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CYNTHIANA TOWN COUNCIL
ORDINANCE NO 2021-5-10-1
TOWN OF CYNTHIANA

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF MOUNT VERNON, THE TOWN OF CYNTHIANA, THE TOWN OF POSEYVILLE AND UNINCORPORATED POSEY COUNTY CHAPTER 153-ZONING CODE, SECTION 153.120 RENEWABLE ENERGY GENERATION SYSTEMS: SOLAR & WIND

Be it ordained by the Cynthiana Town Council, Posey County, Indiana that The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County, Section 153.120 Renewable Energy Generation Systems: Solar and Wind be amended as follows:

Changes to the ordinances are identified as follows: new language added is underlined and language to be omitted is ~~strikeout~~.

I. Section 153.126(E)

E. COORDINATION WITH APPLICABLE ENTITIES. The Applicant shall submit a summary report identifying the entities the Applicant has communicated and coordinated with respect to the project. The report shall list the entity name, the primary contact person at the entity and contact information, the dates of coordination and list of documents submitted to each agency. The report shall also transmit any comments, suggestions, concerns, approvals, or disapprovals with respect to the project issued by the entity and/or communicated to the Applicant. The following entities and any other entities identified by Executive Director of the APC as applicable to the Applicant shall be contacted:

II. Add Section "H" to 153.127

H. The Applicant states that the reports submitted for preliminary development plan approval remain true and correct and there has been no change in the project design that would require the Applicant to resubmit the project for coordination with applicable entities.

III. Solar Ordinance Section 153.131(A):

No part of the project shall be constructed in any ~~required setback~~, dedicated public easement or dedicated public right-of-way without prior written authorization from the County Commissioners.

IV. Solar Ordinance Section 153.131(E):

No solar panel may be located less than One Hundred (100) feet from any Non-Participating landowner property line or less than fifty (50) feet from a public right of way. No solar panel may be located less than Three Hundred (300) feet from the leading edge of a Non-Participating residence. No solar panel may be located less than Five Hundred (500) feet from the leading edge of any public building, the property line of a public recreational area, or the property line of a public, private or parochial school. Setbacks for solar panels between Participating landowners shall conform to the zoning district requirements.

V. Solar Ordinance Section 153.131(J)

Allowed Variances. Variances may only be granted for relief from 153.126.03 (B). However, the variance application must include an executed agreement between the applicant and all participating and non-participating landowners affected by the requested variance prior to consideration of the variance request by the Board of Zoning Appeals and if approved, the variance must be recorded on the property records with the Posey County Recorder's Office.

VI. Add as Solar Ordinance Section 153.131(K)

K. The Applicant shall include a Landscape Plan, as part of its preliminary development plan, visual impact mitigation report, or separately. The Landscape Plan shall provide for installation of screening to mitigate the Project's impact on the viewshed(s) from any adjacent Non-Participating residence, public building, public recreational or state/local designated scenic areas or roads, and public, private or parochial school ("Viewshed Screening"). The Viewshed Screening shall consist of a mix of non-invasive evergreen and deciduous trees and hedges planted in at least two offset rows at not less than six(6) feet in height at planting and with an expected growth height sufficient to accomplish the Viewshed Screening purpose. Setback areas required under Section 153.126.03 ("Setback Buffers"), unless continued in a use permitted in the zoning district, shall be planted in native forbes and grasses and may include pollinator gardens as verified by the County Extension Agent. The Landscape Plan shall provide for the maintenance, including controlling invasive species, of the Viewshed Screening and Setback Buffers during the life of the Project. The Viewshed Screening may be located in the Setback Buffer. Any Viewshed Screening located in the Setback Buffer of a public right of way or in a public or utility easement shall conform to safety standards set by the applicable regulatory body.

VII. Solar Ordinance Section 153.130(G)

All solar panels and accessory buildings for the project must be fenced in with a fence not less than 7 feet in height, shall not include any barbed or high tensile

wire, shall be of a type compatible with the character of the zoned area, and shall be compliant with applicable NEC standards.

VIII. Solar Ordinance Section 153.132(A) as follows:

A.DECOMMISSIONING SECURITY. At the completion of construction but before any commercial operations begins, the Applicant shall secure and provide to the Area Plan Commission a performance bond, surety bond, letter of credit, or other form of financial assurance that is acceptable to the Area Plan Commission (the "Decommissioning Security") equal to 125% of the estimated cost of decommissioning the project pursuant to the Decommissioning Plan. The Decommissioning Security, in computing the estimated cost of decommissioning, shall consider and deduct up to ~~65%~~ 35% of the Net Salvage Value (as defined) of the project. The amount of the Decommissioning Security shall be adjusted annually by January 31 by an amount equal to the increase in the CPI Index. "CPI Index" shall mean the Consumer Price Index for "All Urban Consumers, U.S. City Average, All items," issued by the Bureau of Labor Statistics of the United States Department of Labor, or, if discontinued or no longer published, such other governmental index that most closely matches the manner in which inflation had been previously tracked as selected by the Area Plan Commission. The Decommissioning Plan and Decommissioning Surety shall be reevaluated every five (5) years commencing with the operation of the project by a licensed engineer approved by the Area Plan Commission and qualified to provide an estimate of the cost of decommissioning of the project and the Net Salvage Value of the project (the "Decommissioning Engineer"). A new Decommissioning Security in the revised amount, if any, shall be provided within sixty (60) days of the approval of the updated Decommissioning Plan.

IX. SECTION 153.126 (E)

The chart included in Section 153.126 (E) is hereby amended (as highlighted), to read as follows:

Authority	Purpose	Type of Documentation	When Required
Federal			
FAA	Coordinate to reduce any flight or airport interference	Compliance letters for each wind turbine	Preliminary
DOD Siting, NOAA	Coordinate siting to mitigate radar interference or any other interference. No wind turbine shall be installed in the “No Build, Mitigation, or Consultation zones as determined by NOAA. ”	Any recommendations or comments received submitted to APC	Preliminary
EPA	Compliance with air and water quality standards under NEPA	Any recommendations or comments submitted to APC	Preliminary
USFWS Indiana Filed Office Migratory Bird Treaty Act (MBTA) Eagle Protection Act Endangered Species Act	Compliance with Land-Based Wind Energy Guidelines	Any recommendations or comments submitted to APC and part of Natural Resources Report	Preliminary
Army Corps of Engineers	Floodplain or wetlands involvement	Designations and comments and permit if required	Preliminary
State			
IDNR	Historic Preservation, Flood Plains	Comments	Preliminary

IDEM	Endangered Species	Comments	Preliminary
Local			
Private airport authorities permitted by FAA and IAA	Coordinate siting process	Any recommendations or comments submitted to APC	Preliminary
Posey County Soil & Water Conservation District	Drainage Plan Approval	Drainage Plan	Final
Telecommunications Infrastructure Owners and Operators	All telecommunications owners and operators with infrastructure within 2 miles of project boundary shall be notified and consulted	Any comments or recommendations received from owners and operators shall be submitted to the APC	Preliminary
Highway Supervisor	Road Plan Approval (construction, maintenance, access cuts)	Transportation Plan	Final
Local Emergency Response	Life Line access, safety protocols	Safety and Security Plan	Final

X. This Ordinance shall be in full force upon its passage.

ORDAINED AND PASSED by the Cynthiana Town Council, Posey County, Indiana, this
10 day of May, 2021.


CYNTHIANA TOWN COUNCIL



Jeffrey P. Gce



Steven Sims



Andrew Porath

ATTEST: 
Clerk-Treasurer Cindy Schmitz