

DECATUR COUNTY ZONING ORDINANCE

Article 13

W E C S

Wind Energy Conversion System

SECTION 1300 – Wind Energy Conversion System

The purpose and intent of this section is to regulate the placement, construction, and modification of Wind Energy Conversion Systems and Facilities in order to minimize its negative impact on the character and environment of the County and to protect the health, safety, and welfare of the public. The process for the review and approval of the application shall assure an integrated and comprehensive review of the environmental impact of such facilities. The County recognizes that facilitating the development of Wind Energy Conversion System technology can be an economic development asset to the County and of significant benefit to both the County and its residents. Therefore, it is not the County's intent to unreasonably interfere with the development of the competitive Wind Energy Conversion System marketplace in Decatur County. Micro Wind Systems which are a building-mounted wind system that has a nameplate capacity (manufacture's rating) of 10 Kilowatts or less, and projects no more that 15' above the highest point of the roof shall not be considered a wind energy conversion system.

The purposes of these regulations are:

1. To regulate the location of Wind Energy Conversion Systems and Facilities within the County.
2. To protect residential areas and land uses from potential adverse impact of Wind Energy Conversion System and Facilities.
3. To minimize adverse visual impacts of Wind Energy Conversion System and Facilities through careful design, placement, landscaping preservation of trees, natural vegetation and innovative camouflaging techniques.
4. To avoid potential damage to adjacent properties caused by Wind Energy Conversion System and Facilities by ensuring such structures are soundly and carefully designed, constructed, screened, modified, maintained, and removed.
5. To the greatest extent feasible, ensure that the Wind Energy Conversion System and Facilities are compatible with surrounding land uses.

SECTION 1302 - Permanent Special Exceptions

The following are permitted as permanent special exceptions in the Agricultural A-1 & A-2 zoning districts; in the Business B-1, B-2, and B-3 zoning districts; and the I-1 and I-2 zoning districts when approved by the Decatur County Board of Zoning Appeals:

- A. Attached Wind Energy Conversion System and Facilities if integrated within an existing structure.
- B. Replacement of a legal, existing WECS structure with a similar facility of equal or smaller size, subject to the application procedures and general requirements of the ordinance.
- C. Placement of a WECS as permitted under the zoning districts A-1, A-2, B-1, B-2, B-3, I-1, and I-2.

SECTION 1304 - General Requirements

The following requirements apply to all W E C S that are erected or placed within Decatur County jurisdictional area after the effective date of this ordinance.

- A. For each application, the property owners and the W E C S providers shall be considered Co-applicants and shall jointly and severally subject to the provisions of this ordinance.
- B. Each permit application for placement of a W E C S and Facilities and Support Structure shall be accompanied by the following:
 - 1. An application, Rezoning application or variance application form with original signatures from the property owners and W E C S owner.
 - 2. A written statement with illustrations that describe the proposed W E C S and Facilities including the type of construction and total height.
 - 3. A Site Plan which is comprised of a scale drawing setting forth property lines, distances, existing site improvements/buildings/structures, existing and or proposed roadways and easements, proposed W E C S location and proposed landscaping.
 - 4. A visual impact analysis that includes current photographs of man made or natural features adjacent to the W E C S and a photograph presentation that depicts current site conditions with a super-imposed image of the proposed W E C S and facilities to demonstrate the anticipated view and the facility upon its completion.
 - 5. A copy of the Facility Maintenance and Removal Agreement signed by all

applicant that binds the applicant and all successors in interest to properly maintain and or remove the facility upon abandonment in compliance with the terms of this ordinance.

6. Decatur County shall not authorize the placement of any W E C S or Support Structure unless Decatur County obtains an indemnification from applicant that releases Decatur County from all liability arising out of the construction, operation, removal or repair of a W E C S. Parties to the W E C S Agreement agree to not sue or seek any monies or damages from Decatur County, its elected/appointed official, agents, servants and employees from all claims, demands or causes of action along with the resulting losses, expense, cost, attorney fees, liabilities, damages, orders, judgments and decrees which arise out of or results from a W E C S Facility owner, operator, agent, employee, or servant for negligent acts, error or omissions.
7. A policy of insurance maintained with a reputable company that insures the W E C S or Support Structure with minimum and adequate insurance coverage for liability, body injury, and property damage for the entire period the W E C S and or Support Structure is in existence. Decatur County shall be named as an additional insured on the policy. A certificate of insurance shall be submitted verifying the insurance coverage at the time application is made. Failure to maintain insurance coverage shall be a violation of this ordinance.

SECTION 1306 - Performance/Construction Standards

- A. A perimeter fence at eight (8) feet in height shall be installed to contain the W E C S accessory structures and or facilities.
- B. Security lighting is not required. If security lighting is installed, it shall be confined to accessory structures and shall be directed downward to minimize glare or intrusion onto adjoining properties. No W E C S Support Structures illumination shall be permitted.
- C. Any landscaping that is installed shall be properly maintained or replaced to maintain a presentable appearance for the structure.
- D. Off-premise or advertising signage is prohibited. Each W E C S or Facility shall have identification signage that states the name of the facility owner and a 24 hour emergency telephone number.
- E. The W E C S shall be constructed using Stealth Construction and shall be self-supporting without utilizing cables for support. In the event an alternate form of construction is suitable to a proposed W E C S location site, the Decatur County Plan Commission or Decatur County Board of Zoning Appeals may authorize an

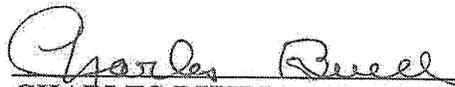
alternate form of construction upon a showing of sufficient documentation.

- F. All W E C S Support Structures, accessory buildings, poles, antenna, and other external facilities shall be painted a neutral color or galvanized grey. Paint color shall be designed to minimize visibility and blend with the surrounding environment. All facilities shall be repainted as necessary.
- G. Access ladders or climbing apparatus will be fifteen feet (15 ') above ground level. Door(s) to access tower or facility need to be solid steel doors with locking device on it and kept locked at all times.
- H. Minimum clearance between blade tip and ground level or final grade is to be thirty feet (30').
- I. All W E C S shall be equipped with manual and automatic braking device capable of halting operation.
- J. All wiring for W E C S and Facility shall be buried.
- K. No W E C S shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, airport RF signals, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.
- L. Set back requirements from W E C S:
Property Lines, roads, overhead utility or transmission lines, electrical substations, communication or meteorological towers shall be 1.5 times the total height, and shall be six hundred forty feet (640') from the nearest residence.
- M. All W E C S electrical equipment and connections must adhere to all local, state, and national codes and international standards.
- N. The W E C S and or Facility shall not generate noise in excess of 50 decibel levels at ground level to the property lines or at the nearest residence. Such measurements shall be signed by a qualified engineer, stating that noise levels are being met, per ordinance.
- O. At such time that a W E C S ceases operation for a period of 12 months, the company shall physically remove the W E C S and facility within 90 days from the 12 month period from when the operation ceased.
- P. Removal of all machinery, equipment, shelters, and security barriers, waste materials and restoring the location of the W E C S Facility to its natural condition to four feet below grade.
- Q. Applicant shall post a bond for 150% (percent) of the cost, the applicant shall submit

a fully-inclusive estimate of the cost associated with removal of the W E C S prepared by a certified company for that type of work.

APPROVED BY THE DECATUR COUNTY AREA PLAN COMMISSION
ON APRIL 2, 2008.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR
DECATUR COUNTY, INDIANA ON THIS 21 DAY OF APRIL, 2008.



CHARLES BUELL



JOHN RICHARDS



JEROME BUENING

CERTIFICATE OF ORDINANCE ENACTMENT

As Auditor of Decatur County and Clerk of the Board of
Commissioners of Decatur County, I certify that the above is a true and
accurate Ordinance of Decatur County, Indiana.

Certified this 21st day of April, 2008.



Auditor, Decatur County, Indiana