GENERAL ORDINANCE NO. 4, 2026
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WABASH, INDIANA, AMENDING CHAPTER 10 OF THE WABASH CITY CODE TO PROVIDE FOR REGULATION OF BATTERY, SOLAR AND WIND ENERGY SYSTEMS

WHEREAS, the Wabash City Plan Commission pursuant to Indiana Code has previously adopted a comprehensive plan for the orderly development and growth of the territory within the jurisdictional limits of the Wabash City Plan Commission, and

WHEREAS, the Common Council of the City of Wabash, Indiana has adopted a zoning ordinance to carry out the intent and purposes of the comprehensive plan developed for the jurisdictional limits of the Wabash City Plan Commission and to provide for the enforcement thereof, and

WHEREAS, the zoning ordinance, known as General Ordinance No. 1, 1995, as amended, passed by the Common Council of the City of Wabash, Wabash County, Indiana, on the 24th day of April 1995 and also found at Chapter 10 of the Wabash City Code, has provided for the regulation of various uses within the territorial jurisdiction of the Wabash City Plan Commission; and

WHEREAS, the current Zoning Ordinance does not specifically provide for the regulation of private, commercial or industrial battery, solar or wind energy projects; and

WHEREAS, it would be beneficial to the orderly development and growth of the territory within the jurisdiction of the Wabash City Plan Commission and would further enhance the purposes and intent of the comprehensive plan to amend the zoning ordinance to provide regulations concerning battery, solar and wind energy systems; and

WHEREAS, battery, solar and wind energy systems present several issues that might impact how others within the jurisdiction enjoy the benefits of their own properties; and

WHEREAS, there appear to be persons or entities interested in establishing battery, solar or wind energy systems within the jurisdiction; and

WHEREAS, the Plan Commission has passed a resolution recommending changes to the Zoning Ordinance to provide for reasonable regulations for battery, solar and wind energy systems within the jurisdiction;

BE IT THEREFORE ORDAINED by the Common Council of the City of Wabash, Indiana that:

Section 1. The Common Council of the City of Wabash, Indiana now finds that General Ordinance No. 1, 1995 passed by the Common Council of the City of Wabash, Wabash County, Indiana, on the 24th day of April 1995 as amended thereafter, should be further amended (1) to add new provisions to the "Permitted Uses," Special Exceptions, and Supplemental Regulation, (2) to add new entries to the Table of Permitted Uses, (3) provide additional definitions, and (4)

to delete old provisions in conflict with the new provisions to better control the use of battery, solar and wind energy systems, all of which are to read as hereinafter set forth:

Section 2. Add to the list of Permitted Uses found in Section 10-70 a new permitted use to read as follows:

6. *Small Energy Systems.* Except for certain Small Energy Systems-A (SES-A) requiring a Special Exception as set forth in the definition of an SES-A, solar projects meeting the SES-A definition, SES-Carports available for public use for 2 or fewer cars , SES-Carports located on an employer's property for use only by employer's employees, regardless of the number, SES-Ground and SES-COOP of no more than 1 acre, and SES Owner of no more than 5 acres, which collectively are called SES-PERMITTED in this Section 10-70, are permitted uses in all zoning districts where structures of any sort are allowed, subject to certain development standards and requirements as set forth herein:

(A) Permits - A Building Permit shall be required prior to the construction, erection, placement, modification, or alteration of a SES-PERMITTED.

(B) Applicability - Any lawfully established SES-PERMITTED, as defined, shall meet the Solar Energy standards as set forth in this Chapter.

(C) Location:

1. Roof-mounted solar energy systems shall be placed only on the roof of a structure.

2. Ground-mounted solar energy systems shall be placed within areas that meet the permitted setback requirements for accessory structures, in the applicable zoning district associated with the property.

(D) Residential Design - In areas zoned Residential, ground-mounted solar energy systems shall not be located in the front yard.

(E) Decommissioning – Any SES-PERMITTED that is no longer producing viable energy for consumption shall be removed no later than six (6) months after final energy production occurs.

(F)Declaration of Public Nuisance - Any SES-PERMITTED structure or portion thereof that, due to inadequate maintenance, dilapidation, obsolescence, damage, being a fire hazard, being unsafe or abandonment, is hereby declared to be a public nuisance, and upon the initiation by the Building Commissioner or the Commissioner's designee, shall be set for hearing with the Wabash City Board of Public Works and Safety as an unsafe structure pursuant to General Ordinance No. 2, 1986.

(G) Height – SES-PERMITTED must meet the following height requirements:

1. Building or roof-mounted SES-PERMITTED shall not exceed the maximum allowed height for the zoning district in which it is located.

2. Ground or pole-mounted SES-PERMITTED shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

3. Solar carports in non-residential districts shall not exceed twenty (20) feet in height.

(H) Setback – Any SES-PERMITTED must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, as allowed below:

1. Roof or Building-mounted SES-PERMITTED -The collector surface and mounting devices for roof mounted SES-PERMITTED shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are integrated systems and are regulated as awnings.

2. Ground-mounted SES-PERMITTED - May not extend beyond the side or rear yard setbacks when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

(I) Visibility - Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described below, to the extent that doing so does not affect the cost or efficiency of the system, consistent with Indiana Code 36-7-2-8. Visibility standards do not apply to systems in non-residential districts, except for historic buildings or district review as described in subsection (K) below.

1. Integrated Photovoltaic Systems: Shall be allowed regardless of whether the system is visible from public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. Aesthetic restrictions: Roof-mounted or ground-mounted SES-PERMITTED shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley or if the system meets the following standards:

a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten (10) inches above the roof.

b. Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five (5) feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

c. Reflectors: All SES-PERMITTED using a reflector to enhance solar

production shall minimize glare from the reflector affecting adjacent or nearby properties.

(J) Lot Coverage - Ground mounted systems shall meet the existing lot coverage restrictions for the zoning district except as defined below.

1. Ground mounted system shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

2. Ground mounted systems shall not count toward the maximum number of accessory structures permitted.

3. Solar carports in non-residential districts are exempt from lot coverage limitations.

(K) Historic Buildings - SES-PERMITTED on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the Historic Preservation Officer, or equivalent, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of the Interior.

(L) Plan Approval Required - All SES-PERMITTED require a building permit from the City of Wabash Building Department. All SES-PERMITTED requiring a building permit shall provide a site plan for review. Plan applications for SES-PERMITTED shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for ground mounted system, including the property lines.

(M) Approved Solar Components - Electric solar energy system components must have an Underwriters Laboratory (UL), or equivalent listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.

(N) Compliance with Building Code - All SES-PERMITTED shall meet approval of local building code officials, consistent with the State of Indiana Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code, Mechanical Code, and/or Plumbing Code.

(O) Compliance with State Fire Code – All Solar Energy Systems (SES-PERMITTED) and any associated battery storage systems shall comply with Indiana State Fire Code.

(P) Compliance with State Electric Code - All photovoltaic systems shall comply with the Indiana State Electric Code.

(Q) Compliance with State Plumbing Code - Solar thermal systems shall comply with the Indiana State Plumbing Code requirements.

(R) Compliant with Flood Plain Regulations. If the property upon which a ground mounted SES-PERMITTED is being located in a Flood Plain Area, all applicable Department of Natural Resources permits and approvals must be obtained before any local permits can be issued for construction in a flood plain.

(S) Utility Notification - It is recommended that the interconnection application be submitted to the utility prior to applying for required permits. Grid-tied solar energy systems shall comply with interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(T) Solar Carports and Associated Electric Vehicle Charging Equipment - These are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building, except to the extent that the carports are a special exception as defined in the definition of an SES-Carport.
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(U) Non-Compliant Solar Energy System - Solar energy systems that do not meet the above design standards will require a development standard variance.

(V) Wind Energy Conversion Systems - Mini WECS or SWECS structures may be established to serve an existing commercial or agricultural use. These structures may not exceed forty-five (45) feet in height and must be situated fifty (50') from all property lines and overhead utility easements to be exempt from the provisions set forth 10-71, special Exception Number 36 " Wind Energy Conversion Systems(WECS).

Section 3. Add to the list of Special Exceptions found in Section 10-71 a new special exception after *Automobile dismantling* and before *Billboard* to read as follows:

5. Battery Energy Storage Systems.

a. Battery Energy Storage Systems-Indoor (BESS-Indoor)

1. Applicability and Exemption. BESS-Indoor shall be considered accessory electrical equipment and shall not be regulated as a principal or accessory land use, provided the system:

i. Is installed entirely within the primary building or mounted to the exterior wall of the primary building it serves or is detached but located within five (5) feet of the primary building which it serves;

ii. Has a total installed energy storage capacity of 40 kilowatt-hours (kWh) or less, or such other threshold as may be established by the Plan Commission; and

iii. Complies with all applicable provisions of the Indiana Building Code, Indiana Fire Code, National Electrical Code, and manufacturer installation requirements.

2. Zoning Exemption. Indoor BESS installations meeting the above criteria, excepting a detached system, shall be exempt from zoning setback, screening, fencing, landscaping, and noise requirements, as such systems do not constitute outdoor structures or land uses.

3. Systems Not Meeting the Definition: Battery energy storage systems that do not meet the definition of an Indoor BESS, including systems exceeding the stated capacity threshold or installed outdoors as standalone equipment, shall be subject to the applicable BESS provisions of the Solar Resolution.

b. Battery Energy Storage Systems located in residential zones must:

1. Be installed within a secure enclosure or structure;

2. Maintain a minimum setback of ten (10) feet from any property line;

3. Not exceed a maximum height of fifteen (15) feet;

4. Not emit noise at the property line any greater than forty-five (45) decibels;

5. Be installed by a qualified professional in accordance with all applicable building codes.

6. Be an accessory use to a permitted solar energy or wind energy conversion system.

c. Battery Energy Storage Systems located in Commercial and Industrial Zones must:

1. Be placed within designated areas approved by the zoning board;

2. Have a minimum setback of twenty (20) feet from any property line;

3. Not exceed a maximum height of twenty-five (25) feet;

4. Not emit noise at the property line any greater than seventy-five (75) decibels;

5. Be installed by a qualified professional in accordance with all applicable building codes;

6. Be an accessory use to a permitted solar energy or wind energy conversion system;

7. Include appropriate fire suppression systems and safety measures.

d. Battery Energy Storage Systems in agricultural zones must:

1. Be located at least fifty (50) feet away from any water source or wetland to prevent contamination;

2. Be installed within a secure and weather-resistant enclosure;

3. Maintain a minimum setback of fifty (50) feet from any property line;

4. Be installed by a qualified professional in accordance with local building codes.

5. Not emit noise at the property line any greater than forty-five (45) decibels;

6. Be an accessory use to a permitted solar energy or wind energy conversion system.

e. Battery Energy Storage Systems are subject to regular inspections by the Building Commissioner, Code Enforcement Officer, or their designees to ensure compliance with this ordinance. Any violations or non-compliance will result in one or more of the following penalties:

1. Warning letter for first time offenders where violation is de minimis or causes no harm;

2. Citations in the Wabash City Court for a code or ordinance violation with a fine as set forth in the Wabash City Code;

3. An order requiring the owner to take specified corrective action;

4. Revocation of the permit and approvals, along with an order to cease and desist and remove the battery energy storage system.

f. Appeals of warning letters, orders to perform corrective action, and revocation of permits and approvals with an order to remove the system may be appealed to the Board of Public Works and Safety and shall be handled following the procedures of an Unsafe Building action. Appeals of a citation in the Wabash City Court shall be appealed to the Wabash Circuit Court in the same manner as an appeal from any other Ordinance violation.

And then renumber all the remaining Special Exceptions.

Section 4. Add to the list of Special Exceptions found in Section 10-71 a new special exception after *Sanitary Landfills* and before *Telecommunications* to read as follows:

33. Solar Energy Systems. Some Solar Energy Systems are permitted only as a Special Exception and will be referred to collectively hereinafter as "SES-SpecEx." These include SES-Carports when the use is for more than 2 vehicles located on a parking lot serving the public, SES-COOP and SES-Ground when covering more than 1 acre or serving an industrial use, or SES-Owner when it is located in a Residential, Historic, or General Business Area or if it is larger than 5 acres.

Prior to the construction, erection, placement, modification, or alteration of any of the foregoing Solar Energy Systems a building permit is required. No permit shall be issued until the project owner has submitted (a) a detailed development/site plan, (b) a site vegetation and landscape plan, (c) a foundation plan containing the information required by subsection (H) hereinafter, (d) drainage plans, (e) safety and security plan containing the information required by subsection (N) hereinafter, (f) and a decommissioning and site restoration plan. No building permit will be issued unless all applicable fees have been paid, and the plans required by (a)-(f) herein have been reviewed for and found compliant with this ordinance. Additionally, any lawfully established SES-SpecEX shall meet the Solar Energy standards as set forth hereinafter.

(A) Location:

1. SES-SPECEX projects are permitted as a special exception, in Industrial (LI, HI), Commercial (GB), Agricultural (AG), Flood Plain (FP) and Suburban (S1) and, for SES-COOP only, in Residential (R1).

2. Agricultural Zone and Uses: For areas zoned Agricultural (AG) or that contain uses that would be Permitted Uses in Agricultural Districts, projects that demonstrate that the proposed SES can co-locate with agricultural uses shall be considered a higher priority.

3. SES-SPECEX projects are not permitted to be located over a septic field. Such projects also cannot be constructed over an existing utility easement except with the consent of all applicable utilities.

(B) Setbacks- SES-SpecEX must meet the following setbacks, measured as a straight line from the nearest outer edge of the SES-SPECEX system's solar panels, as follows:

1. The nearest edge of the right-of-way for any federal interstate highway, federal highway, state highway, or county highway is at least forty (40) feet.

2. The nearest edge of the right-of-way for any collector road is at least thirty (30) feet.

3. The nearest edge of the right-of-way for any local road is at least ten (10) feet.

4. The property line of any nonparticipating property is at least fifty (50) feet.

5. A project owner may not install or locate a SES-SPECEX system on a property unless the distance, measured as a straight line, from the nearest outer edge of the SES-SPECEX system's solar panels to the nearest point on the outer wall of a dwelling located on a nonparticipating property is at least two hundred fifty (250) feet, unless written consent is provided by the owner of the nonparticipating property, in which case a landscaped buffer shall be installed. If a project owner installs a SES-SPECEX system within two hundred fifty

(250) feet from a nonparticipating property with a dwelling, the project owner shall install a landscape buffer in the area between the nearest outer edge of the SES-SPECEX system's solar panel and the nonparticipating property owner's property line that faces the SES-SPECEX system's solar panels. See Screening ((c) 2) below for more details on landscape buffer. The distance requirement and the requirement for a landscaping buffer may be waived with respect to the siting of any one (1) SES-SPECEX system subject to the written consent of the owner of each affected nonparticipating property.

(C) Screening - SES-SPECEX shall be screened from existing residential dwellings.

1. The landscape buffer must be in a location that is not on the property of the nonparticipating property owner.

2. The landscape buffer and screening must be constructed from such materials as set forth in a plan submitted to the City of Wabash BZA during the permitting and approval process.

a. A landscaping plan shall be submitted that identifies the type and extent of proposed buffer and screening. Vegetation or another type of buffer can be proposed.

b. Screening shall not be required along highways, roadways, or property lines within the same zoning district, unless the adjoining lot contains an existing residential use.

(D) Height Limit - The height of any SES-SPECEX system on a property is limited to twenty-five (25) feet above ground level when the SES-SPECEX system's arrays are at full tilt. However, a clearance requirement is not imposed between the ground and the bottom edge of the SES-SPECEX system's solar panels.

(E) Fencing - All SES-SPECEX and their appurtenant structures shall be completely enclosed with fencing that is at least six (6) feet high.

(F) Access –

1. All SES-SPECEX projects must include an acceptable access and turn-around area to ensure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent that it is practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

2. The operator of an SES-SPECEX must provide an emergency box with keys to the site and equipment lockers on site at the main entrance or an alternative emergency access solution to the site approved by the Planning Director, or designee.

(G) Ground Cover and Buffer Areas - SES-SPECEX are required to adhere to

the following standards.

1. The project owner shall plant, establish, and maintain for the life of the SES-SPECEX system perennial vegetated ground cover on the ground around and under solar panels, and the project site buffer areas. The use of pollinator seed mixes in the planting of ground cover required by this section is encouraged.

2. A project site vegetation plan is required as follows:

a. The vegetation must be compatible with each SES-SPECEX system on the project site.

b. The vegetation plan must provide for the planting of noninvasive species and the use of native or naturalized species if the planting and use of noninvasive and native or naturalized species are appropriate to the region, economically feasible, and agreed to by the landowner in order to reduce stormwater runoff and erosion at the site and to provide habitat for wildlife and insects.

i. The vegetation plan must provide for site preparation and maintenance practices designed to control invasive species and noxious weeds (as defined in IC 15-16-7-2). To the maximum extent feasible for site conditions, 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.

ii. No insecticide use is permitted on the site. This provision does not apply to insecticide used in on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety.

iii. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.

iv. SES-SPECEX that propose to install, establish, and maintain pollinator-friendly vegetative cover are to demonstrate the quality of their habitat by using guides such as Purdue University Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar- pollinator scorecards designed for Midwestern eco-systems, soils, and habitat.

v. Additional site-specific conditions may apply as required by City of Wabash.

3. Outside storage is not permitted at a SES-SPECEX project except those located in an AG or HI District.

(H) Foundations - A qualified engineer shall certify, prior to application for building permits, that the foundation and design of the solar panel racking, and support is within accepted professional standards and all applicable codes, given local soil, and climate conditions.

(I) Power, Communication Lines, and Infrastructure:

1. All cables of up to thirty-four and one-half (34.5) kilovolts that are located between inverter locations and project substations shall be located and maintained underground, as feasible.

2. Other solar infrastructure, such as module-to-module collection cables, transmission lines, substations, junction boxes, and other typical above ground infrastructure may be located and maintained above ground.

3. Buried cables shall be at a depth of at least thirty-six (36) inches below grade or, if necessitated by onsite conditions, at a greater depth.

4. Cables and lines located outside of the SES-SPECEX system project site may:

a. Be located above ground; or

b. In the case of cable or lines of up to thirty-four and one-half (34.5) kilovolts, be buried underground at:

i. A depth of at least forty-eight (48) inches below grade, so as to not interfere with drainage tile or ditch repairs; or

ii. Another depth, as necessitated by conditions as determined in consultation with the landowner.

5. Installation:

a. SES-SPECEX systems must be designed and constructed to minimize glare on adjacent properties and roadways, and not interfere with vehicular traffic, including air traffic.

b. SES-SPECEX systems must be installed so as to include appropriate light, glare, and electrical shielding to prevent nuisance impacts on adjoining properties and specifically to mitigate impacts to:

i. Television signals;
ii. Microwave signals;
iii. Agricultural global positioning systems;
iv. Military defense radar;
v. Radio reception;
vi. Weather and doppler radar

c. If the project uses one or more reflectors to enhance solar production, the project must minimize glare from the reflector that affects adjacent or nearby properties, to an extent acceptable by the City.

(J) Drainage:

1. All damage to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance

of a SES-SPECEX system must be completely repaired by the project owner or remedied with the installation of new drainage infrastructure so as to not impede the natural flow of water. All repairs must be completed within a reasonable period of time and to the satisfaction of the City of Wabash Stormwater Board and/or Wabash County Drainage Board and as stated in an applicable lease or another agreement with the landowner. This requirement is subject to all federal, state, and local drainage laws and regulations.

2. All Solar Energy Systems must meet the requirements of the City of Wabash Code of Ordinances regarding drainage and erosion control and Nonpoint Pollution Discharge Elimination Systems (NPDES) permit requirements. Solar collectors shall not be considered impervious surfaces if the project complies with ground cover standards, as described in Section 10-71-32 G herein above. Stormwater design and calculations must be done in accordance with the City of Wabash Subdivision Control Ordinance. Additionally, an Erosion Control permit or Stormwater Construction Permit must also be obtained where applicable and submitted as part of the Building Permit Process.

(K) Lighting - Exterior lighting for a SES-SPECEX site shall be limited to that required for safety and operational purposes. If lighting is required, the Applicant shall provide a detailed lighting plan that meets all applicable City, State, and Federal regulations.

(L) Noise - A project owner may not install or locate a SES-SPECEX system unless the project owner demonstrates that the SES-SPECEX system will operate in a manner such that the sound attributable to the SES-SPECEX system will not exceed an hourly average sound level of fifty(50) A-weighted decibels, as modeled at the outer wall of a dwelling located on an adjacent nonparticipating property.

(M) Signage:

1. All SES-SPECEX and their appurtenant structures shall contain a standard metal road sign no larger than four (4) square feet in order to provide the name(s) of the owner(s) and operator(s) of the SES-SPECEX as well as emergency phone number(s) and the address of the site.

2. This sign shall be visible from the access point of the site - but shall be located just outside of the road right-of-way, outside of the sight triangles in either direction - and shall not be lighted, unless lighting is required by applicable law, rule, or regulation.

3. A four (4) square foot warning sign concerning voltage must also be placed at the base of all pad-mounted transformers and substations in a conspicuous location. No other signage, including advertising, shall be permitted.

4. No other signage other than an indicator of the manufacturer's name, address and telephone number shall be permitted within the SES-SPECEX project.

5. No commercial advertising signage is permitted within the SES-SPECEX project.

(N) Safety and Security - A safety and security plan must be submitted and must contain adequate provisions for site security and safety, including those involving emergency service responders.

1. The plan must be submitted to all affected service providers and written acknowledgements from the proper authorities indicating that they are aware of the role of the proposed safety and security plan and that they are capable of performing them must be included in the final plan and permit submittal.

2. If necessary, the Applicant will be responsible for providing any necessary training to ensure that adequate services can be provided to the SES-SPECEX site and surrounding areas.

(O) Other Standards and Codes - All SES-SPECEX shall comply with all applicable local, state, and federal regulatory codes, including the State of Indiana Uniform Building Code, as amended; and the Indiana Fire Code, as amended.

(P) Development Plan/Site Plan Required - The applicant shall submit a detailed development plan for both existing and proposed conditions, showing locations of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands, and other protected natural resources, topography, electric equipment, and all other characteristics required by the City of Wabash. The development plan should show all zoning districts and overlay districts.

(Q) Aviation Protection - SES-SPECEX projects located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or must recent version adopted by the FAA.

(R) Agricultural Protection - City of Wabash may require mitigation for use of prime soils for solar array placement, including the following:

1. Demonstrating co-location of agricultural uses (Agrivoltaics) on the project site.

2. Using an interim use or time-limited conditional use permit that allows the

site to be returned to agriculture at the end of life of the solar installation.

3. Locating the project in a floodplain area for the purpose of removing agricultural uses from low-lying flood areas. All applicable DNR permits and approvals must be obtained before any local permits can be issued for construction in a floodplain.

4. Using pollinator-friendly ground cover.

(S) Review Costs - The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating an SES-SPECEX application, including new construction or significant modification of the site. Applicants for the SES-SPECEX shall deposit with the City funds sufficient, as determined by the City, to reimburse the City for all reasonable costs of any consultants and experts evaluations and consultations to the City in connection with the review of any application, including new construction or significant modification of the site.

(T) Decommissioning - A decommissioning and site restoration plan shall be required to ensure that facilities related to any SES-SPECEX are properly removed after their useful life. This plan should indicate the method and payment of the anticipated cost of removing the SES-SPECEX at the end of its serviceable life or upon its becoming a discontinued or abandoned use to ensure that the SES-SPECEX is properly decommissioned.

1. A surety bond or an equivalent means of security acceptable to the City of Wabash Clerk Treasurer, including a parent company guarantee or an irrevocable letter of credit, but not excluding cash, in an amount equal to the estimated cost of decommissioning the SES-SPECEX system, as calculated by a third party licensed or registered engineer or by another person with suitable experience in the decommissioning of SES-SPECEX systems, as agreed upon by the project owner and the City of Wabash Building Department. Cash deposits, if accepted shall be held in a designated municipal escrow account and released only upon the completion of verified decommissioning activities. The required bond or the security shall be posted in increments such that the total amount of the bond or security posted is as follows:

a. An amount equal to twenty-five percent (25%) of the total estimated decommissioning costs not later than the start date of the SES-SPECEX system's full commercial operation.

b. An amount equal to fifty percent (50%) of the total estimated decommission costs not later than the fifth anniversary of the start date of the SES-SPECEX system's full commercial operation.

c. An amount equal to one hundred percent (100%) of the total estimated decommission cost not later than the tenth anniversary of the start date of the SES-SPECEX system's full commercial operation. For purposes of this

subdivision, the total estimated decommissioning costs shall be reevaluated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of SES-SPECEX systems, as agreed upon by the project owner and the permit authority):

i. In connection with the tenth anniversary of the start date of the SES-SPECEX system's full commercial operation; and

ii. At least once every succeeding five (5) year period after the tenth anniversary of the start date of the SES-SPECEX system's full commercial operation.

d. The estimated cost of decommission of a SES-SPECEX system, as calculated by a licensed or registered professional engineer (or by another person with suitable experience in the decommissioning of SES-SPECEX systems, as agreed upon by the project owner and City Building Commissioner), shall be net any estimated salvage value attributable to the SES-SPECEX system at the time of decommissioning, unless the unit and the project owner agree to include any such value in the estimated cost.

e. A project owner shall provide to the City written notice of the project owner's intent to decommission a SES-SPECEX system not later than sixty (60) days before the discontinuation of commercial operation by the SES-SPECEX system. Except as provided in subsection (g), after the discontinuation of commercial operation by the SES-SPECEX system, as a part of decommissioning process:

i. All structures, foundations, roads, gravel areas, and cables associated with the project shall be removed to a depth of at least thirty-six (36) inches below grade.

ii. The ground shall be restored to a condition reasonably similar to its condition before the start of construction activities in connection with the SES-SPECEX system project.

f. Except as provided in subsection (g), if the project owner fails to remove all SES-SPECEX system project assets not later than one (1) year after the proposed date of final decommissioning, as set forth in the notice to the City under subsection (e), the City may engage qualified contractors to:

i. Enter the project site;

ii. Remove the SES-SPECEX system project assets;

iii. Sell any assets removed;

iv. Remediate the site;

v. Project assets may remain in place after decommissioning is complete if the location and conditions of the assets conform with local regulations at the time of decommissioning and the written consent of the landowner is obtained.

g. Decommissioning of the system must occur in the event the project does not

produce power for eighteen (18) consecutive months. An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.

2. In the event that the SES-SPECEX Project Owner fails to perform any obligation under the decommissioning process, the City is required to perform the decommissioning as set forth herein above in paragraph (T) f, and the Project Owner fails to pay for the decommissioning activities of the City, the property owner shall be liable for the full cost of any such decommissioning.

(U) Abandonment - If SES-SPECEX system installed that has not generated electricity for eighteen (18) consecutive months, the SES-SPECEX system is considered abandoned as of the date that is five hundred forty (540) days after the date on which the SES-SPECEX system last generated electricity. In that event:

1. All SES-SPECEX system project assets shall be removed in accordance with the plan submitted pursuant to Section 10-71-32-(T) not later than one (1) year after the date of abandonment as determined by Section 10-71-32 (U).

2. If the project owner fails to remove the SES-SPECEX system project assets not later than one (1) year after the date of abandonment, as required, the City of Wabash may engage qualified contractors to:

a. Enter the project site;

b. Remove the SES-SPECEX system project assets;

c. Sell any assets removed;

d. Remediate the site; and

e. Initiate proceedings to recover any costs incurred.

(V) Force Majeure Event - As used in this section, a Force Majeure Event includes fire, flood, tornado, or other natural disasters or acts of God. war, civil strife, a terrorist attack, or other similar acts of violence or other unforeseen events or events over which a project owner has no control, and if a force majeure event results in a SES-SPECEX system not generating electricity, the project owner shall:

1. As soon as practicable after the occurrence of the force majeure event, provide notice to the City of the event and of the resulting cessation of generating operations;

2.Demonstrate to the City that the SES-SPECEX system will be substantially operational and generating electricity not later than twelve (12) months after the occurrence of the force majeure event and if the SES-SPECEX system does not become substantially operational and resume generating electricity within the time set forth herein:

a. The SES-SPECEX system is considered abandoned as of the date of that is

three hundred sixty- five (365) days after the date on which the SES-SPECEX system last generated electricity, unless the project owner demonstrates to the City of Wabash that the project owner is using all commercially reasonable efforts to resume generation; and

b. All SES-SPECEX system project assets shall be removed in accordance with this section and the plan submitted pursuant to paragraph (T) immediately preceding this paragraph (U) and if the project owner fails to remove, the City of Wabash may engage qualified contractors to:

i. Enter the project site;

ii. Remove the SES-SPECEX system project assets;

iii. Sell any assets removed;

iv. Remediate the site; and

v. Initiate proceedings to recover any costs incurred.
And then renumber all the remaining special exceptions.

Section 5. Delete from the list of special exceptions found at 10-71, the special exception formerly numbered 35 entitled "*Wind Energy Systems*" and replace it with a new special exception number 36 entitled "*Wind Energy Conversion Systems (WECS)*" which reads as follows:

37. Wind Energy Conversion Systems. Prior to the construction, erection, placement, modification, or alteration of any Wind Energy Conversion (WECS), a building permit is required. A detailed site plan is required as part of the permit application process. No building permit will be issued unless all applicable fees have been paid, and the site plan is reviewed for compliance with this ordinance. Additionally, any lawfully established WECS, as defined, shall meet the Wind Energy standards as set forth hereinafter.

(A) Location:

1. WECS projects are permitted as a special exception, in Industrial (LI, HI), Commercial (GB), Agricultural, and Suburban (SI) Districts. WECS is not permitted in any Residential (R-1, R-2, R-3, or R-4) or Historic Downtown District.

2. Agricultural Zone and Uses: For areas zoned Agricultural (AG) or that contain uses that would be Permitted Uses in Agricultural Districts, projects that demonstrate that the proposed WES can co-locate with agricultural uses shall be considered a higher priority.

3. WECS projects are not permitted to be located over a septic field nor over an existing utility easement except with the consent of all applicable utilities.

(B) Setbacks:

1. A property owner may not install or locate a WECS, or other wind power device on property within City of Wabash, zoning jurisdiction unless the distance, measured as a straight line, from the vertical centerline of the base of the WECS to the centerline of any:

a. runway located on a public use airport, private use airport, or municipal airport;
b. public use highway, street, road;
c. railroad easement or right-of-way;
d. the property line of any nonparticipating property

is equal to a distance that is at least one and one-tenth (1.1) times the WECS device's blade tip height, as measured from the ground to the tip of the blade.

2. A project owner may not install or locate a WECS device on property in the City of Wabash unless the distance, measured as a straight line, from the vertical centerline of the base of the WECS device to the nearest point on the outer wall of a dwelling located on a nonparticipating property is equal to a distance that is at least three (3) times the WECS device's blade tip height, as measured from the ground to the tip of the blade.

3. A project owner may not install or locate a WECS device on property in the City of Wabash unless the distance measured as a straight line, from the vertical centerline of the base of the WECS to the nearest edge of the right-of-way for any utility transmission or distribution line is equal to a distance that is at least one and two-tenths (1.2) times the WECS device's blade tip height, as measured from the ground to the tip of the blade.

4. A project owner may not install or located a WECS device on property in the City of Wabash unless the distance, measured as a straight line, from the vertical centerline of the base of the WECS device to the property line of any undeveloped land within City of Wabash that is zoned or platted for residential use is equal to a distance that is at least two (2) times the WECS device's blade tip height, as measured from the ground to the tip of the blade.

(C) Flicker - The WECS device has been designed such that industry standard computer modeling indicates that any dwelling on a nonparticipating property within the County of Wabash will not experience more than thirty (30) hours per year of shadow flicker under planned operating conditions for the WECS device.

(D) Height - A WECS device must follow the standards set forth in the standards of the Federal Aviation Administration under 14 CFR Part 77 concerning the safe, efficient use and preservation of the navigable airspace.

(E) Foundation - A qualified engineer shall certify, prior to application for building permits, that the foundation and design of the wind energy producing

structures and any support is within accepted professional standards and all applicable codes, given local soil, and climate conditions.

(F) Power, Communication Lines, and Infrastructure:

1. All cables of up to thirty-four and one-half (34.5) kilovolts that are located between inverter locations and project substations shall be located and maintained underground, as feasible.

2. Other wind infrastructures, such as module-to-module collection cables, transmission lines, substations, junction boxes, and other typical above-ground infrastructures may be located and maintained above ground.

3. Buried cables shall be at a depth of at least thirty-six (36) inches below grade or, if necessitated by onsite conditions, at a greater depth.

4. Cables and lines located outside of the WECS system project site may:

a. Be located above ground; or

b. In the case of cable or lines of up to thirty-four and one-half (34.5) kilovolts, be buried underground at:

i. A depth of at least forty-eight (48) inches below grade, so as to not interfere with drainage tile or ditch repairs; or

ii. Another depth, as necessitated by conditions as determined in consultation with the landowner.

(G) Installation – Any WECS device installed within the City of Wabash zoning jurisdiction shall be installed in compliance with all applicable local, state, and federal regulations, including, but not limited to, the Indiana Building Code, Indiana Electric Code, and Indiana Fire Code, as amended. Furthermore, the installation shall be conducted in a manner that minimizes and mitigates impacts to:

1. Television signals;

2. Microwave signals;

3. Agricultural global positioning systems;

4. Military defense radar;

5. Radio reception; and

6. Weather and doppler radar.

(H) Noise - The WECS device must operate in a manner such that sound attributable to the WECS device will not exceed an hourly average sound level

of fifty (50) A-weighted decibels, as modeled at the outer wall of an affected dwelling.

(I) Wind Turbine Light Mitigation - Any WECS device located in the City of Wabash zoning jurisdiction must be equipped with a wind turbine light mitigation technology, unless:

1. The Federal Aviation Administration denies the project owner's application to use a wind turbine light mitigation technology;

2. The wind turbine light mitigation technology application is pending review by the appropriate federal agencies; or

3. The project owner demonstrates to the satisfaction of the City of Wabash that the use of wind turbine light mitigation technology is not economically feasible.

(J) Signage:

1. All WECS and their appurtenant structures shall contain a standard metal road sign no larger than four (4) square feet in order to provide the name(s) of the owner(s) and operator(s) of the WECS as well as emergency phone number(s) and the address of the site.

2. This sign shall be visible from the access point of the site - but shall be located just outside of the road right-of-way, outside of the sight triangles in either direction - and shall not be lighted, unless lighting is required by applicable law, rule, or regulation.

3. A four (4) square foot warning sign concerning voltage must also be placed at the base of all pad-mounted transformers and substations in a conspicuous location. No other signage, including advertising, shall be permitted.

4. No other signage other than an indicator of the manufacturer's name, address and telephone number shall be permitted within the WECS project.

5. No commercial advertising signage is permitted within the WECS project.

(K) Drainage: All damage to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of a WECS device must be completely repaired by the project owner or remedied with the installation of new drainage infrastructure so as to not impede the natural flow of water. All repairs must be completed within a reasonable period of time and to the satisfaction of the Building Commissioner and/or the appropriate boards or commissions associated with the project and must be subject to all applicable federal, state, and local drainage laws and regulations.

(L) Review Costs. The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating a WECS application, including new construction or significant modification of the site. Applicants for the WES-S shall deposit with the City funds sufficient, as determined by the City, to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the City in connection with the review of any application, including new construction of significant modification of the site.

(M) Decommissioning:

1. A project owner may not install or locate a WECS device in the City of Wabash zoning jurisdiction unless the project owner submits to the City a decommissioning and site restoration plan, and posts a surety bond, or an equivalent means of security acceptable to the City, including a parent company guarantee or an irrevocable letter of credit, but excluding cash, in an amount equal to the estimated cost of decommissioning the WECS device, as calculated by a third party licensed or registered engineer, or by another person with suitable experience in the decommissioning of WECS devices, as agree upon by the project owner and the City. The required bond or other security shall be posted in increments such that the total amount of the bond or security posted is as follows:

a. An amount equal to twenty-five percent (25%) of the total estimated decommissioning costs not later than the start date of the WECS device's full commercial operation. For the purposes of this subsection, the total estimated decommissioning costs shall be reevaluated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of WECS devices, as agreed upon by the project owner and the City) in connection with the:

i. Fifth anniversary of the start date of the WECS device's full commercial operation, and the total amount of the bond or security posted under this subsection shall be adjusted as necessary after each re-evaluation.

ii. Tenth anniversary of the start date of the WECS device's full commercial operation, and the total amount of the bond or security posted under this subsection shall be adjusted as necessary after each re-evaluation.

b. An amount equal to fifty percent (50%) of the total estimated decommissioning costs not later than the fifth anniversary of the start date of the WECS device's full commercial operation. For purposes of this subsection, the total estimated decommissioning costs shall be reevaluated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of WECS devices, as agreed upon by the project owner and the County) in connection with the fifteenth anniversary of the start date of the WECS device's full commercial operation, and the total amount of the bond or security posted under this subsection shall be adjusted as necessary after the re- evaluation.

c. An amount equal to one hundred percent (100%) of the total estimated decommissioning costs not later than the tenth anniversary of the start date of the WECS device's full commercial operation. For the purposes of this subsection, the total estimated decommissioning costs shall be reevaluated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of WECS devices, as agreed upon by the project owner and the City):

i. In connection with the tenth anniversary of the start date of the WECS device's full commercial operation;

ii. At least once every succeeding five (5) year period after the tenth anniversary of the start date of the WECS device's full commercial operation;

and the total amount of the bond or security posted under this subsection shall be adjusted as necessary after each re-evaluation.

d. The estimated decommissioning costs as calculated by a third party licensed or registered engineer (or by another person with suitable experience in the decommissioning of WECS devices, as agreed upon by the project owner and the City), shall be net of any estimated salvage value attributable to the WECS device at the time of decommissioning, unless the City and the project owner agree to include any such value in the estimated cost.

e. A project owner shall provide to the City written notice of the project owner's intent to decommission a WECS system not later than sixty (60) days before the discontinuation of commercial operation by the WECS system. Except as provided in subsection (g), after the discontinuation of commercial operation by the WECS system, as a part of decommissioning process:

i. All structures, foundations, roads, gravel areas, and cables associated with the project shall be removed to a depth of at least thirty-six (36) inches below grade.

ii. The ground shall be restored to a condition reasonably similar to its condition before the start of construction activities in connection with the WECS system project.

f. Except as provided in subsection (g), if the project owner fails to remove all WECS system project assets not later than one (1) year after the proposed date of final decommissioning, as set forth in the notice to the City under subsection (e), the City may engage qualified contractors to:

i. Enter the project site;

ii. Remove the WECS system project assets;

iii. Sell any assets removed;

iv. Remediate the site;

v. Project assets may remain in place after decommissioning is complete if the location and conditions of the assets conform with local regulations at the time of decommissioning and the written consent of the landowner is obtained.

g. Decommissioning of the system must occur in the event the project does not produce power for eighteen (18) consecutive months. An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.

(N) Abandonment - If WECS system installed that has not generated electricity for eighteen (18) consecutive months the WECS system is considered abandoned as of the date that is five hundred forty (540) days after the date on which the WECS system last generated electricity. In that event:

1. All WECS system project assets shall be removed in accordance with the plan submitted pursuant to 10-71-36-(M) not later than one (1) year after the date of abandonment specified in 10-71-(N).

2. If the project owner fails to remove the WECS system project assets not later than one (1) year after the date of abandonment, as required, the City of Wabash may engage qualified contractors to:

a. Enter the project site;

b. Remove the WECS system project assets;

c. Sell any assets removed;

d. Remediate the site; and

e. Initiate proceedings to recover any costs incurred.

3. In the event that the WECS Project Owner fails to perform any obligation under the decommissioning process, the City is required to perform the decommissioning as set forth herein above in paragraph 10-71-36-(M)-f or 10-71-36-(N)-2, and the Project Owner fails to pay for the decommissioning activities of the City, the property owner shall be liable for the full cost of any such decommissioning.

(O) Force Majeure Event - As used in this section, a Force Majeure Event includes fire, flood, tornado, or other natural disasters or acts of God. war, civil strife, a terrorist attack, or other similar acts of violence or other unforeseen events or events over which a project owner has no control, and if a force majeure event results in a WECS system not generating electricity, the project owner shall:

1. As soon as practicable after the occurrence of the force majeure event, provide notice to the City of the event and of the resulting cessation of generating operations;

2.Demonstrate to the City that the WECS system will be substantially

operational and generate electricity not later than twelve (12) months after the occurrence of the force majeure event and if the WECS system does not become substantially operational and resume generating electricity within the time set forth 10-71-36-N:

a. The WECS system is considered abandoned as of the date of that is three hundred sixty- five (365) days after the date on which the WECS system last generated electricity, unless the project owner demonstrates to the City of Wabash that the project owner is using all commercially reasonable efforts to resume generation; and

b. All WECS system project assets shall be removed in accordance with the plan submitted pursuant to paragraph 10-71-36-(M) if the project owner fails to remove, the City of Wabash may engage qualified contractors to:

i. Enter the project site;

ii. Remove the WECS system project assets;

iii. Sell any assets removed;

iv. Remediate the site; and

v. Initiate proceedings to recover any costs incurred.

Section 6. Add to Division 5-Supplemental Regulations a new Section 10-83 to read as follows:

Sec. 10-83. – Energy System Regulations.

a *General Restrictions applicable to all Energy Systems.*

1. Permits and Plan Approval - A Building Permit from the City Building Department shall be required prior to the construction, erection, placement, modification, or alteration of any energy system. Applicants for a building permit must provide a site plan for review and be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building, or on the property for a ground mounted system, and must include all property lines with notations as to set back distances.
2. Applicability - Any lawfully established energy system, as defined in the Ordinance, shall meet the standards set forth in this Chapter.
3. Decommissioning – Any energy system that is no longer producing viable energy for consumption shall be removed no later than six (6) months after final energy production occurs.
4. Declaration of Public Nuisance – Any energy system or portion thereof that, due to inadequate maintenance, becomes dilapidated, obsolescent,

damaged, a fire hazard, unsafe or abandoned, is hereby declared to be a public nuisance and upon the initiation by the Building Commissioner, the Code Enforcement Officer or the designees of either such officers, shall be set for hearing with the Wabash City Board of Public Works and Safety as an unsafe structure pursuant to General Ordinance No. 2, 1986.

5. Setback – Any energy system must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located; except that, if this Zoning Ordinance provides for a greater setback for the particular energy system as being designed and where being located, then the greater setback must be met.

6. Historic Buildings – Any energy system installed on buildings within the designated Historic Preservation District or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the Historical Preservation Officer, or equivalent, consistent with the standards for such energy systems on historically designated buildings published by the U.S. Department of the Interior. Any energy System installed on buildings declared by the State or Federal government to be State or National Historic buildings, must meet the requirements established by the applicable government for energy systems on such buildings.

7. Approved Components – Any energy system components must have an Underwriters Laboratory (UL), or equivalent listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.

8. Compliance with Building Code - All Energy systems shall meet approval of local building code officials, consistent with the State of Indiana Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code, Mechanical Code, and/or Plumbing Code.

9. Compliance with State Fire Code – All energy systems and any associated battery storage systems shall comply with Indiana State Fire Code.

10. Compliance with State Electric Code – All energy systems shall comply with the Indiana State Electric Code.

11. Compliance with State Plumbing Code – All energy systems, including Solar Thermal Systems, shall comply with the Indiana State Plumbing Code requirements.

12. Compliant with Flood Plain Regulations. If the property upon which an energy system is located is in the Flood Plain Area, all applicable Department of Natural Resources permits and approvals must be obtained before any local permits can be issued for construction in a flood plain.

13. Utility Notification - It is recommended that the interconnection application of any energy system be submitted to the utility prior to applying for required permits. Grid-tied energy systems shall comply with interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

14. Energy systems that do not meet the above design standards will require a development standard variance in addition to any approval for a special exception.

b. *Battery Energy Storage System (BESS).*

1. A BESS used in conjunction with a SES-A or a WECS-Mini shall meet the requirements of the Indiana Residential Code or Indiana Electrical Code.

2. A BESS used in conjunction with a SES-L or any WECS except a WECS-Mini, shall meet the requirements of the Indiana Fire Code or Indiana Electrical Code.

c. *Solar Restrictions applicable to all Solar Energy Systems.*

1. Visibility. Solar energy systems in residential and historical districts shall be designed to minimize visual impacts from the public right-of-way, as described within this Ordinance to the extent that doing so does not affect the cost or efficiency of the system, consistent with Indiana Code 36-7-2-8.

2. Integrated Photovoltaic Systems: Shall be allowed regardless of whether the system is visible from public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

3. Aesthetic restrictions: SES Ground or SES Roof shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley.

4. Drainage.

i. All damage to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or

maintenance of a solar energy system must be completely repaired by the owner or remedied with the installation of new drainage infrastructure so as to not impede the natural flow of water. All repairs must be completed within a reasonable period of time and to the satisfaction of the City of Wabash Stormwater Board and/or Wabash County Drainage Board and as stated in an applicable lease or another agreement with the landowner. This requirement is subject to all federal, state, and local drainage laws and regulations.

ii. All Solar Energy Systems must meet the requirements of the City of Wabash Code of Ordinances regarding drainage and erosion control and Nonpoint Pollution Discharge Elimination Systems (NPDES) permit requirements. Solar collectors shall not be considered impervious surfaces if the project complies with applicable solar ground cover standards set forth in this ordinance.

iii. Stormwater design and calculations must be done in accordance with the City of Wabash MS4 provisions and the City's Storm and Wastewater Engineer's requirements.

iv. An Erosion Control permit or Stormwater Construction Permit must also be obtained where applicable and submitted as part of the Building Permit Process.

5. Noise - An owner may not install any solar energy system unless the owner demonstrates that the system will operate in a manner such that the sound attributable to the system will not exceed an hourly average sound level of fifty(50) A-weighted decibels, as modeled at the outer wall of a dwelling located on an adjacent nonparticipating property.

d. *Wind Restrictions applicable to all WECS systems.* Any WECS must meet all the restrictions set forth in the Special Exception applicable to WECS.

Section 10-84. - Reserved.

Section 7. Add to the list of Definitions found in Section 10-100 new definitions to be inserted in alphabetical order as follows:

a. After "e. *Agriculture*" add new definition as follows: "*Agrivoltaics*—A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services."
b. After "k. *Apartment house*" add new definition as follows: "*Applicant*—Means the entity person who submits to the City of Wabash pursuant to this Article, an application for the siting of any SES, WECS or substation

or thereafter operates or owns a SES, or WECS.

c. After "m. *Basement*" add a new definition as follows: "*Battery Energy Storage System (BESS)*—A battery energy storage system refers to any technology that allows for the storage of electrical energy for later use. This includes, but is not limited to, lithium-ion batteries, flow batteries, and other advanced energy storage technologies."

d. Add after the new definition Battery Energy Storage System (BESS) another new definition as follows: Battery Energy Storage System-Indoor (BESS-Indoor): A battery energy storage system installed entirely within a building, including garages, basements, utility rooms, mechanical rooms, or similar enclosed spaces, or wall-mounted to the exterior of a building and serving that building, or which is detached but located within five (5) of the primary building which it serves but which is otherwise not housed in a standalone structure and is not designed or intended for utility-scale or outdoor commercial operation.

e. Delete old definition "kk. City" in its entirety and add the following new definition "*City*—The City of Wabash, Indiana including the corporate limits and, unless otherwise noted, the area outside the corporate limits but within the zoning territorial limit as shown on the map attached as "Definitions—Exhibit A, Territorial Zoning Jurisdiction of the City of Wabash, Indiana. Depending upon the context, City may also refer to the Mayor, City Council, the City's boards, and commissions, as well as any of their designees."

f. After "bbb. *Bulletin board*" add a new definition as follows: "*Financial Assurance*—Means an insurance performance bond or one irrevocable, unconditional letter of credit, either one of which must be obtained from a single financial institution licensed in the State of Indiana."

g. After "hhh. *Foster home*" add a new definition as follows: "*Free Fall Area*—Means the area in the shape of a circle surrounding the WECS whose radius is the height of the structure plus ten percent (10%) of the height of the WECWS or structure."

h. Amend paragraph "yyyy. *Owner*" to read as follows: "*Owner*—Any person who, alone or jointly or severally with others;

1.Has legal title to any property or dwelling unit, with or without accompanying actual possession of it; or

2.Has charge, care, or control of any property or dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, personal representative, trustee, or guardian of the estate of the owner. Any entity thus representing the actual owner shall comply with the provisions of this Code section as that entity were the owner.

i. After "yyyy. *Owner*" add a new definition as follows: "*Operator*—Means the entity responsible for the day-to-day operation and maintenance of a Solar or Wind Energy System, including any third-party subcontractors."

j. After "ddddd. *Permanent perimeter enclosure*" add a new definition as follows: "*Permit*—Means a Building Permit, unless specifically noted otherwise in this Article."

k. After "eeeee. *Person*" Add a new definition as follows: "*Photovoltaic System*—A solar energy system that converts solar energy directly into electricity."

l. After "jjjjj. *Premises*" Add a new definition as follows "*Primary Structure*—Means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages, barns, or other accessory uses."

m. After "llllll. *Private sewer*" Add a new definition as follows: "*Professional Engineer*—Means a qualified individual who is licensed as a professional engineer in the State of Indiana."

n. After "uuuuu. *Recreation*" add a new definition as follows: "*Roof Pitch*—The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12."

o. After "bbbbbb. *Sign area*" add a new definition as follows: "*Site Size*—The calculated area that includes the perimeter of the property but in connection with a solar or wind use it means the perimeter of the outermost panels together with any and all equipment necessary for the function of the SES, including transformers and inverters, but not including perimeter fencing and landscaping buffers"

p. After "dddddd. *Special school*" add the following new definitions:

~~q.~~ "*Solar Energy System (SES)*—A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. A device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

r. *Solar Energy System-Accessory (SES-A*)—SES-Integrated, SES-Rooftop, and some SES-Ground, SES-Owner, or SES-Carports as described in their respective definitions hereinafter, which are privately used for single residence and commercial structures on the same or adjacent property.

s. *Solar Energy System-Carport* (SES-Carport)—A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. If the use is a carport for just one or two cars located on a residential property or a carport installed on a parking area for more than two cars but whose use is limited to employees of the owner of the property, the use is considered an accessory use. If the use is for more than two (2) vehicles located on a parking lot serving the public, it requires a special exception.

t. *Solar Energy System-Grid-tied* (*SES-Grid*)—A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

u. *Solar Energy System-Ground Mounted* (*SES-Ground*)—An SES that is located on the ground rather than on a structure such as a roof or a building. These systems are designed to capture solar energy and convert it into electricity or thermal energy for various applications. Ground-mounted systems can vary in size. SES-Ground covering more than o1 acre requires a special exception.

v. *Solar Energy System- Integrated* (*SES-I*)—A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. The solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, or shingles. An SES-I is an (SES-A).

~~w.~~ *Solar Energy System-Large-Scale* (*SES-L*)—A commercial solar energy system that converts sunlight into electricity for the primary purpose of supplying generated electricity as a wholesaler. A large-scale solar energy system will have a project size greater than ten (10) acres and is the principal land use for the parcel(s) on which it is located. It can include collection and feeder lines, substations, ancillary buildings. It can also include Solar monitoring stations and accessory equipment or structures thereto, that capture and convert solar energy into electrical energy,

primarily for use in locations other than where it is generated. SES-L are strictly not permitted within the Zoning Jurisdiction even with a variance or special exception.

x. *Solar Energy System-Off-grid* (*SES-Off-grid*)—A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

y. *Solar Energy System-Off-site Owner* (*SES- Owner*)—A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric power to another property owned by the same owner/operator of the system. An SES-Owner system may not cover more than ten (10) acres and must be operated by the property owner for whom the electricity is being generated. It requires a special exception if it is located in a residential, Historic, or General Business Area, or if it covers more than five (5) acres but no more than ten (10) acres.

z. *Solar Energy System-Off-site COOP (SES COOP)*—A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. An Off-site COOP system may not cover more than ten (10) acres and must be operated by one of the property owners being served or operated by an entity formed by the members or businesses being served. It is a special exception.

aa. *Solar Energy System-Roof-Mounted* (*SES-Roof*)—An SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES. Roof-mounted systems are accessory to the principal use."

bb. After "dddddd. *Special School*" add the following new definition: "*State*—Means the State of Indiana."

cc. After "eeeeeeee. *Wall sign*" add the following new definitions:

dd. *"Wind Energy Conversion System Large*(*WECS-L*)—Means the system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of more than one hundred (100) kW or a system height of more than eighty feet (80').WECS-L is strictly not permitted anywhere within the Zoning Jurisdiction even with a variance or special exception.

ee. *Wind Energy Conversion System-Mini* (*WECS-Mini*)—Means the system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a related capacity less than ten (10) kW and a system

height of less than forty-five feet (45'). For the purposes of this Ordinance, a roof-mounted structure shall be considered a Mini WECS if it meets the rated capacity and height requirements set forth in this Section. Only one (1) Mini Wind Energy Conversion System may be permitted per principal structure. Mini WECS shall be considered an accessory use in all Zoning Districts.

ff. *Wind Energy Conversion System-Modifications* (*WECS-Mods*)—Means the addition, removal or change of any of the physical and visually discernable components or aspects of a Wind Energy Conversion System. A modification shall not include the replacement of aspects of a Wind Energy Conversion System where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a Wind Energy Conversion System without addition, removal, or discernable change.

gg. *Wind Energy Conversion System Project* (*WECS-Project*)—Means the collection of WECSs and substations as specified in the siting approval application pursuant to this Ordinance.

hh. *Wind Energy Conversion System-Small* (*WECS-S*)—Means the system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a rated capacity of less than, or equal to, one hundred (100) kW and a system height of less than eighty feet (80'). Only one (1) small Wind Energy Conversion System may be permitted per principal structure. A WECS-S is a special exception in zoning districts where it is permitted. A reference within the Zoning Ordinance to a WECS without the "-S" modifier, shall mean a WECS-S..

ii. *Wind Energy Conversion System Tower* (*WECS-Tower*)—Means the support structure to which the nacelle and rotor are attached, free standing or guyed structure that supports a wind turbine generator.

jj. *Wind Energy Conversion System Tower Height* (*WECS-Tower Height*)—Means the distance from the rotor blade at its highest point to the top surface of the WECS foundation."

kk. After "jjjjjjj. *Zone Map*" add a new definition as follows: "*Zoning Approval*—Means approval from the City Board of Zoning Appeals for a Special Exception or Variance."

ll. After the new definition "*Zoning Approval*" add a new definition as follows: "*Zoning Jurisdiction*—refers to the area within the corporate boundaries of the City of Wabash and also that area that lies outside the City's corporate limits but within the territorial limits over which the City has zoning jurisdiction pursuant to state law and Wabash County ordinances. Depending on the context, it may also

just mean the territory outside the corporate limits but within the zoning jurisdiction permitted by state law and Wabash County ordinances. The 'Wabash Corporation' and the 'Zoning Jurisdiction' are both depicted on the attached 'Definitions-Exhibit A.'"

And then re-letter all the definitions in Section 10-100 to create one continuous alphabetical list.

Section 8. Add to the Table of Permitted Uses, Section 10-72 the following new entries, placing them in the appropriate places alphabetically:

USE	NUMBER OF PARKING SPACES	DISTRICTS										
		AG	S1	R1	R2	R3	R4	HD	GB	LI	HI	FP
Battery Energy Storage System		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Solar-Accessory Use (unless listed separately below)		P	P	P	P	P	P	P	P	P	P	
Solar-Carport: Public Use (more than 2 cars)								SP	SP	SP	SP	SP
Solar-Carport: (all except public use for more than 2 cars)		P	P	P	P	P	P	P	P	P	P	
Solar-COOP		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Solar-Ground Mounted (1 acre or less)		P	P	P	P	P	P	P	P	P	P	
Solar-Ground Mounted (more than 1 acre or serving an industrial use)		SP	SP							SP	SP	
Solar-Large Scale		NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Solar-Owner (5 acres or less)		P	P	SP	SP	SP	SP	SP	SP	P	P	P
Solar-Owner (more than 5 acres)		SP	SP							SP	SP	SP
Wind Energy Conversion System -Large		NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Wind Energy Conversion System -Mini		P	P	P	P	P	P	P	P	P	P	P
Wind Energy Conversion System -Small		SP								SP	SP	SP
"NP" means not permitted even with variance or special exception												

SECTION 9. This proposal is taken for the purposes of:

(1) securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; (2) lessening or avoiding congestion in public ways; (3) promoting the public health, safety, comfort, morals, convenience, and general welfare; and (4) otherwise accomplishing the purposes of Indiana Code 36-7-4-101 et seq. and the Plan Commission should also consider: (5) the Comprehensive Plan; (6) current conditions; (7) character of current structures and uses in each district; (8) the most desirable use for which the land in each district is adapted; (9) the conservation of property values throughout the jurisdiction; and (10) responsible development and growth.

SECTION 10. All prior ordinances or parts thereof inconsistent with any provision of this ordinance are hereby repealed.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WABASH, INDIANA THIS _____ DAY OF MARCH 2026.

By: _____
John Burnsworth, President of the Common Council

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WABASH ON THE _____ DAY OF MARCH 2026 AT THE HOUR OF _____ O'CLOCK ____M.

_____
Melanie Givens Penn, Clerk-Treasurer

THIS ORDINANCE WAS APPROVED AND SIGNED ON THE _____ DAY OF MARCH 2026 AT THE HOUR OF _____ O'CLOCK ____M.

_____
Scott A. Long, Mayor

ATTEST:

_____
Melanie Givens Penn, Clerk-Treasurer