

Henry County Planning Commission

Henry County Office Building

1201 Race St., Suite 214

New Castle, Indiana 47362

Darrin Jacobs
Zoning Administrator

Phone 765.529.7408
Fax 765.521.7072

PLANNING COMMISSION

Notice is hereby given that the Henry County Planning Commission will conduct a public hearing in the Old Circuit Courtroom, Henry County Court House, 101 S. Main Street, New Castle, IN 47362 at **5:00 pm on Tuesday, August 7th, 2018** concerning the Board of Henry County Commissioners' Resolution 2018-06-13 (011) A Resolution Initiating Proposal to Amend the Henry County Code.

The Resolution initiates proposals to amend the text of the Henry County Zoning Code that will be applicable to all unincorporated areas in Henry Code and all municipalities that have elected to be subject to the Henry County Zoning Ordinance.

The first proposal (Exhibit "A" to the Resolution) is to repeal Sections 154.001 through 154.107 of the Henry County Code and to replace such sections with the text that is attached to the resolution as Exhibit "A," which sets forth regulations applicable to Utilities including Wireless Communications Facilities ("Cell Towers"), Meteorological Towers ("Met Towers") and Wind Energy Conversion Systems ("WECS"—sometimes referred to as windmills, wind farms or turbines). The proposal sets forth regulations regarding the location, operation, construction and characteristics of Cell Towers, Met Towers and WECS. The proposal includes, but is not limited to, restrictions on the height of WECS, restrictions on the noise produced by WECS, restrictions on the distance a WECS may be located from property lines and structures, imposes conditions on developers and owners of a WECS project to repair or reimburse the County for damage to roads and public right of way and to reimburse the County for other costs incurred by the County in connection with a WECS, to decommission a WECS when it is no longer operational, and requires the owner or operator of a WECS to provide a method addressing citizen complaints.

The first proposal contains a general penalty provision that provides:

“Any person who violates these Regulations shall be subject to a fine in an amount of two thousand five hundred dollars (\$2,500) per violation. Each day the violation exists constitutes a separate violation pursuant to the provisions of the statutes of the State of Indiana.”

The first proposal contains a penalty provision applicable to WECS that provides:

“After the issuance of an Improvement Location Permit, any WECS Owner or Operator that fails to comply with any provision of this Code shall be fined in an amount of \$2,500.00 for the first violation of this Code and an amount of \$ 7,500.00 for each subsequent violation of this Code. Each day a violation occurs shall be deemed a subsequent offense. The Owner and Operator of a WECS, if different entities, shall be jointly and severally liable for all fines assessed pursuant to this Code. All remedies of the County provided by this Code, by any agreement entered into with any Applicant/Owner/Operator, at law or in equity, shall be cumulative.”

The second proposal (Exhibit “B” to the Resolution) adds language to the beginning of Section 150.165 (A) of the Henry County Code defining a Commission Approved Use and explicitly providing that the Planning Commission is empowered to hear and determine requests for Commission Approved Use subject to relevant provisions of Indiana law.

The Resolution and the attached Exhibits “A” and “B,” which set forth the complete text of the proposed revisions to the Henry County Zoning Code, may be reviewed on the Henry County website under Bulletin Board and Notices and labeled “2018 Utility Ordinance” or during regular business hours at the Henry County Planning Commission office, 1201 Race St., Suite 214, New Castle, IN 47362. Written comments and objections regarding the proposals to amend the Zoning Code may be sent to the same address and will be considered if delivered in advance of the hearing. During the hearing, testimony will be received regarding the proposals to amend the Zoning Code. For special accommodations needed for disabled individuals planning to attend, contact (765) 521-7074 at least forty-eight hours prior to the meeting to make arrangements.