

ORDINANCE NO. 15-11

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 6-4-4(i) to read as follows:

- (i) A **special exception** granted for a specific **use** under 6-4-4-c or authorized by 6-4-4-g ceases to be authorized and is void:
  - (1) (A) if that **use** (for any **use** other than a **wind farm**) is not established within 1 year of the date the **special exception** was granted; or
  - (B) if that **use** is a **wind farm** and is not established within 18 months of the date the **special exception** was granted; or
  - (2) if that **use** is discontinued at that site for a 1-year period during which time it is not succeeded by the same **use** specifically authorized as a **special exception**; or
  - (3) if the **use** in SIC Group 10-14 is not established within 1 year of the date at which excavation is expected to have begun, as established by **ABZA** for the mining operation

THE

# Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET  
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242  
(765) 423-9154 [FAX]

SALLIE DELL FAHEY  
EXECUTIVE DIRECTOR

June 16, 2011  
Ref. No.: 11-187

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

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JUN 20 2011

**CLERK - TREASURER**

## CERTIFICATION

**RE: UZO AMENDMENT #73:**

An amendment that would allow ~~two years~~ 18 months time (instead of the current one year) following the grant of a special exception for a WECS (wind energy conversion system) to get the system operational

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 15, 2011, the Area Plan Commission of Tippecanoe County voted 8 yes - 2 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance, as amended by the Commissioners. 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

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**Unified Zoning Ordinance Amendment #73  
Special Exception for Large Wind Systems and Wind Farms**

**Memo  
June 16, 2011**

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At the Area Plan Commission meeting held June 15, 2011, a motion was made by David Byers to amend the proposed amendment from a 2 year period to 18 months. The motion was approved and the amendment was passed with a vote of 8 yes to 2 no.

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**CLERK - TREASURER**

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**UNIFIED ZONING ORDINANCE AMENDMENT #73**  
**Special Exception for Large Wind Systems and Wind Farms**

**STAFF REPORT**  
**June 9, 2011**

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**Unified Zoning Ordinance Amendment #73  
Special Exception for Large Wind Systems and Wind Farms**

**Staff Report  
June 9, 2011**

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Chapter 6-4-4(i)(1) of the Unified Zoning Ordinance currently states that a special exception granted for a specific use ceases to be authorized and void if that use is not established within 1 year of the date the special exception was granted. Typically, obtaining an Improvement Location Permit (ILP) sufficiently establishes the use. However, APC's legal counsel has given the opinion that "established," in terms of a wind farm, means more than simply obtaining an ILP for a wind tower or erecting the turbine. To establish the use for a WECS (Wind Energy Conversions System) special exception, at least one turbine must be producing power.

Invenergy, who is proposing a wind farm in the southwest part of the county, had asked the Ordinance Committee to consider changing this 1 year period to 3 years. One of the reasons is the need to micro-site each individual tower. Invenergy told the Committee that wind farms require a long lead time between grant of any discretionary permits (such as a special exception) and making an application for an ILP and WECS Construction Permit. Micro-siting would typically not be done until after a special exception is granted and involves conducting studies to gather geotechnical data which can take between 2 and 5 months and must happen before any engineering work can be done. Construction of the entire WECS can take 12 to 18 months after the ILP and construction permits are issued. Additional reasoning stems from today's lending environment which can be very reluctant to finance projects that have discretionary permits that may expire before construction is completed.

Many questions were raised and issues were debated at the March, April and May Ordinance Committee meetings. After lengthy discussion and significant public input, a compromise of a 2 year window in which to establish the use (one turbine must be constructed and producing energy) was reached and was sent on to the full Area Plan Commission for its consideration.

**STAFF RECOMMENDATION:**

Approval