

Current

R. Applications for All Solar Energy Systems (SES)

1. An application for any SES shall include the following information:

Language Changed

- a. Contact information of project applicant. The name(s), address(es), and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.
- b. Contact information of current project owner. The name(s), address(es), and phone number(s) of the owner(s), as well as a description of the owner's business structure (commercial SES only) and overall role in the proposed project, and including documentation of land ownership or legal control of the property on which the SES is proposed to be located. The Plan Commission shall be informed of any changes in ownership.
- c. Contact information of project operator. The name(s), address(es), and phone number(s) of the operator(s), as well as a description of the operator's business structure (commercial SES only) and overall role in the proposed project. The Plan Commission shall be informed of any changes in operatorship.

2.3.R.1.C

d. Legal description. The legal description, address, and general location of the project.

e. Project description. A CSES Project Description including:

~~X~~ Number of panels;

~~X~~ Type;

7.2.B.2

~~X~~ Name Plate generating capacity;

7.14.B.1

~~X~~ Maximum spatial extent (height and fence lines)

7.14.F

~~X~~ 5) The means of interconnecting with the electrical grid;

~~X~~ The potential equipment manufacturer(s) and model(s); and

2.3.R.3.a.4

7) All related accessory structures.

f. ~~Engineering Certification. For all SES, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application, that all equipment is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the equipment showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the solar panel, including the base.~~

2. Applications for Accessory Use SES. In addition to the application requirements listed in Section 2.3 (R) (1), the following shall apply for accessory-use SES:

~~X~~ Demonstration of energy need. The primary purpose of the production of energy from an accessory-use SES shall be to serve the energy needs of that tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of the SES fulfills this need. Net-metering shall be allowed, but producing excess electricity to deliver back to the grid shall not be the primary intent of the SES.

~~X~~ Utility Notification. No accessory-use SES shall be installed until evidence has been given that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator, inspected the SES, and approved it. Off-grid systems shall be exempt from this requirement.

2.3.R.2.a

~~c~~ Compliance with National Electrical Code. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

2.3.R.2.b

~~d~~ A site layout plan. A Development Plan, drawn to scale, including distances and certified by a registered land surveyor. All drawings shall be at a scale not smaller than one inch equals 200 feet (1"=200') and not larger than one inch equals 50 feet (1"=50'). Any other scale must be approved by the Administrator. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24"x 36"). The plan should include the following information:

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Procedures

- 1) address, general location, acreage, and parcel number(s) of subject property
 - 2) name of subdivision in which property exists (if applicable)
 - 3) location/key with north arrow
 - 4) property dimensions
 - 2.3.R.2.b.5 5) existing and proposed buildings, parking areas, and other natural and manmade features, including locations of any utilities, wells, drainage tiles, and/or waterways
 - 6) existing and proposed building setbacks and separation
 - 7) delineation of all requested variant development standards (if applicable)
 - 8) approximate locations of neighboring uses and structures
 - 9) brief description of neighboring uses and structures
 - 10) map scale
 - 2.3.R.2.b.12 11) dated signature of applicant and owner
3. Applications for Commercial SES (CSES) special exception hearings. In addition to the application requirements listed in Section 2.3 (R) (1), applications for CSES shall also include the following information:
- 2.3.R.3.
- a. A site layout plan. A Development Plan, drawn to scale, including distances and certified by a registered land surveyor. All drawings shall be at a scale not smaller than one inch equals 200 feet (1"=200') and not larger than one inch equals 50 feet (1"=50'). Any other scale must be approved by the Administrator. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24"x 36"). The plan should include the following:
 - 1) address, general location, acreage, and parcel number(s) of subject property
 - ~~2) name of subdivision in which property exists (if applicable)~~
 - 3) location/key with north arrow
 - ~~4) property dimensions~~
 - 2.3.R.3.a.3 5) location of and distance to any substations or other means of connection to the electrical grid, including above-ground and underground electric lines, as well as a copy of the written notification provided to the utility company requesting interconnection
language
 - 2.3.R.3.a.4 6) existing and proposed buildings and solar panels, with appropriate setbacks, parking areas, natural features, including vegetation (type and location) and wetlands, and other manmade features, including locations of any utilities, wells, drainage tiles, and/or waterways
 - 7,14.F 7) Electrical cabling
 - 2.3.R.3.a.11 ~~8) Ancillary equipment~~
 - 2.3.R.3.a.5 9) adjacent or on-site public or private streets/roads and alleys
 - 10) existing and proposed ingress/egress
 - 2.3.R.3.a.4 11) existing building setbacks and separation
 - 12) delineation of all requested variant development standards (if applicable)
 - 2.3.R.3.a.4 13) existing easements
 - 2.3.R.3.a.11 ~~14) approximate locations of neighboring uses and structures~~
 - ~~15) brief description of neighboring uses and structures~~
 - 16) existing and proposed landscaping, lighting, and signage
 - 17) map scale
 - 2.3.R.3.a.11 ~~18) Dimensional representation of the structural components of the construction including the base and footings~~

Language Change

- 2.3.R.3.a.12 19) dated signature of applicant and owner
- 2.3.R.3.b 20) Proof of a recorded memorandum of lease for each party contracted with a CSES developer to be recorded at the Pulaski County Courthouse within 60 days of special exception approval
- b. ~~Topographic Map. A USGS topographical map, or map with similar data, of the property and the surrounding area, including any other CSES, flood plains or wetlands within 1 mile, with contours of not more than five (5) foot intervals.~~
- c. The CSES applicant shall certify that the applicant will comply with the utility notification requirements contained in Indiana law and accompanying regulations through the Indiana Public Utility Commission.
- d. Any other item reasonably requested by the Board of Zoning Appeals.
- 2.3.R.3.d e. A fire-protection and safety plan for the construction and operation of the CSES facility, which includes emergency access to the site. The developer will meet, as required, with township representatives such as trustees, Pulaski County EMS and/or its successor, and any and all fire departments providing services and/or mutual aid to address concerns about fire safety and emergency response and to coordinate safety planning and potential need for specialized equipment for extinguishing solar-panel/equipment fires. Financial obligations incurred by departments providing coverage in Pulaski County for solar-energy fire-suppression training purposes shall be negotiated as part of the development of this plan, and any such costs incurred by the developer may be considered during development of the Economic Development Agreement.
4. Aggregated Project Applications. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and reviews and, as appropriate, approvals.
- a. ~~Aggregated Projects. Permits for aggregated projects will be issued by construction phases and recorded separately, as prescribed in this Ordinance.~~
5. ~~After a special exception has been awarded, but before any permits are approved, the CSES developer must provide~~
- a. ~~Proof of correspondence and cooperation with wildlife/environmental agencies (i.e., DNR, IDEM, NRCS, etc) re: endangered species;~~
- b. ~~(a) copy/ies of any communication study/ies providing evidence of compliance with state and federal agencies regarding interference with transmissions such as GPS, television, microwave, agricultural GPS, military defense systems, and radio reception.~~

S. Administrative Appeals

Repeal

1. Purpose. The purpose of this section is to establish a procedure and standards for an aggrieved party, officer, department, or board of the county affected by any decision or determination by the Administrator, other Plan Commission staff members, or other administrative or board charged with enforcing and interpreting this Ordinance per IC 36-7-4-916 and IC 36-7-4-918. The decisions of the Board shall be appealed to the courts as provided by Indiana law.
2. Initiation. All questions of interpretations and enforcement shall be first presented to the Director. An appeal shall be initiated by filing a written notice of appeal with the Administrator within:
- a. Sixty days of the date the determination or decision being appealed is filed in the Zoning Department or office of the Administrator (except where otherwise specified in this Ordinance); or
- b. Thirty days of the date the notice of violation being appealed is issued.
3. Administrative Appeal Review Procedure.
- a. Appeals. Appeals to the Board concerning interpretation or administration of this Ordinance

may be taken by any person or government entity aggrieved or by any officer or bureau of the legislative authority of the County affected by any decision of the Director. An appeal shall be filed with the Administrator and with the Board of Zoning Appeals; such notice of appeal specifying the grounds upon which the appeal is being taken. The Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.

- 1) The appellant shall submit an administrative appeal application within ten (10) days of the Director's decision along with the required supporting information. Supporting information shall include, but not be limited to, the following:
 - a) Original Submittals. Copies of all materials upon which the decision being appealed was based.
 - b) Written Decisions. Copies of any written decisions that are the subject of the appeal.
 - c) Appeal Basis. A letter describing the reasons for the appeal noting specific sections of this Ordinance and other standards applicable in Pulaski County upon which the appeal is based.
 - 2) Stay Of Proceedings. An appeal stays all further proceedings of the action appealed, unless the Administrator from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In this case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Administrator from whom the appeal is taken on due cause shown.
- b. Public Notification. Applicable (see Section 2.3, (D) Required Public Hearings).
- c. Board of Zoning Appeals Review and Decision.
- 1) Applicable.
 - 2) The Board of Zoning Appeals, at the conclusion of a public hearing, shall decide the application in accordance with the Board of Zong Appeals rules of procedure, as appropriate. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Section 2.3 (R) (3) (d) Appeal Review Standards.
 - 3) The action taken shall be one of the following:
 - a) Affirmation of the decision or determination (in whole or in part);
 - b) Modification of the decision or determination (in whole or in part); or Approval of the Administrative Appeal;
 - c) Reversal of the decision or determination (in whole or in part).
- d. Appeal Review Standards. The Board of Zoning Appeals is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:
- 1) The decision-maker did not make an error or correctly applied the standards of this Ordinance in making the decision or interpretation;
 - 2) The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
 - 3) The decision-maker made an error because the decision was based on a standard not contained in this Ordinance or other appropriate county ordinances, regulations, or state statute, or that a standard more strict or broad than the standard established in this Ordinance was applied; or
 - 4) The decision-maker made an error in applying a standard or measuring a standard.