

ORDINANCE NO. 2017-BC-0-01
ORDINANCE AMENDING THE MADISON COUNTY LAND USE AND
DEVELOPMENT CODE ZONING ORDINANCE ADOPTED
PURSUANT TO I.C. 36-7-4-602 BY ESTABLISHING SOLAR ENERGY STANDARDS

WHEREAS, the Board of Commissioners has adopted, pursuant to I.C. § 36-7-4-602, a Zoning Ordinance, which specifies the intent, permitted uses, special uses, development standards, and other information concerning various land use districts in Madison County; and,

WHEREAS, throughout Indiana and the rest of the United States, the use of systems to utilize solar energy has greatly increased in recent years; and,

WHEREAS, the Madison County Zoning Ordinance presently does not address standards for Solar Energy Systems potentially creating a disincentive for the use of such systems; and,

WHEREAS, the Board of Commissioners deems it desirable for Madison County to implement Solar Energy Standards to reduce uncertainty and encourage the installation of Solar Energy Systems in Madison County.

NOW THEREFORE BE IT ORDAINED, that the following definitions are hereby added to Part A, Article One, Section 1.1 (Basic Provisions) of the Madison County Zoning Ordinance:

Definitions:

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Panel System located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

1. Article Six, Development Standards, is hereby amended as follows:

6.29 Solar Energy System Standards

SE-01: This Solar Energy Standards section applies to the following districts:

AP, AG, CR, R1, R2, R3, MR, MH, PR, IS, LC, GC, HC, LI, GI

A. **Roof-Mounted Solar Energy System Requirements:**

1. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted
2. Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located
3. Roof-Mounted Solar Energy Systems installations shall incorporate, when feasible, the following design requirements:
 - a. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and the highest edge of the system.
4. Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review.

B. **Ground-Mounted Solar Energy System Requirements:**

1. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures
2. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
3. The surface area covered by Ground-Mounted Solar Energy Systems shall be included in the total lot coverage.
4. All Ground-Mounted Solar Energy Systems shall be installed in the side or rear yards.
5. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite shall be exempt from site plan review.

SE-02: This Solar Energy Standards section applies to the following districts:

AP, AG, CR, PR, IS, LC, GC, HC, LI, GI

A. Large-Scale Solar Energy System Requirements:

1. Large-Scale Solar Energy Systems are permitted with a Special Use.
2. The Special Use shall be null and void if construction has not begun within three (3) years of the approval date, and an extension of the Special use has not been approved.
3. Large-Scale Solar Energy Systems Special Use Permit Application Requirements:
 - a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easement and other agreements, shall be submitted.
 - b. A preliminary Site Plan showing the intended layout of the Solar Energy System shall be required. Final designs signed by the Engineer of Record shall be submitted as part of the application for the Improved Location Permit.
 - c. Equipment specification sheets typical of the Solar Energy System shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are anticipated to be installed. Prior to the Improvement Location Permit application, equipment within the Solar Energy System may be substituted, pending approval by the Utility.
 - d. Property Operation and Maintenance - Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - e. A Decommissioning Plan must be submitted as part of the Special Use application. Compliance with this plan shall be made a condition of the issuance of a special use permit. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. The Decommissioning Plan may be updated until final construction permitting. If the Large-Scale Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality. A Recorded Decommissioning Plan prepared, signed, and stamped by a Professional Engineer must be submitted with the Improvement Location Permit application. Significant changes to the

Decommissioning Plan may require additional approval by the Board of Zoning Appeals.

4. A minimum of 5 Acres is required for Large-Scale Solar Energy Systems
5. Large-Scale Solar Energy Systems shall adhere to the Buffer Yard Standards in Section 6.7 of this ordinance.
6. Large-Scale Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located
7. The surface area covered by Large-Scale Solar Energy Systems shall not be included in calculating the total lot coverage.
8. All Large-Scale Solar Energy Systems shall be enclosed by fencing on all sides (including the front yard). Fencing shall not exceed 8 feet in height without a variance. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. Fencing must adhere to Section 6.25 of this ordinance for standards not specified in this section.
9. Signage on the solar farm fencing shall display the facility name, address and emergency contact information. All signage must adhere to Article 7 of this ordinance and the National Electric Safety Code.
10. Reasonable accessibility for emergency services vehicles shall be required.
11. No grid tied System shall be installed until evidence has been given to the planning and development department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.

B. Abandonment and Decommissioning

1. Solar Energy Systems are considered abandoned after 1 year without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Board of Zoning Appeals.

2. Any violation of this Solar Energy Ordinance shall be subject to the same civil and criminal penalties provided for in Section 14 of this Ordinance.

This Ordinance was recommended for adoption by the Plan Commission of Madison County, Indiana on the ____ day of _____, 2017.



Wesley Likens, President

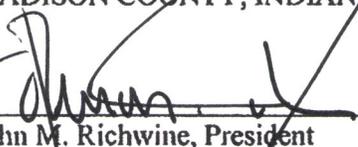
Mark Gary, Vice-President

ATTEST:

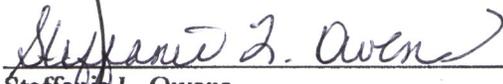
Elizabeth Bruns, Secretary

THIS ORDINANCE HAVING BEEN APPROVED AND ADOPTED by the Board of Commissioners of Madison County on this 17 day of January, 2017.

BOARD OF COMMISSIONERS OF
MADISON COUNTY, INDIANA



John M. Richwine, President



Steffanie L. Owens

ATTEST:



Michael Phipps

Prepared by:

JEFFREY K. GRAHAM/#26380-29
GRAHAM, REGNIER, FARRER & WILSON, P.C.

Attorneys at Law

1601 South Anderson Street

P. O. Box 494

Elwood, Indiana 46036

Telephone: 765-552-9878

Facsimile: 765-552-5496

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**CERTIFICATION OF PROPOSED AMENDMENT TO
THE ZONING ORDINANCE OF MADISON COUNTY,
INDIANA, CONTAINED IN THE MADISON COUNTY
LAND USE AND DEVELOPMENT CODE**

The Madison County Plan Commission hereby certifies with a favorable recommendation the Amendment attached hereto to the Madison County Zoning Ordinance contained in the Madison County Land Use and Development Code.

SO CERTIFIED THIS 10TH DAY OF JANUARY, 2017.

MADISON COUNTY PLAN COMMISSION

BY: 
WESLEY LIKENS, President

JEFFREY K. GRAHAM/#26380-29
BINGHAM, FARRER & WILSON, P.C.
Attorneys at Law
1601 South Anderson Street
P. O. Box 494
Elwood, IN 46036
Telephone: (765) 552-9878