

PLACEMENT OF COMMUNICATION TOWERS IN PARKE COUNTY, INDIANA

Communication antenna towers, as well as radio and TV towers, are not automatically allowed, but are allowed by special exception in all districts in Parke County, except AFC. Before constructing a tower, a petition for special exception must be filed by the owner of the land and must be approved by the Board of Zoning Appeals.

The Zoning office will need the following information to process the application for the petition:

1. Copy of Lease, (with legal description), and a letter from the property owner Authorizing a representative to file the petition for a special exception to place the tower on the property.
2. If a lease is not available, a copy of the property deed.
3. Common address of the property.
4. Aerial plat map and names and addresses of adjacent property owners. (Available in the Plat Office).
5. Site plan showing setbacks, service roads and any other pertinent information regarding the site and the surrounding area. (The Plan Commission will expect a detailed site plan at their meeting.)
6. Signed affidavit, stating results of Petitioner's attempt to locate space on any existing Towers.
7. Finding of Fact (to be completed by Petitioner).

The Zoning Office Personnel will prepare the Petition for signatures, provide a notice for legal publication in the local newspaper, and provide a notice of public hearing that the Petitioner will be required to send, via certified mail, to the adjacent property owners. (Receipts for these certified mailings should be brought to the meeting). To meet publication deadlines, the Petition must be signed and all fees paid no later than 12 working days before the date of the meeting at which the Petition will be heard.

The Petitioner or their representative must attend the meeting of the Plan Commission/Board of Zoning Appeals. The Plan Commission will consider the impact of the proposed tower on the comprehensive plan and may make a recommendation to the Board of Zoning Appeals.

The Board of Zoning Appeals will act on the petition for special exception. The BZA will conduct a public hearing on the petition and accept public comment. The BZA will base their decision on information in the Finding of Fact submitted by the Petitioner.

Cost of the Special Exception: \$25.00

Fee for legal publication

Fee for Location Improvement Permits \$100.00

AFFIDAVIT

Special Exception # _____

It is the policy of the Plan Commission to request that an applicant applying for a Special Exception to construct a Communication Tower should first contact owners of towers located within a five-mile radius of the proposed site in an effort to obtain space on any existing tower. The applicant will be required to show, that an attempt has been made to locate available space on an existing tower, or that no other towers exist in the area.

The following towers are located within a five-mile radius of the proposed site:

The following persons/companies were contacted in an attempt to locate space on an existing tower:

An attempt to obtain space on an existing tower resulted in the following:

(Attach documentation)

I understand that if I knowingly make any false statement herein, I am subject to such penalties as may be prescribed by law or ordinance.

Signature of Applicant

Date

PETITION FOR APPEAL

BEFORE THE PARKE COUNTY BOARD OF ZONING APPEALS:

The undersigned hereby appeals to the Board of Zoning Appeals for Authorization of an Improvement Location Permit for property located at:

Zoning Classification of Land: _____
Min. Requirements _____

Check appropriate appeal request:

- _____ Appeal from Interpretation of Zoning Ordinance
- _____ Appeal for Variance from Terms of Zoning Ordinance
- _____ Request for Special Exception
- _____ Appeal for Variance of Use

Describe provision of Zoning Ordinance involved in your appeal or request:

Describe Interpretation, Variance or Special Exception applied for and the reason for your appeal or request:

Are there any restrictions, laws or covenants governing the property which would Prohibit its use for the purpose specified in this application: ___ NO ___ YES
If yes, please attach an explanation.

Signature of Applicant

Address: _____

Phone # _____

Date

The fees payable to the Parke Co. Plan Commission must accompany this petition.

FEES:

Appeal from Interpretation of Zoning Ordinance	\$ 0
Appeal for Variance from terms of Zoning Ordinance	\$100.00
Request for Special Exception	\$25.00
Appeal for Variance of Use	\$100.00

PARKE COUNTY BOARD OF ZONING APPEALS
FINDING OF FACT FOR A SPECIAL EXCEPTION

PETITIONER _____ DATE _____

A petition for special exception. The petitioner has burden of proof.

1. The establishment, maintenance, or operation of the Special Exception _____ will or _____ will not* serve the public convenience and welfare.

Reason: _____

2. The Special Exception _____ will* or _____ will not substantially and permanently injure the appropriate use of neighboring property.

Reason: _____

3. The Special Exception _____ is, or _____ is not* consistent with the spirit, Purpose, and intent of the Zoning Ordinance.

Reason: _____

4. The Special Exception _____ is, or _____ is not* to be located in an area wherein such use is permitted as set out in Figure 9 of the Zoning Ordinance.

Reason: _____

5. The requirements set forth in said Figure 9 for such a Special Exception _____ will or _____ will not* be met.

Reason: _____

The Board may impose reasonable conditions as part of its approval to protect the public health, and for reasons of safety, comfort and convenience. List below any restrictions set out by the Board: _____

If any of the foregoing findings of fact are followed by an asterisk (*), you must DENY the application. However, if none of the foregoing findings of fact are followed by an asterisk, you must grant the application.

It is the decision of the Board of Zoning Appeals of Parke County, that the Special Exception request by _____ is hereby: (X out what does not apply) DENIED

GRANTED SUBJECT TO ANY CONDITIONS REFLECTED IN THE MINUTES OF THE BOARD, AND INCORPORATED HEREIN AND MADE A PART OF THIS DECISION.

PRESIDENT, Board of Zoning Appeals

ADMINISTRATOR
Planning & Zoning

SPECIAL EXCEPTION PROCEDURE/PROCESS

File petition with the Plan Commission office – petition and finding of fact attached

Petition must explain the special exception applied for and plans must be submitted with the petition at the time of filing.

All landowners must be sent via certified mail notice of petitioner's intent with date of meeting, location and time of meeting. (to be determined). Landowner is anyone owning land within four hundred feet of the property boundary for the parcel in the petition.

Legal notice to be published in the local newspaper (Parke County Sentinel) one time, ten days prior to the meeting.

The Parke County Plan Commission reviews the special exception petition then makes a recommendation to the Board of Zoning Appeals for approval/denial.

Variance process is the same as a special exception.

Filing fee: Special Exception \$25.00
Variance petition \$100.00

POLICY RESOLUTION

This resolution is to set policies for operation of the Parke County Plan Commission and the Zoning Office.

The goal is to minimize construction of wireless communications antenna towers, and any negative effects of such towers, while allowing development of technology to provide quality service.

To achieve this goal, when an applicant requests a special exception to construct a new wireless communications antenna tower, the following procedures shall take place:

1. The Zoning Office staff will explain to the applicant that they must contact owners of existing towers within a 5-mile radius and seek to obtain space on existing towers.
2. Before a special exception will be considered by the Board of Zoning Appeals, the Commission shall require the applicant to show:
 - a) contact has been made and a good faith attempt to negotiate use of space on all other towers at market rates has been unsuccessful; or
 - b) available towers are technically unsuitable; or
 - c) no available towers exist.
3. The Plan Commission shall require the applicant to sign a statement agreeing to make A good faith attempt to accommodate future requests for space on their tower, at market rates, if approved.

Effective upon approval date. May 24, 2001
Philip E. McFarland, President, Plan Commission