

Ordinance No. TZA 01-21-04

An Amendment to the Hendricks County Zoning Ordinance Chapters 7 and 14

Whereas, the Board of County Commissioners of Hendricks County, Indiana adopted the Hendricks County Zoning Ordinance on August 12, 2008 and which became effective October 1, 2008

Whereas, the Hendricks County Area Plan Commission has recommended that the Zoning Ordinance be amended as to Chapters 7 and 14;

Whereas, the Hendricks County Area Plan Commission has conducted a public hearing on the proposed amendment TZA 01-21 and voted to pass a favorable recommendation to the County Commissioners;

Whereas, the County Commissioners have received and reviewed the Plan Commission's report, have considered the Plan Commission's recommendations, and find that the adoption of the recommended amendment would promote the health, safety, and convenience of the people of Hendricks County; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRICKS COUNTY, INDIANA TO AMEND THE HENDRICKS COUNTY ZONING ORDINANCE TO INCLUDE THE FOLLOWING:

7.12 (B) 22. Accessory SECS. A Solar energy conversion system (SECS) is classified as accessory to a permitted primary use by nature of its size and location. In order for an SECS to be considered accessory, it must clearly meet the requirements for accessory structures established in Section 7.12 A.

1. Accessory SECS are permitted in all districts.
 - a. Non-residential Ground Mounted Accessory SECS are required to receive Development Plan approval, regardless of size.
2. All SECS must comply with all setbacks and development standards for accessory structures in the relevant district
3. Roof mounted accessory SECS are permitted to extend five feet higher than the roof of existing structures
4. Residential Accessory SECS are not subject to rooftop screening requirements

14.6 SOLAR ENERGY CONVERSION SYSTEM OVERLAY DISTRICT (SECS-OL)

- A. PURPOSE. The purpose of this section is to provide for an overlay district that will permit and regulate the development of Solar energy conversion systems in Hendricks County, subject to reasonable conditions that will minimize impact on the underlying district and potential for conflict with other uses.
- B. DEFINITIONS.
1. SECS – Solar energy conversion system, as defined by Chapter 15.
 2. Accessory SECS – A solar energy conversion system that is accessory to a permitted primary use by nature of its size and location.
 3. SECS, Building Mounted – A solar energy conversion system that is mounted and supported by the roof of a building or structure. Unless the system is taller than 5 feet, building mounted systems are generally classified as accessory
 4. SECS, Ground Mounted – A solar energy conversion system that is freestanding, mounted to the ground
 - a. SECS, Ground Mounted Large-scale – A ground mounted solar energy conversion system that is permitted, whether as a primary use or secondary use
 - b. SECS, Ground Mounted Small-scale – A solar energy conversion system that is secondary to a permitted primary use and larger than an accessory use but does not meet the definition of SECS, Ground Mounted Large-scale.
- C. OVERLAY APPLICABILITY. This Section applies to all Solar energy conversion systems proposed to be constructed after the effective date of this Ordinance, except that this Section is not intended to apply to Accessory SECS built for the primary purpose of onsite use.
- D. ESTABLISHMENT OF SOLAR ENERGY CONVERSION SYSTEM OVERLAY DISTRICT. A Solar Energy Conversion System Overlay District may be established as regulated in Section 12.5 Zoning Map and Text Amendments. The Solar energy conversion system Overlay District boundaries shall be indicated on the official Zoning Map of Hendricks County, Indiana and shall exist as a layer of zoning regulation in addition to that of the established (underlying) zoning district. The Overlay designation shall be distinguished by an “(SECS-OL)” added to the applicable zoning classification on the official Zoning Map. For example, an overlay in the AGR/Agricultural Residential zoning district shall be shown on the official Zoning Map as AGR(SECS-OL)/Agricultural Residential.
- E. PERMITTED USES, SPECIAL EXCEPTIONS. SECS, Ground Mounted are a permitted use in the SECS-OL district. In addition, permitted uses in the SECS-OL district shall include those uses permitted in the underlying zoning district. Special exception uses permitted in the underlying zoning district are authorized as special exception uses in the SECS-OL district.
- F. Relation To Underlying Zoning
1. For solar energy conversion systems, provisions of this Section shall supersede

the regulations of the underlying zoning district for all specific regulations that are included within this section. If no specific and differing regulations are included, the regulations of the underlying zoning district shall apply.

2. For all other uses, regulations of the underlying zoning district shall apply except in those cases where they are superseded by regulations of this Section, in which case regulations of this Section shall apply.
- G. Relation To Other Overlay Districts. In the case that this overlay district overlaps other overlay districts, the regulations of the SECS-OL district shall supersede the regulations of all other overlay districts. Where no special regulations are included within the SECS-OL district, the regulations of the other overlay district shall apply.
- H. DEVELOPMENT PLAN APPROVAL - No Solar energy conversion system shall be constructed or located within Hendricks County unless a development plan approving construction of the system under Section 12.3 Development Plan Review and Approval has been obtained. This does not include Accessory SECS, but does include non-residential Ground Mounted SECS.
1. Any physical modification to an existing and permitted Solar energy conversion system that alters the size, type and number of Solar panels or other equipment by more than 35% or any change to required screening shall require a development plan approval under Section 12.3 Development Plan Review and Approval. Like-kind replacements shall not require approval.
 2. In addition to the requirements of Section 12.3 Development Plan Review and Approval, the Development Plan Review of a Solar energy conversion system shall include the following information:
 - a. Addition details on the site plan showing the planned location of each Solar panel, access road and turnout locations, substation(s), electrical cabling from the Solar energy conversion system to the substation(s), ancillary equipment, and associated transmission lines;
 - b. Documents describing a decommissioning plan;
 - c. Other relevant studies, reports, certifications and approvals as may be reasonably requested by Hendricks County to ensure compliance with this Section;
- I. PERMIT REQUIRED. No Solar energy conversion system shall be constructed and operated unless an Improvement Location Permit and a Certificate of Occupancy and/or Certificate of Completion have been issued under Sections 12.10 Improvement Location Permit and 12.11 Certificate of Occupancy and Certificate of Completion.
- J. DESIGN AND INSTALLATION
1. Design Safety Certification. The design of the Solar energy conversion system shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations.

2. Uniform Construction Code. To the extent applicable, the Solar energy conversion system shall comply with relevant and applicable local, state and national codes, and relevant and applicable international standards, including all electrical Components.
3. Solar Panels shall be a non-obtrusive color such as black, dark blue, off-white, silver or gray.
4. Solar Energy Facilities shall not be artificially lighted, except to the extent required by the applicable authority.
5. Solar Panels shall not display advertising, except for reasonable identification of the panel manufacturer, System Owner and Operator.
6. On-site transmission and power lines between Solar Panels shall, to the maximum extent practicable, be placed underground.
7. Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
8. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in perennial vegetation as ground cover and not compacted. A planting schedule detailing the type of vegetations shall be submitted and will be reviewed for compliance with the Purdue University Extension Service's pollinator-friendly checklist or another pollinator-friendly checklist developed by a third-party as a solar-pollinator standard designed for Midwestern eco-systems, soils, and habitat.

K. FENCING

1. Fences and walls shall not exceed eight (8) feet in height in all districts. Fencing may exceed the four (4) foot height restriction in a front yard.
2. SECS are not considered Agriculture for purposes of exemptions in section 7.6.
3. Fences may be designed and operated to achieve compliance with current National Electric Code requirements. In the event the Zoning Ordinance conflicts with the NEC, the Ordinance shall defer to the NEC.

L. SCREENING

1. For property lines adjacent to public right of way;
 - a. If the SECS is located more than 250 feet from the right of way then a landscape buffer type 1 shall be required
 - b. If the SECS is located less than 250 feet from the right of way then a landscape buffer type 3 shall be required
2. For all other property lines, a landscape buffer shall be required of a type equivalent to the requirement for AGB Agricultural Business, except mounding shall not be required. For example, if the SECS is in an AGR(SECS-OL) district and located next to existing residential, a type 3 buffer is required.

M. SETBACKS

1. Standards of the underlying zoning district shall apply regardless of the location of any non-conforming structure on the participating property.
2. Setback distance is measured from the edge of the solar energy system array and any supporting equipment or structures, excluding security fencing, screening, or berm.
3. Property lines. A SECS shall be set back from the nearest property line no less than the principal setback requirements for the underlying zoning classification or 1.1 times the Panel Height, whichever is greater.
4. Public Roads. All SECS shall be set back from the nearest public road no less than thirty (30) feet, as measured from the proposed right of way width in the current Hendricks County Thoroughfare Plan.
5. Existing Dwelling. A SECS shall be no closer to an existing dwelling than 150 feet. This does not include any dwellings on the subject property.

APPROVED by the Board of Commissioners of Hendricks County, Indiana this
23rd day of February, 2021.

BOARD OF COMMISSIONERS

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Attest: Nancy Marsh
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