

The  
**AREA PLAN COMMISSION**  
of Tippecanoe County

**Joint Ordinance & Bylaw Committee  
Notice of Public Hearing**

Date: October 7, 2020

Time: 4:35 PM

Location: Tippecanoe County Office Building

Tippecanoe Room

20 North Third Street

Lafayette, IN

**AGENDA**

**I. PLEASE NOTE:**

Due to the public health emergency, public comment on agenda items may be submitted prior to the meeting at [apc@tippecanoe.in.gov](mailto:apc@tippecanoe.in.gov). Comments must include name and address to be heard. Comments may also be made live on the streaming platforms. Members of the public may watch the livestream of the meeting on Facebook or YouTube. Links can be found on the county website at [www.tippecanoe.in.gov/apc](http://www.tippecanoe.in.gov/apc).

**II. APPROVAL OF MINUTES FROM THE SEPTEMBER 2ND MEETING**

Documents:

[ORD 09.02.2020.PDF](#)

**III. TWO BYLAW AMENDMENTS:**

- Adding a new fee to the fee schedule for reviews of the Discovery Park District Form-Based Overlay. - Ryan O'Gara
- Changing our newspaper advertisement notice forms to no longer require a metes and bounds legal description for subdivisions. - Kathy Lind

Documents:

[BYLAW AMENDMENTS.PDF](#)

**IV. SOLAR ENERGY SYSTEMS AMENDMENT:**

Adding requirements and standards regarding accessory solar energy systems, community-scale and large-scale solar energy systems to the Unified Zoning Ordinance - Rabita Foley

Documents:

[AMEND 99 SOLAR ENERGY SYSTEM DRAFT.PDF](#)

**V. CITIZEN COMMENTS**

**VI. ADJOURNMENT**

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
ORDINANCE COMMITTEE  
MINUTES OF A PUBLIC HEARING**

DATE..... September 2, 2020  
TIME..... 4:40 P.M.  
PLACE..... COUNTY OFFICE BUILDING  
20 N. 3RD STREET  
LAFAYETTE, IN 47901

*Due to the public health emergency, the meeting was held virtually. Members of the public may watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>*

**MEMBERS PRESENT**

Jackson Bogan  
Vicki Pearl  
Greg Jones  
Carl Griffin  
Tom Murtaugh  
Gary Schroeder  
Larry Leverenz  
Jerry Reynolds

**MEMBERS ABSENT**

**STAFF PRESENT**

Sallie Fahey  
Ryan O’Gara  
Kathy Lind  
Chyna Lynch  
Larry Aukerman  
Zach Williams, Atty.

**ALSO PRESENT**

Chad Spitznagle  
Marianne Owen  
Gene Valanzano  
Mike Wylie  
Adam Chavers  
Steve Clevenger  
Rich Michal

**I. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the August 4, 2020 meeting. Carl Griffin seconded.

Jerry Reynolds said he was present at the meeting but was marked absent.

*This change has been made.*

The motion carried by unanimous voice vote.

Sallie Fahey said the problem was when the roll call was taken, Jerry did not have a connection and he was never present on a vote. It begs the question if that is considered present or not because there were no votes from Jerry. She asked Zach if he should be shown as present but not voting.

Zach Williams said technically Jerry was present, but he was unable to vote and abstained due to technical difficulties if there were voting items.

**II. THE DISCOVERY PARK DISTRICT FORM-BASED OVERLAY**

Discussion regarding the Discovery Park District Form-Based Overlay amendment to the Unified Zoning Ordinance – Ryan O’Gara

Ryan O’Gara said the Committee was emailed the newest version of this amendment this afternoon. The amendment presented today is similar to what was presented last month but is now in ordinance form. This amendment leads off with chapter 1 which is the definition section and ends with the creation of chapter 7 which captures all the Discovery Park District form-based overlay standards. The red boxes in the amendment are surrounding areas that are not applicable to Discovery Park, but they are fixes that staff has been meaning to make. There was a conference with PRF where a few changes were made as well. City of West Lafayette staff was not involved in this conference but was given all the changes that were made. This plan is not set in stone and there is still time to make changes.

Section 1 includes all the new definitions that were created. Urban Agriculture speaks for itself. Urban Pilot Manufacturing is a smaller scale operation that is suitable for an urban environment. Micro Production of Alcoholic Beverages is similar in operation. Specialty Food Production are food and beverage items that are being manufactured that would not have an offensive operation. Items that belong out of a dense area are excluded and leaves uses like bakeries or ice cream making. The Monument Sign definition has never been formally defined in the ordinance. During the discussion of the form-based overlay for Discovery Park, a definition for a monument sign was created within the code. This was found to be applicable to the whole community, so it was pulled out of the Discovery Park overlay section and put into chapter 1 as a defined term. The Gateway Sign definition was modified to add the reference to Purdue related signage that will be used at entrance points to the university.

The red box in this section contains a few cleanup items which delete a reference to the community garden. This was inserted during the Centennial form-based overlay process as a concept the city was interested in pursuing. They have since decided they did not want to tie this type of use down and felt it is best to delete the definition. In Section 2, there was also a subtle change to the CB zone which is currently in Lafayette. In the definition of the CB zone, it does not specifically mention that it is exclusive to Lafayette, but this has been intended because West Lafayette has the CBW zone. This change makes it clear that the CB zone is for Lafayette.

Section 3 contains the proposed changes to be made to the use table. The definitions that were created are assigned zones. For the first two definitions, staff has been in consultation with both cities. Both cities liked the urban flair of micro production of alcoholic beverages and specialty food production and agree it be extended to all business-related zones. In the U districts there are the mixed-use option, but it does prefer commercial. This will be extended into Discovery Park District to the CBW zone. Urban Agriculture is permitted in the CBW zone with a footnote. The use table is a long list of uses with their zones assigned to them by right and by special exception. At the end, there is a list of footnotes that has an extra set of requirements specific to certain uses in a certain zone. The Urban Agriculture use is only allowed within the Discovery Park District boundary. If this is a use that takes off and either Lafayette or West Lafayette outside of Discovery Park are interested in extending this, a zoning ordinance amendment can be done. Urban Pilot Manufacturing is similar in that it is exclusive to CBW in the Discovery Park District. The hospital use is being extended into the CBW zone with a footnote to distinguish it from the MR zone which allows hospitals without a size restriction. In the urban zone of CBW, staff wants to limit how big the hospital can be with a limitation of 200,000 square feet. The size is proportionate in a downtown setting with high residential density so that it does not overwhelm the downtown. Multi-family dwelling is something that came out of discussions with PRF when the idea of changing the OR zone was being considered. There was interest in OR zones allowing a mixed-use option for multi-family. The footnote limits this like the NBU zone which allows multi-family apartments, but they must be above the non-residential ground floor. Apartments are not permitted in the OR zone, but it will be allowed with a mixed-use environment for the first time. The City of Lafayette has indicated interest bringing the OR zone into parts of Lafayette.

Section 4 is in a red box because it is not applicable to Discovery Park. This part deletes the reference to community gardens after the deletion of the definition in a prior section. Section 5 is the creation of UZO Section 7-3 for the Discovery Park District Form-Based Overlay. It follows a similar flow to the Centennial form-based code but not quite as detailed. He displayed the district boundary and said the boundary is

south of State Street to US 231. This is bounded to the west by Airport Road and bounded on the east by trustee land. The northwest part of the boundary includes Airport Road, McCormick Road and State Street intersection. This code only influences the existing conventional zones. Plan development zones are excluded from being beholden to these regulations since they are exclusive zones unto themselves. When PRF rezones this entire area to CBW, they will be excepting out the existing three plan developments that are within this area.

Some subtle changes were made to the code after further discussion with PRF. The uses that are prohibited included automobile parking. Automobile parking as a primary use is only allowed in the CB and CBW zones. The exception is concerning surface lots. Staff wanted to make sure that land was not being wasted on a parking lot in an urban setting and provide a restriction in Discovery Park so that surface lots are limited as development occurs. In subsection (c)(3), it lists a detailed set of locations within Discovery Park where surface lots could exist so long as they are properly screened or behind the building. The intention is that these lots could serve as primary uses and the owner could lease spaces to other users that could be outside of the 300-foot boundary. He displayed an example from PRF of where the surface lots may be located. If someone is building a parking garage, they can build it anywhere within the boundary per the CBW zone. It is PRF's intention to have targeted locations of structured parking that are centrally located so that they can be utilized by as many users as possible. PRF sees surface lots as temporary measures until the neighborhood further urbanizes and the lots are replaced with buildings that have structured parking. Another change that was made was with eating and drinking places with drive-through services. These are permitted in general business zones, but they are not permitted in the CBW zone. Staff is offering a limitation on it. Drive-throughs in urban settings are disruptive to pedestrian flow and that is why they have been excluded from the CB zones. PRF had shown interest in trying to create an urban drive-through without going overboard. They decided instead of designing a formal drive-through building that is part of the form-based code, this change could be made in the ordinance. SIC 58 says eating and drinking places with a drive-through or drive-in service shall provide said service at the side or the rear of the building subject to the Administrative Officer's approval and respecting the design requirements specified in Section 7-3-9(a). The referenced section outlines the disposition of automobile parking spaces and maneuvering aisles as well as what it is paved with. This says the drive-through services shall not be located south of State Street. This restricts about 80% of the district from having drive-throughs and would only be allowed in the northwestern section of the district at the intersection of Airport Road and State Street. They will be screened from view and will be subject to AO approval. This is allowing the use within the Discovery Park District in a very limited area.

There were few changes made to the building types. These building types are the guides for designing a project within this area. There are four different building types; a row house or townhouse, an apartment building, a commercial building and a mixed-use building. These four building types each describe the site layout, the architecture design, permitted materials and building facade projections. Other requirements include public infrastructure like bike racks, outdoor dining seating, fence and wall requirements and vegetative green roofs. There is also a statement on bufferyards that says they are not required in the Discovery Park District. Section 7-3-6 speaks to the specific requirements for building types. Ryan showed images of the four different building types.

Section 7-3-7 discusses the streetscape requirements. The streets would be built through the subdivision process. The requirements of the Thoroughfare Plan are referenced in this section as well as the subdivision ordinance and the West Lafayette City Code. There is a clause included to ensure that there is continuity between the existing streets that were created by planned developments and the streets being built through the subdivision ordinance. This clause allows the AO to approve alternative requirements. Parking requirements for different uses have been loosened. For example, .7 parking spaces are required per dwelling unit in the residential areas. This section lists parking requirements for non-residential uses and provides some reductions for mixes of uses on a single site. Loading requirements and permitted signage requirements are also listed in this section. This is wrapped up with a list of signage prohibitions to ensure there is a certain look within this district.

Gary Schroeder asked if the standards permitted are use standards or if they are subject to variance.

Ryan O’Gara said variances from the development standards are prohibited. A variance cannot be sought from the development requirements within the overlay. The uses are controlled by the underlying zone.

Gary Schroeder asked if a developer could get around the permitted materials by doing a planned development.

Ryan O’Gara said there is some flexibility with permitted materials. The AO can consider alternative materials and that is in part to changing technologies. Staff does not want to limit developers to a list so that when a new technology is created that is more cost effective a UZO amendment does not have to be done. Since planned developments are exempt from chapter 7, they are essentially the variance option. If someone cannot fit a project within this code, then a planned development is the more appropriate option.

Chad Spitznagle, West Lafayette Building Commissioner, said city staff has had the chance to review the red line items from a few days ago and there are no major issues with those items. He said one comment he wanted to add is about the drive-through. City staff is opening some discussion on loosening this restrictive ordinance. For example, McDonald’s on Sagamore gets 70% of their business through drive-through. With the pandemic, the city is not wanting to handcuff anyone with drive-through opportunities. Both Chipotle and the new McAllister’s will have a drive-through pickup window. It would not be surprising with the recent pandemic that the city amends the ordinance.

Larry Leverenz asked for citizen comments. There was a one-minute pause. No comments were received. He said the next step is to vote on moving this on to the full APC.

Sallie Fahey said that is correct. It would be filed in September to go to the October APC meeting.

Carl Griffin moved to recommend the Discovery Park District form-based overlay to the October 21, 2020 APC meeting. Jackson Bogan seconded.

Zach Williams said this will be the Committee’s recommendation to the full APC. He took a roll call vote.

#### **Yes-Votes**

Jackson Bogan  
Greg Jones  
Larry Leverenz  
Tom Murtaugh  
Carl Griffin  
Gary Schroeder  
Vicki Pearl  
Jerry Reynolds

#### **No-Votes**

Larry Leverenz said this will go to the October APC meeting.

Sallie Fahey said that is correct. The other thing that is going to happen in this process, PRF will be filing a rezone for this land that is now zoned OR. They will file a rezoning petition to request that the land be rezoned to Central Business West Lafayette or CBW. The idea is that both cases, the text amendment and the map amendment will happen at the same APC meeting and hopefully at the same city council meeting.

### **III. CITIZEN COMMENT**

Larry Leverenz said there will be a 30-second pause for citizen comment. There were none.

### **IV. ADJOURNMENT**

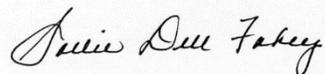
Gary Schroeder moved to adjourn.

The meeting adjourned at 5:22 p.m.

Respectfully Submitted,

Chyna R. Lynch  
Recording Secretary

Reviewed By,

A handwritten signature in cursive script that reads "Sallie Fahey". The signature is written in black ink on a light-colored, slightly textured background.

Sallie Fahey  
Executive Director

## MEMORANDUM

TO: APC Bylaws Committee  
FROM: Kathy Lind, Senior Planner  
SUBJECT: Two Changes to the APC Bylaws  
DATE: October 1, 2020

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1. To go along with the amendment regarding the Discovery Park District Form-Based Overlay, staff is proposing an addition to the fee schedule relating to time staff will spend on zoning compliance requests to the form-based overlay. (See attached "Schedule of Filing Fee Charges" with the new fee highlighted in yellow.)
2. The Lafayette Leader, one of our two newspapers, will no longer accept paper copies or pdf copies of our legal notices. Evidently, the most time-consuming part of publishing our legal advertisements is the required metes and bounds legal descriptions for subdivision requests and this is what the newspaper would like to avoid having to re-type.

For years, legal ads for rezone requests have not been required to provide the full metes and bounds descriptions, but only a brief legal description. This bylaw amendment would allow subdivision requests to use the same brief legal description. According to our APC attorney, the state statute allows the use of a site address or brief description of a property's location in lieu of a full metes and bounds legal description. It is only our existing forms that need to be updated. (See attached "current legal notice forms" and the "proposed revisions.")

This change could save developers a considerable amount of money since legal ads are billed by the length of the ad. A 2-3 page legal description included in a legal notice can run \$600 or more. A brief description of the location of the property would mean a cost of \$100 or even less per ad.

Will this mean less income for our struggling newspapers? Yes, it will. But since this request is coming from one of our newspapers, and will benefit our petitioners, staff supports this bylaw amendment.

### **RECOMMENDATION:**

Approval

**SCHEDULE OF FILING FEE CHARGES**

**As Adopted December 16, 2013 and Amended October 21, 2020**

<i>Service</i>	<i>Filing Fee</i>
<b>Standard Rezone</b>	\$500
<b>PD Rezone</b>	
Draft	\$1000
Preliminary	\$200
Final Detailed Plan (Residential)	\$600 + \$30/du
Final Detailed Plan (Mixed use)	\$600 + \$30/du + \$0.10/sf non-residential GFA
...Final Detailed Plan (Non-res.)	\$600 + \$0.10/sf non-residential GFA
PD Plat Review/Recordation	\$100
Minor Modification	\$500
<b>Variance – S-F Residential</b>	\$100 + \$50 for each additional request
<b>Variance – Other</b>	\$500 + \$50 for each additional request
<b>Special Exception</b>	\$500
<b>Appeals from the Decision of the AO</b>	\$500 (No fee if filing an appeal of a zoning ordinance violation citation notification – Res. #2019-01)
<b>Parcelization</b>	\$150
<b>Dissolution of a Parcelization</b>	\$25
<b>Plat Vacations</b>	\$250
<b>Zoning Verifications</b>	\$100 per property/lot for official written verification
<b>Commitments</b>	With Rezone: additional \$100 per commitment; \$100 for recorded change, modification or release
<b>Subdivisions</b>	
Minor Sketch	\$500
Major Sketch (Residential 1 & 2 family)	\$500 + \$30/lot for lots 1 through 200 + \$20/lot for each lot over 200
Major Sketch (multi-family)	\$500 + \$10/du
Major Sketch (Non-Res.)	\$500 + \$10/acre
Preliminary	\$500
Construction Plans	\$500
Final Plat	\$500
Belated extension requests	\$50
Extensions	\$200
<b>Form-Based Overlays</b>	
Zoning Compliance Plan	\$500

The Area Plan Commission of Tippecanoe County  
County Office Building  
20 N. 3rd Street  
Lafayette, IN 47901  
(765) 423-9242

## NOTICE OF PUBLIC HEARING ON SUBDIVISION PLAT

Notice is hereby given that the Area Plan Commission of Tippecanoe County, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 6:00 P.M. in the County Office Building, 20 N. 3<sup>rd</sup> Street, Lafayette, Indiana, will hold a public hearing on a request by

\_\_\_\_\_ for primary approval of

(Subdivider)

\_\_\_\_\_ Subdivision. Said Subdivision

(Name of Subdivision)

involves the following described real estate in \_\_\_\_\_ Township,

located at \_\_\_\_\_, to wit:

(Street address or common description of the property)

### Description

Written suggestions or objections to the provisions of said request may be filed with the Secretary of the Area Plan Commission at or before such meeting and will be heard by the Tippecanoe County Area Plan Commission at the time and place specified. Said hearing may be continued from time to time as may be necessary.

Interested persons desiring to present their views on the said request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place. This hearing date is subject to placement on the agenda.

AREA PLAN COMMISSION OF  
TIPPECANOE COUNTY, INDIANA

BY \_\_\_\_\_

(Executive Director)

The Area Plan Commission of Tippecanoe County  
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(Street address or common description of the property)

### Legal Description:

Written suggestions or objections to the provisions of said request may be filed with the Secretary of the Area Plan Commission at or before such meeting and will be heard by the Tippecanoe County Area Plan Commission at the time and place specified. Said hearing may be continued from time to time as may be necessary.

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AREA PLAN COMMISSION OF  
TIPPECANOE COUNTY, INDIANA

BY \_\_\_\_\_  
(Executive Director)

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\_\_\_\_\_ for primary approval of

(Subdivider)

\_\_\_\_\_ Subdivision. Said Subdivision

(Name of Subdivision)

involves the following \_\_\_\_ acres of real estate in \_\_\_\_\_ Township,

located at \_\_\_\_\_.

(Street address or common description of the property)

Written suggestions or objections to the provisions of said request may be filed with the Secretary of the Area Plan Commission at or before such meeting and will be heard by the Tippecanoe County Area Plan Commission at the time and place specified. Said hearing may be continued from time to time as may be necessary.

Interested persons desiring to present their views on the said request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place. This hearing date is subject to placement on the agenda.

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TIPPECANOE COUNTY, INDIANA

BY \_\_\_\_\_

(Executive Director)

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(Street address or common description of the property)

Written suggestions or objections to the provisions of said request may be filed with the Secretary of the Area Plan Commission at or before such meeting and will be heard by the Tippecanoe County Area Plan Commission at the time and place specified. Said hearing may be continued from time to time as may be necessary.

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AREA PLAN COMMISSION OF  
TIPPECANOE COUNTY, INDIANA

BY \_\_\_\_\_  
(Executive Director)

## MEMORANDUM

TO: APC Ordinance Committee  
FROM: Rabita Foley  
SUBJECT: Solar Development Ordinance  
DATE: October 1, 2020

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The increased interest in solar energy systems is generally due to a reduction in installation cost for property owners and the state's voluntary clean energy portfolio standard (CPS) program, which provides Indiana's utilities an incentive to increase the amount of renewable energy sources in their portfolio. Many communities in Indiana have used renewable energy production as an economic development tool. Solar developments meet the triple bottom line framework: social, environmental, and financial, making it an attractive option for Tippecanoe County.

Staff conducted a comprehensive research of the existing solar ordinances from both in and out-of-state communities. The review included communities with extensive experience in large-scale solar energy systems and localities with newly adopted solar ordinances. Various experts affiliated with Duke and Tipmont REMC were consulted to help staff better understand the draft solar ordinance's applicability concerning industry practices, IURC regulations, and net metering. Staff also reviewed the draft Indiana solar ordinance and incorporated applicable components to the attached proposal.

Based on the knowledge gathered from research, community engagement, conference attendance, and conversation with stakeholders, staff prepared the draft solar energy systems amendment for further discussion.

### 1. Accessory Use

For accessory use solar energy systems, the proposal attempts to make the existing solar installations for residences (and some businesses) conforming. The allowances for building and ground-mounted accessory use is shown in the table below.

<b>Accessory Use SES</b>	
<b>Building-mounted</b>	<b>Ground-mounted</b>
Up to 5 feet above the existing maximum allowed building height	Maximum height allowed 15 feet
Up to 3 feet beyond the front or rear of the building	Setbacks same as any other accessory structure
Side setbacks same as any other accessory structure	Not calculated in lot coverage

## 2. Primary Use

For primary use solar energy systems, the proposal addresses visual buffers and noise concerns by requiring pollinator-friendly plantings, appropriate setbacks, bufferyards and fencing. The compliance with Federal Aviation Authority regulations will address glint and glare concerns. The proposal also includes a decommissioning plan that outlines the requirement to demolish, dispose, and regrade the site when the solar energy system reaches its end and creates a bonding structure to secure finances to ensure decommissioning completion.

The two types of primary solar energy systems proposed are community-scale and large-scale. The significant distinction between the two is shown in the table below.

<b>Primary Use SES</b>	
<b>Community-Scale Solar Energy System</b>	<b>Large-Scale Solar Energy System</b>
Less than 10 Acres	10 Acres or more
Ground-mounted and building-mounted	Ground-mounted
Permitted in all zones except Flood Plain	Permitted by right in Industrial zones
No special exception is required	Permitted by special exception in Agricultural and Office Research zones

Attached is the draft solar energy systems ordinance amendment and a list of references and resources.

### **STAFF RECOMMENDATION:**

Approval

# ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE AMENDING ORDINANCE NO. \_\_\_\_\_ BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY.

**Be it ordained** by the (County Commissioners of Tippecanoe County, Indiana; the Common Council of the City of Lafayette, Indiana; the Common Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana; and the Town Council of Clarks Hill, Indiana), that Ordinance No. \_\_\_\_\_, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

**Section 1:** Change **UZO Section 1-10-2 Words and Terms Defined** to add the following definitions:

**ABANDONED.** Regarding *solar energy systems*, a **SES** that does not generate electricity for a continuous twelve (12) month period, or any solar energy system falling into a state of disrepair for twelve consecutive months shall be deemed abandoned.

**ACCESSORY SOLAR ENERGY SYSTEM.** The *ground-mounted or building-mounted SES*, accessory to a *primary use*.

**BUILDING-MOUNTED SOLAR ENERGY SYSTEM.** An **SES** in which solar panels are structurally mounted to a building.

**COMMUNITY-SCALE SOLAR ENERGY SYSTEM.** A *ground-mounted SES* on less than 10 acres or a *building-mounted SES* on any amount of acreage that provides power to residential or commercial or industrial uses located on-site or off-site from the location of the solar energy generation.

**CONCENTRATED SOLAR POWER (CSP).** A solar energy system that uses mirrors to reflect and concentrate sunlight. CSP is not permitted in any zone.

**GROUND-MOUNTED SOLAR ENERGY SYSTEM.** An **SES** that is directly installed into the ground and is not attached or affixed to an existing building.

**INVERTER.** A device that converts direct current (DC) to alternating current (AC).

**LARGE-SCALE SOLAR ENERGY SYSTEM.** A *ground-mounted solar energy system*, on a tract(s) equal to or more than ten acres, for the purpose of generating



- (C) **Ground-mounted solar energy systems** shall be exempt from **lot coverage** requirements.

**Section 5: Add UZO 4-5-1 (d) Height of the accessory solar energy system:**

- (1) **Building-mounted solar energy systems** may exceed the maximum allowed **building height** on which it is located by five feet at the maximum incline (tilt).  
(2) **Ground-mounted solar energy systems** shall have a maximum height of 15 feet.

**Section 6: Add UZO 4-11-14 Large Scale Solar Energy System as follows:**

- (a) A **large-scale solar energy system** is exempt from UZO 4-6 and **lot coverage** requirements.  
(b) The site shall be planted and maintained to be free of all invasive species, as listed by the Indiana Invasive Species Council.  
(c) The applicant shall submit the following with a **special exception** request or an **improvement location permit** application.  
(1) A **large-scale solar energy system site plan** shall also include the following:  
(A) All solar panels, **mounting devices**, and **inverters** shall be **setback** 50 feet from all property lines.  
(B) Solar **inverters** shall be **setback** a minimum of 200 feet when abutting a residential use property line or residential zone.  
(C) The height shall be calculated as the distance from ground level to the top of the solar panel at its greatest incline (tilt).  
(D) All solar panels, as well as all **mounting devices**, shall be a minimum of 36 inches above ground level as measured from any ground point to the closest point of any solar panel or **mounting devices**.  
(E) A security fence at least 6' high shall be installed around the **large-scale solar energy system** with emergency access allowed 24/7.  
(F) Power transmission lines from a **large-scale solar energy system** shall be underground and shall be completely shielded against shock hazard. Lines that connect one panel to another or from the system to the main transmission lines are not required to be underground.  
(G) Driveway entrances shall comply with UZO 4-7.  
(2) A stormwater management plan shall be reviewed and approved by the participating jurisdiction.  
(3) All driveway entrances shall be approved by the participating jurisdiction.

- (4) Any approval, if required from the Federal Aviation Administration regulations, for installations surrounding airports shall conform to UZO 5-3.
  - (5) All applicable approvals from federal, state and local agencies.
  - (6) A **Bufferyard** is required except when waived by the **Administrative Officer**.
  - (7) Pollinator-friendly seed mixes and native plants plan approved by a Registered Landscape Architect or Certified Ecologist or Licensed Horticulturist, are required around/under a large-scale solar energy system.
  - (8) The applicant shall provide a redacted version of the executed power purchase agreement.
- (d) Decommissioning plan and removal requirements:
- (1) A decommissioning plan for a **large-scale solar energy system** shall be approved by the **ABZA** when **special exception** is required or by the **Administrative Officer** for systems permitted by right, prior to issuance of the **improvement location permit**.
  - (2) A decommissioning plan shall include removal of all solar electric systems, buildings, cabling, electrical components, security fence, driveway entrance, foundations, pilings, and any other associated facilities, pollinator friendly seed mixes and native plants, so that any agricultural ground upon which the facility or system was located is again tillable and suitable for agricultural uses. However, the landowner may request in writing that the existing pollinator friendly seed mixes and native plants, driveway entrance, security fence or other land surface areas not be restored, and this request shall be approved by the **ABZA** or the **Administrative Officer**. Hazardous materials, including **mounting devices** from a **large-scale solar energy system** shall be disposed of in accordance with federal and state law.
  - (3) The final decommissioning plan shall be certified by a Professional Engineer, or a Registered Land Surveyor, or a Registered Landscape Architect.
  - (4) The applicant shall provide an itemized cost estimate to decommission the **large-scale solar energy system** prepared by a Professional Engineer or contractor who has expertise in the removal of solar facilities to the **ABZA** or the **Administrative Officer**. The cost estimate shall not include any estimates or offsets for the resale or salvage values of the **large-scale solar energy system** equipment and materials.
  - (5) The applicant shall be required to file a surety bond, for the estimated amount, approved by the **ABZA** when **special exception** is required or by **the Administrative Officer** for systems permitted by right, prior to the issuance of an **improvement location permit**.

- (6) The decommissioning cost estimate shall include a mechanism for calculating increased removal costs due to inflation. This cost estimate shall be recalculated every five years and the surety bond shall be updated to reflect the change. Failure to renew the cost estimate and update the bond every five years shall void the grant of special exception.
- (7) The applicant shall file and receive an approval for a demolition permit before decommissioning begins.
- (8) When the decommissioning is complete, the applicant shall submit the final report outlining the completion of the decommissioning plan to the **ABZA** or the **Administrative Officer** for approval. The **ABZA** or the **Administrative Officer** shall then release the applicant from the conditions of approval and the surety bond.
- (9) If the applicant fails to meet the requirements set in the decommissioning plan or the **large-scale solar energy system** is **abandoned**, the **ABZA** or the **Administrative Officer** may request the county to declare the bond in default and use the proceeds to complete the decommissioning plan.

**Section 7: Add UZO 4-11-15 Community-Scale Solar Energy System** as follows:

- (a) A **community-scale solar energy system** is exempt from UZO 4-6 and **lot coverage** requirements.
- (b) **Ground-mounted:**
  - (1) The applicant shall submit the following with an **improvement location permit** application:
    - (A) All solar panels, **mounting devices**, and **inverters** shall be **setback** 25 feet from all property lines.
    - (B) Solar inverters shall be **setback** a minimum of 50 feet when abutting a residential use property line or residential zone.
    - (C) The height shall be calculated as the distance from ground level to the top of the solar panel at its greatest incline (tilt).
    - (D) A security fence at least 6' high shall be installed around the **community-scale solar energy system** with emergency access allowed 24/7.
    - (E) Power transmission lines from **ground-mounted community-scale solar energy system** shall be underground and shall be completely shielded against shock hazard. Lines that connect one panel to another or from the system to the main transmission lines are not required to be underground.
    - (F) Driveway entrances shall comply with UZO 4-7.

- (2) A stormwater management plan shall be reviewed and approved by the participating jurisdiction.
- (3) All driveway entrances shall be approved by the participating jurisdiction.
- (4) Any approval, if required from the Federal Aviation Administration regulations, for installations surrounding airports shall conform to UZO 5-3.
- (5) All applicable approvals from federal, state and local agencies.
- (6) A **Bufferyard** is required except when waived by the Administrative Officer.
- (7) Decommissioning plan and removal requirements:
  - (A) A decommissioning plan for a **community-scale solar energy system** shall be approved by the **Administrative Officer** prior to issuance of the **improvement location permit**.
  - (B) A decommissioning plan shall include removal of all solar electric systems, buildings, cabling, electrical components, security fence, driveway entrance, foundations, pilings, and any other associated facilities. However, the landowner may request in writing that the existing driveway entrance, security fence or other land surface areas not be restored, and this request shall be approved by the **Administrative Officer**. Hazardous materials, including **mounting devices** from a **community-scale solar energy system** shall be disposed of in accordance with federal, state and local laws.
  - (C) The final decommissioning plan shall be certified by a Professional Engineer.
  - (D) The applicant shall provide an itemized cost estimate to decommission the **community-scale solar energy system** prepared by a Certified Engineer or contractor who has expertise in the removal of solar facilities to the **Administrative Officer**. The cost estimate shall not include any estimates or offsets for the resale or salvage values of the **community-scale solar energy system** equipment and materials.
  - (E) The decommissioning cost estimate shall include a mechanism for calculating increased removal costs due to inflation. This cost estimate shall be recalculated every five years and the bond shall be updated to reflect the change. Failure to renew the cost estimate and update the bond every five years shall void the grant of special exception.
  - (F) The applicant shall be required to file a surety bond, for the estimated amount, approved by the **Administrative Officer** prior to the issuance of an **improvement location permit**.

- (G) The applicant shall file and receive an approval for a demolition permit before decommissioning begins.
- (H) When the decommissioning is complete, the applicant shall submit the final report outlining the completion of the decommissioning plan to the **Administrative Officer** for approval. The **Administrative Officer** shall then release the applicant from the surety bond.
- (I) If the applicant fails to meet the requirements set in the decommissioning plan or a **community-scale solar energy system** is **abandoned**, the **Administrative Officer** may request the county to declare the bond in default and use the proceed to complete the decommissioning plan.

(c) **Building-mounted:**

- (1) A **community-scale solar energy system** may exceed the maximum allowed **building height** on which it is located by ten feet at the maximum incline (tilt).
- (2) A **community-scale solar energy system** may project up to three feet beyond the **front** or **rear** of the building, and as regulated in UZO 4-4-5 below.
- (3) A **community-scale solar energy system** shall comply with all applicable federal, state and local laws and ordinances, including but not limited to building codes, fire codes, and historic preservation districts.

This ordinance shall be in full force and effect from and after its passage.

## **References and Resources**

Are You Solar Ready? Seven steps to successfully manage large-scale solar development.

<https://www.planning.org/planning/2020/mar/are-you-solar-ready/>

Bloomington, Indiana (Ordinance)

<https://bloomington.in.gov/planning/udo>

Elkhart County, Indiana (Ordinance)

<http://www.elkhartcountyplanninganddevelopment.com/>

Fulton County, Indiana (Ordinance)

<https://www.co.fulton.in.us/departments/index.php?structureid=14>

Henry County, Indiana (Ordinance)

<http://www.henryco.net/attachments/Henry%20County%20Draft%20Solar%20Ordinance.pdf>

Henry County REMC

<https://www.hoosierenergy.com/my-solar-henry/>

Indiana Office of Energy Development (OED)

<https://www.in.gov/oed/2650.htm>

Logansport, Indiana (Ordinance)

<http://www.cityoflogansport.org/departments/planning-zoning-department/>

Michiana Area Council of Governments

[http://macog.com/solar\\_energy.html](http://macog.com/solar_energy.html)

Monroe County, Indiana (Ordinance)

[https://www.co.monroe.in.us/egov/documents/1579205918\\_0969.pdf](https://www.co.monroe.in.us/egov/documents/1579205918_0969.pdf)

National Conference of State Legislatures

[https://www.ncsl.org/research/energy/renewable-portfolio-standards.aspx#:~:text=The%20state's%20two%20investor%20Downed,megawatts%20\(MW\)%20or%20less.](https://www.ncsl.org/research/energy/renewable-portfolio-standards.aspx#:~:text=The%20state's%20two%20investor%20Downed,megawatts%20(MW)%20or%20less.)

Planning for Solar Energy (PAS REPORT 575)

<https://www.planning.org/publications/report/9117592/>

Planning for Utility-Scale Solar Energy Facilities PAS Memo

<https://www.planning.org/pas/memo/2019/sep/>

Randolph, Indiana (Ordinance)

<https://randolphcounty.us/form/randolph-county-unified-zoning-ordinance-1>

Renewable Energy Used in State Renewable Portfolio Standards Yielded Sizable Benefits and Other Impacts in 2013

<https://www.nrel.gov/news/press/2016/21615.html>

Shelby County, Indiana (Ordinance)

<https://ag.purdue.edu/Documents/ordinance/Shelby.pdf>

Solar Energy Industries Association

<https://www.seia.org/state-solar-policy/indiana-solar>

<https://www.seia.org/sites/default/files/2020-09/Indiana.pdf>

Solar Powering Your Community: A Guide for Local Governments

<https://www.epa.gov/repowertoolbox/solar-powering-your-community-guide-local-governments>

Solarize Indiana

<https://solarizeindiana.org/>

St. Joseph County, Indiana (Ordinance)

<https://www.sjcindiana.com/352/Zoning-Ordinances>

Tribal Energy Efficiency and Renewable Energy Development on Tribal Lands (Brochure)- 2010

White County, Indiana (Ordinance)

<http://www.whitecountyin.us/index.php/home/area-plan>

***Recent articles related to large-scale solar energy systems in Indiana.***

NIPSCO announces 100-megawatt solar farm for Henry County, 200M W one for Boone County, both with plans for 2023 completion

<https://indianaeconomicdigest.com/Content/Default/Also-In-The-News/Article/NIPSCO-announces-100-megawatt-solar-farm-for-Henry-County-200M-W-one-for-Boone-County-both-with-plans-for-2023-completion/-3/5307/100831>

IURC says solar farm project should be under local jurisdiction

<https://www.wishtv.com/news/iurc-says-solar-farm-project-should-be-under-local-jurisdiction/>

Indiana county adopts new solar energy ordinance requiring pollinator-friendly groundcover

<https://www.solarpowerworldonline.com/2020/07/indiana-county-adopts-first-ever-solar-energy-ordinance-requiring-pollinator-friendly-groundcover/>

Tax break given to \$175 million Shelby County solar panel project

<https://indianaeconomicdigest.com/MobileContent/Most-Recent/Region-1/Article/Tax-break-given-to-175-million-Shelby-County-solar-panel-project/31/79/95603>

Bloomington, Indiana diversifies its energy supply with residential and municipal solar

<https://eri.iu.edu/erit/case-studies/bloomington-solar-initiatives.html>

The Push For Solar Energy In Indiana

<https://www.wfyi.org/programs/all-in/radio/The-Push-For-Solar-Energy-In-Indiana-Repeat>