Ordinance Committee
Notice of Public Hearing
Date: June 5, 2019
Time: 4:35 PM
Location: Tippecanoe County Office Building
Tippecanoe Room
20 North Third Street
Lafayette, IN

AGENDA

I. APPROVAL OF MINUTES FROM THE APRIL 3RD JOINT MEETING

Documents:
ORD AND BYLAW 04.03.2019.PDF

II. OPPORTUNITY ZONES AND CONNECTION TO APC:
Presentation and discussion with Scott Walker, Greater Lafayette Chamber

Documents:
TIPPECANOE COUNTY OPPORTUNITY ZONES MAP.PDF

III. SOLAR ENERGY LAND USE REGULATIONS:
An introductory discussion - Sallie Fahey

Documents:
SOLAR ENERGY RESEARCH.PDF

IV. CITIZEN COMMENTS

V. ADJOURNMENT
Chair Jackson Bogan called the meeting to order.

I. APPROVAL OF MINUTES

Carl Griffin moved to approve the minutes from the March 6, 2019 Ordinance Committee meeting. Gary Schroeder seconded, and the motion passed by unanimous voice vote.

II. WAIVING THE FILING FEE FOR THOSE APPEALING A CITATION:

This was approved by APC at its March meeting, but the action requires a change to the APC Bylaws – Sallie Fahey

Sallie Fahey said that after the Ordinance Committee heard this proposal, it was changed specifically to not assess a violation fee until after the 15-day filing period for an appeal had passed. Sallie presented a Violation Citation Flowchart which detailed the different scenarios of how a zoning violation citation might progress through the system. Sallie said the first thing to happen is a Certified Letter of Violation is issued by the Administrative Officer. She said that begins the 15-day grace period, if the owner contacts the AO within that 15 days and begins compliance no fine will be assessed. Sallie said if the owner fails to contact the AO within 15 days, then a Letter of Notice of a $250 fine is issued. She said if the owner pays the fine and
begins to remedy the violation then no further action by the AO is required. Sallie said the third scenario is after 30 days if the owner still does not pay the $250 fine or begin compliance then a Letter of Notice of a $500 fine is issued. She said if the owner now pays the fine and begins to remedy the violation then no further action by the AO is required. Sallie said if the owner does not pay the fine or begin compliance after 45 days another Letter of Notice of $750 fine is issued. She said if the owner now pays the fine and begins the remedy no further action by the AO is required. Sallie said the next scenario is if the owner does not pay the fine or begin compliance then legal action begins. Sallie said the next scenario is if within the first 15 days the owner contacts the AO and files an Appeal of Decision of the AO with the Area Board of Zoning Appeals, then no fine is issued. Sallie said if the ABZA finds in favor of the owner then no fine is issued. Sallie said at this point the owner has not paid a fine or a filing fee for the appeal. Sallie said if the ABZA finds in favor of the owner then the AO could appeal that decision to the Superior Court or Circuit Court.

Zach Williams said if that happened the county would probably not have to pay a filing fee in court for that.

Sallie Fahey said the final scenario is if the owner contacts the AO within the first 15 days and files an appeal with the ABZA. She said if the ABZA finds against the owner and in favor of the AO then a $250 fine is assessed. She said the owner could appeal that decision to the Superior Court or Circuit Court. Sallie said the question is whether there should be a fine assessed and a filing fee to appeal the citation. Sallie said the fact is that the fine has been delayed until after the appeal date. She asked the committee if they still wanted to waive the filing fee for the appeals process if a fine had not been assessed. Sallie asked if this kind of case should be any different than any other type of appeal for the purposes of filing fees. Sallie told the commission that if they did not want to charge a filing fee then there was a 2nd handout with her proposal for amending the fees in the bylaws.

Jackson Bogan asked that in a case where the ABZA finds in favor of the owner and no fine is issued should they be charged a filing fee?

Sallie Fahey said yes, that these cases should be handled just like anyone else who files an appeal to the ABZA.

Jackson Bogan said he would vote no.

Sallie said the filing fee comes at the front and the ABZA makes its decision at the end of the process. Sallie said it was her understanding that the commission wanted to waive the filing fee because they felt the owner shouldn’t have to pay both a fine and a filing fee for an appeal. She said there is no fine assessed when an appeal is filed.

Jackson Bogan said the AO was found to be incorrect.

Lisa Dullum asked if the owner would have to pay the $500 filing fee if he was found to not be in violation.

Sallie Fahey said it should be handled just like anyone else who files an appeal.

Jackson Bogan said he would find it hard to go to someone after the AO had been found to be incorrect in their assessment and ask for $500.

Sallie Fahey said the $500 needs to be filed ahead of the hearing in order to get on the docket with the ABZA. Sallie said the $500 helps to cover staff costs for any kind of case that comes to the ABZA.

Carl Griffin said he thought the previous discussion was that there would be no filing fee for appealing a zoning violation decision by an AO.

Sallie said her understanding was that it was only an issue if the owner also had to pay the fine along with a filing fee.

The commission disagreed.
Sallie Fahey said then the owner wouldn’t have to pay a fine and he wouldn’t have to pay a filing fee to find out if he is wrong. Sallie said it could take months to find out what the ABZA decision is and the filing fee needs to be paid ahead of the appeals process.

Zach Williams said if there is a hearing and the owner is determined to be in violation at that point there will be more than a $250 fine. He said now there is a continuing violation that has already been heard and determined and the case will default back to Zach’s discretion. Zach said at that point he is going to seek the maximum penalty available because he knows there has already been a contested hearing and the case will go to court. He said this is versus waiving the filing fee completely in cases that are contested where the owner wants to appeal. He said if the owner wins the appeal the filing fee is waived, and if he loses the filing fee is going to be miniscule compared to the $1500 per day fines he will face.

Sallie Fahey said that was not at all clear to her and she thought the problem was the double dipping of the fine and filing fee together.

Carl Griffin said the commission’s feeling was that it should be treated the same as contesting a traffic ticket. He said it would not cost him anything to challenge a traffic ticket in court but if he is found to be wrong, he will have to pay the ticket. He said if he is found to be right it will not cost him anything to get to that point.

Zach Williams said that was what had been discussed previously and staff would monitor the situation to see whether that created an increase in the number of appeals filed.

Sallie Fahey asked for confirmation that the commission only wanted to waive the filing fee for appealing a zoning violation citation and they did not want to waive all filling fees for all types of appeals.

Jackson Bogan said that was correct and the reason for this was the decision was made by one party versus another one party. Jackson said the case should be able to be heard and if the county is found to be incorrect, they don’t want the owner to have to pay anything.

Zach Williams said the violation citation letter procedure would be a very clear distinction between normal AO decisions and this type of citation. Zach said this would be an alternative process used in limited circumstances when the AO wants this extra tool. Zach said he thought the addition to the actual UZO text change was Violation Citation Notice Letter provision. He said the language should match whatever that language was, so it is clear it only applies to that type of case.

Sallie Fahey said staff can put this bylaw amendment on the April agenda under new business since it does not require a legal advertisement. She said it only requires a certain number of days’ notice to the APC.

Zach Williams said this should be done before the process is up and running. He said he wanted to put out some guidance for the AOs as far as how the process works along with a flow chart.

III. PROPOSED CHANGES TO MULTI-FAMILY:

A discussion regarding multi-family: first, allowing it by right in the OR zone where it is currently not permitted and second, changing the outdated height limit in R3W & R4W zones – Kathy Lind & Ryan O’Gara

Ryan O’Gara said staff wanted to table this change for the time being. He said after the US 231 Plan was adopted by the West Lafayette City Council there were recommendations to pursue zoning changes for the Discovery Park District. Ryan said part of that was to create a form-based code and a mixed-use environment for the area where the Aspire project is going and for the new Convergence building. Ryan said a neighborhood rezone was done of that entire corridor and the Discovery Park area east of Airport Road was rezoned Office Research (OR). He said the intention was to try to find a way to add a mixed-use option. He said OR currently does not have a residential option. He said the Medical Related MR zone does have a mixed-use option and they wanted something similar for the OR zone. Ryan said staff found a way to do this by using the footnote that is presently in the ordinance that requires any multi-family use to be above the shop. He said this could be applied regardless of where the OR zone is located. He said it
could be anywhere in the county. He said they did not change any setbacks or height standards. Ryan said they just added a footnote that OR is primarily a non-residential district but there is an option for mixed-use if it is located above the shop area. Ryan said that would pave the way for Discovery Park because in a form-based code environment the underlying zone only controls uses, it does not control the development standards. Ryan said that would be a way forward to do mixed-use buildings in Discovery Park and the form-based code that staff is currently drafting will then create urban standards. Ryan said the OR change was meant to be accompanied by the form-based code. He said it can be used independently, he said the City of Lafayette is looking at using the OR zone. He said they currently have no OR zones in the city limits but they like the mixed-use option. Ryan said other localities have an interest in this pursuit moving forward but there is no immediate need. Ryan thought this should be tabled until he can make sure PRF is on board with it and by then maybe the form-based code will be done also. Ryan said staff was going to couple that with some changes to the R3 and R4 zones regarding height limitation. He said he is trying to allow for more urban buildings in the urban zones, but he wants to hold off on that for now as well.

IV. MINOR FIXES TO THE UZO:

Staff has become aware of a couple of instances where the SIC number (Standard Industrial Classification) shown in the UZO is incorrect – Kathy Lind

Kathy Lind said staff found that a SIC number is wrong on page 207 of the Unified Zoning Ordinance. Kathy said it involves the buffering that is required around batch plants. She said the ordinance specifically says non-temporary batch plants which would be permanent batch plants but the SIC number is for a temporary batch plant. Kathy said she would like to correct the SIC number.

Jackson Bogan asked if she would correct the SIC number or move the non-temporary.

Kathy said she wants to correct the SIC number.

Carl Griffin said there is a different SIC number for permanent batch plants and asked Kathy if she was going to use that.

Kathy said that was correct. Kathy said this was brought to staff’s attention by an attorney who asked about it. Kathy said buffering is not needed around a temporary batch plant.

Zach Williams asked if staff wanted to call this a scrivener’s error.

Kathy Lind agreed and said that if this is treated as a scrivener’s error it does not need to be published.

Carl Griffin moved to change the SIC code to reflect consistency with the wording which is permanent or non-temporary batch plants due possibly to a scrivener’s error.

Gary Schroeder seconded, and the motion carried by unanimous voice vote.

V. CITIZEN COMMENTS:

VI. ADJOURNMENT:

Jackson Bogan adjourned the meeting.

The meeting adjourned at 5:10 p.m.
Respectfully submitted,

Diana Trader
Acting Recording Secretary

Reviewed by,

Sallie Dell Fahey
Executive Director
Included in this packet are three Indiana zoning ordinances regulating solar energy – Shelby, Fulton and White Counties. Also included are a couple emails with comments about lessons learned. Additionally, but not part of the packet I have collected a few Illinois, Iowa and Minnesota ordinances along with a Minnesota document titled, "Grow Solar: Local Government Solar Toolkit". The office also subscribes to APA’s Planning Advisory Service, so we have a copy of the PAS Report titled, "Planning for Solar Energy" which is mentioned in one of the emails. These and any other planning reference material we come across, will form the basis for discussion on the topic of solar energy and how we want to promote and regulate it.

I thought it might be easiest to begin with a look at what other Indiana counties are doing, then grow the discussion from there. Staff will also look at the two comprehensive reference reports – from Minnesota and PAS – to determine whether there are other parts of the issue that should be addressed but which weren't in the three Indiana ordinances.
$175M LARGE SOLAR PROJECT PROCEEDS

News Release May 26, 2019

Shelby County will host one of the largest solar installations in the Midwest. Ranger Power, headquartered in Brooklyn, New York, will build a $175 million, 199-megawatt solar project in northeastern Shelby County beginning in 2022. When the array is brought online in 2023 it will generate enough power to serve 35,000 households, roughly equivalent to all the homes in Fishers.

Electricity generated by the project will be distributed exclusively through Indianapolis-based Wabash Valley Power Association, a wholesale electric supplier to 19 non-profit electric cooperatives in Indiana. The agreement extends through 2057.

Ranger Power’s announcement is the latest in a series of developments broadening the industry mix in Shelby County. In recent months POET has said it will build a $160 million ethanol plant, and Greenleaf plans a $310 food manufacturing plant.

“Ranger Power is a large economic boost for Shelby County,” said Brian Asner, executive director of Shelby County Development Corp. “It not only adds to our tax base, but it continues to diversify our industry mix outside of existing automotive manufacturing.”

Approximately 1,014 acres of the 1,200 acres of the Ranger Power project are devoted to panels; the balance is for buffer space and other project elements. Ranger has signed 17 lease agreements with private landowners in the county, which adjoins Indianapolis.

“Shelby County has existing grid infrastructure capable of handling a large solar project and is close to Indianapolis, a large load center,” said Ranger CEO Adam Cohen. “We had willing landowners, a local ordinance that allowed for such development, and a project site with very low environmental impact.”

The project is called Speedway Solar, a reference to the Indianapolis 500 racing tradition. It was approved by the Shelby County Council approval in March 2019.

Four-hundred jobs will be created during construction; four will be required to operate the site.

Ranger is developing a total of 3,000 megawatts of utility-scale solar projects in the Midwest. Wabash Valley partnered with Ranger Power on two large arrays in Illinois in 2017.
Sallie Fahey

From: Desiree Calderella <dcalderella@co.shelby.in.us>
Sent: Thursday, February 21, 2019 10:25 AM
To: inplanning-l@list.iupui.edu
Subject: [INPLANNING-L] RE: Solar Ordinance
Attachments: Solar Energy Standards.pdf

Shelby County adopted the attached ordinance last summer (before I started in this position). Now that we are in the midst of a big solar farm controversy, several of the Plan Commission members wish that the ordinance a) placed a size limit on footprint of the project (the one proposed is over 1000 acres) and b) required submittal of a decommissioning plan and landscape plan prior to BZA approval.

I have a problem with the fact that a solar farm use (it’s not actually a farm, it’s a power plant) does not even remotely reflect the intent of our agricultural districts as described in the main body of our Unified Development Ordinance, yet solar farms are still permitted as a Special Exception in those districts. We also have really lousy findings of fact for special exceptions making it hard to legally support a solar farm located in any rural area.

Takeaways: Institute a size requirement, make sure your solar ordinance is compatible with the rest of your ordinance, and take time to consider the methods of approval (variance, special use, rezoning, etc.).

Desiree Calderella, AICP
Planning Director
Shelby County Plan Commission
317-392-6338
www.co.shelby.in.us/PlanCommission

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From: Luzier, Debbie <DLuzier@grwinc.com>
Sent: Thursday, February 21, 2019 10:04 AM
To: 'inplanning-l@list.iupui.edu' <inplanning-l@list.iupui.edu>
Subject: [INPLANNING-L] Solar Ordinance

I’m looking for samples of solar ordinances (covering both commercial and non-commercial facilities) that are reasonable to understand and implement.

Also would like your feedback on ups and downs of administering them.

Thanks in advance!

Debbie Luzier, AICP
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Follow Us On LinkedIn Subscribe to Our Client E-Newsletter
Ordinance for Commercial Solar Energy Systems

Ordinance No. ________________

Add the following to Article 5 of the Shelby County Unified Development Ordinance: SES-01 Commercial Solar Energy System

The Commercial Solar Energy Systems Standards apply to the following zoning districts:
A1, A2, A3, A4, C1, C2, I1, I2, HI

Purpose: It is the purpose of these performance standards to enable Shelby County to:
regulate the permitting of commercial solar energy systems; be informed of the
placement of commercial solar energy systems; preserve and protect public health and
safety; allow for the orderly development of land; and protect property values in Shelby
County.

Commercial Solar Energy Systems (CSES): An area of land or other area used
by a property owner and/or corporate entity for a solar collection system principally used
to capture solar energy, convert it to electrical energy or thermal power, and supply
electrical or thermal power, primarily or solely for off-site utility grid use, and consisting
of one or more free-standing, ground-mounted, solar arrays or modules, or solar related
equipment, intended to primarily reduce offsite consumption of utility power and/or fuels.
CSES are a minimum of ¼ acre in total area.

Permitted Districts: Approval required for a CSES is displayed in Table 1: Permitted
Districts.

Table 1: Permitted Districts
(To be added to the two-page layout in Article 02: Zoning Districts, for the applicable districts)

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>A1</th>
<th>A2</th>
<th>A3</th>
<th>A4</th>
<th>C1</th>
<th>C2</th>
<th>I1</th>
<th>I2</th>
<th>HI</th>
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</tbody>
</table>

SE-Special Exception     D- Development Standards

Parcel Line Setbacks: Any CSES ground mounted equipment, excluding any security
fencing, poles, and wires necessary to connect to facilities of the electric utility, must be
set back in accordance with the primary structure standards for each zoning district.
Additionally, CSES equipment must be setback a minimum of 100 feet from any
residential dwelling unit.

Height Limit: The height of any CSES ground mounted solar equipment is limited to 20
feet, as measured from the highest natural grade below each solar panel.

Landscape Buffer: Any CSES shall be required to meet the landscape standards as
listed in Shelby County U.D.O. 5.49 LA-07: Buffer Yard Landscaping Standards. All
CSES installations shall require a minimum of a Buffer Yard “A” where the subject parcel abuts a parcel with an equal or lower intensive zoning category than the subject parcel. This shall not apply to CSES property abutting land zoned \( A1 \).

**Application Procedure:** Applications for CSES permits shall be filed on forms provided by the Zoning Administrator.

**Application and permits:**

Any CSES shall be required to submit a commercial site plan to the Technical Advisory Committee for review. The plan should be submitted in accordance with the Class 1 Site Plan requirements as listed in Table A of the Shelby County Storm Drainage, Erosion and Sediment Control Ordinance. In addition to the Class 1 Site Plan, the following shall be required:

1. The building envelope (i.e. the resulting developable area after applying setbacks).
2. A calculation of the existing lot coverage, expressed as a percentage.
3. A calculation of the lot coverage as it would be upon completing the project, expressed as a percentage.
4. Denotation of any existing structure on an adjacent parcel if within 100 feet of the subject parcel's property line.
5. Denotation of adjacent zoning districts if different than the subject parcel.

For CSES facilities requiring a Special Exception: Refer to Shelby County U.D.O. 9.13 Special Exception. In addition to the Technical Advisory Committee submittal, the applicant shall submit the required site plan to the Board of Zoning Appeals to be reviewed during the Special Exception public hearing.

Once a Site Plan and/or Special Exception has been approved an Improvement Location Permit shall be issued in accordance with Shelby County U.D.O. 9.05 Improvement Location Permit. The following shall also be required:

1. Solar system specifications, including typical manufacturer and model.
2. Array/module design and site plans.
3. Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as the National Electrical Code (NEC)(NFPA-70), the American National Standards Institute (ANSI), the Underwriter's Laboratories (UL), the American Society for Testing & Materials (ASTM), the Institute of Electric & Electronic Engineers (IEEE), the Solar Rating & Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Indiana Building Code (IBC), and any other standards applicable to solar energy systems. The manufacturer specifications
for the key components of the solar energy system shall be submitted with the application.

4. All ground-mounted electrical and control equipment for PRSES shall be labeled and secured to prevent unauthorized access.

5. All CSES shall be installed so as not to cause any wire or wireless communication signal disturbance.

6. All CSES shall be situated to eliminate concentrated glare onto abutting structures and roadways.

7. All ground-mounted electrical and control equipment for CSES shall be fenced and labeled or secured to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public, and access to same shall be through a locked gate.

8. To the greatest practical extent, all electrical wires and utility connections for CSES shall be installed underground, except for transformers, inverters, substations and controls. The Board of Zoning Appeals will take into consideration prohibitive costs and site limitations in making their determination.

9. Exterior lighting for CSES shall be limited to that required for safety and operational purposes.

10. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a solar panel array and/or modules, building, or other structure associated with a CSES shall be prohibited.

11. The CSES applicant shall certify that they will comply with the utility notification requirements contained in Indiana law and accompanying regulations through the Indiana Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.

12. Decommissioning of the entire facility will begin if twelve consecutive months of no generation occurs at the facility. In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES when it reaches the end of its useful life, or if the applicant ceases operation of the facility, applicants are required to file a decommissioning plan which details the means by which decommissioning will be accomplished. This plan must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule for contributions to its decommissioning fund, and a demonstration of financial assurance. In the event of a force majeure or other event which results in the absence of electrical generation for twelve months, by the end of the twelfth month of non-operation the applicant must demonstrate to Shelby County that the project will be substantially operational and producing electricity within twenty-four months of the force majeure or other event. If such a demonstration is not made to Shelby County's satisfaction, the decommissioning must be initiated eighteen months after the force majeure or other event. Shelby County considers a force majeure to mean fire, earthquake, flood, tornado, or other acts of God and natural disasters, and war, civil strife or other similar violence. The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond or a surety bond, for the total cost of decommissioning. The applicant will
have the financial assurance mechanism in place prior to construction and will re-evaluate the decommissioning cost and financial assurance at the end of years five, ten and fifteen. Every five years after the start of construction, updated proof of acceptable financial assurance must be submitted to Shelby County for review. Proof of acceptable financial assurance will be required prior to the start of commercial operation.

13. Applicant agrees to pay all attorney fees and costs in the enforcement of the terms of this ordinance.

**Permit Fees:** An ILP application for a CSES permit shall be accompanied by a fee of $200. Fees applicable to Site Plan submittal will also be required, as well as any and all other permits as required by Shelby County.

**To be added to Article 11 of the Shelby County Unified Development Ordinance.**

**Definitions:**

**Commercial Solar Energy Systems (CSES):** An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce offsite consumption of utility power and/or fuels. CSES are a minimum of ¼ acre in total area.

**Private Residential Solar Energy Systems (PRSES):** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground or roof mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES shall be permitted in all zoning districts and shall be treated as accessory structures in each zoning district they are erected in. The maximum size of a PRSES is limited to the maximum size allowed for an accessory structure in each zoning district (other accessory structures shall not be included in maximum size calculations).
viation District and in some cases with the approval of a Drainage Plan/Agreement on file with
the Fulton County Surveyor.

WE-37: Post-Construction Requirements
Post-construction, the applicant shall comply with the following provisions:

A. As-Built Plans
Where upon completion of the phases of the project being proposed, the exact measurements
of the location of utilities and structures erected during the development are necessary for pub-
lic record shall therefore be recorded. The applicant, owner, or operator shall submit a copy of
the Final Construction Plans (as-built plans), as amended, to the Planning Department with
the exact measurements thereon shown. The Plan Commission staff, after being satisfied that the
measurements are substantially the same as indicated on the originally approved final plan(s)
shall approve, date and sign said Construction Plans for the project. One set of As-Built plans
will be submitted in CAD or shape-file format to be incorporated into the Fulton County GIS.

B. Change in Ownership
It is the responsibility of the owner or operator listed in the application to inform the Plan
Commission of all changes in ownership and operation during the life of the project, including
the sale or transfer of ownership or operation. Proof shall be provided to the Plan Commis-
sion that any subsequent purchaser shall comply with all financial obligations as originally
approved for the project, and that the purchaser is contractually obligated to assume all respon-
sibilities of the original applicant.

5-1.5 Solar Energy Systems (SES) Standards (SE)
In order to protect the public health, safety, and general welfare of the community while accommodating
the energy needs of residents and businesses, these regulations are necessary in order to:

1. To bring the benefits of solar energy to Fulton County, including the potential to add local jobs,
   reduce energy bills, and reduce pollution in a manner that preserves reliability and affordabil-
   ity
2. minimize adverse effects of SES facilities through careful design and siting standards;
3. avoid potential damage to adjacent properties from SES failure through structural standards
   and setback requirements.

SE-01: The Fulton County Planning Office is vested with the authority to review, approve, and
disapprove applications for Solar Energy Systems, including a sketch, preliminary plans and
final plans.

SE-02: Regulations of the siting of SES facilities is an exercise of valid police power delegated by the
State of Indiana. The developer has the duty of compliance with reasonable conditions laid
down by the Fulton County Plan Commission.

SE-03: Ground-mounted solar energy systems in all districts shall be installed either in the side
yard or rear yard. Ground-mounted solar energy systems accessory to a principal use may
be located no closer than the setback for accessory structures from the side or rear lot line.

SE-04: Height Requirements
a. Roof mount: Roof-mounted solar energy systems may exceed the maximum building
   height, provided the SES does not exceed five feet in height above the roofline in
   residential districts and ten feet above the roof line in all other districts.
b. Ground mount: The maximum height restrictions for accessory structures in each zoning
district are applicable to ground-mounted solar energy systems and solar energy systems.

SE-05: Lot Coverage cannot exceed the impervious lot surfaced requirements.
SE-06: Solar energy systems must meet the requirements of the Fulton County Drain Board.

SE-07: Permit Requirements
1. Small rooftop, micro, and ground mount solar installations are permitted in all major zoning
districts.
2. A Technical Review Committee (TRC) site plan approval is required for Medium- and Large-scale solar energy systems prior to building permit approval.
3. Micro and Small systems are permitted uses in all Zone Districts.
4. Medium and Large systems are special exception uses in the AC, AP, RR, SR, KW, IR, HC, VC, GC, IN, and IU Districts.

SE-08: A Technical Review is required for Medium- and Large-scale solar energy systems prior to building permit approval. Site Plan documents shall include:
1. Property lines and physical features, including roads, for the project site;
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
3. Blueprints or drawings of the solar energy system showing the proposed layout of the system, the distance between the proposed solar collector and all property lines, and the tallest finished height of the solar collector;
4. Name, address, and contact information for proposed system installer;
5. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
6. Zoning district designation for the parcel(s) of land comprising the project site.
7. Documentation that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

SE-09: Removal Requirements – Any small, medium- or large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed [by the owner or operator]. The owner or operator shall physically remove the installation no more than one year after the date of discontinued operations. The owner or operator shall notify the Fulton County Plan Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
(a) Physical removal of all solar energy systems, structures, and equipment from the site.
(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
(c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Fulton County Planning Office may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

SE-10: Abandonment – Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the small, medium- or large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Fulton County Plan Department. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within one year of abandonment or the proposed date of decommissioning, the County retains the right after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned small, medium, or large-scale ground-mounted solar energy system at the owner/operator’s expense. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

5-1.6 Height Standards (HT)

HT-01: No structure may be erected or changed so as to make its height greater than specified in its applicable Zoning District, except as noted below. Exceptions to height standards include:
A. These specified height exceptions may exceed the permitted height regulations by twofold (x2) or seventy-five (75) feet; whichever is less.
   a. Church steeples,
   b. Water Towers, and
**Small Wind System:** A WECS that has a nameplate capacity (manufacturer's rating) less than or equal to 50 kilowatts per wind tower, and a total height of 140' or less, and a swept area of 40' or less.

**Solar Energy System:** Any device or structural design feature that has a whole primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

- Roof-mounted/building mounted solar energy system: a solar energy system that is structurally mounted to the roof of a building or structure.
- Ground-mounted solar energy system: a solar energy system that is structurally mounted to the ground and is not roof mounted.
- Large-scale solar energy system: a solar energy system that occupies more than 40,000 square feet of panel surface area.
- Medium-scale solar energy system: a solar energy system that occupies more than 1,750 but less than 40,000 square feet of panel surface area.
- Small-scale solar energy system: a solar energy system that occupies 1,750 square feet of panel surface area or less.
- Micro-scale solar energy system: a solar energy system that occupies less than 120 square feet of panel surface area. (Solar energy systems not tied to an electrical system or a stand alone system are exempt such as flag pole lights, single solar lights, etc.)
- "Primary Use" Solar Energy System: A solar energy system is considered a primary use if there is no other primary use on site.

**Special Exception:** The use of land or the use of a Building or Structure on land which is allowed in the zoning District applicable to the land only through the grant of a Special Exception by the Board of Zoning Appeals.

**Sport Court:** A primary use of an area to be used for sports only, not including driveways.

**Staff:** The Executive Director, or any attorney, employee or agent of the Fulton County, Indiana, as designated by the Fulton County Area Plan Commission.

**Storage and Transfer Establishment:** A facility at which products, goods or materials are received from various locations and temporarily warehoused while awaiting distribution or shipment via a subsequent carrier, possibly along with other products, goods or materials to another destination.

**Storage, Outside:** The storage of any product, goods, equipment, machinery, vehicles, boats, junk, tractor trailers, railroad cars, supplies, Building materials or commodities, including raw, semi-finished and finished materials for a period of time in excess of one (1) week, the storage of which is not accessory to a residential use, and which is visible from ground level, provided, however, that vehicular parking and the display of automobiles, boats, trucks or farm equipment associated with a legally established dealership shall not be deemed Outside Storage.

**Story:** That part of a Building, with an open height of no less than seventy-eight inches (78"), except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above.

**Street:** Any Public or Private Right-of-Way, with the exception of Alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording Ac-
I highly suggest you all take a look at the **PAS Report re: Planning for Solar Energy**. It's a substantive document but will answer many of your questions re: size of installation in terms of acreage versus kilowatts/megawatts.

I've attached it as a courtesy.

Respectfully,
Lindsay Haake

Utility, Environment SME
*Onward & Upward Strategies*
(812) 340-4242

On Thu, Feb 21, 2019 at 11:05 AM Joe Rogers <jrogers@whitecountyindiana.us> wrote:

Attached is **White County’s solar ordinance**. Hope this helps. This was adopted by the County in January of this year.

Regards,

Joe Rogers

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I'm looking for samples of solar ordinances (covering both commercial and non-commercial facilities) that are reasonable to understand and implement.

Also would like your feedback on ups and downs of administering them.

Thanks in advance!
SLAUGHTER HOUSE - A commercial production facility where live animals are killed to be processed for consumption as food products or for other commercial purposes. Also, a commercial production facility where animal carcasses are imported for butchering and packaging at the wholesale level. A slaughter house may include a retail component but may not incorporate retail sales of other food, grocery or household type items in their operation. A slaughter house does not include a grocery store, supermarket or other retail food products store which provides butchering as a supplemental service secondary to their other store offerings.

SLOPE - The face of an embankment or cut section. Any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOCIAL SERVICES - A wide variety of professional activities or methods concerned with providing assistance in various forms to disadvantaged, distressed or vulnerable persons or groups. Social services may serve the needs of children and families, the poor or homeless, immigrants, veterans, the mentally ill, the handicapped, victims of rape or domestic violence or persons dependent on alcohol or drugs. Many such services are often referred to as welfare. For ordinance purposes, refer to the category of Personal/Professional Services.

SOLAR ARRAY (aka PHOTOVOLTAIC ARRAY) - Two or more solar panels linked or connected together for the purpose of generating electricity.

SOLAR ARRAY, STEM STYLE - A solar array construction where each solar panel is attached to a support frame, bracket, stand or other apparatus or which utilizes a ballasted footer for panel stabilization. Tree style solar arrays are excluded from this category.

SOLAR ARRAY, TREE STYLE (aka SOLAR TREE) - A solar array construction utilizing a common, vertical “trunk” frame to which extending panel support framework is constructed. This design often mimics the trunk and limb visual image of a natural tree. Tree style solar array units extend vertically a minimum of six feet (6’) from ground or trunk support foundation level. Framework and panel attaching mechanisms may be designed to rotate to maximize a panel or array’s conversion efficiency.

SOLAR CELL (aka PHOTOVOLTAIC or PHOTOELECTRIC CELL) - An electrical device that converts sunlight, or other form of visible light, directly into electricity and is a building block of Solar Panels or used on their own as a power supply for calculators, lights, clocks or individual devices.

SOLAR ENERGY SYSTEM (SES) - Solar cells, panels and/or arrays, converters and solar infrastructure used to generate thermal heat or electricity.

SOLAR ENERGY SYSTEM, COMMUNITY - A Solar Energy System for use with single, two-family or multi-family private dwellings or with business, industrial or commercial applications where the electricity or thermal energy is consumed by individuals or businesses which may or may not be on the parcel upon which the system is located. Energy is not sold for wholesale purposes. This solar system is an accessory use designed to supply electricity or thermal energy to a community of properties. Solar energy components may be roof top mounted, ground mounted or building integrated.

SOLAR ENERGY SYSTEM, INDIVIDUAL - A Solar Energy System for use with single, two-family or multi-family private dwellings or with business, industrial or commercial applications where the electricity or thermal energy is consumed on-site and not sold for wholesale purposes. This solar energy system is an accessory use designed only to supply electricity or thermal energy to the principal and accessory uses of the site. Solar energy components may be roof top mounted, ground mounted or building integrated.

SOLAR FARM (SF): (aka PHOTOVOLTAIC POWER STATION, SOLAR PARK, SOLAR RANCH, SOLAR STATION or UTILITY-SCALE SOLAR STATION, CONCENTRATED SOLAR FACILITY) - A commercial facility constructed with a configuration of Solar Arrays for which the principal purpose is to generate electricity to be sold on a wholesale basis for ultimate placement on the Nation’s electrical grid. This is the principal use for the parcel on which it is located.

SOLAR FARM COMPOUND - The area of land upon which is placed the solar panels, solar arrays, inverters, solar panel/array support and connecting brackets, structures and wiring as well as any other equipment associated with a Solar Farm installation. Land used for the infrastructure required to connect to the utility service is not included.

SOLAR FARM, CONCENTRATED (CSP) - A Solar Farm which incorporates mirrors and/or lenses to concentrate sunlight as a component of their operation.

SOLAR INSTALLATION, FLOATING - A solar energy system which is constructed on floaters or raft type structures designed to be placed on water surfaces or in areas prone to flooding where the system is designed to deal with the movement and changes in water levels associated with the subject site.
SOLAR INSTALLATION, GROUND MOUNT - A solar energy system which uses stem style solar arrays where no point of the solar array exceeds 10 feet (10') in height. In stem style solar arrays, panels are mounted essentially parallel to the earth's surface in a horizontal configuration. In a stem style solar array, the tallest point of the array extends no higher than ten feet (10') from the ground or base support level. Framework and panel attaching mechanisms may be designed to rotate to maximize a panel or array's conversion efficiency.

SOLAR INSTALLATION, INTEGRATED - A solar energy system where solar panels and/or arrays are integrated within the design of the exterior components of any building or structure, excludes Roof Top Installations.

SOLAR INSTALLATION, ROOF TOP - A solar energy system where all solar panels or arrays are mounted via some type of framing or bracketry directly to the roof of a primary or accessory buildings or structures. Also included are systems utilizing Solar Shingles.

SOLAR PANEL (aka PHOTOVOLTAIC MODULE) - A bank of interconnected solar cells combined into the form of a panel normally contained by a metal or plastic perimeter frame.

SOLAR SHINGLE (PHOTOVOLTAIC SHINGLE) - Solar panels or solar modules designed to look like and function as conventional roofing materials, such as asphalt or slate, while also producing electricity. These shingles are constructed with the same durability and flexibility as regular shingles and are designed to withstand rain, wind and hail. Solar shingle installations can also be known as building-integrated photovoltaics.

SPECIAL EVENT - A one-time or infrequently occurring activity held by a private group of persons, firm, organization, association, non-profit entity or business which occurs unrelated to the principal use of the property.

SPORTING EVENT (FOR PROFIT) - An organized activity involving physical exertion and skill that is governed by a set of rules, normally in a competitive environment, operated for the profit of an organization, institution, private party or group of individuals and taking place in a single day or over a period not to exceed seven (7) days. Excluded are sporting events which constitute extra-curricular activities of public or religious institutions.

SPECIAL EXCEPTION USE - A special exception is a use that would not be appropriate generally or without restrictions throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provisions for such special exceptions are made in this ordinance.

SPECIAL FLOOD HAZARD AREA (SFHA) - Those lands within White County that are subject to inundation by the regulatory flood. The SFHA's of White County are generally identified as such on the Flood Insurance Rate Map of the County as prepared by the Federal Emergency Management Agency and dated September 1, 1988.

STABLE OR BOARDING, COMMERCIAL - Any stable for the housing of horses, mules, donkeys or ponies, operated for remuneration, hire, sale, or stabling; or any stable, not related to the ordinary operation of a farm, with a capacity of more than four (4) horses, mules, donkeys or ponies, whether or not the stable is operated for remuneration, hire, sale or stabling. All stables or boarding outside this definition are considered stables or boarding facilities for private use.

STABLE OR BOARDING, PRIVATE - Any non-commercial stable or boarding operation.

STADIUM, COLISEUM, ATHLETIC FIELD (COMMERCIAL) - A large building with tiers of seats for spectators at sporting or other recreational events.

STAFF - The staff of the Area Plan Commission of White County.

STATE AGENCY - As used in this Ordinance, the term state agency shall mean and include all state agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

STOCKYARD - A large enclosed yard, usually with pens or stables, in which livestock, such as cattle or pigs, are temporarily kept until slaughtered, sold, or shipped elsewhere.

STORAGE, BULK - On-site storage of any soil, sand, gravel, clay, mud, debris, vegetation, refuse or any other material, organic or inorganic, in a concentrated state. Storage or parking of motor vehicles but not for the repair or servicing thereof.

STORAGE, COMMERCIAL - A structure whose main use is housing non-agricultural items related to a commercial enterprise.
7.15 SOLAR FARMS AND SOLAR ENERGY SYSTEMS

7.15.1 Purpose, Persons Liable, Authority, Scope and Exclusions & Exemptions

A. Purpose
This section is established in order to protect the public health, safety and general welfare of the community while accommodating the production and renewable energy objectives associated with solar energy efforts. As such, it is necessary to regulate the use, construction and modification of Solar Energy Systems (SES) and Solar Farms (SF). This section works to avoid the adverse impacts of such operations on the community and the area’s natural and constructed resources while still accommodating the need for solar energy production.

B. Persons Liable
The property owner and developer have the duty of compliance with the requirements of this Section and any other requirements provided for in this Ordinance pertaining to SES and SF developments.

C. Authority
The Executive Director is hereby vested with the authority to review and approve or deny applications for SES and SF developments as well as for modifications, alterations, upgrades, maintenance (other than routine maintenance) or revisions to these developments.

D. Scope
Section 7.15 applies to all SES and SF developments as defined in Chapter 14, Definitions. Nothing in this Chapter or Ordinance is intended to preempt other applicable State and/or Federal Laws or regulations pertaining to Solar Farm developments. Where a conflict occurs between this Chapter and any other requirements of the White County Indiana Zoning Control Ordinance, this Chapter shall rule.

E. Exclusions and Exemptions
A permit is not required for the following:

1. Any SES which does not include in excess of one hundred twenty (120) square feet of solar panel face.

2. Any work which constitutes “routine maintenance” of an SES or SF. Routine maintenance includes, but is not limited to, the following:
   a) repair of SES or SF components and/or system infrastructure; and/or,
   b) replacement of components and/or infrastructure with those of the same nature and the same physical size and/or power strength; and/or,
   c) such other maintenance and/or repair work determined to be routine in nature by the Executive Director.

Also excluded, high-tension power lines, electrical transmission towers, transformers, utility substations or utility poles used to connect an SES or SF to a utility system’s infrastructure.
F. Other

1. SF developments are exempt from the requirements of Chapter 8 Parking and Loading.

2. SES and SF developments shall meet all applicable State, Local and Federal regulatory codes in addition to the requirements of this Ordinance.

3. SES and SF developments shall be constructed to meet or exceed National Electric Safety Codes.

7.16 APPLICATION REQUIREMENTS

For purposes of this section, the term "application" refers to an Improvement Location Permit (ILP) application along with any other documents required by this Ordinance, this Chapter or which has been requested by the Executive Director. Unless specifically excluded by this Chapter, no construction or development of an SES or SF may be initiated without first obtaining an ILP from the Staff and, if required, a Building Permit. All structures (except signage) for the proposed development may be covered by a single application. Signage for the development must satisfy the requirements and standards of Chapter 10 of this Ordinance and are subject to a permit application process separate from that of the SES or SF physical development.

A. Application Documents – SF

The following application documents reflect the minimum amount of information which must be provided for an SF development:

1. An ILP Application along with the associated application filing fee. This application must be signed by the property owner or developer (if signed by the developer, the applicant must provide a properly executed lease agreement or notarized letter from the property owner authorizing the proposed development);

2. A Site Plan which satisfies the content requirements of Chapter 12, Section 12.13, Subsection 12.13.5;

3. An executed contract or formal agreement between the property owners, developer and associated utility(ies) for the purchase and transfer of energy produced by the SF;

4. A letter from the respective legislative body certifying that an Economic Development Agreement has been approved by said legislative body;

5. Presentation of a Decommissioning Plan approved by the respective legislative body;

6. A letter from the respective legislative body that a Road Use Agreement has been achieved or that a waiver has been granted from such;

7. A letter or approved permit of development approval from the Federal Aviation Administration if any part, piece or component of an SF penetrates navigable airspace as defined by the Federal Aviation Administration's rules, regulations and guidelines;

8. Delineation of compliance to the requirements of Appendix B Bulk Use Standards;
9. Delineation of compliance to all developmental standards provided within this Section;

10. A Letter of Approval or Waiver from the White County Drainage Board;

11. Compliance to screening requirements established by subsection 7.17 B 7 of this Ordinance; and,

12. An Engineering Certification that the proposed development will not create undue glare or reflection so as to create a traffic hazard or cause a nuisance to neighboring properties; this Certification must clearly delineate all steps taken to mitigate such circumstances.

The Executive Director shall certify completeness of the application and, once determined as complete; approve, deny or request revision of said application.

B. Application Documents – SES

The following application documents reflect the minimum amount of information which must be provided for an SES development:

1. ILP Application along with the associated application filing fee. This application must be signed by the property owner or developer (if signed by the developer the applicant must provide a properly executed lease agreement or notarized letter from the property owner authorizing the proposed development);

2. Site Plan which satisfies the content requirements of Chapter 12, Section 12.13, Subsection 12.13.5;

3. Letter of Development Approval from the Federal Aviation Administration, if any part, piece or component of an SES penetrates navigable airspace as defined by the Federal Aviation Administration’s rules, regulations and guidelines;

4. Delineation of compliance to the requirements of Appendix B Bulk Use Standards;

5. Delineation of compliance to all developmental standards provided within this Chapter.

7.17 DISTRICT REGULATIONS AND PERFORMANCE STANDARDS

A. Location

SES and SF developments will be allowed or not allowed as prescribed by the Official Schedule of Uses (Appendix A). At no time will an SF or SES be allowed in a regulated floodway, flood fringe, regulated wetland or designated conservation or wildlife area without approval from the Area Board of Zoning Appeals.

B. Size, Height, Setbacks and Other Developmental Standards - SF

1. All structures shall conform to the standards for principal structures as provided by the Bulk Use Chart (Appendix B) of the zoning district classification for which the development is proposed or to the more restrictive or alternate standard provided for in this Chapter;
2. Support structures for overhead wiring connecting Solar Farm components to a Utilities' infrastructure are exempt from the Bulk Use Standards provided for in Appendix B Bulk Use Chart as well as those within this Chapter;

3. Minimum property size for any SF development shall be five (5) acres;

4. All Solar Arrays along with their associated support structures must be ground based not to exceed ten (10) feet in height as measured from the surrounding average grade (upon written authorization from the Executive Director, this may be increased to nineteen (19) feet as long as the Executive Director, in his/her sole discretion, has been provided evidence that any negative consequences from the additional height will be properly mitigated);

5. All Solar Arrays must be setback one hundred (100) feet from any property or right-of-way line, whichever is most restrictive;

6. Solar Inverters must be setback a minimum of five hundred (500) feet when abutting a residential zoning district; for every other property or right-of-way line, the setback distance shall be a minimum of one hundred (100) feet. These measurements are taken from the property or right-of-way line, whichever is most restrictive;

7. Screening shall be provided along any segment of property line abutting a residential zoning district or abutting a public or private road; said screening shall meet the following standards:
   a) Screening may be in the form of a fence, a berm or be vegetative in nature (vegetative screenings are preferred);
      1. If vegetative; the plantings must reach a minimum height of six (6) feet within two (2) years after planting;
      2. If a berm, the berm must be a minimum of six (6) feet tall and meet the requirements of Chapter 9, Subsection 9.4.4 C; and,
      3. If a fence, the fence must be between five and one-half (5 1/2) and six (6) feet tall as measured from the average grade below the fence to the tallest point of the fence or the fences supporting structures.

Note: Regardless of screening choice, the screening shall provide a minimum opacity of eighty (80) percent; said screening shall comply with the visibility clearance triangle provisions of Chapter 3, Section 3.0.7.

8. Maximum noise level, measured at any property or right-of-way line, is sixty-five (65) decibels;

9. Any land area, as measured by the smallest rectangle which encompasses all SF solar panels, arrays & associated mounting devices and converters, shall not be counted toward the lot coverage maximum as provided for in Appendix B Bulk Use Chart for the applicable zoning district of the subject site.
10. All SF’s must provide security fencing around the SF Compound. Said fencing must provide limited and secured access to prevent entry by unauthorized personnel. Fencing and access gates shall be between five and one-half (5 1/2) and six (6) feet tall as measured from the average grade below the fence to the tallest point of the fence or the fences supporting structures unless otherwise required by a Federal or State Agency or by State or Federal law, code or regulation.

C. Size, Height, Setbacks and Other Developmental Standards – SES

1. All SES components will be treated as Accessory Structures for the purposes of applying Bulk Use Chart (Appendix B) standards unless a more restrictive or alternative standard is provided for in this Subsection;

2. Screening shall be provided in accordance with Subsection 7.17 B 7; vegetative screening is preferred, along each section of property line where any solar energy component (excluding roof-top solar installation), is located within twenty (20) feet of a property boundary line abutting a residential district. An applicant may request a waiver or modification of screening requirements from the Executive Director. Such waiver or modification may be approved by the Executive Director if, in the opinion of the Executive Director, the reflectivity and installation mass will not negatively affect a neighboring property owner. Such waiver request must be signed by the applicant or developer (if given proper authorization) and submitted to the Executive Director in writing. Any decision of the Executive Director on this matter may be appealed to the Area Board of Zoning Appeals.

3. Ground Mount Solar Installations:
   
a) All Solar Panels and/or Solar Arrays, as well as the Panel or Arrays underlying framework, shall be a minimum of three (3) feet above ground level as measured from any ground point to the closest point of any solar panel or supporting frame work; and,

b) All SES Ground Mount Systems shall be located in a side or rear yard.

Note: All area, as measured by the smallest rectangle which encompasses all SES solar panels, arrays & associated support structures and converters, shall not be counted toward the lot coverage maximum as provided for in Appendix B Bulk Use Chart for the applicable zoning district of the subject site.

4. Roof Top Installations:

Note: Installations using solar shingles designed to serve as a final roof covering are exempt from the requirements of “a” thru “c” below.

   a) Solar Panels and/or Solar Arrays shall be separated above the roofing material a minimum of the distance recommended by the panel/array/equipment manufacturer. If the manufacturer does not provide a separation recommendation, then all solar panels and/or solar arrays must be a minimum of four (4) inches and a maximum of
eight (8) inches above the roofing material to the bottom of the solar panel;

b) Solar Panels, Solar Arrays and/or installation framing & bracketry must be mounted so that no edge of any Solar Panel, Solar Array and/or installation framing & bracketry is closer than one (1) foot to any roof line edge or the roof peak; and,

c) Roof coverage of the SES may not exceed sixty (60) percent of the roof area. Coverage may extend to up to ninety (90) percent of the roof area by supplying to the Executive Director a written certification from a licensed engineer that the structural integrity of the roof will not be jeopardized by the installation;

D. Tree Style Solar Arrays are allowed only with the approval of the Area Board of Zoning Appeals and the petitioner must demonstrate to the Board that the tree(s) installation will not create a safety hazard or nuisance to any near-by (within one-quarter (1/4) mile) property owner or the community at large;

E. Floating Solar Installations are allowed only with the approval of the Area Board of Zoning Appeals. It is the responsibility of the petitioner to demonstrate compliance with all Federal, State or Local laws, codes and regulations as well as demonstrate that the installation will not create any community or site safety issues or security vulnerabilities. The applicant/developer shall provide written documentation outlining the steps taken to mitigate any potential nuisance factors; and,

F. For purposes of an SES designed to provide energy to buildings on abutting properties, the SES is not required to meet setback requirements from property lines which are common to any properties included within the intended service group.

7.18 DEFINITIONS

For the purposes of administering and enforcing this Chapter, refer to Chapter 14, Definitions of this Ordinance.