

Noble County Unified Development Ordinance in collaboration with Home Town Initiatives

Page	Article	Correction Removed New / Blue = Staff or board comments
All	UDO Title	Remove "Amended" and keep "revision date" at the bottom of every page
ii	Table of Contents	Font for articles 2.05 – 2.08 changed – it was smaller than the rest.
iii	Table of Contents	Added CSO District Article 3
iv	Table of Contents	Added Ground-Mount Solar Energy Standards to Article 5
iv	Table of Contents	Added Manufactured Home as a Temporary Dwelling Standards to Article 5
vi	Table of Contents	Added Development Plan Solar Energy Systems to Article 9
1-7	1.17	HTI Removed Airport Overlay & Wellhead Overlay. It is the opinion of the staff that removing the existing Overlay Districts would be an amendment, and they should remain in the UDO at this time (Wellhead & Airport)
1-11	1.24	Remove "s" from Plat Committee and changed
** Change back to- refers to HTI putting something back in or making an adjustment that PC wants corrected to reflect the 2019 approved UDO or Solar Ordinance. (Prior change) **		
2-2 – 2-40	Throughout Article 2 Permitted Uses	"*" Permitted only on developable lots that are 2 acres or more in size – this note should be consistent throughout all districts in Article 2. "*" Should consistently appear any time any of the following uses are listed in permitted uses or special exception uses: solar energy system ground-mount, agricultural tourism, bed and breakfast, farmer's market, home-based business (type 3), stable (private), hunting club, kennel, stable (commercial), winery/brewery/distillery (spirits), Accessory Dwelling – permanent,
2-4	2.03	"Accessory dwelling, temporary was listed twice. Remove one per Plan Commission
2-4, 2-6, 2-8	2.03, 2.05, 2.07	Changed "raising of farm animals" to "livestock operation"
2-5, 2-7, 2-9	2.04, 2.06, 2.08	Development Standards Tiles: Adjust center and left tile(s) to reflect the "centerline of the road" for the front yard setback. – should be consistent in A1, A2, A3, & RE All tiles for R1-Hi should reflect the front yard setback to be measured from the edge of the ROW. Lot width should be illustrated to be measured at the Minimum Front Yard Setback location (HTI stated they will not make this change at this time, but that it could be a future amendment).
2-6	2.05	Added Residential Permitted Uses: dwelling, single-family detached; farmstead
2-8	2.07	Removed from Special Exception Uses and Added to Residential Permitted Uses: dwelling, single-family detached
2-9	2.08	Minimum Lot Area – Change back to 4 acres
2-9	2.08	Minimum Lot Width – Change back to 200'.
2-23	2.22 LR	Removed from the Setback section "or average setback for adjacent structures whichever is less "
3-2 – 3-9	3.01- 3.04	Added Commercial Solar Overlay District
3-2 – 3-9	CSO Title	Commercial Solar Energy System (CSO) District: Remove "Energy System" and change to "Overlay" to mirror the Windfarm format. (Consistency) "Commercial Solar Overlay District

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		(CSO)" - <i>When referring to the Commercial Solar Overlay, the word "Energy" is no longer used, correct?</i>
3-3	3.02 C	Add wording to reflect that it is considering only the developed area within the fence: The maximum area of real property in Noble County available to be developed as commercial solar energy systems <i>(as measured inside the fence)</i> shall be 4,700 acres.
3-3	3.02 C	Change " After 4,700 " to "Once 4,700 ac" and " have been developed " to "have been designated" in the third sentence. (Consistency)
3-3	3.02 D 1.c	Remove "land use" & "to permit the development of": c. Land Use -Variances: Applications for a use variance to permit the development of relative to a commercial solar energy system shall not be accepted to considered by the Noble County Board of Zoning Appeals.
3-3	3.02 D 2.c	Remove "land use," "use," & "to permit the development of": c. Land Use -Variances: Applications for a use variance to permit the development of relative to a commercial solar energy system shall not be accepted to considered by the Noble County Board of Zoning Appeals.
3-3	3.02 D.3.a	The approved Development Plan would trigger the moratorium. Also, once 4,700 ac have been accepted, no more applications shall be accepted. a. "Full Consideration: If the proposed project results in exceeding the maximum acreage limit of 4,700 by less than five percent (5%), the Zoning Administrator shall accept the Development Plan for a Commercial Solar Energy System application, and the project shall be given full consideration by the Development Plan Committee and Plan Commission. Upon approval of the Development Plan Solar Energy System by the Plan Commission, an application for a Zoning Map Amendment (Rezoning) to the CSO District shall be filed. The Plan Commission and County Commissioners shall give the project full consideration. In the event the Rezoning is approved by the Noble County Plan Commission, The Zoning Administrator shall publish notice of a moratorium in accordance with this section. During consideration of the proposed project, no additional applications for any commercial solar energy systems shall be accepted by the Noble County Plan Commission."
3-3	3.02 D.3.b	b. No Consideration: If the proposed project results in exceeding the maximum acreage limit by five percent (5%) or more, the Zoning Administrator shall not accept the Development Plan Solar Energy System application. Should the applicant of the proposed project wish to proceed, the Zoning Administrator shall publish the notice of a moratorium in accordance with this section. The application for the proposed project shall be accepted, but not considered until the end of the moratorium.
3-4	3.04 D.3	Changed "yard" to "year" in the last sentence. "...minimum rear year yard setback established..."
3-5	3.04 H.	
3-5 **	3.04 H.6	(June) The board asked for more clarity regarding this section and if it covered a non-participating landowner. Also, members wanted to change (a), (b), and (c) <i>"to be determined by a third-party expert, hired by the County, at the cost of the developer."</i> a) A minimum of two million dollars (\$2,000,000) in general liability limit. b) A minimum of five million dollars (\$5,000,000) as a fixed umbrella limit. c) A fixed site pollution policy sufficient to cover any site contamination. (July) "The owner/operator of the commercial solar energy system shall submit a Certificate of Liability Insurance annually to the Zoning Administrator to the Noble County Commissioners and the Zoning Administrator throughout the lifetime of the project. <i>Please advise on wording/format</i>

*Under Review
by County
Commissioners*

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3-6	3.04 I.1	Noise: "A commercial solar energy system shall not produce noise that, when measured at any point along the fence enclosure (around the system), shall not exceed fifty decibels (50 dBA) as measured at the CSO fence.
	3.04 J	Missing number 13. b from the original Solar Ordinance (Requirement). Missing wording in Visual Buffer: "At the onset of CSES installation" "subject to approval by the Development Plan Committee." *Stay with the original ordinance as it was written and approved
	3.04 J.3	Remove the last sentence " The visual buffer shall be a minimum of twenty (20) feet in depth "
	3.04 J.5	An additional extension is filed no less than 14 days prior to the next PC Hearing and can only be granted an additional 6 months by Plan Commission Members agreed with the language as it was approved in the original ordinance.
3-7	3.04 M.6	Intent to be #6. Also "independent third party"
3-7 **	3.04 N	Change wording to "Provide surety in the form of a bond or escrow transferable to new owner/developer and shall be approved and accepted by the County Commissioners"
3-7 **	3.04 N	"The owner/operator of the commercial solar energy system shall provide a surety in the form of a bond (or Escrow) or letter of credit . The bond or letter of credit shall be accepted by the County Commissioners simultaneous to approving the rezoning to CSO District and meet the following standards:" (Transferable to new owner/developer, and where applicable county)
3-7	3.04 N.4	Changed "Right of Enter" to "Right to Enter": "Permit the Plan Commission and County Commissioners the right of to enter the property in the event the commercial solar energy system is abandoned." *Staff wants confirmation which wording is legally correct – right of entry or right to enter.
3-8	3.04 O.6	Add "and shall be in compliance with the Noble County Storm Water and Erosion Control Ordinance."
3-8 **	3.04 O.7	Members added and removed wording to reflect changes made in 3.04 H.6. "The primary contractor (owner/operator) shall provide a Certificate of Liability Insurance with a minimum of two million dollars (\$2M) limit as factored by a third party – hired by Noble County at the expense of the developer, with the Noble County Commissioners listed as an additionally insured."
3-8	3.04 P.2	Add "Improvement Location Permit" to the first sentence.
	3.04 P.4	<i>Natural Disaster:</i> In the event of a natural disaster, act of God, war, terrorist attack, or similar unforeseen event beyond the control of the owner/operator of the commercial solar energy system, the owner/operator of the commercial solar energy system shall provide a written notice of intent to the Zoning Administrator regarding the future of the commercial solar energy system within thirty (30) sixty (60) days of the disaster. **Stay with the original ordinance and language as it was written and approved 22 A-D
3-9	3.04 Q.2	Timeline: The decommissioning process shall begin within six (6) months of the commercial solar energy system ceasing generation. All assets shall be removed within 1 year from the date the CSES last generated electricity **Stay with the original ordinance and language as it was written and approved 22 A-D
	3.04 Q.3	Duration: **Stay with the original ordinance and language as it was written and approved, following 21 D:1-6
	3.04 R	Abandonment: A commercial solar energy system shall be considered abandoned six (6) twelve (12) months after the date that it last generated electricity, and there has been no preparation or action toward decommissioning the system. **Stay with the original ordinance and language as it was written and approved 22 A-D

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5-11	5.13	Changed title from " Animal Density Standards " to "Livestock Operations Standards" – Change carries over throughout the entire Article. *The board wants to keep CFO and livestock operations together in the UDO
5-11	5.13 B.1	Changed 100' to 150'. "...shall be a minimum of 100' 150' measured from..."
5-11	5.13 C	Removed " state environmental laws "
5-13 <i>Under Review by the Plan Commission for final approval</i>	5.15	Keep 5.15 A – C.2 as submitted by HTI. *Note this area as a future amendment to change what will be incorporated back into the final approved UDO per the board.
5-18	5.20 C.2	Adjusted wording for clarity in reference to compliance with the Noble County Stormwater Drainage & Erosion Control Ordinance. (This will be clearly stated throughout the UDO.)
5-19	5.20 D.1&2	The language was adjusted to better reflect the Setback Standards of the UDO and for clarity in reference to compliance with the Noble County Stormwater Drainage & Erosion Control Ordinance.
5-29	Article titles	KA-01, KA-02, KA-03 are all missing punctuation in the article name. i.e.: "KA-01: Single-family Residential Keeping of Household and Outdoor Pets Standards."
5-30	Article title	Missing punctuation: KL-01: Kennels Standards
5-30	5.35 A	Removed "dog" – Any dog kennel (as defined).
5-30	5.35E.1	Staff requested wording be <i>changed back to</i> "exercise yard" instead of " outdoor areas "
5-31	5.36	The OS tile was added in the 2019 revision, should the A1 tile be added there as well? As it is written now, A1 has no lighting standards. (Future amendment?)
5-32	Article titles	5.37, 5.38, and 5.39 were added by an amendment in 2019. Should these have article names that are consistent with the rest of Article 5? i.e.: LT-02: Agricultural and Industrial Lighting Standards, LT-03: Residential Lighting Standards, LT-04: Institutional Lighting Standards
5-43	PK-A table	Add with winery, brewery/distillery (spirits): "Winery/ brewery/distillery (spirits)"
5-50	5.56 B.2.c	Added c. "For A1, A2, A3, and RE Districts, the minimum front setback shall be measured from the centerline of the street. For all other districts, the minimum front setback shall be measured from the edge of the right-of-way or edge of the driving surface, whichever results in the greatest setback from the road."
5-50	5.56 B.5.a	Added the last sentence for ZA discretion "... without the cancellation of the commitment by the Plan Commission or the Zoning Administrator. All commitments and revocations or alterations of said commitments under this section shall be recorded in the Office of the Noble County Recorder. Any discrepancies regarding the use of tracts in combination shall be at the Zoning Administrator's discretion."
5-51	5.56 C.11	Board members did not like the "twenty (20) feet" setback. "Needs to be out of the ROW and off the property line"
5-73	5.66	New – Added General Solar Energy Systems Standards
5-73	5.67	New – Added Ground-mount Solar Energy Systems Standards
5-79	5.76	New – Added Manufactured Home as Temporary Dwelling Standards. This was moved from Article 9.07 and language was added for clarification of intent.
5-79	5.76 B	Change "maybe" to "shall be" – "The temporary manufactured home maybe shall be located on the same lot as the dwelling unit that is being replaced or is under construction."
5-79	5.76 C	Replace "shall" with "may" – "The temporary manufactured home may shall exist on the property for a period not to exceed one year. ..."
5-82	Article title	Missing punctuation: WT-01: Small Wind Turbine Systems Standards
5-84	Article title	Missing punctuation: WT-01: Large Wind Turbine Systems Standards

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5-84	5.80 A.1&2	The section number referenced at the end of each sentence is incorrect. (5.73 should be 5.80)
All of Article 6	6.01, 6.04, 6.07, 6.10, 6.13	<i>Change back to:</i> put “Applicable Process” back into the UDO. It has been present in the Subdivision Intent boxes since 2014.
All of Article 6	6.03, 6.06, 6.09, 6.12, 6.15	<i>Change back to:</i> put “See the Noble County Highway Construction Standards” back into the UDO. It has been present in the Subdivision Standards boxes since 2014.
9-4	9.04	HTI – noted Ag parcels are not listed for planned developments. <i>Should the A1 tile be included? (Reference 9.11 Planned Development general implies all districts)</i>
9-10	9.07 A	The manufactured home as a temporary dwelling unit detail was moved to Article 5.76.
9-14	9.09 A.2.c	New – Added, “ Solar energy systems shall follow the process in Section 9.10 Development Plan: Solar Energy Systems. ”
9-18 – 9-22	9.10	Added Development Plan; Solar Energy Systems (Missing punctuation in title: Development Plan; Solar Energy Systems)
9-18	9.10 A	Remove OS tile – <i>SES not permitted in Open Space District.</i>
	9.10 C.1.a	“Interested Party Information:” Missing 23N1 from original Solar Ordinance. Needs added to the UDO. Proof of notice to interested parties.
9-19	9.10 C.3.d.xvi	Change the last word from percentage to acreage – “A calculation of the existing lot coverage, expressed in a percentage acres. ”
9-21	9.10 E.5	<i>Change back to:</i> Findings of Fact should read the same as the originally approved solar ordinance with one change – Put the Comprehensive Plan first.
9-22	9.10 G.2	Minor Amendments: <i>Any minor amendments to an approved Development Plan Solar Energy System, that do not involve an increase in height, area, bulk, or intensity of the Solar Energy System; a reduction in yards; or the addition of driveways or access points; and minor amendments that do not adversely impact the purpose or intent of the overall development, shall be submitted in writing to the Zoning Administrator no less than 60 days before the next regularly scheduled meeting of the Plan Commission, for their decision.</i> <i>(Placed on the agenda, does not require a new application.)</i>
9-22	9.10 G.3	Major Amendments: <i>If for any reason the Zoning Administrator believes a more thorough review of a proposed amendment is necessary, the applicant shall be required to file a new application for the Development Plan Solar Energy System to be submitted to the Development Plan Committee. Once found favorable, shall move forward to the Plan Commission for approval.</i> <i>(Legal advertisement and new application.)</i>
9-22	9.10 I.2	“The owner/operator shall update the cost estimate for decommissioning the Commercial Solar Energy System every five (5) years and provided an updated surety reflective of the updated amount.”
9-36	9.16 B.1	Remove the A1 tile <i>(per Article 7)</i>
9-39	9.19 E.7	Add wording for the requirement “to be recorded within 90 days” <i>to the face of the plat</i>
9-42	9.18 C.2	HTI has better explained this restriction. A new image tile was added. <i>The board requested an “X” through the image depicting what was not permitted.</i>
9-43	9.18 E.1	New – Added “Plan Commission” & “Plat Committee” language for clarity
9-43	9.18 E.3.a	New – Added “ For hearings before the Plan Commission: ”
9-44	9.18 E.3.b	New – Added “ For consideration before the Plat Committee ”

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		i. The Zoning Administrator shall provide public notice of the Minor Subdivision Plat upon approval by the Plat Committee.”
9-44	9.18 E.6	Added “if applicable” at the end of the 4 th bullet point – “Input from the public during the public hearing (if applicable),
9-44	9.18 E.7.a&b	New – Added “or Plat Committee”
9-44	9.18 E.7.c.i	New – Added “Plan Commission Approval:”
9-44	9.18 E.7.c.ii	New – Added “Plan Commission Denial:”
9-44	9.18 E.7.c.iii	New – Added Plat Committee Approval paragraph – “Plat Committee Approval: If the Plat Committee by vote finds all of the findings of fact in the affirmative, it shall grant approval subject to approval to the Plan Commission. Within ten (10) days of the approval, the Zoning Administrator shall provide notice of the Minor Subdivision Primary Plat approval by publication of a legal notice in a newspaper of general circulation. The notice shall include the right to appeal the Plat Committee’s approval to the Plan Commission pursuant to IC 36-7-4-701.”
9-44	9.18 E.7.c.iv	New – Added Plat Committee Denial paragraph – “Plat Committee Denial: If the Plat Committee by vote does not final all of the findings of fact in the affirmative, it shall deny the application for a Minor Subdivision Primary Plat.”
9-44	9.18 E.d	New – Added “or Plat Committee”
9-47	9.19 D.c	New – Added “c. Draft copy of new deed(s) transferring the property from the owner to themselves using the new legal description.”
9-47	9.19 E.5	Add wording for the requirement “to be recorded within 90 days” <i>to the face of the plat</i>
10-2	10.02 B&C	Added Solar wording
10-4	10.04 A.3	Added Legal Fees for Solar
11-7	11.02 Commercial Solar Energy System (CSES)	Added term from Solar Ordinance.
11-8	Decibel (dBA)	Added term from Solar Ordinance
11-9	Dwelling, Accessory, Temporary	Correct typo: three years of or less
11-15	Interested Party	Added definition from Solar Ordinance
11-16	Kilowatt (kW)	Added definition from Solar Ordinance
11-16	Laydown Area	Added definition from Solar Ordinance
11-16	Liability Insurance	Added definition from Solar Ordinance
11-16	Livestock Operations	Modified numbers: 100 150 dairy cattle, poultry 7,500 1,200 (chickens & ducks)
11-16	Lot	Added language reference to 5.48 B.5 – Commitment to Combine
11-20	Megawatt (MW)	Added term from Solar Ordinance.
11-20	Moratorium Date	Added term from Solar Ordinance. The board requested a more general definition not related to solar.

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11-21	Noise Generating Equipment	Added term from Solar Ordinance. "Any equipment that generates noise. with an hourly average sound level of fifty decibels (50dB) or more. Fifty decibels (50dB) is about equivalent to the sound of moderate rainfall! " The board removed wording to keep the definition as general as possible.
11-22	Overlay District	Added term from Solar Ordinance.
11-23	Places of Worship	Staff requested language clarification – Use the most recent version, but remove "or anything that furthers the basic intent of the religious organization on the property."
11-24	Property, Non-participating & participating	The board requested to remove language making it relative to solar. "A property in which the owner is not a participating landowner in a commercial solar energy system . Any property that may or may not be affected by a utility-grade wind turbine system or commercial solar energy system that does not meet the definition for a Participating Property." - The board decided to remove wording to keep the definition as general as possible. "The owner of the property has established and signed a waiver allowing the wind farm to encroach on said property with respect to setback distances or other criteria set forth by Section 3.4: WFO District Development Standards (e.g., number of hours, of shadow flicker or decibel level) or any other overlay Section 3.XX CSO District Development Standards. " "The property hosts equipment or components of a commercial solar energy system either by ownership, lease, or agreement with a commercial energy system owner/operator." - The board decided to remove and change some wording in the 2 nd bullet point to make it more general and entirely removed the 3 rd bullet point.
11-24	Radius	Should be in red. Added term from Solar Ordinance.
11-25	Raising of Farm Animals	Removed and changed to "Livestock Operation"
11-29	Solar Energy System, Commercial, Ground-mount, Roof-top	Added terms from Solar Ordinance.
11-29	Staging Area	Added terms from Solar Ordinance.
11-29	Stewardship Plan	Added terms from Solar Ordinance.
11-32	Underlying District	Added wording from Solar Ordinance: "Regarding commercial solar energy systems..." The board added wording: "For example: Regarding commercial solar energy systems, the underlying zoning district (base zoning) shall be subordinate to the CSO District."
11-33	Viewshed	Added terms from Solar Ordinance.
11-33	Waste Management Plan	Added terms from Solar Ordinance.