

Proposed UDO Changes
March 2022

<u>Section</u>	<u>Page</u>	<u>Number</u>	<u>Change:</u>
2	57	2.3.R.1.b.	Completely removed from UDO:
			Contact information of the current project owner. Name(s), address(es), and phone number(s) of the owner(s) as well as ...
	57	2.3.R.1.c.	Removed: Contact information of the current project operator. Name(s), address(es), and phone number(s) of the owner(s) as well as ...
	57	2.3.R.1.e.	Removed the Project description criteria, # of panels, type, etc.
	57	2.3.R.1.f.	Removed Engineering Certification that all equipment is within accepted professional standards, given local soil and climate conditions., etc.
	57	2.3.R.2.a.	Removed the Demonstration of energy need requirement
	57	2.3.R.2.b.	Removed the Utility Notification
	57	2.3.R.2.d.	Removed the Site Plan to be certified by a registered land surveyor, replaced with, "allows the plan administrator to reasonably ascertain the size and scope of the project in relation to the surrounding area."
	58	2.3.R.d.5	Removed requirement to show parking areas, and other natural and manmade features, including locations of any utilities, wells, drainage tiles, and/or waterways
	58	2.3.R.3.	Removed special exception hearings for CSES
	58	2.3.R.3.a.	Removed majority of requirements for Site Layout Plan for CSES
	59	2.3.R.3.b.	Removed Topographic Map
	59	2.3.R.3.c.	Removed CSES applicant shall certify that the applicant will comply with the utility notification requirements contained in Indiana law and Indiana Public Commission
	59	2.3.R.3.e.	Removed Fire Protection and Safety Plan for construction and operation of the CSES facility, which includes emergency access to site....
	59	2.3.R.5.a.	Removed proof of coorespondence and cooperaton with wild-life/environmental agencies (i.e. DNR, IDEM, NRCS, etc. re: endangered species.
	59	2.3.R.5.b.	Removed requirement for communication studies providing evidence of compliance with State and Federal agencies regarding interference with transmissions such as GPS, Television, microwave, agricultural GPS, military defense systems, & radio reception.

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<u>Section</u>	<u>Page</u>	<u>Number</u>	<u>Change:</u>
NEW Addition found in Proposed UDO language:			
2	58	2.3.R.3.a.12	Property owner(s) signature(s) may be submitted in the form of a signed addendum to the application or the dated signature page of land owner contract with the applicant/CSES operator/CSES developer.
2	58	2.3.R.3.d.	An emergency response plan for the construction and operation of the facility consistent with industry standards.
2	58	2.3.R.4.	Aggregated projects may jointly submit a single application.
2	58	2.3.S.1.	Changed IC from 36-7-4-918 to IC 36-7-4-920
SECTION 4: USE STANDARDS			
Proposed Changes from the Current UDO:			
<u>Section</u>	<u>Page</u>	<u>Number</u>	<u>Change:</u>
4	102	4.1 Table	Changed CSES from special exception to permitted use on A-1 A-2 zoned ground
4	112	4.2.F.6.b.	Excludes solar and wind systems from the category of utility facilities
		4.2.F.6.b.1	Excludes solar and wind systems from the category of utility -major
	123	4.3.D.5.a.1	Removed on a site of at least 5 acres
	126	4.3.D.5.6.d	Added Solar Energy Systems to Wind Energy Systems
	133	4.4.B.5.7.	Removed "small" and added "solar equipment"
SECTION 7: WIND ENERGY CONVERGENCE AND SOLAR ENERGY SYSTEMS			
<u>Section</u>	<u>Page</u>	<u>Number</u>	<u>Change:</u>
7	214	7.1.D.1.	No applicant shall construct, operate, or locate a WECS or SES without having fully complied with the provisions of this Ordinance (added "to the satisfaction of the plan administrator")
7	215	7.2.A.2.	Removes "SES", allowing SES to be located within the front yard of a property upon which a primary-use structure sits
7	216	7.3A.2	Increased developers' deductible limit from \$5,000 to \$100,000

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7	216	7.4.A.1	Removed "fire hazard" from named reason to be declared unsafe
	216	7.4.C.1.c.2	Removed updated proof of acceptable financial assurance will be required prior to the start of operations.
	217	7.4.E.1	Removes the requirement to remove project improvements to a depth of 4' below ground level, replaced with removal of all physical material. Building Dept. discretion as to when decommissioning is to be completed.
			Removes that restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements by the owner or by Pul. Co. at the owner's expense.
	223	7.14.A.	Removed rules & requirements pertaining to building in a flood plain
		7.14.B.1.	Removed "UL listing requirement for panels"
		7.14.B.2.	Removed Experimental or proto-type approval language for solar equipment
		7.14.B.3	Removed all SES applicable industry standards for all local, state and federal regulations for solar equipment
		7.14.B.4	Removed solar manufacturer specifications for solar equipment from a requirement with solar application
NEW	223	7.14.A.1.	Added: All CSES shall be constructed of <i>commercially available</i> equipment that conforms to applicable industry standards.
NEW	223	7.14.B.1.	Fence to "discourage" unauthorized access, previously stated "prevent" No longer allows neighboring property owner(s) involvement with fencing alternatives.
NEW	223	7.14.B.2.	Added "discourage" access by the public, and access to the same shall be through a locked gate. Previously worded: prevent
NEW	224	7.14.B.3	The vegetative buffer will not be required to <i>block</i> the view completely but be substantial enough to meet Plan Admin. Approval Applies to only facing all habitable dwellings fit for human occupation on non-participating properties within 1/2 mile.
NEW	224	7.14.B.3.c	Removed buffering requirement for non-participating properties used for ag ground

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<u>Section</u>	<u>Page</u>	<u>Number</u>	<u>Change:</u>
OLD	224	7.14.B.5	Removed requirement for qualified solar installer
OLD	224	7.14.B.6	Removed performance given to American manufactured components for solar equipment
OLD	224	7.14.C.1	Removed neighboring property owner and site developer agreement for fencing.
OLD	224	7.14.C.2	Replaced "prevent" with "discourage" public access to solar array
OLD	224	7.14.C.3	Replaced the planting of evergreens, earthen berms with "landscaping"
OLD	224	7.14.C.3.a	Removed any negotiation process between developer and neighboring landowner regarding vegetative buffering
OLD	224	7.14.C.3.b.1	Removed individual homeowner preference for vegetative buffering
New	224	7.14.C.1.	All lighting shall be limited to the MAXIMUM INTENSITY reasonably required for safety, inspection, repair, maintenance, and operational purposes. (Should be minimum to protection nearby properties!)
NEW	224	7.14.D.2	Danger and High Voltage signage posted every 600' feet along fencing
NEW	224	7.14.E.1	Reduced the requirement for wind resistance to 90 MPH (previously 112 mph)
NEW	225	7.14.F.2	All direct current cables may be either be above or below ground. Previously required below ground whenever possible.
OLD	225	7.14.G.2	Removed language concerning collection cables being placed underground when possible.
NEW	225	7.14.G.2	Added All hazardous materials or waste related to any CSES that is not properly contained shall be removed and disposed of per IDEM
NEW	225	7.14.H.1	added: ground area shall be covered with low growing native perennials for purpose of erosion control
NEW	225	7.14.H.1.c	Added: Allow for best practices in limiting invasive or noxious species
NEW	225	7.14.H.4	Added: Allow for best practices for herbicide and pesticide applications
OLD	225	7.14.I.1.a	Removed the requirement to minimize the Lake effect on birds
OLD	225	7.14.I.1.b	Removed the requirement to encourage nesting grassland birds
OLD	225	7.14.I.1.c	Removed the limit of times properties is mowing during the year
OLD	225	7.14.I.1.f	Removed requirement to control chemical and pesticide management
OLD	225	7.14.I.1.g	Removed requirement to maintain property free of invasive or noxious species
OLD	225	7.15.A.1.	Raised the noise limit to 60 dBA , previously at 50 dBA.

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<u>Section</u>	<u>Page</u>	<u>Number</u>	<u>Change:</u>
OLD	226	7.15.A.1.	Removed third party study requirement for noise and glare
OLD	226	7.15.B.1.	Removed the requirement for compliance with existing septic and well regulations as required by the Pul.Co. health department and/or State of Indiana Department of Health. Allows for CSES to be built over drainage tile
NEW	225	7.15.B.1.	Replaced "to the greatest practical extent" with "to the extent practical and consistent with industry standards"....
OLD	226	7.15.E.1	Removed the requirement for solar developer to avoid Communication Disturbances
OLD	227	7.16.C.1.a	Removes Interference requirement during pre-construction
OLD	227	7.16.C.1.b.	Removes Interference requirement during post construction
OLD	227	7.16.C.1.c.	Removes "failure to remedy a compliant" regarding interference
NEW	226	7.16.C.1	Added: Operation under generally accepted design and operation practices will be deemed compliance with the foregoing.
OLD	227	7.16.D.1	Removes "fire hazard" from the list of items named as a Declaration of Public Nuisance
NEW	227	7.18.A.	Added: The cost of any third-party engineer shall be borne by the developer.
New	227	7.18.A.2.a.	Added language regarding EDA and tax abatement language
	228	7.18.A.2.c.	Reduces from "greatest extent possible" to "reasonable efforts" to limit road closures.
OLD	228	7.18.A.3	Removes erosion control plan and stormwater quality management plan adopted by the applicable jurisdiction.
OLD	228	7.18.A.4	Removes the utility plan drawing illustrating the locaton of all underground and above ground utility lines associated with the total CSES project.
OLD	228	7.18.A.5	Removes requirement to provide a copy of the site layout plan as approved by the landowner
OLD	229	7.18.A.7	Removes requirement to show proof of correspondence and cooperation with wildlife/environmental agencies
OLD	229	7.18.A.8	Removes requirement to provide copies of evidence of communication studies providing evidence of compliance with state and federal agencies with jurisdiction requiring such studies.
New	228	7.18.B.	Added: Any threatened or pending litigation challenging the building permit

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<u>Section</u>	<u>Page</u>	<u>Number</u>	<u>Change:</u>
			issuance will not prohibit the owner/operator from beginning
			construction unless the court grants an injunction prohibiting construct-
			ion and requires a bond sufficient to cover any damages caused by
			delays to owner/operator.
OLD	228	7.19.A.2	Removed that must be approved by the Drainage Agreement. States:
			Reasonable stormwater best-management practices as outlined by IDEM.
OLD	229	7.19.A.4	Removes the requirement for the developer/owner shall adhere to
			best practices regarding worker and public safety
OLD	229	7.19.A.5	Removes the requirement for developer/owner shall adhere to any and
			all federal, state, and local laws regarding construction,
			generally, and of utility infrastructure, specifically.
OLD	229	7.20.A.4	Removes the option for the building department does not receive required
			verification within 30 days of their requested notice, removes the option
			building department may hire a qualified external inspector to
			perform CSES system inspections at the developer's/owner's
			expense.
NEW	228	7.20.A.4	Added annual operations report to include estimate of operable and
			inoperable solar panels and plan for repair or decommissioning/replace-
			ment/disposal of inoperable panels. Report shall also include certified
			electrical generation for the year. Due by March 15
SECTION 8: DEFINITIONS & MEASUREMENT			
<u>Section</u>	<u>Page</u>	<u>Number</u>	<u>Change:</u>
8	240	Definitions	Eliminates the minimum CSES area of 5 acres. No minimum to CSES.