

**This Ordinance does not apply to a property owner or business who seeks to install a solar energy device on the personal property owner's premises for the purpose of generation of electricity to meet or offset all or part of the need for electricity on the premises.**

- Roof-top Energy Systems are approved for zoning districts with the generation of less than 40KW for the purpose of the generation of electricity to meet or offset all or part of the electrical need on the premises.
  - Compliant with the UDO Development Standards
  - Improvement location permit is required.
  - UDO Vision Clearance Standards (Article 5.67) must be met.
  - Must be compliant with all State and Noble County Building Department requirements.
- Ground Mount Solar Energy Systems are allowed for any 2+/- ac parcel in any zoning district except open space (OS) and Lake Residential (LR), for the generation of less than 40KW for the purpose of the generation of electricity to meet or offset all or part of the electrical need on the premises.
  - Compliant with the UDO Development Standards: A Solar Energy System shall set no less than the primary structure setback as described in the current ordinance or shall set no closer than twenty-five (25) feet from the side and rear property line – whichever is greater.
  - Structure height shall not exceed fifteen (15) feet.
  - Improvement location permit is required.
  - UDO Vision Clearance Standards (Article 5.67) must be met.
  - Must be compliant with all State and Noble County Building Department requirements.
- Generation of more than 40KW request approval by Development Plan Committee

This will be a rubberstamp for a business with DP approval

## Commercial Solar Energy System Over Lay District (CSES-OD)

1. **Commercial Solar Energy System**

2. **Purpose:** to generate and sell solar power.

3. **Compliance Required**

No applicant shall construct, operate, locate, or enlarge a Commercial Solar Energy System (CSE System) within Noble County without first obtaining approval and must fully comply with the provisions of this ordinance.

4. **Prerequisites:**

a) **Manufacturer Installation Specifications:** any permitted CSE system shall be installed according to manufacturer's specifications, unless in conflict with the applicable standards of the Noble County Unified Development Ordinance, including all Indiana State Standards. When conflicts exist, the stricter standards shall prevail.

5. **BASE ZONING:** To qualify for a CSES-OD, the base zoning shall be in any district, with the exception of Open Space (OS).

a) **Minimum Parcel Size:** shall be a minimum of five (5) acres in size.

1. Under no circumstances shall a planned development or rezoning of property change the applicability of the CSES-OD land use restrictions and additional development standards.

2. The boundaries for the CSES-OD shall be shown on the official Zoning Map as a hatched or textured pattern and noted on the map legend as CSES-OD

b) **Approval Process:**

1. Development Plan Approval
2. Plan Commission Recommendation
3. County Commissioners Final Approval

6. **Requirement:** All CSES will be required to submit a complete Development Plan (see section 24) for Plan Commission review no less than ninety (90) days prior to public hearing.

7. **Height Restrictions:** No part of a solar panel or other equipment associated with the CSES shall exceed fifteen (15) feet in height when oriented at maximum tilt height.

8. **Equipment:** All components necessary; solar panels, inverters, DC/AC disconnect, meters, wiring, racking, mounting, charge controllers, batteries or any such equipment necessary for the CSES shall be commercially available and must be included in the Development Plan, submitted in writing for a new CSES or no less than sixty (60) days prior to intended installation on a preexisting CSES.

9. **Substation:** Any structure or equipment necessary, including driveway for the substation shall meet the minimum setbacks. Equipment that could create objectionable sounds shall be located as far as practically possible away from any non-participating existing dwelling and the visual buffer shall be approved by the Development Plan.

10. **Emergency Contact Signage:** CSES shall be identified with a E911 location address assigned by the Noble County Plan Commission. A standard metal road sign displaying owner's name, facility name, emergency contact phone number and physical site address shall be posted at the entrance

to the facility and at the substation. The sign shall be posted in compliance with the UDO Visual Clearance Standards Article 5.67 and set just outside of the public road right-of-way.

11. **Fencing Standards:** CSES fencing shall meet the minimum setback standards and set no less than the setback for the buffer area from a nonparticipating property. Fences, gates and warning signs must be maintained in good condition until the CSES is dismantled and removed from site. Installation at a minimum of six (6) ft. tall, subject to Development Plan approval and Plan Commission approval.
12. **Fire Codes:** To minimize the risk of fire and safeguard firefighters and other emergency responders. CSES shall offer consideration for fire codes, such as tripping, structural collapse, fire spread, electrical shock and hazards and any item related to battery and battery storage systems, included in the Plan Development.

- i. **Electrical Hazard:**

### 13. Nuisance Prevention

- a) **Noise Generating Equipment Setback:** All Equipment shall meet the minimum setbacks. Equipment that could create objectionable sounds during normal operations shall be located as far as practically possible away from any non-participating existing dwelling  
  
Unless otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a CSES in Noble County unless the project owner demonstrates to the Plan Director the CSES will operate so the sound attributed with the CSES will not exceed an hourly average sound level of fifty (50) A-Weighted decibels, as modeled at the outer wall of an existing dwelling located on an adjacent nonparticipating property *or no less than 150 ft from any vacant nonparticipating property line.*

The requirement set forth in this section may be waived with respect to any one (1) CSES, subject to written notarized consent of the owner(s) of each adjacent nonparticipating property.

- b) **Illumination:** A CSES shall comply with the current ordinance under Commercial Lighting Standards. However, no light shall cross the adjacent nonparticipating line greater than ten (10) lux.
- c) **Laydown area:** The area used for the receipt, temporary storage, and sometimes for the assembly of construction of equipment and other supplies. Laydown area must be located no less than 1,000 ft. from any nonparticipating existing dwelling and approved by Development Plan. When necessary smaller laydown areas may be approved by Development Plan.
- d) **Employee parking** and equipment trucks shall not park alongside county roads, parking shall be as far from any nonparticipating existing dwelling and approved by the Development Plan.
- e) **Office Site:** Location and structure shall meet the minimum building requirements, current ordinance standards and approved by the Development Plan.
- f) **Dust Control:** developer will be responsible for wetting out to lessen the amount of created dust during construction.
- g) **Onsite working hours:**

- h) **Glare:** A CSES at no time shall create glare on any non-participating property line, structure or right-of-way. All CSES using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties, including any public right-of-way.
- i) **Maximum Vibrations:** Equipment which could create vibrations as part of a CSE system shall be located centrally within the CSES to reduce potential impacts on non-participating properties.
- j) **Interference with Reception:** A CSES shall be constructed and operated so it does not interfere with television, microwave, GPS, military defense radar, navigational or radio reception to neighboring areas.

**14. Ground Vegetation:**

- a) CSES property owner shall plant, establish and maintain for the life of the CSES perennial vegetative ground cover, including a minimum of 30% use of native pollinator seed mix and shall be described in the Development Plan.
- b) Provide site preparation and maintenance practices designed to control invasive species and noxious weeds to be included in the Development Plan.

15. **Maintenance, Repair or Replacement of CSES:** Owner must maintain the facility in accord with the Site Plan, Permit and the ordinance. Maintenance shall include, but not limited to, painting, structural repairs and integrity of security measures. Any retrofit, replacement or refurbishment of equipment shall adhere to all local, state and federal requirements.

16. **Waste Management;** Solid waste generated from supplies, equipment, parts, packaging, operation, or maintenance of the facility (including old parts and equipment) shall be removed from the site within 6 months, consistent with industry standards. Hazardous waste generated by operation and maintenance of the facility, including but not limited to, rusted equipment, lubricating materials, cleaning materials, battery materials or such shall be handled in a manner consistent with local, state, and federal rules and regulations and shall not be allowed to seep into the ground or come in contact with open water.

- a) System Limitations:
- b) Location Restrictions:

**17. Participating Land Owner**

- a) **Setback from a participating property line:** Shall be at the UDO minimum Development Standards, with the exception of a notarized written agreement to allow a 0' setback from an adjacent participating landowner, to be included in the Development Plan, Section 24.
- b) **Development Setbacks on a Same Ownership parcels:** Shall meet current UDO minimum development setbacks on a participating property line. A recorded commitment to combine parcels, as allowed by the UDO, would allow development to cross a same ownership property line.

## 18. Non-Participating Land Owner

- a) **Development Setback Non-Participating Land Owner:** *The CSES shall be at least two hundred fifty (250') feet from a non-participating preexisting residential dwelling, including across a roadway, or 100' from the property line, whichever is greater.*
- b) **Non-Participating landowner** may waiver from the impact of development standards via a notarized statement from the nonparticipating landowner(s), allowing a less than required development standard setback; to be included in the Development Plan.

19. **Visual Buffer:** Berm, natural vegetation or evergreen to provide a reasonable visual buffer for the non-participating residence(s), to cover the minimum required radius for the entire viewshed.

- a) **Installation:** Buffer may include more than one buffer material with a clear intent to buffer CSES.
- b) **Requirement:** The project owner shall install a natural landscape buffer of native species at the onset of CSES installation. The buffer must meet a minimum of 6' in height at the time of installation, located inside the minimum required setback on the project owner property.
- c) **Screening:** *developer shall install a visual barrier no less than 25' from the fence setback standard on participating landowner property.*
- d) **Natural Disaster:** In the event of a natural disaster or natural loss of the installed or preexisting buffer, replacement of the buffer shall be complete in no less than 1 year. Extension requests shall be submitted in writing to the Plan Director. The extension shall not exceed 6 months.

20. **Electric Wires:** Except otherwise allowed by IC 36-7-4-1109, cables located between inverter locations and project substations shall be located and maintained underground; buried at thirty-six (36) inches below grade or if necessitated by onsite conditions at a greater depth. The SES facility must conform with local, state and federal electrical code requirements.

If located in a public right-of-way or county drainage easement the CSES would require written approval by the Noble County Highway and Noble County Drainage Board.

21. **Damage:** Except otherwise allowed by IC 36-7-4-1109 damage to waterways, drains, ditches, private field tiles, county tiles or any other item to regulate drainage caused by the construction, installation or maintenance of a CSES must be completely repaired by the project owner to the near original condition so as to not impede the natural flow of water. All repairs must be compliant with Noble County Drainage Board.

22. **Decommissioning:** A project owner may not install or locate a CSES unless the project owner submits to the Plan Director the decommissioning and site restoration plan as part of the Development Plan, posts a surety bond or equivalent means of surety acceptable to the Plan Director, including a parent company guarantee or irrevocable letter of credit, in the amount equal to the estimated cost of decommissioning the CSES, as calculated by a third party licensed or registered engineer or professional with suitable experience in the decommissioning of CSES, as agreed upon by project owner and Plan Director.

- a) **Bond** must be equal to 100% of the decommissioning costs included in the Development Plan, to include allowing the County to recuperate from the bond costs that incur to the extent the County takes part in the decommissioning of the CSES, updated by the Owner

every five (five) years and adjusted as necessary to ensure sufficient funds are available to decommission the project. Bond adjustment must be submitted to the Plan Director.

- b) Project owner must provide to the Plan Director written notice of the project owner's intent to decommission a CSES no later than sixty (60) days before discontinuation of the facility.
  - 1) Structures, foundations, roads, gravel areas and cables associated with the project shall be removed to a depth of at least thirty-six (36) inches below grade;
  - 2) The ground shall be restored to a condition reasonably similar to its condition before the start of construction.
  - a) Decommissioning must be complete within 1 year of the start date, with the allowance of no more than 6 months by the Plan Director. If necessary, the Plan Director may engage qualified contractors to:
    - a) Enter the site
    - b) Remove CSES project assets
    - c) Sell assets removed
    - d) Remediate the site
    - e) May include proceedings to recover assets.

23. **Abandonment – Natural Disaster:** A CSES is considered abandoned three hundred and sixty-five (365) days after the date on which the CSES last generated electricity.

- a) In the event of a natural disaster, flood, tornado or any other natural disaster including an act of God, war, civil strife, a terrorist attack or similar unforeseen event under which the project owner has no control.
- b) Project owner must submit a letter of intent for decommission in writing to the Plan Director.
- c) All assets must be removed within 1 year.

24. **Development Plan Approval:** The Development Plan Committee shall consist of the following: Noble County Highway Department, INDOT (if applicable), Noble County Surveyor, Noble County Building Department. The following items, referred to as the Development Plan, must be agreed upon by the Development Plan Committee:

- A. Road Usage-Repair agreement
- B. Decommissioning agreement
- C. Traffic Management Plan
- D. Storm Water Erosion Control Ordinance
- E. Visual Buffer & Vegetative ground cover (detailed plans)
- F. Site Plan (setbacks, layout and safety requirements)
- G. Panel Placement (to avoid glare at non-participating, pre-existing residences and ROW's)
- H. Waste management plan
- I. Contact Information (property owner must report to the Plan Director when the CSES ownership contact information changes – within 3 months – including signage at the site).
- J. No later than the time of application the CSES developer must submit a copy of the Interested Party Notice list to include names and addresses of interested parties including USPS Tracking numbers and certified mailing list.

1. Developer must show proof of Interested Party Notification, including proof of mailing shall apply to property owners within 300' of the proposed CSES, submitted no later than 30 days prior to the hearing.

**Definitions:**

**A-Weighted Decibels** – expression of the relative loudness of sounds in air as perceived by the human ear. (abbreviated as dBA)

**Commercial Solar Energy System (CSE System):** A solar energy system for the purpose of generating and selling large scale power, includes all components associated with the generation of electricity.

**Kilowatt (kw):** A unit of electrical power. 1 Kw is equal to 1,000 watts.

**Megawatt (MW):** A unit of electrical power – 1,000 KW = 1 MW; 1 MW = 1,000,000 watts

**Participating Property:** A property in which land is leased (by a signed & recorded document) by the CES Systems owner in order to facilitate CSE development.

**Radius:** a direct line *extending* from the foundation at the closest point of an existing primary structure to CES system, excluding obstructed view by existing structure(s) and or terrain

**Viewshed:** Surrounding points in line-of-sight from existing primary structure excludes points obstructed by terrain or other features such as buildings or trees.

**Waste Management Plan:** consistent with local, state, and federal rules and regulations developer must provide a waste plan and shall not be allowed to seep into the ground or come in contact with open water.

Items to consider to add;

### **Findings of Fact for Overlay district**

Findings for Approval by the Plan Commission. The commission shall make written findings concerning each decision to approve or disapprove a development plan after a public hearing. The commission may approve a development plan upon finding that:

- (1) The development plan complies with applicable standards of the underlying district in which the lot is located.
- (2) The development plan complies with applicable provisions of the appropriate subdivision control ordinance.
- (3) The development plan complies with all applicable provisions of the overlay district including those specified in architectural design standards provisions for each respective overlay district.
- (4) The proposed development is appropriate to the site and its surroundings.
- (5) The proposed development is consistent with the Noble County Comprehensive Plan.

### **Overlay Zoning:**

The overlay zoning districts do not replace, the base zoning district regulations in the areas where the overlay zoning districts are applied.

An overlay zoning district may add restrictions on the use of property in the underlying base zoning district or may remove restrictions on the use of property in the underlying zoning district, or both.

In the event of an inconsistency between the overlay zoning district regulations and the base zoning district regulations, the overlay zoning district regulations shall apply.

The Official Zoning Map designates where overlay zoning districts apply.

### ***Utility Setback:***

***Easement Setback: including utility easement private drive/road***

***Railroad Setback:***

***Environmental Setback***

***Permit Authority***

***Plan Director***