

2012-85-08

THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

GENERAL ORDINANCE NO. 8

AN ORDINANCE AMENDING GENERAL ORDINANCE NO. 2010-85-2

On or about March 8, 2010, the Board of Commissioners adopted General Ordinance No. 2010-85-2, an ordinance regulating wind energy conservation systems in Wabash County, Indiana.

Such Ordinance is also known as Chapter 11 of Part 1 of the Wabash County Zoning Ordinance.

The Wabash County Plan Commission has recommended that certain amendments be made to that Ordinance.

The Board of Commissioners believes that it is in the best interests of the citizens of Wabash County to adopt those amendments as recommended by the Wabash County Plan Commission.

IT IS THEREFORE ORDAINED that:

1. Chapter 11 of Part 1 of the Wabash County Zoning Ordinance is now amended as follows:

1.1. Paragraph 18 of Section II shall now read:

"WECS-Commercial

*All necessary devices that together convert wind energy into electricity and most of that electricity is delivered to a public utility's transmission lines, including but not limited to the blades, rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower, the substation, switching stations, meteorological towers, communications facilities, and other required facilities and equipment, as customarily related to a WECS project."*

1.2. Paragraph 19 of Section II shall now read:

"WECS-Non-Commercial

*All necessary devices that together convert wind energy into electricity and most of that electricity is not delivered to a public utility's transmission lines, but rather is consumed privately, and wholly within that property described in the application on which the WECS project is to be located, including but not limited to the blades, rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower, the substation, switching stations,*

*meteorological towers, communications facilities, and other required facilities and equipment, as customarily related to a WECS project.”*

1.3. Paragraph E. of Section IV. shall read as follows:

*“Most of the energy produced by a non-commercial WECS project shall be consumed only on that property described in the application.*

1.4. The introductory paragraphs of Section VI. shall now read:

*“All fees for a Special Exception, Variance, or Improvement Location Permit shall be paid at the time of application. The fees charged by the County shall assist the County in recovering the costs incurred in connection with the application process resulting from engineering and other professional fees and expenses, including but not limited to attorney’s fees.”*

1.5. Paragraph C. of Section VI. shall now read:

*“The Special Exception application fee for a Commercial WECS shall be Twenty-Five Thousand Dollars (\$25,000.00).”*

1.6. Paragraph E. of Section VI. shall now read:

*“The initial Improvement Location Permit, which is valid for one (1) year from date of issuance, may be extended for an additional six (6) months upon a showing that the Applicant has, despite due diligence, been unable to complete construction of the WECS within one (1) year of issuance of the Permit.”*

1.7. Paragraph F. of Section VI. shall be deleted in its entirety.

1.8. Paragraph 10.A. of Section VII. shall now read:

*“At no point outside of any Primary Structure shall the sound pressure levels from a wind turbine or any of the components that make up a NON-COMMERCIAL or COMMERCIAL WECS exceed 45 decibels on the ‘A’ weighted scale”.*

1.9. Paragraph 5.C. of Section IX. shall now read:

*“Except as otherwise provided herein, the setback distance for all COMMERCIAL WECS shall be a minimum of 1500 feet from any non-applicant Primary Structure.*

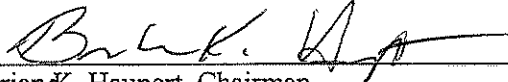
*1. No new structure may be constructed within 800 feet of a WECS turbine tower.*

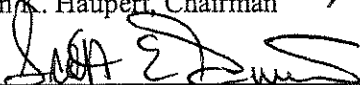
2. *Provided, however, that the Wabash County Plan Commission may waive, but shall not be required to waive, the separation distance between a tower and a structure if its determined the structure will not affect the WECS' performance.*

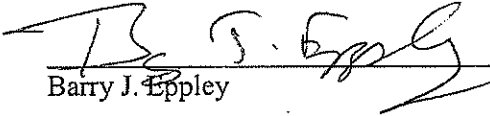
2. Except to the extent expressly amended herein, all other terms and provisions of the Wabash County Zoning Ordinance shall remain in full force and effect.

Adopted this 23 day of April, 2012

BOARD OF COMMISSIONERS OF WABASH COUNTY

  
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Brian K. Haupt, Chairman

  
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Scott E. Givens

  
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Barry J. Eppley

ATTEST:

  
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Jane Ridgeway, Wabash County Auditor