accessory Dwelling Unit (ADU) Utility Standards

Water & Sewage Disposal	<ul style="list-style-type: none"> • Governed by requirements of the zoning district
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Accessory Dwelling Unit (ADU) Operational Standards

Occupancy	<ul style="list-style-type: none"> • Maximum occupancy of 2 persons
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Accessory Dwelling Unit (ADU) Establishment Standards

Development Plan Approval	<ul style="list-style-type: none"> • NA
Site Plan Approval	<ul style="list-style-type: none"> • Required for review with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO.

2. Adult Day Care Facility.

- a. Adult Day Care Facility Purpose. The purpose of the adult day care facility standards is to provide additional assistance to families and caregivers to allow residents in need to remain in the community and enable continued caregiving for an impaired individual at home
- b. Adult Day Care Facility General Standards. Facility must meet commercial ADA requirements and meet or exceed State and Federal requirements.

Adult Day Care Structure Standards

Minimum Area	<ul style="list-style-type: none">• 150sqft per patient
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Adult Day Care Site Standards

Parking	<ul style="list-style-type: none">• 1 space per staff member, plus 2 additional spaces
Fencing	<ul style="list-style-type: none">• A 6-foot-tall privacy fence shall be installed to provide a secure outdoor area in the backyard for patients to enjoy.

Adult Day Care Operational Standards

Staffing Ratio	<ul style="list-style-type: none">• 1 staff member per 4 patients
Hours of Operation	<ul style="list-style-type: none">• Daily 7:00am – 7:00pm

Adult Day Care Establishment Procedures

Development Plan Approval	<ul style="list-style-type: none">• Required regardless of whether new construction is occurring
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3. Adult Oriented Business.

- a. Adult Oriented Business Purpose. The purpose of the adult business standards is to provide ample and reasonable opportunities for these businesses to locate in the jurisdiction while also mitigating impacts on adjacent properties. Adult oriented businesses require special supervision from the public safety agencies of the jurisdiction in order to protect and preserve the health, safety, morals, and welfare of the patrons and employees of the businesses as well as the citizens of the community. The regulations of this UDO are a legitimate and reasonable means of accountability to ensure that operators comply with reasonable regulations and ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- b. Adult Oriented Business General Standards. These standards are supplemental to all other local or state regulations regarding adult businesses.

Adult Oriented Business Site Standards	
Separation	<p>A minimum separation of at least 1,320 feet shall be provided between all adult oriented businesses and the specific structures and/or uses as specified below. The distance shall be measured with a straight line from the nearest edge of the property line of the adult business to the nearest edge of the property line of the specified use.</p> <ul style="list-style-type: none">• Any parcel used as a school, park, church, or place of worship.• Any parcel with a residential use, residential zoning, or platted as a residential subdivision.• Any parcel used as a hotel, motel, transportation depot, or other adult oriented business.• Any parcel used as a licensed day care facility.• Any premise licensed or governed by the alcoholic beverage control regulations of the state.
Screening	<ul style="list-style-type: none">• A continuous, evergreen landscape buffer or opaque fencing, with a minimum height of 6 feet, shall be maintained along the side and rear property lines for the purpose of screening the use from view of adjacent properties
Exterior Display	<ul style="list-style-type: none">• No adult oriented business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from public view.• Adult oriented businesses shall comply with all regulations governing signs under Chapter 3, Section G: Sign Standards

Adult Oriented Business Operational Standards	
Operational Standards	• NA

Adult Oriented Business Establishment Procedures	
Development Plan Approval	• Required regardless of whether new construction is occurring

4. Campground and Recreational Vehicle Park.

- a. Campground and RV Park Purpose. The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of campgrounds, recreational vehicle parks, their associated recreation areas, and the general public.
- b. Campground and RV Park General Standards. In addition to these standards, 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.

Campground & RV Park Structure Standards	
Permitted Structures	<ul style="list-style-type: none"> • Temporary, non-permanent lodging structures, such as tents, recreational vehicles (RVs), camping trailers, and similar • Permanent shared facilities normally associated with a campground, such as a bathhouse or emergency shelter • Permanent structures for operation (such as office), maintenance, or storage facilities used in the campsite operations
Prohibited Structures	<ul style="list-style-type: none"> • Permanent or semi-permanent structures used or intended for dwellings or overnight accommodations, such as cabins, lean-tos, etc. • Any permanent structure that is located on an individual campsite

Campground & RV Park Site Standards	
Minimum Development Area	<ul style="list-style-type: none"> • 10 acres
Minimum Setback	<ul style="list-style-type: none"> • Governed by the subject zoning district but shall be at least 25 feet from local roads and 50 feet from all other roads.
Maximum Gross Density	<ul style="list-style-type: none"> • 10 campsites per acre
Minimum Separation of Campsites	<ul style="list-style-type: none"> • 25 feet between campsites
Minimum Campsite Area	<ul style="list-style-type: none"> • 990 sq ft per campsite
Access	<ul style="list-style-type: none"> • An entrance roadway from a public road shall be provided that is at least 24 feet in width • Internal roads must be paved
Internal Circulation	<ul style="list-style-type: none"> • All campsites shall gain access through an internal, private roadway; campsites shall not gain access from any public road • All internal roads shall be at least 10 feet in width for one-lane roads and at least 20 feet in width for two-lane roads • Fire and EMS shall approve site plan for adequate accessibility
Drainage	<ul style="list-style-type: none"> • All areas shall be well-drained and designed to provide sufficient space for camping activities, vehicles, sanitary facilities, and appurtenant equipment • All development shall comply with the applicable stormwater and drainage ordinances
Location	<ul style="list-style-type: none"> • Cannot be located in a floodplain or an area subject to periodic flooding • Cannot be located adjacent to swamps, marshes, railroads, stockyards, industrial sites, or other such locations which would constitute a health or safety hazard

Campground & RV Park Operational Standards

Duration of Stay

- Maximum of 180 overnight stays within 12 consecutive months

Campground & RV Park Establishment Procedures

Development Plan Approval

- Required

5. Home Based Business with Employees.

- a. Home Based Business with Employees Purpose. The purpose of regulating and limiting commercial activities in residential dwellings or on residentially used parcels is to ensure that they are incidental and accessory to a legal residential dwelling, compatible with surrounding uses, and do not add significant traffic, noise, or other nuisances to the residential areas in which they are located.
- b. Home based Business with Employees General Standards.

Home Based Business Site Standards	
Location	<ul style="list-style-type: none">• All business activity must be conducted entirely within the primary dwelling unit and/or entirely within a permitted accessory structure on the same parcel as the primary dwelling unit
Access	<ul style="list-style-type: none">• No additional access points and/or driveways shall be permitted• Adequate measures shall be taken to maintain safety for trucks and vehicles entering the public roadway at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters
Outdoor Storage	<ul style="list-style-type: none">• Display of goods or products for sale is prohibited• All outdoor storage areas or areas used to park equipment or vehicles shall be:<ul style="list-style-type: none">○ Behind the rear elevation of the primary dwelling unit; and○ Within a fully enclosed structure or have a solid fence, masonry wall, or continuous evergreen screen on all sides (excluding driveways) that is a minimum of 6 feet in height to provide screening from adjacent properties. Fences shall comply with all regulations of this UDO
Context	<ul style="list-style-type: none">• There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling. All structures shall retain a residential character• No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use
Parking	<ul style="list-style-type: none">• Parking shall comply with Chapter 3, Section F: Parking and Loading Standards
Signs	<ul style="list-style-type: none">• Signs shall comply with Chapter 3, Section G: Sign Standards

Home Based Business Operational Standards		
Employees	<ul style="list-style-type: none"> • Maximum 2 external employees are allowed on site at one time • Does not include the resident(s) 	
Clients/Customers	<ul style="list-style-type: none"> • Maximum of 10 clients/business-related visitors allowed on site per day • No more than 2 present on the site at one time 	
Hours of Operation	<ul style="list-style-type: none"> • Business hours shall be limited to 7:00 am to 7:00 pm unless specified otherwise with the special exception approval or through an approved variance 	
Permitted Uses (examples)	<p>Examples of home based businesses that are able to meet the standards and requirements include but are not limited to:</p> <ul style="list-style-type: none"> • bakery, catering, and meal services • dog grooming • carpentry • e-commerce • events planning • fitness training and wellness coaching (in-person and online) • handyman services • home-based beauty services (hair, nails, makeup, etc.) • home cleaning services • homeschooling for non-resident children • lawn care services 	
Prohibited Uses (examples)	<p>Examples of home based businesses that create neighborhood conflict or cannot easily meet the standards and requirements include but are not limited to:</p> <ul style="list-style-type: none"> • any type of repair or assembly of vehicles with internal combustion engines, such as automobiles, motorcycles, scooters, snowmobiles, marine engines, etc. • adult entertainment • dance studio • house of worship • landscaping and tree services • major appliance repair 	
<ul style="list-style-type: none"> • homemade product production and sales • meditation/massage therapy • music instruction • online resale pet care and dog walking services • photography, graphic design, and advertising services • product resale • professional services (law, insurance, accounting, travel, etc.) • small engine repair • tailoring and alterations • tutoring 		

Home Based Business Establishment Procedures		
Development Plan Approval	<ul style="list-style-type: none"> • Required 	

6. Home Occupation.

- a. Home Occupation Purpose. The purpose of regulating personal home occupations in residential dwellings is to ensure these activities are incidental and accessory to a legal residential dwelling, compatible with surrounding uses, and do not add traffic, noise, or other nuisances than would normally be encountered within the districts they are located.
- b. Home Occupation General Standards.

Home Occupation Site Standards	
Location	<ul style="list-style-type: none">• All business activity must be conducted entirely within the primary dwelling unit or entirely within a permitted accessory structure upon the same parcel as the primary dwelling unit
Access	<ul style="list-style-type: none">• No additional access points and/or driveways shall be permitted
Outdoor Storage	<ul style="list-style-type: none">• Outdoor storage (including equipment parking) or display of goods or products is prohibited
Context	<ul style="list-style-type: none">• There shall be no evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling.• All structures shall retain a residential character.• No mechanical equipment shall be used that creates any electrical or other interference, noise, or impacts that are not normally associated with a residential use
Parking	<ul style="list-style-type: none">• Parking shall comply with Chapter 3, Section F: Parking and Loading Standards
Signs	<ul style="list-style-type: none">• Signs shall comply with Chapter 3, Section G: Sign Standards
Deliveries	<ul style="list-style-type: none">• No deliveries or pick-ups shall be allowed other than from commercial parcel delivery services (e.g., USPS, UPS, FedEx, DHL)

Home Occupation Operational Standards	
Employees	<ul style="list-style-type: none"> A home occupation shall not have any employees on-site other than the resident(s) of the dwelling.
Clients and Customers	<ul style="list-style-type: none"> Maximum of 3 clients/business-related visitors allowed on site per day No more than 1 present on the site at one time.
Permitted Uses (examples)	<p>Examples of home occupations that are able to meet the standards and requirements include but are not limited to:</p> <ul style="list-style-type: none"> bakery, catering, and meal services carpentry e-commerce events planning fitness training and wellness coaching (in-person and online) handyman services home cleaning services lawn care services homemade product production and online sales meditation/massage therapy
Prohibited Uses (examples)	<p>Examples of home occupations that create neighborhood conflict or cannot easily meet the standards and requirements include but are not limited to:</p> <ul style="list-style-type: none"> any type of repair or assembly of vehicles with internal combustion engines, such as automobiles, motorcycles, scooters, snowmobiles, marine engines, etc. adult entertainment barber/beauty shop dance studio dog grooming home-based beauty services (hair, nails, makeup, etc.) house of worship kennel

Home Occupation Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none"> NA
Site Plan Approval	<ul style="list-style-type: none"> Required only if a building permit is required.

7. Manufactured Home Park.

- a. Manufactured Home Park Purpose. The purpose of the Manufactured Home Park standards is to provide housing options for residents, ensure a high-quality living environment within a manufactured home park, and assist in providing alternative developments for single-family housing.
- b. Manufactured Home Park General Standards. Manufactured home parks are not exempt from the Flood Hazard Ordinance, DNR regulations, FEMA regulations, or any other state/federal regulations.

Manufactured Home Park Structure Standards	
Structure Types	<ul style="list-style-type: none">• Only manufactured homes are permitted as dwellings within a manufactured home park. No recreational vehicles (RVs), travel trailers, or similar vehicles shall be used as dwellings• No transient or non-permanent manufactured homes or travel trailers shall be located in a manufactured home park (except as allowed in this section)• Coin-operated laundries, recreational rooms, storm shelters, and similar amenities may be permitted in manufactured home parks
Structure Standards	<ul style="list-style-type: none">• All manufactured homes shall comply with the structure standards in Chapter 3, Section I.7: Structure Standards, Manufactured Home Occupancy• The minimum residential living area requirement of the underlying zoning district shall NOT apply

Manufactured Home Park Operational Standards	
Resident Manager	<ul style="list-style-type: none">• A resident manager or park manager shall be required to oversee that the ordinances and laws regulating the manufactured home park are observed• The resident manager or park manager shall reside on-site, and a designated person shall be accessible to contact 24 hours a day and 7 days a week for emergencies
Register of Residents	<ul style="list-style-type: none">• Every manufactured home park shall maintain a current register of all occupants, which shall include, at a minimum, the names of all persons residing in the manufactured home park; the make, type and serial or license number of each manufactured home; and the location of the space occupied• The park owner shall provide the list, and any updates, to the Assessor's Office

Manufactured Home Park Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none">• Required to ensure that it meets all applicable building codes and regulations

8. Short-term Rental.

- a. Short-term Rental Purpose. The purpose of the short-term rental standards is to ensure compliance with the provisions of IC 36-1-24 as well as:
 - i. Set an appropriate balance between the interests of the jurisdiction's residents, business owners, visitors to the community, and property owners wishing to engage in short-term rental of dwellings;
 - ii. Ensure issues related to fire safety and life safety codes are met; and
 - iii. Allow homeowners to benefit from added income.
- b. Short-term Rental General Standards.

Short-term Rental Structure Standards	
Permitted Structure Types	<ul style="list-style-type: none">• Short-term rental units shall be located in lawfully built dwelling unit that meet all applicable building code requirements.• A short-term rental may be within a primary dwelling or within an accessory dwelling unit that conforms with Chapter 4, Section B.1: Accessory Dwelling Units
Prohibited Structure Types	<ul style="list-style-type: none">• A recreational vehicle, travel trailer, automobile, shipping container, or similar structure• A motor vehicle, or a part of a motor vehicle• Any structure not intended for permanent human occupancy

Short-term Rental Site Standards	
Parking	<ul style="list-style-type: none">• Parking shall comply with Chapter 3, Section F: Parking and Loading Standards
Signs	<ul style="list-style-type: none">• Signs shall comply with Chapter 3, Section G: Sign Standards

Short-term Rental Operational Standards	
Occupancy	<ul style="list-style-type: none">• Maximum overnight occupancy shall be 2 persons per sleeping area, but not to exceed 10 people, regardless of the number of sleeping areas

Short-term Rental Establishment Procedures	
Development Plan Approval	<ul style="list-style-type: none">• NA
Annual Registration Permit	<ul style="list-style-type: none">• Each short-term rental unit shall be registered individually on an annual basis with the Administrator in accordance with IC 36-1-24-11.• As part of the annual registration, an inspection may be required to ensure the structure/unit meets all of the applicable building codes and is safe and habitable.• Short-term rental owners who do not comply with the regulations may be subject to enforcement actions including inspections, citations, and/or revocations of registration.

9. Solar Energy System, Accessory.

- a. **Accessory Solar Energy System Purpose.** The primary purpose of these accessory solar energy system standards is to allow for the production of energy to serve the energy needs of the tract or parcel of real property upon which the accessory system is to be located, regardless of the use or zoning of the property. As part of the application for building permit, the applicant(s) shall demonstrate how much energy is needed and how the proposed system size will fulfill this need. Net Metering is not allowed.
- b. General Standards.

Accessory Solar Energy Structure Standards	
Location	<ul style="list-style-type: none">• Residential Districts. Solar panels shall only be roof-mounted. Ground-mounted units may be approved by a variance through the BZA and must follow all setback restrictions for accessory structures for the subject zoning district.• All Other Districts. Solar panels may be roof-mounted, wall-mounted, or ground-mounted.
Roof-mounted Systems	<ul style="list-style-type: none">• A roof-mounted system may be located on a principal or accessory building• Panels shall project no more than a maximum of 18 inches above the sloped roof plane• Panels installed on a sloped roof shall not project vertically more than the height requirements for the district in which they are located and shall not project horizontally beyond the roof line
Wall-mounted Systems	<ul style="list-style-type: none">• A wall-mounted system may be located on a principal or accessory building• Panels shall comply with the setbacks for primary and accessory structures as appropriate in the subject zoning district• Panels shall be designed and installed to allow proper access to and around the roof structure for emergency personnel
Ground-mounted Systems	<ul style="list-style-type: none">• Panels shall comply with the setbacks for accessory structures in the subject zoning district• Solar panels shall be designed and installed to allow proper access for emergency personnel

Accessory Solar Energy System Establishment Procedures	
Building Permit Required	<ul style="list-style-type: none">• A building permit is required to establish an accessory solar energy system
Additional Standards May Apply	<ul style="list-style-type: none">• Solar panels may be subject to private restrictions (e.g., HOA covenants); however, the town's permit process will not include such reviews. Any enforcement of private restrictions shall be the responsibility of the applicable private parties

10. Tiny Home or Tiny Home Development.

- a. Tiny Home or Tiny Home Development Purpose. The purpose of establishing development standards for tiny homes is to ensure the safety and livability of their placement as well as managing potential impacts on the surrounding community, including aesthetics and property values.
- b. Tiny Homes. A Variance from the minimum living area requirements for the subject district may be required to establish a tiny home. See Chapter 5, Section D: Special Exception and Variance Procedures.
- c. Tiny Home Development.
 - i. General Standards. For the purposes of this UDO, the standards established in Chapter 4, Section B.7: Manufactured Home Park shall apply to tiny home development projects.
 - ii. Tiny Home Development Operational Standards. See Chapter 4, Section B.7: Manufactured Home Park.
 - iii. Tiny Home Development Procedures. See Chapter 4, Section B.7: Manufactured Home Park.

11. Wind Energy System, Accessory.

- a. Accessory Wind Energy System Purpose. The purpose of these regulations is to create a set of basic standards regulating the development, operation, and decommissioning of wind power devices for personal use.
- b. Accessory Wind Energy System General Standards.
 - i. The design and construction of accessory wind energy systems shall meet the following standards:
 - (a) All applicants shall construct, operate, maintain, repair, provide for removal of, modify and/or restore the permitted system in strict compliance with all current applicable local, state, and federal technical and safety-related codes, including, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes and regulations. In the event of a conflict between or among any of the preceding, the more restrictive shall apply.
 - (b) All applicants shall obtain, at their own expense, all permits and licenses required by applicable laws, rules, regulations, and/or codes, and the applicant must maintain the applicable permits and licenses, in full force and effect, for as long as required by the jurisdiction or any other governmental entity or agency having jurisdiction over the applicant.
 - (c) All applicants shall notify the Administrator of any intended modification of an accessory wind energy system and shall make application to modify the height, relocate or rebuild such structure.
 - (d) Accessory wind energy systems shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a wind certification program recognized by the American Wind Energy Association. All systems that are over twenty-five (25) feet in height must be designed by a Professional Engineer licensed to practice in the State of Indiana. The engineer must certify that the foundation and tower constructed for all structures is within acceptable code and industry standards—given local soil and climate conditions.

Accessory Wind Energy System Site Standards	
Location	<p>All wind devices shall comply with all of the following minimum setbacks, with setback measured as a straight line from the vertical centerline of the device base and height measured from the ground elevation at the base of the device to the tip of the blade fully extended upward.</p> <ul style="list-style-type: none">• 1.1 times the height of the wind power device to the:<ul style="list-style-type: none">◦ Centerline of any runway (public use airport, private use airport, or municipal)◦ Centerline of any public use highway, street, or road◦ Centerline of any railroad, easement, or right-of-way◦ Property line• 1.2 times the height of the wind power device to the nearest edge of the right-of-way or easement for any utility transmission or distribution line• 2 times the height of the wind power device to the property line of any undeveloped land that is zoned or platted for residential use.• 3 times the height of the wind power device to the nearest point on the outer wall of a dwelling
Height	<p>With respect to the permitting, construction, installation, or siting of any wind power device within the jurisdiction, the jurisdiction may not limit the blade tip height, through a wind power regulation or otherwise, that is more restrictive than the standards of the FAA under 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace.</p>

	<ul style="list-style-type: none"> Wind energy system structures that are established to serve an existing agricultural use may not exceed forty-five (45) feet in height and must be situated at least fifty (50) feet from all property lines and overhead utility easements to be exempt from the provisions set forth in this UDO.
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Accessory Wind Energy System Establishment Procedures	
Site Plan Approval	<ul style="list-style-type: none"> Wind energy system structures that are established to serve an existing agricultural use shall submit a site plan for approval with any building permit application showing compliance with all regulations of this UDO.
ILP Submittal	<ul style="list-style-type: none"> An ILP is required and must be applied for and approved prior to any site work. No wind system of any type shall be installed or constructed until the application is reviewed and approved by the Administrator, and a permit has been issued. Any permit issued for wind system shall not be assigned, transferred, or conveyed without the express prior written notification to the Administrator.
Applications	<ul style="list-style-type: none"> Consideration: If it is determined that the application meets the purpose, intent, and standards of this ordinance, the application shall be approved. If it is determined that the application does not meet the purpose, intent, and/or standards of this ordinance, the application shall be denied with the specific reasons detailed. Modification: Applications for the modification of an existing structure that does not increase the overall height, or appearance shall be considered a permitted use if it was legally permitted and/or approved previously.
Outside Review	<ul style="list-style-type: none"> The town may at its discretion delegate or designate other official agencies to accept, review, analyze, evaluate, and make recommendations with respect to the approval, or denial, of proposed wind systems.

12. Wireless Communication Facility.

- a. Wireless Communication Facility Purpose. It is the purpose of this section to allow for the appropriate siting of new wireless communication facilities in the jurisdiction in compliance with current state statute procedures. The regulations set forth in this ordinance allow for and regulate wireless communication facilities while also taking into consideration the health, safety, and general character of the surrounding neighborhood.
- b. Wireless Communication Facility General Standards. In accordance with IC 8-1-32.3 and notwithstanding IC 36-7-4 or any rules adopted by the BZA, the following provisions apply to all applications submitted under this section:
 - i. Limitation on Fees.
 - (a) The Administrator may not require an applicant to pay a fee associated with the submission, review, processing, or approval of an application unless the payment of the same or a similar fee for applications for permits for similar types of commercial or industrial structures within the applicable jurisdiction.
 - (b) If a fee associated with the submission, review, processing, or hearing of an application, including a fee imposed by a third party that provides review, technical, or consulting assistance to the Administrator, the fee must be based on actual, direct, and reasonable costs incurred for the review, processing, and hearing of the application.
 - (c) A fee described in this section may not include:
 - (1) Travel expenses incurred by a third party in its review of an application; or
 - (2) Direct payment or reimbursement of third-party fees charged on a contingency basis.
 - ii. Non-discrimination. The Administrator or the BZA may not discriminate against communications service providers or public utilities with respect to the following:
 - (a) Approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
 - (b) Authorizing or approving tax incentives for wireless or wireline communications facilities.
 - (c) Providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the applicable jurisdiction.
 - iii. Fall Zone Limitation. The Administrator or the BZA may not impose a fall zone requirement for a wireless support structure that is larger than the area within which the structure is designed to collapse, as set forth in the applicant's engineering certification for the structure. However, a fall zone requirement that is larger than the area described above may be imposed if the Administrator or the BZA provide evidence that the applicant's engineering certification is flawed. This evidence must include a study performed by a professional engineer.
 - iv. All Other Land Use and Development Standards Apply. These additional rules do not affect the ability of the applicable jurisdiction to exercise other zoning, land use, planning, or other development standards with respect to the siting of new wireless support structures; or exempt the applicant from complying with applicable laws and ordinances concerning land use.

- v. Federal Standards Apply. In reviewing applications and conducting hearings, the Administrator and the BZA shall comply with all applicable provisions of Section 332(c)(7)(B) of the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, and Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 as in effect on July 1, 2015.
- vi. Information Not Required. Neither the Administrator nor the BZA may require an applicant to submit information about or evaluate an applicant's business decisions with respect to the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
- vii. Confidential Materials. All meetings of the BZA are subject to the Open Door Law in accordance with IC 5-14-1.5. However, neither the Administrator nor the BZA may release to the public any records that are required to be kept confidential under Federal or State law, including the trade secrets of applicants, as provided in the Access to Public Records Act (IC 5-14-3) and any other applicable laws.
- viii. Consolidation of Multiple Applications. The Administrator shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities, or for multiple small cell facilities that are located within the applicable jurisdiction and that comprise a single small cell network. Whenever a consolidated application is approved, the Administrator shall issue the applicant a single ILP for the multiple facilities, or for the small cell network, in lieu of issuing multiple permits for each respective facility.
- ix. Conditions for Use of Utility Poles or Towers. Neither the Administrator nor the BZA may require or impose conditions on an applicant regarding the installation, location, or use of wireless service facilities on utility poles or electrical transmission towers.

- c. Wireless Communication Facility Operational Standards. RESERVED.
- d. Wireless Communication Facility Procedures.
 - i. Permits Required. Wireless facilities shall not be constructed, erected, placed, modified, or altered until an ILP has been obtained.
 - ii. Application Required. In accordance with IC 8-1-32.3, the following procedures shall apply to the application and approval for construction of a new wireless support structure, substantial modification of a wireless support structure, or collocation of wireless facilities on an existing structure.
 - (a) Complete Application. To be considered complete, the following information must be submitted with an application for a new wireless support structure, a substantially modified wireless support structure, or collocation of a wireless facility:
 - (1) Applicant Information.
 - (A) A statement that the applicant is a person that either provides wireless communications service or owns or otherwise makes available infrastructure required for each service; and
 - (B) The name, business address, and point of contact for the applicant.
 - (2) Location.
 - (C) The location of the proposed or affected wireless support structure or wireless facility; and

- (D) Evidence supporting the choice of the location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because colocation:
 - (E) Would not result in the same wireless service functionality, coverage, and capacity;
 - (F) Is technically infeasible; or
 - (G) It is an economic burden to the applicant.
- (H) Construction Plan. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
- (I) Findings of Fact. For an application that requires a Special Exception, evidence showing that the application complies with the applicable criteria shall be submitted. The criteria for a Special Exception under IC 36-7-4-918.2 shall comply with Chapter 5, Section D: Special Exception and Variance Procedures.

(b) Review of Application.

- (1) Prompt Review. Upon receipt of an application for a new or significantly modified wireless support structure, the Administrator shall promptly review it for completeness. Within ten (10) business days of receiving the application, the Administrator shall notify the applicant of whether the application is complete and whether a public hearing will be required.
- (2) Failure to Notify. If the Administrator fails to notify the applicant within ten (10) business days whether the application is complete shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.

(c) Public Hearing.

- (1) Public Hearing Required. When a public hearing is required for a Special Exception, the BZA shall conduct the hearing and take final action within a reasonable period of time.
- (2) Public Hearing Not Required. When a public hearing is not required, the Administrator shall take final action on the request within a reasonable period of time after the application is filed.
- (3) Deadline for Final Action. For purposes of this section, “reasonable period of time” shall be determined as follows:
 - (A) Collocation Only. If the request involves an application for collocation only, a reasonable period of time is not more than forty-five (45) days from the date that the applicant is notified by the Administrator that the application is complete. An application for collocation only is not subject to a public hearing before the BZA, but the Administrator may review the application for compliance with applicable building code requirements before issuing an ILP.
 - (B) New Wireless Support Structure. If the request involves an application for an ILP to construct a new wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

(C) Substantial Modification of a Wireless Support Structure. If the request involves an application for an ILP for substantial modification of a wireless support structure, a reasonable period of time is not more than ninety (90) days from the date that the applicant is notified that the application is complete. The BZA shall conduct a public hearing on the request and shall make a decision on the request at the meeting at which it is first presented. Decisions made by the BZA after a public hearing conducted in accordance with this section are considered zoning decisions for purposes of IC 36-7-4 and are subject to judicial review under the IC 36-7-4-1600 series.

- iii. Additional Time for Application Amendment. If an applicant has requested additional time to amend its application or requested or agreed to a continuance during the review or hearing process, then the period of time prescribed above shall be extended for a corresponding amount of time.
- iv. Failure to Take Action. Failure by the Administrator or the BZA to take final action on a request within a reasonable period of time shall be considered a non-final zoning decision in accordance with IC 36-7-4-1602(c), with the applicant consequently entitled to expedited judicial review of the non-final zoning decision.