

ORDINANCE NUMBER 2015-29

The purpose of this ordinance is to amend the Monroe County Zoning Ordinance by the addition of regulations concerning Solar Farm uses.

WHEREAS, Indiana Code 36-7-4-601 authorizes the Board of Commissioners of the County of Monroe, Indiana (Board of Commissioners), to adopt planning and zoning ordinances and amendments thereto, including maps, for the following purposes: securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general welfare; and otherwise accomplishing the purposes of Indiana Code Chapter 36-7-4;

WHEREAS, the Board of Commissioners adopted a comprehensive replacement Monroe County Zoning Ordinance on December 20, 1996 through the passage of Ordinance 96-36 and have subsequently amended that zoning ordinance ("Zoning Ordinance");

WHEREAS, Indiana Code 36-7-4-602 authorizes local plan commissions to prepare, conduct public hearings on, approve and certify planning and zoning ordinances, and amendments thereto, for consideration by the local board of commissioners;

WHEREAS, the Monroe County Plan Commission (Plan Commission) prepared amendments to Chapters 801 and 802 of the Zoning Ordinance, which it deemed necessary and advisable to promote the public health, safety, and welfare within the County Jurisdictional Area;

WHEREAS, the Plan Commission advertised for and conducted a public hearing on the proposed Solar Farm amendments;

WHEREAS, following the public hearing, the Plan Commission voted to forward the Solar Farm amendments to the Board of Commissioners with a favorable recommendation;

WHEREAS, the Plan Commission certified the proposed Solar Farm amendments and its recommendation thereon to the Board of Commissioners for consideration pursuant to Indiana Code Sections 36-7-4-602 through 605;

WHEREAS, in accordance with Indiana 5-14-1.5-5, the Board of Commissioners provided public notice of its intention to consider the proposed Solar Farm amendments in ordinance form during its August 18, 2015 meeting, and accepted public comment on the proposed Solar Farm Facility amendments during its August 18, 2015 meeting;

WHEREAS, based on public comment received by the Plan Commission and the Board of Commissioners, the Board of Commissioners finds that the proposed Solar Farm amendments, if

adopted, would reasonably and efficiently advance the statutorily recognized zoning ordinance purposes, which include, among other purposes, the promotion of the health, safety, morals, convenience, order, and general welfare of the citizens of Monroe County, Indiana, would provide reasonable opportunities for the establishment of a Solar Farm within the County Jurisdictional Area; would minimize the adverse secondary effects of a Solar Energy Systems on surrounding uses and areas, and that the proposed amendments should be adopted;

WHEREAS, the Board of Commissioners finds and confirms that in the preparation and/or consideration of the proposed **Solar Energy** amendments, both the Board of Commissioners and the Plan Commission gave reasonable regard to: the Comprehensive Land Use Plan of Monroe County, Indiana; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth;

NOW, THEREFORE, be it resolved by the Board of Commissioners as follows:

Section 1. Monroe County Zoning Ordinance Chapter 801-2 shall be, and hereby is, amended by the addition of a definitions for a **Solar Farm**. The amendment shall read as follows:

801-2 Definitions

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

Section 2. The Monroe County Zoning Ordinance Chapter 802 shall be, and hereby is, amended by the addition of **Solar Farm** as a conditional use in the **Agricultural/Rural Residential (AG/RR) District**, the **Light Industrial (LI) District**, the **Heavy Industrial (HI)** and the **Institutional/Public (IP) District**:

[illegible]

Section 3. Monroe County Zoning Ordinance Chapter 813-10 shall be, and hereby is, amended by the addition of the following conditional use:

(10) Solar Farm

- (a) Applicability.** The standards of this section apply to all Solar Farms.
- (b) Use.** A Solar Farm may be permitted as an accessory use or a principal use.
- (c) Minimum Lot Size.** Five (5) acres.
- (d) Setbacks.** Solar farms shall meet the minimum zoning setbacks for the zoning district in which located.
- (e) Height.** The height of systems will be measured from the highest natural grade below each solar panel. Maximum height of a solar panel is twenty (20) feet.
- (f) Visibility.**
 - a. Solar farms with panels located at least one hundred fifty (150) feet from a residentially zoned property, or residential use shall not require screening.
 - b. Solar farms with panels located less than one hundred fifty (150) feet from a residentially zoned property, or residential use must meet the requirements for Bufferyard Landscape Requirements set forth in Chapter 830.
- (g) Minimum Open Space Area.** A minimum of twenty (20) percent of the lot area must remain open space.
- (h) Public Signage.** Signage is permitted as provided by Chapter 807.
- (i) Security Fencing.** A solar farm shall be enclosed by a chain-link security fence a minimum of six feet in height. Barb wire or razor wire is prohibited on all fences.
- (j) Stormwater and Erosion Control.** Solar farms are subject to the County's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
- (k) Power and Communication Lines.** Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

- (l) **Site Plan Required.** A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County. The site plan should also show all zoning districts, and overlay districts.
- (m) **Aviation Protection.** Solar farms located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- (n) **Other standards and codes.** All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the Indiana Uniform Building Code, as amended; and the National Electric Code, as amended.
- (o) **Decommissioning.** A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months.
- (p) **Additional Permitted Districts.** A conditional use may be granted for a Solar Farm in the Business Industrial Overlay.

Section 4.

The terms and provisions of this ordinance are separable. If any part or provision of this ordinance or the application thereof to any persons or circumstances is adjudged invalid by a court of competent jurisdiction on procedural grounds, or on any other grounds, such judgment shall be confined in its operation to the part, provision, procedure or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this ordinance or the applications thereof to other persons or circumstances. The Board of

Commissioners hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision, procedure or application.

SO APPROVED AND ADOPTED by the Board of Commissioners of the County of Monroe, Indiana, this 18th day of Sept, 2015.

BOARD OF COMMISSIONERS

AYES

NAYS

x Iris Kiesling

IRIS KIESLING

IRIS KIESLING

x Patrick Stoffers

PATRICK STOFFERS

PATRICK STOFFERS

x Julie Thomas

JULIE THOMAS

JULIE THOMAS

ATTEST:

Steve Saulter
STEVE SAULTER, Auditor

CERTIFICATION

I, Larry Wilson, hereby certify that during its meeting on 18th day of August, 2015, the Monroe County Plan Commission considered petition #1507-ZOA-3 for an amendment (**Ordinance #2015-29**) to the Monroe County Zoning Ordinance and made a favorable recommendation to approve thereon, based on the findings, with a vote of 8-0.

This proposed amendment is being forwarded for your consideration pursuant to I.C. 36-7-4-605(a).

Larry Wilson

Larry Wilson, AICP
Planning Director

September 14, 2015