

Fulton County, Indiana Zoning Ordinance

AG District

4-1.1 "AG" District Intent, Permitted Uses and Special Exception Uses

The "AG" (Agricultural) District is intended to provide a land use category for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Fulton County for family operations.

Non-agriculture uses that are located within this zoning district may not object to any permitted agriculture use, whether such uses currently exist, are enlarged, or change in the future to another agricultural use.

The Plan Commission and Boards of Zoning Appeals should strive to protect this district from conflicting land uses, non-agriculture-oriented businesses, and any use that may inflict significant environmental impacts or be injurious to neighbors.

The Plan Commission and Boards of Zoning Appeals should also strive to promote less than 1 dwelling unit per 10 acres community-wide in the "AG" district.

<u>Permitted Uses</u>		<u>Special Exception</u>
<p>Residential</p> <ul style="list-style-type: none"> • Dwelling, single family • Dwelling, two-family • residential facility for developmentally disabled (small)* • residential facility for mentally ill* • child care home (owner occupied home) • bed and breakfast facility • detached additional living space • mobile home <p>Agricultural Uses</p> <ul style="list-style-type: none"> • agricultural crop production • agricultural seed sales • confined feeding operation permitted by IDEM (1200 animal units or less on any one parcel and/or multiple parcels adjoining or contiguously operating or owned parcels and not within one (1) mile of any incorporated limits) • commercial raising of farm and non-farm animals (subject to maximum animal unit limits) • firearm internet sales/gunsmithing (no retail showroom or firearm inventory) • grazing and pasture land • greenhouse • orchards • plant nursery, with retail • processing agriculture crop products produced on site • storage of farm vehicles, equipment, and materials (used in the farming operation -not for sale) 	<ul style="list-style-type: none"> • tree farms, with retail • storage of agricultural products <p>Business: Food Sales/Service</p> <ul style="list-style-type: none"> • brewery/pub house • farmer's market • incubator kitchen • cider mill • winery <p>Business: General Business</p> <ul style="list-style-type: none"> • country club or golf course • golf driving range <p>Miscellaneous</p> <ul style="list-style-type: none"> • home occupation #1 • home occupation #2 • Noncommercial wind generating and related apparatus and structures under 200 feet in height • Micro/small solar energy system • Level 1 & 2 Electric Charging Station 	<p>Residential</p> <ul style="list-style-type: none"> • residential facility for developmentally disabled (large) • seasonal cabin • seasonal farm worker housing <p>Agricultural Uses</p> <ul style="list-style-type: none"> • farm equipment sales/service • processing of agricultural products not produced on site • storage of agricultural products not produced on site • sales barn for livestock sale • semi-trailer(s) to be utilized as animal housing <p>Business: General Business</p> <ul style="list-style-type: none"> • kennel • airport/private landing field • veterinary hospital/boarding • landscape business <p>Business: Recreation</p> <ul style="list-style-type: none"> • commercial riding stables <p>Business: Auto Sales/Services</p> <ul style="list-style-type: none"> • automobile body shop (enclosed) • automobile repair/major • automobile repair/minor <p>Business: Retail</p> <ul style="list-style-type: none"> • fabric shop • firework sales • flower shop • furniture store • gift shop

*These uses are permitted by Indiana Code (IC 12-28-4-8 & IC 12-28-4-7)

** State law permits mining in rural areas (areas with 7 or less homes within a square mile) regardless of local decision making.

In these cases, a Public Hearing is primarily to discuss and mitigate traffic impacts, noise, etc.

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Special Exception continued...

Special Exception continued...

Business: Retail

- hardware store
- heating/cooling/sales service
- jewelry store
- lumber yard
- outdoor commercial recreational enterprise
- plumbing store
- variety store

Industrial Uses

- gravel/sand/mining**
- liquid fertilizer and distribution machine shop
- mini-storage facility
- topsoil removal and storage areas

Institutional/Public Facilities

- church
- cemetery
- corporate retreat center
- recycling center
- recycling collection point (no outdoor storage)
- public park/ball fields
- fairgrounds
- lodge/private club
- private camp/campground
- school, public or private
- sculpture park, for public use

Communication/Utility

- cellular/communication/radio/television tower
- pipeline pumping station
- utility substation
- public well
- telephone exchange

Governmental Use

- fire/police station/correctional institution
- municipal/state maintenance facility

Miscellaneous

- home occupation #3
- private recreational development
- Noncommercial wind generating and related apparatus and structures over 200 feet in height
- medium/large solar energy system
- Commercial Solar Energy System
- Level 3 Electric Charging Station

*These uses are permitted by Indiana Code (IC 12-28-4-8 & IC 12-28-4-7)

** State law permits mining in rural areas (areas with 7 or less homes within a square mile) regardless of local decision making. In these cases, a Public Hearing is primarily to discuss and mitigate traffic impacts, noise, etc.

IR District

4-1.19 “IR” District Intent, Permitted Uses and Special Exception Uses

The “IR” (Institutional/ Recreational) District is intended to provide a land use category for social service-oriented uses; and similar non-profit quasi-public institutions where the use is for public purpose and is anticipated to remain permanent.

This land use category is intended for institutionally owned lands, including state, county, and city facilities including, but not limited to, government buildings, schools, parks, open space, playgrounds, and recreational areas.

This zoning district may also serve as a buffer between commercial or industrial uses and adjacent residential districts.

<u>Permitted Uses</u>	<u>Special Exception</u>	<u>Special Exception</u>
<p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> public park/nature center caretaker dwelling church, temple or mosque community center government office library museum nature center nature preserves police/fire station post office public/private parking area public park/recreation center school, public/private small park/playground trade or business school <p>Business: General Business</p> <ul style="list-style-type: none"> hospital <p>Business: Recreation</p> <ul style="list-style-type: none"> fairgrounds <p>Miscellaneous</p> <ul style="list-style-type: none"> micro/small solar energy system Level 1&2 electric charging station 	<p>Residential</p> <ul style="list-style-type: none"> single-wide mobile home, utilized seasonally (12' x 60' minimum size) children’s home nursing home residential facility for the developmentally disabled (large) residential facility for the mentally ill <p>Business: General Business</p> <ul style="list-style-type: none"> airport (private/public) marina <p>Business: Recreation</p> <ul style="list-style-type: none"> amphitheater amusement parks arcades ATV Park ball fields banquet hall batting cages camping country club driving range fitness center go-carts golf course miniature golf movie theater, drive-in paintball field public docks race track recreational vehicle park seasonal cabin skating rink tennis courts 	<ul style="list-style-type: none"> theater, indoor/outdoor zoo <p>Communication/Utilities</p> <ul style="list-style-type: none"> public wells sewage treatment plants telephone exchange utility substation <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> cemetery or crematory humane shelter public swimming pool recycling collection point <p>Miscellaneous</p> <ul style="list-style-type: none"> medium/large solar energy system Commercial Solar Energy System Level 3 electric charging station

*These uses are permitted by Indiana Code (IC 12-28-4-8 & IC 12-28-4-7)

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IN District

4-1.33 "IN" District Intent, Permitted Uses and Special Exception Uses

The "IN" (Industrial Park/ Manufacturing) District is intended to provide a land use category for most moderate to high impact industrial park and heavy industrial facilities. This district can be used adjacent to the agricultural and commercial districts, where there are not negative effects on the environment.

Environmental, public safety, public welfare, and protection from all forms of pollution should be the highest priority. The Plan Commission and Boards of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the "IN" District.

Buffer yards are mandatory and although the development of heavy manufacturing and processing facilities may require substantial amounts of outdoor storage, all outdoor storage shall be enclosed, unless specific development standards are applicable to ensure the necessary protection of the adjacent zone districts.

The Plan Commission and Boards of Zoning Appeals should strive to use the "IN" district to develop a contiguous area, or cluster, for commerce and job creation and should not encourage "spot zoning" with this district.

Permitted Uses

Agricultural Uses/Service

- agricultural crop production
- agricultural seed sales
- commercial outdoor storage of farm materials
- farm equipment sales/service
- farmers market
- greenhouse facilities, wholesale only
- livestock sales
- orchards
- plant nursery
- storage of agricultural products
- storage of farm materials
- tree farms
- wholesale produce terminal

Business: Auto Sales/Services

- automobile body shop, enclosed
- automobile repair/major
- automobile repair/minor
- automobile sales, service center, vehicle testing/demonstration track for purpose of vehicle sales.
- automobile service station
- automobile wash, automatic and self
- auto/truck storage (outdoor, not a junkyard)
- motor home sales

Business: General Business

- contractor/contractor's yard
- construction company
- engineering or research laboratories
- warehouse
- welding
- wholesale business

Permitted Uses

- home remodeling companies (including storage of materials & equipment with accessory offices but no retail commercial activities)
- firearms sales/gunsmithing
- mini-warehouse
- enclosed mini-storage facility
- publishing company, with printing press recycling collection point
- trade shops

Business: Office Professional

- bank machine/ATM
- drive-thru bank machine/ATM
- drive-thru bank/credit union
- building contractor
- electrical contractor
- landscape contractor
- landscape business
- plumbing contractor

Business: Retail

- lumberyard

Communication/Utility

- communication relay tower
- public utility substation
- public wells
- storage tanks - non-hazardous
- radio/tv station

Industrial Uses

- flex-space
- light manufacturing
- office complex
- research center

Permitted Uses

Institutional/Public Facilities

- police/fire station
- post office
- public park/recreation center
- recycling facility
- school - commercial, trade or business

Miscellaneous

- Noncommercial wind generating and related apparatus and structures under 200 feet in height
- micro/small solar energy system
- Level 1 & 2 EV charging station

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Special Exception

Residential

- dwelling, single-family housing

Agricultural Uses/Service

- commercial processing of agricultural products
- processing of agricultural products

Business: Auto Sales/Service

- automobile body shop, enclosed
- painting and customizing
- racing & testing

Business: General Business

- airport
- kennel
- outside storage facility (shall be enclosed with privacy fence)
- recycling collection point (outdoor storage)
- sign painting/fabrication
- scrap/salvage operation
- transfer station
- truck terminal
- trucking company

Communication/Utility

- cellular/communication/radio/television tower
- electric generator
- pipeline pumping station
- sewage or water treatment plants
- utility substation

Industrial Uses:

- biodiesel facility
- bottled gas storage/distribution center
- gravel/sand/mining*
- heavy manufacturing
- iron and steel production
- liquid fertilizer storage/distribution
- millwork, planning mill, & saw mill

Commercial Use

- adult entertainment business

Special Exception

Industrial Uses:

- blast furnace or open hearth
- coke ovens
- coatings manufacture excluding tar products
- concrete mixing
- foundries
- liquid fertilizer storage & distribution (commercial)
- lumber mill
- manufacturing, including:
 - asphalt production
 - asphaltic paving materials preparation
 - batch plant (asphalt or concrete production)
 - biological
 - coating, tar products
 - gases and chemicals
 - glue
 - paper
 - railroad equipment (including repair and service)
 - rubber products
 - tar, tar paper, tar products processing
 - tire and inner tubes
- meat and meat products: packing & processing
- mineral extraction, borrow pit, topsoil removal & storage areas
- petroleum tank farm (commercial)

Institutional/Public Facilities

- resource recovery facility

Miscellaneous

- artificial lake
- manufactured housing used as office space
- Noncommercial wind generating and related apparatus and structures over 200 feet in height
- medium/large solar energy system
- Commercial Solar Energy System
- Level 3 EV charging station

IU District

4-1.36 “IU” District Intent, Permitted Uses and Special Exception Uses

The “IU” (Intensive Use) District is intended to provide a land use category for intensive uses that may be considered noxious under certain circumstances. This district can be used adjacent to the “IN” industrial district, and agriculture districts where there are not negative effects on the environment. This district should be used sparingly and only when absolutely necessary.

Environmental, public safety, public welfare, and protection from all forms of pollution should be the highest priority. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the “IU” District.

Buffer yards are mandatory and all outdoor storage shall be screened.

Written commitments will likely be asked of by the appropriate legislative body, the Plan Commission, or the appropriate Board of Zoning Appeals to assure that the proposed land use will be the only use of the subject property over time.

<u>Permitted Uses</u>	<u>Special Exception</u>	<u>Special Exception</u>
<p>Miscellaneous</p> <ul style="list-style-type: none"> • Noncommercial wind generating and related apparatus and structures under 200 feet in height • micro/small solar energy system • Level 1 & 2 EV charging station 	<p>Agricultural Uses/Service</p> <ul style="list-style-type: none"> • processing of agricultural products • confined feeding operation permitted by IDEM, (over 1200 animal units, but less than 3,600 animal units, on any one parcel and/or multiple parcels adjoining or contiguously operating or owned parcels) <p>Business: General Business</p> <ul style="list-style-type: none"> • foundries • iron and steel production • liquid fertilizer storage & distribution (commercial) • junkyard • mineral extraction, borrow pit, topsoil removal & storage areas • oil processing, refining & manufacture penal or correctional facility petroleum tank farm (commercial) power plant: thermal electric (utilizing refuse-derived fuels) • power plant: steam (utilizing refuse-derived fuels) • scrap metal yard • recycling collection point (outdoor storage) • recycling facility • resource recovery facility <p>Business: Recreation</p> <ul style="list-style-type: none"> • Race track 	<p>Communication/Utility</p> <ul style="list-style-type: none"> • cellular/communication/radio/television tower • electric generator • pipeline pumping station • sewage treatment plants • storage tanks non-hazardous • utility substation <p>Industrial Uses:</p> <ul style="list-style-type: none"> • heavy manufacturing • incinerator • iron and steel production • flammable/hazardous chemical storage (above ground) • liquid fertilizer storage/distribution rendering plant • sanitary landfill/refuse dump <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • police/fire station <p>Miscellaneous</p> <ul style="list-style-type: none"> • Noncommercial wind generating and related apparatus and structures over 200 feet in height • medium/large solar energy system • Commercial Solar Energy System • Level 3 EV charging station

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- b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Fulton County Planning Office may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

SE-10: Abandonment – Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the small, medium- or large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Fulton County Plan Department. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within one year of abandonment or the proposed date of decommissioning, the County retains the right after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned small, medium, or large-scale ground-mounted solar energy system at the owner/operator's expense. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation

5-1.5.1 Commercial Solar Energy Systems (CSES) Standards (CSE)

Commercial Solar Energy System Farms (CESE) shall be permitted in the Agricultural (AG), Industrial (IN), Institutional Recreational (IR) and Intensive Use (IU) districts as listed in the Fulton County Zoning Ordinance or as an approved Special Exception by the Board of Zoning Appeals. An application for a Special Exception or Location Improvement Permit shall meet the below requirements and be accompanied by at minimum those items listed below.

CSE-01: General Requirements

- A. Minimum Site Area: The minimum site area for a Commercial Solar Energy System Farms (CSES) at minimum fifteen (15) acres and shall be as necessary to meet required setbacks and any other standards of this ordinance.
- B. Maximum Site Area: A cap of 2,362 acres, or less than 1% of the total the acreage of Fulton County allowed to be used for Commercial Solar Farms (CSES)
- C. Setbacks.
 - 1. Each proposed (CSES) shall meet the following applicable setback requirements:
 - a. Each (CSES) array and any associated features shall be set back from any adjoining property lot line, railroad right-of-way a minimum distance of one thousand (1000') feet. Array cannot exceed 50 decibels from the property line and the inverter must be centrally located.
 - b. (CSES) occupying multiple parcels may have internal property line setbacks waived by execution of a written document signed by all land owners sharing such a property line. All such documents shall be recorded in the office of the Fulton County Recorder within 45 days of the signing of each solar lease agreement and said document shall be cross referenced to the current recorded deed. The solar developer may not submit a memorandum of lease containing multiple lease contracts to the Fulton County Recorder. Signed solar lease contracts not submitted to the Fulton County Recorder's office within 45 days of signing are null and void in Fulton County.
 - c. The setback distance for the (CSES) shall be one mile from any platted community of a municipality Distance shall be measured from the center of the array to the closest Corporate Limit boundary line.
- D. Maximum Vibrations. Any proposed (CSES) or associated features shall not produce vibrations humanly perceptible beyond the property on which it is located or cause vibration that could be

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detected in nearby structures or damage underground wells during construction or upon operation.

- E. Electrical Components
 - 1. All electrical components of the (CSES) shall conform to applicable local, state, and national codes, and relevant national and international standards.
 - 2. Electrical Collection Cables - All (CSES) electrical collection cables between each WECS shall be located underground. All transmission lines that are buried should be at a depth of 10 feet until the same reach the property line or a substation adjacent to the property line.
- F. Interference with Reception. Any solar arrays shall be constructed and operated so that they do not interfere with television, microwave, GPS for agricultural use, military defense radar, navigational or radio reception to neighboring areas.
- G. State or Federal Requirements. Any proposed (CSES) shall meet or exceed any additional local, state, or federal standards and regulations.
- H. Aesthetics and Lighting. Any proposed (CSES) shall meet the following requirements:
 - 1. Each (CSES) shall not be artificially lit except to the extent required for safety of applicable federal state or local authority. Such lighting shall be shielded and down cast as not to affect adjacent or adjoining properties.
 - 2. Each (CSES), including all accessory structures, shall to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings.
- I. Signs. A sign no more than 4 square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the entrance of the (CSES) access road. No (CSES) or site shall include an advertising sign.
- J. Not Essential Services. (CSES) shall be regulated and permitted pursuant to this Article of the Zoning Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- K. Removal of Abandoned, discontinued, or Unsafe (CSES)
 - 1. Any (CSES) that is not operated for a continuous period of 6 months shall be considered abandoned.
 - 2. Any change in CSES operator or owner, they shall agree to any and all provisions of any and all prior owner requirements and shall furnish a copy of transfer to the Zoning administrator before commencing business.
 - 3. Any (CSES) or component found to be unsafe or not in compliance with the special exception conditions related to noise or glare placed upon it by the Board of Zoning Appeals (BZA), shall be found to be in violation of the special exception approval.
 - 4. The owner of any (CSES) that is abandoned or in violation of the special exception approval shall remove the same within one hundred and fifty (150) days of receipt of notice from the Area Plan Commission of such abandonment or violation.
 - 5. In addition to removing the (CSES), the owner shall restore the site to its condition prior to location of the (CSES) (excluding replanting of original vegetation and trees), subject to reasonable wear and tear and shall stabilize soils through use of ground cover. All concrete and rebar must be removed from the soil.
 - 6. Failure to remove an abandoned (CSES) within the one hundred and fifty (150) day period provided in this subsection shall be grounds for the Fulton County Area Plan Commission to pursue the violation as prescribed under section 4.12 of this ordinance.
 - 7. A decommissioning plan approved by the Fulton County Technical Review Committee providing for the method and payment of the anticipated cost of removing a (CSES) at the end of its serviceable life or upon it's becoming a discontinued or abandoned use to ensure that the (CSES) is properly decommissioned.
 - 8. Decommissioning shall include but not be limited to;

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- a. The Physical removal of all solar energy systems, structures and equipment from the site.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or revegetation of the site as necessary to minimize erosion. The Fulton County Area Plan Commission may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
9. A decommissioning plan at a minimum, shall also include the following:
- a. Written statement detailing the time line for decommissioning, not exceeding 150 days after the date of documented discontinued operations. The owner shall notify the Fulton County Area Plan Commission upon the discontinuation of the operations.
 - b. Assurance - Written assurance that the (CSES) will be properly decommissioned upon the expiration of its serviceable life or in the event of its discontinuance or abandonment.
 - c. Cost estimates for all (CSES) an estimate of the costs of decommissioning and removing the (CSES) upon the expiration of its useful life, or in the event of its discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of CSES, and shall be updated every three (3) years for approval by the Fulton County Area Plan Commission.
 - d. Financial assurance the cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the CSES and to restore the site, the following steps shall be followed:
 1. For each CSES, the applicant/owner/operator shall determine an amount of money equal to the estimated removal and restoration cost.
 2. The Planning Commission shall require independent verification of the adequacy of this amount.
 3. This money shall be secured in the form of a surety equal to 150% of the quote, such as surety bond, letter of credit, or other financial promise, and shall be determined and approved by the Fulton County Area Plan Commission. In the instance the developer defaults on the proper decommissioning the County or its agent retains the right, after an appropriate court order, to enter the property and remove any abandoned, hazardous, or decommissioned solar energy system with funds from the surety on file.
 - e. Abandonment Verification under penalties for perjury, that all easements and/or leases for the CSES contain terms that provide financial assurances to the property owners to ensure that the CSES are properly decommissioned within one hundred and fifty (150) days of the expiration of its serviceable life or in the event of its discontinuance or abandonment, whichever comes first.
- L. Waste Management - All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, cleaning materials, or such shall be handled in a manner consistent with all local, state and federal rules and regulations and shall not be allowed to seep into the ground.
- M. Utility Interconnection The CSES, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to CSES.

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- N. Warnings- A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
- O. Drainage, Flood, and Erosion Control
1. A detailed drainage plan compliant with the requirements of the Fulton County Stormwater Control Ordinance shall be submitted and approved of.
 2. In instances where the project is required to comply with IDEM, erosion control regulations proper approvals shall be submitted indicating the plans have been approved. In instances where the project does not require IDEM approval an erosion control plan showing how any disturbance will be controlled on site as required under the Fulton County Stormwater and Erosion Control Ordinance shall be submitted.
 3. Any project within a special flood hazard area shall comply with all standards required under the Fulton County Flood Control Ordinance.
 4. All County regulated tile has a 75' right-of-way on each side of the center of the tile. All open ditches have a 75' right-of-way from the top of the bank of each side of the open ditch. Any proposed construction within these rights-of-way must be approved by the Fulton County Drainage Board, prior to any permits being issued.
 5. All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the CSES, must be completely repaired to near Original condition, and so as not to impede the natural flow of water. All repairs must be completed within a reasonable amount of time agreed upon by the Fulton County Surveyor.
- P. USE OF ROADS- An Applicant, Owner, or Operator proposing to use any county road(s), for the purpose of transporting CSES or Substation parts and/or equipment for construction, operation, or maintenance of the CSES(s) or Substation(s), shall prior to construction:
- a. Identify all such public roads and services Roads
 - b. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Fulton County Highway Superintendent. The Superintendent shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
 - c. Any road damage caused by the construction of the CSES project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Fulton County Highway Superintendent. The Superintendent may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a Professional Engineer may be required by the Superintendent to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.
 - d. Newly constructed CSES access roads may not impede the flow of water.
 - e. All repairs must be completed in the time period agreed upon by the Fulton County Highway Superintendent.
 - f. Throughout the life of the project as repairs to CSES are made, road repairs will be completed each time the company's equipment traverses Fulton County roads if the Fulton County Highway Superintendent deems repairs be necessary, at the solar developer's expense.
 - g. The location of all CSES access roads must be approved by the Fulton County Plan Director and may not be located closer than 2,000 feet from any residence as measured from the center of the access road to the corner of the residence.
 - h. Dust Control - Reasonable dust control measures will be required by the County during construction of the CSES.

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- Q. Sewer and Water
1. Any facility shall comply with existing septic and well regulation as required by the Fulton County Health Department and the State of Indiana Department of Public Health.
 2. Wells within one mile of each site shall be inspected by a Licensed Indiana Well Driller and/or Pump Installer prior to construction, to establish a baseline of pre-installation soil quality, ground water quality and levels, as well as surface water levels. Re-inspection would then be required every year after construction of the CSES. All expenses associated with the inspections shall be at the expense of the owner/operator. Any damage/pollution caused by the operations of CSES or their construction shall be repaired at the expense of the owner/operator and construction companies and these companies are required to provide commercial water tanks and water to affected homes until an investigation is complete and problems, if caused by CSES construction or operation, are mitigated. After inspections are completed Well Driller and/or Pump Installer Name, current valid license issued by Indiana Department of Natural Resources (DNR) and all test results must be provided to the Fulton County Plan Commission.
- R. Fire Prevention and Emergency Response Plan and Requirements.
1. Description of the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
 2. Designation of the specific agencies that would respond to potential fire or other emergencies.
 3. Description of all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training
- S. The site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities.
- T. Glare - At no time shall a (CSES) create glare on any non-participating landowner's property. For the purpose of this section a non-participating landowner shall be defined as a landowner on which no part of the CSES does not physically sit.
- U. Private Nuisance. A property owner shall have a private nuisance cause of action if the value of the owner's property within 2 miles of a CSES suffers a material negative impact from the existence of a CSES.
- V. Prior to meeting with landowners in Fulton County to secure leases and holding private meetings with residents, the solar developer must notify every household and landowner within two (2) miles of a planned solar project of their intentions to develop a CSES in the area via certified letter. The solar developer must also contact the Fulton County Plan Director and inform the Fulton County Planning Commission of their intent to develop a CSES in Fulton County prior to notice being sent to residents and landowners and prior to meeting with landowners to secure solar lease contracts in Fulton County.
- W. Screening & Buffering -Proper screening and buffering shall be installed to reduce the visual impact on adjacent properties as deemed necessary by the Fulton County Board of Zoning Appeals.
- a. Trees must be evergreen or conifer and a minimum of 10' tall
 - b. All trees must be planted a minimum of 20' off of all property lines
 - c. All trees must be planted within 20' of each other
 - d. Trees must be properly maintained and be replaced if the tree dies, is diseased, or is damaged.
 - e. The developer or owner of the CSES facility is responsible for installing the buffer yard.
 - f. The adjacent property owner shall not have to participate in installing the buffer yard.
- X. Ground cover. A CSES shall have ground cover in any combination of the following:

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- a. Perennial vegetation
 - b. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover.
 - c. To the maximum extent feasible for site conditions, pollinator-friendly perennial vegetation ground cover shall be based on a diverse seed mix of native species consistent with guidance specific to the local area provided by the Soil and Water Conservation District office or the Indiana Native Plant Society. The quality of the pollinator habitat shall be demonstrated by using guides such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar-pollinator scorecards designed for Midwestern eco-systems, soils, and habitat.
 - d. The owner/operator shall demonstrate site maintenance that is intended to remove invasive or noxious species, as listed by the Indiana Invasive Species Council, without harming perennial vegetation.
 - e. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, or as otherwise may be deemed necessary to protect public health and safety.
 - f. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
 - g. Agriculture Agri voltaic CSES projects shall establish agricultural ground cover (e.g. crops, pasture, etc.) as may be necessary for the adequate colocation of productive agriculture and electricity generation.
 - h. the use of agriculture may modify buffering requirements specified as determined during Development Plan review.
- Y. Top soil: All top soil removed for site preparation must be stored on the project site and replaced after decommission, the expiration of its serviceable life or in the event of its discontinuance or abandonment, whichever comes first.

5-1.5.2 SPECIAL EXCEPTION APPROVAL REQUIRED

- A. All CSES shall be subject to special exception approval and all requirements for special exception uses in Article 5, section 5.4. In addition to the general standards of approval for special exception, all special exceptions regulated under this Article shall comply with the following standards of approval:
- 1. The use shall meet all general requirements listed above in Section 5-1.5.1
 - 2. All decommissioning money paid to Fulton County to be placed in an interest accruing account controlled by Fulton County prior to the approval of any permits. In order to ensure the proper removal as required under section 5-1.5.2 of any abandoned or dangerous CSES.
 - 3. The special exception, if granted by the BZA, for a proposed project shall be valid for a period of one (1) year in which to apply for an Location Improvement Permit, after which, approval shall terminate and be of no further force or effect if construction in earnest of the approved tower/s has not commenced. The Applicant shall be granted a one (1) year extension to result in a total of two (2) years from the date of the BZA approval if the Applicant presents a request for an extension to the BZA and provides a report to the BZA which shows the progress made on the project. Thereafter, an additional extension shall be at the BZA's discretion.

APPLICATION REQUIREMENTS

- A. Prior to the construction of a CSES, the Applicant shall obtain approval for the following: (1) an Application for an Exception Use from the Fulton County Board of Zoning Appeals ("BZA") to permit a CSES in any zone list permitted, (2) Request for Variance for any variances anticipated

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on the CSES Project, and (3) Drainage approval as required under the Fulton County Stormwater and Erosion Control Ordinance when deemed necessary, (4) a Location Improvement Permit from the Fulton County Area Plan Commission.

1. The Application for Exception Use shall be filed with the Fulton County Area Plan Commission and include the following items:
 - a. A CSES Project summary, including, to the extent available: Each array's point location, including its name plate generating capacity; the make and model of the CSES that will be installed; the maximum height of the SES Array(s) measured from the base to the tip of the panel when at max height position and (2) a description of the Applicant, Owner, and Operator, including their respective business structures.
 - b. The name(s), address (es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) with CSES or associated utility lines on their properties. All leases for properties with CSES must be filed in the Fulton County Recorder's Office within 45 days of the contract being signed agreeing to a solar lease or said contract is null and void in Fulton County.
 - c. A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site with contours of not more than five-foot intervals.
 - d. A site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1-inch equals 20 feet): the proposed location of the Solar Energy System (including planned locations of each CSES array, access roads; Substations; electrical cabling; and ancillary equipment). In addition, the site plan shall show: Primary Structures within one mile of any CSES; property lines, including identification of adjoining properties; setback lines; public roads; recognized historic or heritage sites as noted by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources; delineated special flood hazard areas, and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines.
 - e. Location of all existing underground utility lines associated with the CSES site.
 - f. All required hearing filing fees as prescribed by this ordinance.
2. The Application for Location Improvement Permit
 - a. The Applicant shall apply to the Area Plan Commission for a Location Improvement Permit. In addition to the information required on the Location Improvement Permit Application and those documents required under section 5-1.5.1, the Applicant shall provide the following information to the Area Plan Commission prior to the issuance of a Location Improvement Permit:
 - b. Location of all underground utility lines associated with the CSES site.
 - c. Dimensional representation of the structural components of the array construction including the base and footings as well as all associated accessory structures.
 - d. Schematic of electrical systems associated with the CSES including all existing and proposed electrical connections.
 - e. Manufacturer's specifications and installation and operation instructions and an un-redacted operations safety manual for the model of CSES that will be installed.

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- f. All components of the CSES shall be new equipment commercially available. Used, experimental or proto-type equipment still in testing shall be approved by the BZA as per the normal special exception process.
- g. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the Fulton County Plan Commission.
- h. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.
- i. A revegetation plan for restoring areas temporarily disturbed during construction.
- j. A fire protection plans for construction and operation of the Facility (See Fire Prevention and Emergency Response Plan and Requirements).
- k. Any other item reasonably requested by the BZA.
- l. A drainage plan for construction and operation must be developed under the standards of the Fulton County Stormwater and Erosion Control Ordinance.
- m. An erosion control plan must be developed and provided in compliance with the Fulton County Stormwater and Erosion Control Ordinance and all other local, state, and federal regulations.
- n. Each CSES require a Location Improvement Permit. The fee for each Location Improvement Permit shall be subject to the fee schedule established under section 7-1 of the Fulton County Zoning Ordinance.

5-1.5.3 OPERATION

A. Interference

If, after construction of the CSES, the Plan Commission receives a written complaint related to interference with local broadcast residential television, telecommunication, communication or microwave transmissions, the Owner or operators shall be notified in writing and the Owner or Operator shall take reasonable steps to respond to minimize the complaint. Applicant, owner and/or operator shall take such actions as may be required to mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, GPS for agricultural use, military defense radar or television signals caused by any CSES. In addition, the applicant, owner and/or operator shall comply with the following:

- a. Failure to remedy a complaint - If the Plan Commission Director determines that an owner or operator has unreasonably failed to remedy verified interference with the broadcast of residential television, telecommunication, communication or microwave transmissions within ninety (90) days after owner or operator received a written complaint related thereto, the Plan Commission Director may take appropriate action to rescind the permit or approval associated to the CSES in question: This does not apply to interference with private telecommunications systems.

B. Coordination with Local Fire Department

- 1. The CSES applicant, owner or operator shall submit to all providers of emergency services serving the CSES Project area a copy of the as-built site map in digital format, if requested.
- 2. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
- 3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

C. Materials Handling, Storage and Disposal

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1. All solid wastes related to the construction, operation and maintenance of the CSES shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials or waste related to the construction, operation and maintenance of the CSES shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

D. An ongoing log of maintenance activities performed on all CSES shall be submitted to Fulton County Plan Director on an annual basis.

5-1.5.4 LIABILITY INSURANCE

The Owner or Operator of the CSES(s) shall maintain a current general liability policy covering bodily injury and property damage and name Fulton County as an additional insured with limits of at least \$2 million per occurrence property and \$5 million in the aggregate with a deductible of no more than \$5 thousand.

5-1.5.5 All CSES must strictly comply and be installed to meet all other local, state, and federal regulations.

5-1.5.6 All CSES must strictly comply with section 3.26 of the Fulton County Zoning Ordinance regarding performance standards.

5-1.6 Height Standards (HT)

HT-01: No structure may be erected or changed so as to make its height greater than specified in its applicable Zoning District, except as noted below. Exceptions to height standards include:

These specified height exceptions may exceed the permitted height regulations by twofold (x2) or seventy-five (75) feet; whichever is less.

Church steeples,
Water Towers, and
Transmission towers.

These specified height exceptions may exceed the permitted height standards by up to fifteen (15) feet. a.

Necessary mechanical appurtenances, and b. Elevator bulkheads.

Telecommunication towers height standards shall be governed by the Telecommunication Facilities Standards of this Article.

5-1.7 Performance Standards (PS)

PS-01: All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance shall be altered or modified to conflict with these standards. The Right to Farm laws may supersede these regulations as they pertain to farming/agricultural uses.

- A. Air Pollution: No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- B. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. Fire Protection: Firefighting equipment and prevention measures acceptable to the local Fire Departments shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.

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Signs, Types of: The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.

Sign, Wall: Any Sign attached to or erected on a wall of a Building or Structure, with the exposed face of the Sign in a plane parallel to the plane of said wall, within eighteen (18) inches of said wall, and containing only one Sign display surface.

Sign, Weekend Directional: A Sign relating to: real estate open houses; residential development under construction; or, real or personal property auctions.

Sign, Wind: A Sign of lightweight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind.

Sign, Window: Any Sign placed: (i) inside of and within two (2) feet of a window; or, (ii) upon a window panes or glass, and is intended to be seen from the exterior of the window.

Site Plan: A conceptual drawing completed of an proposed project.

Small Wind System: A WECS that has a nameplate capacity (manufacturer's rating) less than or equal to 50 kilowatts per wind tower, and a total height of 140' or less, and a swept area of 40' or less.

Solar Energy System: Any device or structural design feature that has a whole primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

- Roof-mounted/building mounted solar energy system: a solar energy system that is structurally mounted to the roof of a building or structure.
- Ground-mounted solar energy system: a solar energy system that is structurally mounted to the ground and is not roof mounted.
- Commercial Solar Energy System Farms (CSES): solar energy system that occupies more than 435,600 of panel surface area.
- Large-scale solar energy system: a solar energy system that occupies more than 40,000 square feet but less than 435,600 of panel surface area.
- Medium-scale solar energy system: a solar energy system that occupies more than 1,750 but less than 40,000 square feet of panel surface area.
- Small-scale solar energy system: a solar energy system that occupies 1,750 square feet of panel surface area or less.
- Micro-scale solar energy system: a solar energy system that occupies less than 120 square feet of panel surface area. (Solar energy systems not tied to an electrical system or a standalone system are exempt such as flag pole lights, single solar lights, etc.)

- "Primary Use" Solar Energy System: A solar energy system is considered a primary use if there is no other primary use on site.

Special Exception: The use of land or the use of a Building or Structure on land which is allowed in the zoning District applicable to the land only through the grant of a Special Exception by the Board of Zoning Appeals.

Sport Court: A primary use of an area to be used for sports only, not including driveways.

Staff: The Executive Director, or any attorney, employee or agent of the Fulton County, Indiana, as designated by the Fulton County Area Plan Commission.

Storage and Transfer Establishment: A facility at which products, goods or materials are received from various locations and temporarily warehoused while awaiting distribution or shipment via a subsequent carrier, possibly along with other products, goods or materials to another destination.