

## **ARTICLE 15     REGULATIONS APPLICABLE TO SPECIFIC USES**

### **Section 1510 SWIMMING POOLS**

Swimming pools and hot tubs, as defined by this Ordinance, shall be permitted as accessory structures subject to the following provisions:

1. The structure, or the yard in which it is located, or any part thereof, shall be enclosed with a fence or protective barrier of a minimum of five (5) feet in height, measured on the exterior of the fence. All gates within such a fence shall be self-closing and self-locking. In lieu of such an enclosure, the structure may be protected with a secured cover meeting ASTM requirements.
  
2. Construction and operation shall meet all appropriate municipal, County or State requirements.

### **Section 1520 HOME OCCUPATIONS**

A home occupation shall comply with the following:

1. The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one employee who is not a part of the family.
  
2. The home occupation shall be carried on wholly within the principal structure and shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than twenty-five (25) percent of the gross floor area of any dwelling unit shall be used for a home occupation.
  
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. Signage is to be approved by the Plan Commission and shall be limited to a size of 24" x 24".

4. Levels of noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare in amounts greater than those normally associated with domestic use shall not be produced.
5. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restrictive materials shall be used or stored on the site in amounts greater than those normally associated with domestic use.
6. Vehicles associated with the home occupation shall be limited to the following:
  - a. Not more than one (1) vehicle shall be used for the purposes of the home occupation.
  - b. Such vehicle shall not be any commercially licensed vehicle larger than a one (1) ton truck.
7. No traffic, including deliveries and/or pickups of goods, shall be generated by such use in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Ordinance.

## **SECTION 1530 AMATEUR RADIO SUPPORT STRUCTURES**

Amateur radio support structures shall be permitted as accessory uses provided they do not violate the requirements of this Ordinance. The structures shall be constructed and/or installed in accordance with all applicable requirements of the National Electric Code as well as the manufacturer=s specifications. All structures must be properly grounded. The support structure shall be made of non-corrosive hardware. The installation of guy wires and support anchor structures may be permitted in the required setback areas. The Planning Director may require submission of documentation to verify compliance will all applicable codes and requirements as well as any other information which may pertain to the installation of such structures. No amateur radio support structures shall exceed seventy-five (75) feet in height above average ground level.

## **SECTION 1540 COMMUNICATIONS FACILITIES**

Express standards and criteria for considering special exception approval for communications facilities shall be as follows:

1. Proposed communications facilities shall be located only in the following zoning districts: B-1, B-2, I-1, and I-2. Proposed new communications towers must gain special exception approval by the St. Leon Board of Zoning Appeals. Proposed antenna additions to existing structures need not gain special exception approval; however, all other applicable requirements of this Section shall be imposed for such antenna additions.
  
2. Any applicant proposing a new communications tower shall demonstrate that efforts have been made to obtain permission to mount an antenna or antennae on an existing building, public utility transmission structure, or communications tower rather than erect a separate tower. The applicant shall contact, by certified mail, all owners of potentially suitable structures within a one mile radius of the proposed site. If utilization of an existing structure is not an option, the applicant shall provide written proof to this effect which shows that one of the following situations exists:
  - a. The proposed equipment would exceed the structural capacity of the existing building, public utility transmission or storage structure, or communications tower, and reinforcement of the existing structure cannot be accomplished.
  - b. The proposed equipment would cause RF (Radio Frequency) interference with other existing or proposed equipment for that existing structure and the interference cannot be prevented.
  - c. Existing buildings, public utility transmission structures, or communications towers do not have adequate space, access, or height to accommodate the proposed equipment.
  - d. Addition of the proposed equipment would result in NIER (Non-Ionizing Electromagnetic Radiation) levels which exceed adopted Federal or State emissions standards.
  - e. A reasonable business arrangement cannot be achieved.
  
3. The applicant shall submit evidence that the facility or tower, and its method of installation, has been designed to accommodate multiple

antennae, in order to allow for future co-location, and must allow future co-location arrangements.

4. The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a communications facility. At any time during the calendar year that an amendment to the FCC license is issued, a copy of the amended license shall be submitted to the Town of St. Leon Plan Commission within thirty (30) days of issuance.
5. Proof shall be provided that the proposed communications facility complies with safety standards and electromagnetic field limits established by the FCC. In the event that the FCC imposes more stringent standards at a later date, those standards shall apply.
6. Proof shall be provided that the communications facility has been reviewed, and has not been determined to be a hazard, by the Federal Aviation Administration (FAA). The communications tower shall meet all FAA regulations.
7. The applicant shall submit evidence that the facility, tower, or an antenna addition to an existing tower or structure, and its method of installation, has been designed by a civil or structural engineer registered in the State of Indiana and is certified by that engineer to be structurally sound and able to withstand wind and other loads in accordance with applicable building codes.
8. The owner of any communications facility shall be required to conduct periodic inspections of the facility to ensure structural integrity. Inspections shall be conducted by an engineer licensed by the State of Indiana. The cost of the inspection shall be borne by the tower owner. The result of the inspection shall be provided to the St. Leon Plan Commission. Such inspections shall be required as follows:
  - a. Monopole towers - at least once every ten (10) years.
  - b. Self-supporting towers- at least once every five (5) years.
  - c. Guyed towers - at least once every three (3) years.

9. Adequate access by means of a public street or an access easement to a public street shall be provided to facilitate periodic visits by maintenance workers. Said access drive shall be composed of an all-weather, dust proof surface.
10. The distance between the base of the communications tower and any property line shall at least equal the height of the tower. If the facility is erected on a leased parcel taken from a parent tract, this distance may be measured to the property line of the parent tract. In addition, self-supporting towers shall be sited no closer than one thousand (1,000) feet to any residence. An accessory structure erected in connection with the facility shall meet required setbacks for the district in which it is located.
11. The applicant shall demonstrate that the proposed height of the communications facility is the minimum height necessary to function effectively.
12. For communications facilities other than those added to existing structures, enclosure by a chain-link or similar fence at least six (6) feet in height shall be required. Said fence shall have a self-latching gate to limit accessibility to the general public.
13. All guy wires and all guyed towers shall be clearly marked so as to be visible at all times. All guy wires shall be a minimum of five (5) feet from any property line.
14. Landscaping shall be installed and maintained by the owner of any communications tower as necessary for proper screening of associated equipment storage or maintenance buildings. The Board of Zoning Appeals may determine the extent of screening during special exception approval.
15. All lighting, other than that required by the FAA, shall be shielded and reflected away from adjoining properties.
16. The facilities which are erected to maintain a communications facility may not include offices, long-term vehicle storage, other outdoor storage, broadcast studios, or other uses that are not needed to send or receive signals, unless such facilities are permitted uses in the zoning district.

17. Approval under this Section will automatically lapse if the communications facility is not used for six (6) continuous months. In such case, all portions of the communications facility will be removed by the party responsible for erecting the facility, or the property owner, with costs of removal to be borne by that party. The Town of St. Leon may, at its discretion, require bonds at the time of permit issuance to insure that abandoned towers are removed.