

ORDINANCE NO. 20-10

TO AMEND CERTAIN PORTIONS OF THE
UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA,
DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST
LAFAYETTE, INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY
AMENDED AS FOLLOWS:

Section 1: Change **UZO Section 1-10-2 Words and Terms Defined**, by adding the following definition of **METEOROLOGICAL TOWER** and **ACCESSORY METEOROLOGICAL TOWER**.

METEOROLOGICAL TOWER. A tower whose primary function is to measure atmospheric conditions to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location and may include, but is not limited to, the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data loggers, instrument wiring, and any telemetry devices. Meteorological towers may also include wildlife protection related equipment such as bird diverters and wildlife entanglement protectors. A meteorological tower does not generate electricity and is not considered a **WECS**.

ACCESSORY METEOROLOGICAL TOWER. A *meteorological tower* is accessory to and on the same site as defined in the Special Exception a *wind farm*, or another *primary use*.

Section 2: Add the following **Section 3-2** to the Primary Use Table:

METEOROLOGICAL TOWERS will be permitted by Special Exception in OR, I3, A, AA, AW (same as Large Wind Systems).

Section 3: Add the following to **Section 4-1 (b) Accessory Uses, Accessory Structures and Accessory Buildings** (associated with residential uses):

Accessory Uses, Accessory Structures and Accessory Buildings
(29) ***accessory meteorological towers***. (only in commercial, industrial or rural zones as regulated in 4-11-12)

Section 4: Add the following to **Section 4-1 (c) Accessory Uses, Accessory Structures and Accessory Buildings** (associated with non-residential uses):

UZO 4-1 (c) Accessory Uses, Accessory Structures and Accessory Buildings
(27) **accessory meteorological towers.** (only in commercial, industrial or rural zones as regulated in 4-11-12)

Section 5: Add the following **Section 4-11-12 Meteorological Towers:**

- (a) All **Meteorological towers** are subject to the air space control height restrictions surrounding airports as shown in 5-3-4 below
- (b) Setbacks for **Meteorological towers** are measured radially, and depend on whether the tower is guyed or self-supporting:
 - (1) The base of a guyed **meteorological tower** shall be setback from all surrounding property lines, overhead utility or transmission lines, other electrical substations, and primary communication towers by at least 20% of the tower's height, or the distance between the tower's base and its guy wire anchors, whichever is greater. However, no portion of the above ground guying shall be permitted less than 6' from any road right-of-way line; and
 - (2) The base of a self-supported **meteorological tower** shall be setback from all surrounding property lines, overhead utility or transmission lines, other electrical substations, and primary communication towers by at least 20% of the tower's height, or the standard setback, whichever is greater.
- (c) The base of all **meteorological towers**, including any guy wires, shall be totally and permanently enclosed by a security fence at least 6' high.
- (d) Full compliance with Tippecanoe County Code, Chapter 161 WECS, is required.

Section 6: Change **Section 4-11-11(i) WECS** to read as follows:

UZO 4-11-11 WECS

Large wind systems must be located at least 750' from the property line of a non-participating landowner and at least 1200' from any dwelling on a non-participating landowner's property.

This ordinance shall be in full force and effect from and after its passage.

INTRODUCED ON FIRST READING ON THE _____ DAY OF _____, 2010.

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
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SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

July 22, 1010
Ref. No.: 10-219

West Lafayette City Council
609 W. Navajo Street
West Lafayette IN 47906

CERTIFICATION

RE: UZO ORDINANCE AMENDMENT #66.

An amendment to add meteorological towers (met towers) as primary and accessory uses and provide development standards for their installation and to modify existing setback regulations for WECS (wind energy conversion systems).

Dear West Lafayette Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 21, 2010, the Area Plan Commission of Tippecanoe County voted 9 yes - 1 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. The enclosed amendment reflects the changes made by the Area Plan Commission at the public hearing. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette Common Council that the proposed zoning ordinance amendment be approved.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

RECEIVED

JUL 26 2010

CLERK - TREASURER

**UZO AMENDMENT #66
METEOROLOGICAL TOWERS AND WECS**

**STAFF REPORT
July 15, 2010**

UZO AMENDMENT #66 METEOROLOGICAL TOWERS AND WECS

Staff Report
July 15, 2010

STAFF COMMENTS:

Meteorological towers (often referred to as "met towers") are commonly erected at least 1 year on land prior to the siting of a wind farm. These towers measure wind speed as well as other atmospheric conditions to ensure the availability of wind over a given period of time. The County Building Commission has recently issued two permits for meteorological towers. However, the zoning ordinance currently does not permit *or* prohibit this use. This amendment would add a section that regulates these towers much the same way as communication towers are regulated. Meteorological towers will be permitted by special exception in the OR, I3, A, AA and AW zones (the same as wind farms). A slight change was made between this proposal and what was presented to the Ordinance Committee: the phrase "met tower" was changed to the more standard phrase "meteorological tower."

Also in this amendment is a change to setbacks from both participating and non-participating properties with regard to Wind Energy Conversion Systems (WECS) and future development requirements. The goal of this amendment is twofold: to protect participating property owners by adding a turbine setback requirement and ensuring that future development is not restricted on either non-participating or participating property.

The ordinance, as it reads currently, requires a setback of 1000' from turbine to non-participating dwellings; there is no setback requirement from turbine to participating dwellings. The proposed change would require a 1000' setback from the turbine to a non-participating *property line*. This amendment would ensure that all portions of a non-participating property are usable and future development would not be restricted. The proposed amendment also includes adding a 1000' setback requirement for participating dwellings from turbine to dwelling. This provides protection, where there was none before, for participating dwellings as a turbine could not be sited adjacent to a house.

The final proposed change removes the following from Section 4-11-11(i) "No dwelling unit shall be built less than 1000' from any existing large wind energy system." This restriction means that portions of both participating and non-participating owners' properties may have been unusable because of the setbacks and new construction prohibition. Removing this restriction regarding new construction ensures the zoning ordinance does not restrict future development for participating property owners.

The Ordinance Committee voted to send this proposal to the full Area Plan Commission on June 2, 2010.

STAFF RECOMMENDATION:

Approval