

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1515

AN ORDINANCE AMENDING TOWN ZONING ORDINANCE NO.: 1483, BEING: "AN ORDINANCE REPLACING TOWN ORDINANCE NO. 839, AS AMENDED, REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES, OR PARTS THEREOF, IN CONFLICT THEREWITH, AND ALL MATTERS RELATED HERETO.", AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the present text provisions of Town Zoning Ordinance No.: 1483, as amended from time to time, regarding electric-generating wind device requirements; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, as a result of its review, has advised the Plan Commission that it is necessary to revise or amend Town Zoning Ordinance No.: 1483, as amended from time to time, to add electric-generating wind device requirements; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, held a Public Hearing on the 21st day of April, 2010, pursuant to published notice as required by applicable law, to consider the advisability and necessity of amending certain text provisions of the Town Zoning Ordinance No.: 1483, as amended from time to time, regarding electric-generating wind device requirements; and

WHEREAS, the Plan Commission of the Town of St. John, Lake County, Indiana, has, at the conclusion of the public hearing held, certified a Favorable Recommendation to the Town Council of the Town of St. John, Lake County, Indiana, that Town Zoning Ordinance No.: 1483, as amended from time to time, requires modification and amendment of certain text provisions contained therein regarding electric-generating wind device requirements; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, having reviewed the recommended text amendments to Town Zoning Ordinance No.: 1483, as amended from time to time, pertaining to electric-generating wind device requirements, now concurs that it is advisable, appropriate and in the best interests of the residents and property owners of the Town of St. John that certain text provisions of Town Zoning Ordinance No.: 1483, as amended from time to time, be added pertaining to electric-generating wind device requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That Section T, entitled **Electric-Generating Wind Devices**, of Chapter 11, entitled **SPECIAL REGULATIONS**, of Town Zoning Ordinance No. 1483, as amended from time to time, be, and the same is hereby added to read and provide as follows, namely:

CHAPTER 11 – SPECIAL REGULATIONS

“Section T Electric-Generating Wind Devices

T.1 DEFINITIONS

The following definitions apply to this Section.

Electric-Generating Wind Device – An aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as electric utility interconnections and battery banks, in such configuration as necessary to convert the power of wind into mechanical or electrical energy and most commonly known as wind charger, windmill, wind turbine, and windspire.

Electric-Generating Wind Device Height or Height – The total vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

Lattice Tower – A self-supporting tower consisting of metal pieces that form a lattice tower structure used for an Electric-Generating Wind Device, but does not include any towers that use guy wires.

Monopole / Unipole Structure – A self-supporting, free standing structure consisting of a single metal pole used for an Electric-Generating Wind Device.

Rooftop Mounted Monopole / Unipole - A single metal pole attached to a roof or the side of a structure that is used for an Electric-Generating Wind Device.

Windspire – A Electric-Generating Wind Device with a turbine on a vertical axis which has a rated capacity of up to 60 kilowatts operating at the rated wind speed and is intended to supply electrical power for on-site use.

T.2 General Provisions

The following provisions apply to all Electric-Generating Wind Devices permitted by this Section:

- a) General Requirements.
 - i) Electric-Generating Wind Devices shall not cause electrical signal interference.
 - ii) Electric-Generating Wind Devices shall not have any illumination located on the device or the structure supporting the device.
 - iii) There shall be no more than one (1) Electric-Generating Wind Device permitted for each parcel or lot of record.
 - iv) Electric-Generating Wind Devices shall comply with all other building codes and other federal, state, and local regulations and the manufacturer's requirements for installation and operation.
 - v) All Electric-Generating Wind Devices and all components must be commercially made product, U.L. approved, and acceptable to the local electric provider company.

- vi) All Electric-Generating Wind Device battery banks shall be installed and located within the primary structure, shall comply with manufacturer specifications, and shall be vented to the exterior of the structure. In the event that a battery bank is installed with the Electric-Generating Wind Device, then the location and connections shall be submitted as part of the building permit application. Further, the Building and Planning Department shall notify the Fire Department of any building permits issued for Electric-Generating Wind Devices with battery banks included.
 - vii) Electric-Generating Wind Devices shall be a non-obtrusive color such as tan, sand, gray, black, white, or similar colors. Galvanized steel or other metal is acceptable for the support structure for the Electric-Generating Wind Device.
 - viii) All towers, structures, and supports with Electric-Generating Wind Devices shall be utilized for only the Electric-Generating Wind Devices and shall not have affixed any other components, appurtenances, or advertising signs.
 - ix) All climbing apparatus shall be located at least fifteen (15) feet above the ground and the tower must be designed to prevent climbing within the first fifteen (15) feet from top of foundation.
 - x) Any Electric-Generating Wind Device that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owners of such device shall remove all structures within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. If such device and structure is not removed within ninety (90) days, the Town may remove all devices and structures at the owner's expense and lien the property for costs of the removal.
- b) Rooftop Mounted Electric-Generating Wind Devices Requirements.
- i) Noise levels shall not exceed 60dBA, as measured at the owner's property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
 - ii) No Rooftop Mounted Electric-Generating Wind Device shall be installed until evidence has been submitted that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- c) Application Requirements – The following are required to be submitted with the Building Permit Application for any Electric-Generating Wind Devices:
- i) A standard drawing of the Electric-Generating Wind Device and support structure, including the tower, base, and electric connections.
 - ii) A plot plan or survey that shows the proposed location of the Electric-Generating Wind Device, including proposed setbacks in compliance with this Section, and height of existing residences, if any.
 - iii) All permit fees shall be paid at the time of the issuance of the Building Permit, including the Building Permit Fee, Zoning Fee, and Electrical Permit Fee.

T.3 Open Space Zoning Districts

Lattice Towers and Monopole / Unipole Structures with attached Electric-Generating Wind Devices are permitted in Open Space Zoning Districts subject to the following requirements:

- a) The Electric-Generating Wind Device Height shall not exceed ninety (90) feet.
- b) Electric-Generating Wind Device towers shall maintain a setback from all property lines equal to twice the Electric-Generating Wind Device Height.
- c) Minimum grounds clearance shall be at least twenty five (25) feet from grade level to the blade tip at the lowest point.

T.4. Residential Zoning Districts

- a) Monopole / Unipole Structures supporting Electric-Generating Wind Devices are permitted in all Residential Zoning Districts subject to the following requirements:
 - i) The Residential Zoning lot must be a minimum of five (5) acres.
 - ii) An Electric-Generating Wind Device Height shall not exceed forty five (45) feet.
 - iii) Electric-Generating Wind Device towers shall maintain a setback from all property lines equal to two hundred percent (200%) of the Electric-Generating Wind Device Height.
 - iv) Minimum grounds clearance shall be at least twenty five (25) feet from grade level to the blade tip at the lowest point.
- b) Rooftop Mounted Electric-Generating Wind Devices are permitted in all Residential Zoning Districts subject to the following requirements:
 - i) The Electric-Generating Wind Device shall not exceed six (6) feet in height measured from the peak of the roof to the center of the turbine.
 - ii) The Electric-Generating Wind Device shall have a minimum clearance of two (2) feet from the roof peak to the blade tip at its lowest point.
 - iii) The Rooftop Mounted Electric-Generating Wind Device is prohibited in any required setbacks.
 - iv) Rooftop Electric-Generating Wind Devices shall only be located in an area bounded by the roof peak of the residence, the sideyard setback, and rearyard setback. Rooftop Electric-Generating Wind Devices are prohibited from being located on any face of a residence facing any street from roof peak toward the street.

T.5. Windspires

Windspires are allowed in all zoning districts subject to the following requirements:

- a) The Windspire Height shall not exceed the maximum height for buildings and structures in the zoning district where the device is to be installed.
- b) The Windspire shall be located in the rearyard.
- c) The Windspire shall maintain a setback from all property lines equal to the Windspire Height plus five (5) feet."

SECTION TWO: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed and declared to be null, void, and of no legal effect.

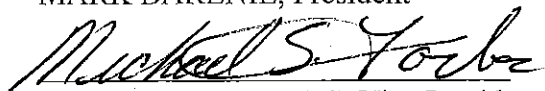
SECTION THREE: That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION FOUR: That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, pursuant to applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 27th DAY OF May, 2010, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL


MARK BARENIE, President

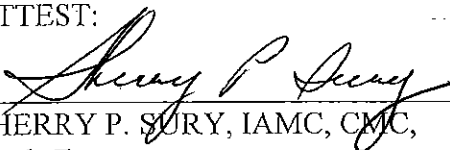

MICHAEL S. FORBES, Vice President


GREGORY J. VOLK, Member

JERRI A. TEIBEL, Member


MICHAEL S. FRYZEL, Member

ATTEST:


SHERRY P. SURY, IAMC, CMC,
Clerk-Treasurer