

SECTION 700: SUPPLEMENTARY REGULATIONS

The development standards set forth in the 700 series of the Zoning Ordinance apply within all zoning districts.

SECTION 701: ACCESSORY STRUCTURES AND USES

- A. Accessory structures are permitted in all zoning districts.
- B. Accessory structures shall adhere to the minimum front yard setback required for principal structures within the applicable zoning district.
- C. Accessory structures shall maintain a minimum side and rear yard setback of five (5) feet. An accessory structure that is one-hundred twenty (120) square feet or less in size, and is not installed or constructed on a permanent foundation, may be installed or constructed within two (2) feet of the side or rear property line. The exception being accessory structures found in agricultural zoning districts.
- D. Accessory structures found within an agriculture zoning district shall maintain a minimum side and rear yard setback of twenty-five (25) feet. An accessory structure that is one-hundred twenty (120) square feet or less in size, and is not installed or constructed on a permanent foundation, may be installed or constructed within two (2) feet of the side or rear property line.
- E. Accessory structures shall not be located within seven (7) feet from the intersection of any rights-of-way.
- F. Any accessory structure in excess of one hundred twenty (120) square feet which is constructed or located within six (6) feet of the principal structure shall be constructed in accordance with the Indiana One and Two Family Dwelling Code.
- G. Within the R-4, R-8, R-20, or LB Zoning Districts, the total gross floor area of all accessory structures on a lot shall not exceed the total gross floor area of the principal structure on the lot. If no principal structure exists on the lot, the total gross floor area of all accessory structures on a lot shall not exceed one thousand five hundred (1,500) square feet.
- H. Any accessory structure which is attached to the principal structure shall maintain the minimum side and rear yard setback required of a principal structure.
- I. No accessory structure shall be constructed or erected within a recorded easement without written approval from the easement holder(s).

SECTION 702: FENCES

- A. All fences shall adhere to the following requirements:
 - 1. All fences and parts thereof shall be constructed or erected within the lot lines.
 - 2. Privacy fences in excess of three (3) feet in height shall adhere to the minimum front yard setback required for principal structures within the applicable zoning district.
 - 3. Privacy fences shall not be located within seven (7) feet from the intersection of any rights-of-way.
 - 4. All fences shall maintain a minimum two (2) foot setback from the improved portion of any alley and shall be located within the lot line.

- B. Within the R-2, R-4, R-8, R-20, LB, GB, AB, CB, and POD zoning district, all fences shall adhere to the following additional requirements:
 - 1. No fences shall be constructed of or be equipped with spikes, electrically charged material, or any similar device.
 - 2. No fence shall be equipped with barbed wire.
 - 3. No fence shall exceed eight (8) feet in height.

SECTION 703: SWIMMING POOLS

- A. Swimming pools shall adhere to the requirements of Section 701 of the Zoning Ordinance.

- B. Access to swimming pools shall be restricted as required by 675 IAC 20-4-27, as amended.

SECTION 704: DECKS

- A. All decks and parts thereof shall adhere to the minimum front, side, and rear yard setback requirement, established for a principal structure, within the applicable zoning district, with the following exception:
 - 1. A deck may extend into a required side or rear yard setback if the following requirements are adhered to:
 - a. Maximum floor clearance above grade of thirty (30) inches.
 - b. No roof, structure, awning, or similar cover is constructed or erected over the deck.
 - c. No walls, sides, or opaque material is used for sides on the deck.
 - d. No portion of the deck extends beyond the lot lines.
 - e. No deck shall be located within seven (7) feet from the intersection of any rights-of-way.

SECTION 705: PARKING

- A. The provisions of this Section shall apply to the following improvements:
 - 1. Construction of any new principal structure
 - 2. Construction of any addition to a principal structure
 - 3. Construction or expansion of a parking area
 - 4. Change of use
- B. Parking areas shall be maintained and continued as a component of use on the same lot or an adjacent lot as the principal use.
- C. No parking space required for a principal use shall be utilized or included as satisfying the requirements for another principal use.
- D. When more than one (1) use occupies a building, the total number of required parking spaces shall be the sum of all uses.
- E. When the calculation of the required number of parking spaces is based upon the number of seats, an area of twenty-four (24) inches of space on a bench, pew, or similar seating facility shall be considered to be one (1) seat.
- F. When the calculation of the required number of parking spaces results in a fractional number, a fraction of one-half (1/2) or greater shall require one (1) additional parking space.
- G. Required parking areas shall not be reduced in area or changed to any other use unless the principal use which it serves is discontinued or modified; except, where equivalent parking spaces are provided.
- H. Parking space requirements for uses not identified in this Section shall be established by the Director by reasonably applying the parking space requirements of a similar use to the intended use.
- I. All parking areas shall be constructed with a hard surface utilizing concrete or asphalt with the following exceptions:
 - 1. Within the M-1 district, truck loading and turn around areas may be maintained in a stoned surface.
 - 2. Within the A, SR, and R-2 districts, driveways and parking areas for permitted uses may be maintained in a stoned surface.
 - 3. Within the M-2 and M-3 district, parking areas may be maintained in a stoned surface.
- J. Parking areas shall be continually maintained in satisfactory condition so as to be free of any hazard, nuisance, accumulation of debris or other unsafe condition.
- K. Handicapped parking spaces shall be provided as required by the Indiana Handicapped Accessibility Code.

- L. Access directly from a street into a parking space shall only be permitted for a single-family or two-family residence.
- M. Each parking space shall be accessible without having to drive over any other parking space, except for single family or two-family residences.
- N. Loading areas shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from the street without blocking or interfering with the traffic flow on the street or within the parking area.
- O. Safe and direct pedestrian access shall be provided between a building and its required parking area.
- P. Parking areas shall be designed to provide internal circulation so that each parking space within a parking area is accessible to all other parking spaces without utilizing a street.
- Q. Parking areas shall be designed so that public safety vehicles can serve the parking area and building(s) on the lot without having to make hazardous or difficult turning movements.
- R. Parking areas shall be designed so as not to interfere with traffic circulation or queuing movements.
- S. No required parking space shall be located within a right-of-way.
- T. Lighting of parking areas shall be arranged so that no source of lighting is directed toward any adjoining property or street.
- U. Striping shall be utilized on parking areas to demarcate the location of parking spaces.
- V. The minimum size of any parking space shall be nine (9) feet in width by eighteen (18) feet in depth.
- W. Drive-thru establishments shall adhere to the following additional requirements:
 1. Each queuing lane shall be clearly designed and marked so as not to conflict or interfere with internal circulation or ingress or egress from the site.
 2. If a one-way traffic flow pattern is provided for the parking area, a twelve (12) foot wide bypass lane shall be provided.
 3. Each queuing space shall be a minimum of nine (9) feet by eighteen (18) feet.
 4. The minimum number of queuing spaces, including the vehicle being served, shall be provided as follows:

<u>USE</u>	<u>SPACES REQUIRED</u>
Financial Institution	4
Restaurant (before menu board)	4
Car Wash/Oil Change Facility	3

X. The minimum parking aisle width shall be as follows:

<u>ANGLE OF PARKING</u>	<u> AISLE WIDTH </u>	
	<u>ONE-WAY</u>	<u>TWO-WAY</u>
Parallel	12	24
45	14	24
60	16	24
90	24	24

Y. The following parking spaces shall be provided for the uses indicated:

1. Dwelling unit - Two (2) spaces per unit
2. House of Worship - One (1) space per every three (3) seats. If no fixed seating is provided, one (1) space per every twenty-five (25) square feet of floor area within the main auditorium
3. Club, lodge, community center - One (1) space per every one hundred (100) square feet of gross floor area
4. Elementary and Middle schools - Two (2) spaces per classroom and other rooms utilized by students, plus one (1) space per two hundred (200) square feet of gross floor area devoted to office use
5. High School - Six (6) spaces per classroom and other rooms utilized by students, plus one (1) space per two hundred (200) square feet of gross floor area devoted to office use
6. Child care center - One (1) space per every two hundred (200) square feet of gross floor area, plus two (2) drop off zone spaces
7. Nursing Home - One (1) space per every three (3) patient beds
8. Funeral Home - One (1) space per every four (4) seats in the chapel area, plus one (1) space per every one thousand (1,000) square feet of gross floor area
9. Vocational or trade school - One (1) space per every one hundred (100) square feet of gross floor area
10. Library - One (1) space per every three hundred (300) square feet of gross floor area
11. Hospital - Two (2) spaces per patient bed
12. Convenience Store - One (1) space per every one hundred eighty (180) square feet of gross floor area
13. Restaurant/bar - One (1) space per every sixty (60) square feet of gross floor area
14. Motel/Hotel - One and one-fourth (1 1/4) spaces per guest room. Ancillary uses shall have parking provided in accordance with the requirements for the specific use
15. Movie Theaters - One (1) space per every three (3) seats
16. Motor Vehicle dealers - One (1) space per every two hundred (200) square feet of gross floor area devoted to offices, display area and customer service area, plus one (1) space per every one thousand (1,000) square feet of gross floor area devoted to vehicle servicing and repair, body shop, parts, and similar uses
17. Manufacturing - One (1) space per every one thousand (1,000) square feet of gross floor area

18. The following uses shall provide one (1) space per every two hundred (200) square feet of gross floor area:
- a. Service establishments, including beauty shops, shoe repair, laundromats, appliance repair
 - b. Retail store
 - c. Bakery
 - d. Business office
 - e. Financial office
 - f. Real Estate office
 - g. Insurance office
 - h. Medical and Dental office
 - i. Travel office
 - j. Florist
 - k. Auto repair establishment
 - l. Adult entertainment establishment
 - m. Indoor recreational amusement
 - n. Grocery store
 - o. Professional office

Z. Certificate of Occupancy

1. No Certificate of Occupancy shall be issued for a building until a final inspection of the parking area has been performed and all parking requirements have been met.
2. Should circumstances prevent the completion of the parking area prior to the time a Certificate of Occupancy is requested, the Director may authorize an extension of time to complete the parking area and allow a temporary Certificate of Occupancy to be issued conditioned upon the completion of the parking area.

SECTION 706: LANDSCAPING

- A. The provisions of this Section shall apply to all improvements which require Development Plan approval by the Commission.
- B. A landscape plan shall be submitted at the time the development plan is submitted. The landscape plan shall include the following:
 1. The location and delineation of existing trees (12" in diameter or larger) and information as to which trees will be removed. Existing woods may be indicated as such on the plan.
 2. The location of required landscaping areas, including required trees.
 3. Notation on type and size of required trees and type of ground cover to be utilized.
- C. At least ten (10) percent of the area devoted to ground floor area of the building(s) and to parking or other vehicular use shall be landscaped.
 1. Each separate landscaped area shall contain a minimum of fifty (50) square feet of

planting area, with a minimum dimension of seven (7) feet.

2. Buffering from residential districts and uses:
 - a. A landscaped buffer with a minimum width of ten (10) feet shall be provided adjacent to any SR, R-2, R-4, R-8, or R-20 zoning district.
 - b. A six (6) foot high privacy fence, masonry wall and/or living evergreen hedge with a minimum height of thirty (30) inches (measured from finished grade) immediately upon planting and spaced at a maximum of twenty-four (24) inches on center, shall be placed within the landscaped buffer to screen the view from residential properties.
 3. A landscaped buffer with a minimum width of seven (7) feet shall be provided parallel to all streets.
 4. All required landscaped areas shall maintain living landscaping.
- D. One (1) tree shall be planted for each seven hundred (700) square feet of required landscaped area. Trees shall be a minimum of ten (10) feet in height, with a minimum trunk diameter of two (2) inches at a point which is at least four (4) feet above finished grade immediately after planting.
1. Credit may be granted against the provisions of this section for the preservation of existing trees provided that the following criteria are met:
 - a. A protective barrier shall be provided around the tree(s).
 - b. The protective barrier shall be installed and maintained for the period of time beginning with the commencement of any development and ending with the completion of any development.
 - c. The protective barrier shall be located outside of the drip line of the tree(s).
 - d. During the development of the site, no excess soil, additional fill, equipment, liquids, construction debris or material foreign to the preservation area shall be located within the protective barrier.
 2. Each tree preserved shall be credited against one (1) required tree.
 3. Should the provisions of Section 706 (D)(1) regarding protective barriers not be adhered to, a replacement tree(s) shall be planted prior to issuance of a Certificate of Occupancy.
- E. No required landscaping, except ground cover, shall be planted within any dedicated easement without submitting a written consent form from the appropriate utility or easement holder authorizing the planting of landscaping within the easement.
- F. All landscaping within the sight visibility triangle areas described below shall provide unobstructed cross visibility at a level between two and one-half (2 1/2) feet and eight (8) feet. The triangle areas referred to are:
1. The area of property located at a corner formed by the intersection of two (2) streets with two (2) sides of the triangular area being a minimum of thirty (30) feet in length along the abutting street right-of-ways measured from their point of intersection; and the third side being a line connecting the ends of the other two (2) lines.
 2. The area of property located at a corner formed by the intersection of an alley and a street, with one (1) side of the triangular area being thirty (30) feet in length along the street right-of-way line measured from the alley right-of-way and one (1) side of the

triangle being fifteen (15) feet along the alley measured from the street right-of-way line; and the third side being a line connecting the ends of the other two (2) sides.

- G. Curbing or wheel stops shall be provided in each parking space which is abutting a required landscaped area.
- H. The required amount of landscaping, including trees, shall be maintained on the lot at all times. Landscaping which is required shall remain living. If required landscaping should perish, it shall be replaced within thirty (30) days after notice is provided from the Department.
- I. Certificate of Occupancy
 - 1. No Certificate of Occupancy shall be issued for a building or structure until a final inspection of the landscaping has been performed and all landscaping requirement have been met.
 - 2. Should circumstances prevent the planting of required landscaping prior to the time a Certificate of Occupancy is requested, the Director may authorize an extension of time to complete the landscaping and allow a temporary Certificate of Occupancy to be issued conditioned upon the completion of the landscaping.

SECTION 707: SIGNS

- A. All signs or other advertising structures shall be constructed and maintained in conformance with this section, the Building Code, and all other applicable codes and ordinances.
- B. In determining the copy area of a sign, the entire face of the sign, including the advertising surface of any framing, trim or molding, shall be included. Should the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, such structure or supports shall be included in the determination of copy area.
- C. In the instance where a sign is composed of letters only with no connection by the advertising structure between the letters, the copy area shall be determined by measuring the distance from the outside edges of the outside letters and from the top of the highest letter to the bottom of the lowest letter.
- D. The minimum clearance of a sign shall be based upon the lowest point of the sign and the established grade at the sign.
- E. The utilization of natural berming, in order to increase the height of a pedestal sign, is permitted so long as such berming does not exceed two (2) feet in height above the grade at the sign and the overall height of the sign, measured from the top of the berm, does not exceed the maximum height permitted for a pedestal sign in the applicable zoning district.
- F. Except as provided in Section 707 (G), no person shall erect, install, place, relocate, or alter

any sign or advertising structure without first obtaining a sign permit from the Department.

- G. The following signs and advertising structures may be erected without a permit, subject, however to all requirements of the zoning district in which they are located and all other applicable requirements:
1. Awning
 2. Banner
 3. Bulletin Board
 4. Construction
 5. Home Occupation
 6. Incidental
 7. Political
 8. Real Estate
 9. Tenant
 10. Window
- H. Applications for sign permits shall be submitted to the Department in accordance with Section 302 and contain the following information:
1. For a free-standing sign, a site plan of the lot indicating the location of the proposed sign, location of any existing free-standing signs, location of any building(s) on the lot, and dimensions of the proposed sign including the supporting structure.
 2. For a building sign, a building elevation which indicates the location of the sign upon the building. The building elevation shall include the width of the building or tenant space for the business for which the sign is advertising. A photograph will suffice for the drawing provided the building width information is provided. The exact size of the proposed sign shall be provided, as well as the size of all existing building signs.
- I. Sign permits shall be reviewed and issued in accordance with Section 303.
- J. No sign or advertising structure where the bottom of the sign is less than eight (8) feet above grade shall be placed, erected, or maintained upon a lot in any sight visibility triangle area as described below:
1. The area of property located at a corner formed by the intersection of two (2) streets with two (2) sides of the triangular area being a minimum of thirty (30) feet in length along the abutting streets, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) sides.
 2. The area of property located at a corner formed by the intersection of an alley and a street, with one (1) side of the triangular area being thirty (30) feet in length along the street right-of-way line measured from the alley right-of-way and one (1) side of the triangle being fifteen (15) feet along the alley measured from the street right-of-way line, and the third side being a line connecting the ends of the other two (2) sides.
- K. In the instance where a variance of use is approved, the signage requirements may be established by the Board as a condition of approval. If no signage requirements are established by the Board, the requirements established within the district where the use is located shall apply.

L. It shall be a violation of this Section to erect, install, place, or maintain the following signs or advertising structures:

1. Any sign or advertising structure which is not specifically permitted under the applicable zoning district.
2. Any sign or advertising structure which constitutes a traffic hazard or is a detriment to traffic safety by reason of its size, location, movement, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic-control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited in any sign as constituting a hazard to traffic.
3. Any sign or advertising structure (other than those erected by a governmental agency or required to be erected by a governmental agency for a public purpose) erected, installed, or placed on the right-of-way of any street except as specifically permitted by this section.
4. Any sign or advertising structure erected on county, town, or other governmental property other than signs erected by the governmental entity for public purposes.
5. Any sign or advertising structure which is erected, installed, or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.
6. Any sign or advertising structure which is erected, installed or maintained upon the rear of a building, however, with the exception of allowing a tenant to identify the business name and/or address on a rear exit door with no greater than six (6) inch non-illuminated letters painted, printed, or attached to the face of the rear door and covering no greater than twenty (20) percent of that door. The rear of a building is that side of a building opposite from the principal or main entrance to a building.
7. Abandoned sign, provided the sign has been abandoned for a minimum of one hundred twenty (120) days.
8. Illegal sign
9. Any sign not specifically or by reasonable implication permitted herein.

M. Except as identified below, all permitted signs shall be erected or installed in accordance with the applicable zoning district regulations.

1. Awning sign:
 - a. Maximum square footage is that established for building signs in the applicable district
2. Banner sign:
 - a. Maximum of two (2) signs per lot
 - b. Limited to a thirty (30) day time period, with a minimum of sixty (60) days before a banner sign is re-installed
3. Bulletin board sign:
 - a. Maximum of one (1) sign per lot
 - b. Maximum copy area - twelve (12) square feet
 - c. Maximum height - six (6) feet
 - d. Minimum setback from street – (10) feet
4. Construction sign:
 - a. Maximum of one (1) sign per lot
 - b. Minimum setback from street - ten (10) feet
 - c. In residential zoning districts, maximum copy area is thirty-two (32) square

- feet and maximum height allowed is eight (8) feet
- d. In all other zoning districts, maximum copy area is fifty (50) square feet and maximum height allowed is ten (10) feet
- 5. Incidental sign:
 - a. Maximum copy - area sum of all signs shall not exceed twelve (12) square feet
- 6. Political sign:
 - a. In residential zoning districts, maximum copy area is sixteen (16) square feet
 - b. In all other zoning districts, maximum copy area is sixty-four (64) square feet
 - c. Sign shall be removed within ten (10) days following the election. A sign identifying a winning candidate in a primary election may remain until ten (10) days following the general election.
- 7. Portable sign:
 - a. Maximum of one (1) per lot
 - b. Minimum setback from street - five (5) feet
- 8. Projecting sign:
 - a. Maximum square footage is that established for building signs in the applicable district
- 9. Real Estate sign:
 - a. Maximum of two (2) signs per lot
 - b. In residential zoning districts, maximum copy area is eight (8) square feet.
 - c. In all other zoning districts, maximum copy area is thirty-two (32) square feet
- 10. Roof sign:
 - a. Maximum square footage is that established for building signs in the applicable district
- 11. Tenant sign:
 - a. Maximum of two (2) signs per lot
 - b. Maximum copy area - thirty-two (32) square feet
 - c. Minimum setback from street - ten (10) feet
- 12. Window sign
 - a. Maximum coverage of window area is fifty (50) percent

SECTION 708: BUILDING HEIGHT

- A. Within the SR, R-2, R-4, R-8, R-20, RMH, LB, GB, AB, CB, AZ, EUD, OS, and POD zoning districts, no building or structure shall exceed a height of thirty-five (35) feet.
- B. The maximum height limitation shall not apply to church spires; flag poles; antennas; chimneys; and water tanks. However, such features shall not exceed a height of one hundred fifty (150) feet and shall comply with Section 994.

SECTION 709: BUILDING WIDTH

- A. The minimum width of a building or structure utilized as a dwelling unit(s) shall be twenty-three (23) feet.
- B. Width shall be measured for all sides of a building or structure.
- C. Width shall be measured from the outside edge of exterior walls.

SECTION 710: PROJECTIONS INTO SETBACK AREA

- A. No portion of a building or structure shall extend or project into any required front, side, or rear yard setback area with the following exceptions:
 - 1. Roof overhang not exceeding twenty-four (24) inches.
 - 2. Window awning
 - 3. Air Conditioner/heat pump
 - 4. Decks which comply with Section 704
 - 5. Porch which complies with the following requirements:
 - a. Maximum projection of porch from the front of the principal structure shall be twelve (12) feet
 - b. Minimum setback from front lot line of ten (10) feet. Steps can project into the ten (10) foot setback area.
 - c. Roof, awning, or similar cover is permitted, with a maximum overhang of twenty-four (24) inches.
 - d. No walls, sides, or opaque material shall be used for the enclosure of the porch. A railing or parapet with a maximum height of thirty (30) inches above the porch floor is permitted as a safety feature of the porch.

SECTION 711: CORNER LOTS

- A. Corner lots shall provide the required front yard setback area along both streets and provide the required side yard setback area along the remaining lot lines.

SECTION 712: AVERAGE BUILDING SETBACK

- A. In any zoning district the minimum depth of a front yard setback may be the average of the front yard setback of existing conforming and non-conforming structures. The existing con-

forming and non-conforming structures shall be located on the same side of the street and between the two (2) closest intersecting streets.

- B. The maximum distance from the subject property for measuring existing structures shall be two thousand six hundred forty (2,640) feet.

SECTION 713: TEMPORARY STRUCTURES AND USES

- A. The following uses are identified as temporary uses:

1. Fireworks sales
2. Christmas tree sales
3. Flower sales
4. Fruit stands
5. Product sales promotion
6. Food vendor
7. Fair or carnival
8. Other uses similar and temporary in nature

- B. Temporary uses are permitted as follows:

1. Use shall not be maintained on the same lot for more than sixty (60) days within any one (1) calendar year.
2. Use shall not obstruct a right-of-way, sidewalk, or required vehicular parking area.
3. One (1) free-standing sign not exceeding thirty-two (32) square feet is permitted.
4. Off-street parking spaces shall be provided in accordance with Section 705(Y).

- C. The following structures are identified as temporary structures:

1. Construction office trailer
2. Structure used in conjunction with a temporary use
3. Other structures similar and temporary in nature

- D. Temporary structures are permitted as follows:

1. Structure shall not be maintained on the same lot for more than one-hundred eighty (180) days
2. Structure shall be a minimum of twenty (20) feet from the street right-of-way line
3. Structure shall not obstruct a required vehicular parking area.
4. Written approval shall be obtained from the Director prior to constructing, erecting, or locating a structure on a lot.

SECTION 715: NUMBER OF PRINCIPAL STRUCTURES ALLOWED PER LOT

No more than one (1) principal structure is allowed on a lot.

SECTION 717: WIRELESS COMMUNICATION TOWERS

A. Purpose:

This ordinance establishes needed criteria for the location of wireless telecommunication facilities throughout Huntington County.

B. Applicability:

This ordinance applies to wireless telecommunication facilities covered under the Telecommunications Act of 1996 and which require Special Exception approval. It does not apply to personal television antennas, ham radio or short wave radio antennas, or other communications equipment accessory to residential uses.

C. Goals:

1. Furnish guidance to wireless telecommunication service providers when looking for a transmission facility site within Huntington County.
2. Demonstrate that maintaining a high community quality of life is of prime importance when determining the appropriateness of a particular location.

D. Location Preferences:

1. Locating on existing structures is preferred to constructing standalone towers, even if the alternative site is considered to be less advantageous to the service provider.
2. If co-location is not possible, then any new towers that are constructed need to be constructed in a manner to allow for co-location to occur.
3. Proposed tower location may be changed by the Board of Zoning Appeals if the change benefits neighbors, reduces visual clutter, decreases aesthetic blight, and does not interfere with the navigable airspace.
4. If necessary for making an informed decision, additional technical information may be requested by the Board of Zoning Appeals from a consulting engineer or other specialist.

E. Permitted Uses:

The following tower types are permitted in all districts without the requirement of a Special Exception from the Huntington County Board of Zoning Appeals:

1. Television or radio antenna/antennae located on the roof, or adjacent to, a home or other structure that uses said antenna/antennae as a means to provide radio and/or television reception to the structures located on the property. These towers stand no taller than sixty (60) feet from the ground or extend beyond a roofline by twenty-five (25) feet, whichever is greater.
2. Towers attached to, or adjacent to, commercial/industrial structures with the purpose

of receiving transmissions associated with site operation. These towers stand no taller than sixty (60) feet from the ground or extend beyond a roofline by twenty-five (25) feet, which ever is greater.

F. Uses Allowed Only by Special Exception:

Wireless communication towers are only permitted within non-residential zoning classifications with the approval of a Special Exception by the Huntington County Board of Zoning Appeals. These towers are classified as being all towers not mentioned in the Permitted Uses section of this ordinance.

G. Site Plan Requirements:

A site plan must be submitted with the Special Exception application showing all structures to be placed on subject site. The site plan must also show the ingress/egress point for the property as well as the screening mechanism for safety purposes.

There also needs to be an illustration that shows all wireless communication towers within a ten (10) mile radius of existing towers. The Department of Community Development should be able to provide information with sites that have been given recent approval but not yet built to the petitioner.

H. Height and Area Requirements:

Lot Size – Not applicable since most facilities rent the land from a larger tract of ground.

Height – The FAA and the Huntington Airport Authority must approve height of towers.

Setbacks – Setbacks must meet the minimum building requirements for that specific district.

Setbacks are measured to the nearest portion of structure (pole or guyed wires) to property lines.

I. General Requirements:

1. New towers shall be constructed in a manner as to allow for the availability of co-location.
2. Prior to hearing a request before the Huntington Board of Zoning Appeals for construction of any new towers, a written letter from the Huntington Board of Aviation has to be on record stating that this site will not interfere with navigable airspace.
3. No lights shall be mounted on the proposed tower unless otherwise required by the FAA. All strobe lighting shall be avoided if possible.
4. Towers may not be used to exhibit any signage or other advertising.
5. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
6. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.
7. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
8. The design of all wireless telecommunication sites shall comply with the requirements from INDOT with regards to tall structures.

J. Factors that the Board of Zoning Appeals will consider when hearing a Special Exception:

While the Telecommunications Act of 1996 does not limit or affect the authority of local governments over decisions regarding the placement of personal wireless placement, it

does have specific limitations on regulatory actions of the local government when dealing with personal wireless services.

1. Cannot prohibit or have the effect of prohibiting the provision of personal wireless services;
2. Cannot discriminate among providers of functionally equivalent services (i.e., do the services create different visual, aesthetic, or safety concerns?);
3. Must act on any reasonable request to place, construct, or modify personal wireless services within a reasonable period of time after a request is made;
4. Must reduce to writing any decision to deny a personal wireless facility, and such decision must be supported by substantial evidence contained in the record of the proceedings; and
5. Cannot regulate personal wireless facilities on the basis of environmental effects of radio frequency emissions if those emissions comply with FCC guidelines.

K. Abandonment:

The service facility owner shall remove a wireless telecommunication site not in use for twelve (12) consecutive months. This removal shall occur within 90 days of the end of such 12-month period. Upon removal the site shall be restored to its previous appearance and where appropriate revegetated to blend with the surrounding area. An appropriate Bond shall be submitted as surety.

L. Expiration of Permit:

The approval of an application for Special Exception shall be void and of no effect unless construction of the project commences within one year and is completed within two years from the date of the approval granted by the Board of Zoning Appeals. For purposes of this regulation the term start of construction shall be defined as the installation of a permanent building foundation. The Board of Zoning Appeals may grant up to two six-month extensions of the period to start construction upon written request by the applicant. The Board of Zoning Appeals shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such Special Exception, site plan, or subdivision approval shall extend the aforementioned one-year period the length of such appeal. The Board of Zoning Appeals may as conditions of approval of a Special Exception establish a time period such Special Exception shall remain in effect.