

**CITY OF FLORENCE, KENTUCKY**  
**PLANNING AND ZONING COMMITTEE**

**IN RE:      REPORT AND RECOMMENDATION – BOONE COUNTY PLANNING COMMISSION RESOLUTION R-24-036-A RELATING TO ADOPTION OF ZONING TEXT AMENDMENTS TO REGULATE AND DEFINE SOLAR ENERGY SYSTEMS AND BATTERY STORAGE FACILITIES AND IDENTIFY ZONING DISTRICTS WHERE SUCH USES ARE ALLOWED AS AUTHORIZED USES. THESE TEXT AMENDMENTS BEING TO ARTICLE 40, SECTION 4000; ARTICLE 5, SECTION 505.1; ARTICLE 5, SECTION 505.2; ARTICLE 5, SECTION 505.3; ARTICLE 5, SECTION 505.4; ARTICLE 5, SECTION 505.5; ARTICLE 31, SECTION 3117; AND ARTICLE 31, SECTION 3118.**

The Committee met in a regular meeting on January 8, 2025; a regular meeting on February 12, 2025; and a regular meeting on March 12, 2025 at the Florence Government Center to consider Resolution No. R-24-036-A from the Boone County Planning Commission recommending Text Amendments to Article 40, Section 4000; Article 5, Section 505.1; Article 5, Section 505.2; Article 5, Section 505.3; Article 5, Section 505.4; Article 5, Section 505.5; Article 31, Section 3117; and Article 31, Section 3118, of the Boone County Zoning Regulations to regulate and define solar energy systems and battery storage facilities and identify zoning districts where such uses are allowed as authorized uses.

At the January 8, 2025 meeting, the Committee generally discussed the impact these changes would be expected to have in the City of Florence.

At the February 12, 2025 and March 12, 2025 meetings, committee members continued discussion and discussed some changes they would like made that would improve upon the recommendation received from the Boone County Planning Commission. The Committee recommends the following changes as attached to this Committee Report in Exhibit "A".



Council of the City of Florence, Kentucky, that that this matter be considered solely on the record before the Boone County Planning Commission, with the modifications recommended by the Planning & Zoning Committee, and that no additional hearings be held.

MEMBERS OF THE COMMITTEE:

A handwritten signature in cursive script, appearing to read "Patricia Wingo", written over a horizontal line.

PATRICIA WINGO

A handwritten signature in cursive script, appearing to read "Gary B. Winn", written over a horizontal line.

GARY B. WINN

6/3/25

ATTACHMENT A

PROPOSED TEXT AMENDMENT  
BOONE COUNTY ZONING REGULATIONS

Text to be added is underlined and text to be deleted is ~~struck out~~.

Article 40

Section 4000

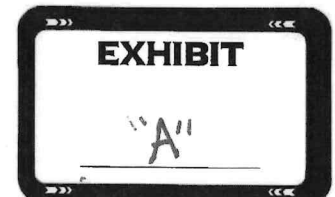
Battery(ies). A single cell or a group of cells connected together in series, in parallel, or a combination of both, which can charge, discharge, and store energy electromechanically. For the purposes of these regulations, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage System. One or more devices. Assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600 kWh or consist of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600 kWh or consist of more than one energy storage system technology.

Solar Energy System. A system, including its individual components and/or subsystems, that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications.

Solar Energy System, Footprint. The solar energy system footprint is calculated by drawing a perimeter around the outermost solar energy system panels and any equipment necessary for the equipment to function, such as transformers and inverters. The footprint does not include perimeter fencing, visual buffers, transmission lines, or portions thereof, that are required to connect the system to a utility or customer outside the solar energy system perimeter.



Solar Energy System, Ground Mounted. A solar energy system that is structurally mounted to the ground and does not qualify as a solar energy system, integrated.

- A. Tier 1: A solar energy system, ground mounted, with a footprint of less than 2,500 square feet or no more than ten (10) percent of the roof area of the principal structure.
- B. A solar energy system, ground mounted, with a footprint between 2,500 square feet and five (5) acres.
- C. Tier 3: A solar energy system, ground mounted, with a footprint greater than five (5) acres.

Solar Energy System, Integrated. A solar energy system where the solar materials are incorporated into the building materials, such that the building and solar systems are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the solar energy system is structurally an integral part of the building.

Solar Energy System, Integrated. A solar energy system where the solar materials are incorporated into the principle or accessory structure building materials, such that the structure and solar systems are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the solar energy system is structurally an integral part of the principal or accessory structure.

Solar Energy System, Rooftop. A solar energy system that is structurally mounted to the roof of a building and does not qualify as a solar energy system, integrated.

ATTACHMENT B  
PROPOSED TEXT AMENDMENT  
BOONE COUNTY ZONING REGULATIONS

Text to be added is underlined and text to be deleted is ~~struck out~~.

Article 5

Section 505.1 Use/District Matrix – Agricultural, Recreation, and Conservation Districts

Use	A-1	A-2	R	CONS	Use Standards
<u>Battery Energy Storage System Facility, Tier 1</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3118</u>
<u>Battery Energy Storage System Facility, Tier 2</u>	=	=	=	=	<u>Sec. 3118</u>
<u>Solar Energy System, Integrated</u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>Sec. 3117</u>
<u>Solar Energy System, Rooftop</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 1</u>	<u>A<sup>4</sup>/C<sup>2</sup></u>	<u>A<sup>4</sup>/C<sup>2</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>Sec. 3117</u>
<u>Solar Energy System, Ground Mounted, Tier 2</u>	=	=	=	=	<u>Sec. 3117</u>
<u>Solar Energy System, Ground Mounted, Tier 3</u>	=	=	=	=	<u>Sec. 3117</u>

(2) Applies only in the City of Florence

(4) Applies only in Unincorporated Boone

(5) Applies only in the City of Florence and Unincorporated Boone

A - Accessory Use    C - Conditional Use    P - Permitted Use    - - Prohibited Use

ATTACHMENT C  
PROPOSED TEXT AMENDMENT  
BOONE COUNTY ZONING REGULATIONS

Text to be added is underlined and text to be deleted is struck-out.

Article 5

Section 505.2 Use/District Matrix – Residential Districts

Use	RSE	RS	SR-1	SR-2	SR-3	UR-1	UR-2	UR-3	MHP	R-1F	Use Standards
<u>Battery Energy Storage System, Facility, Tier 1</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3118</u>
<u>Battery Energy Storage System, Facility, Tier 2</u>	=	=	=	=	=	=	=	=	=	=	<u>Sec. 3118</u>
<u>Solar Energy System, Integrated</u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>Sec. 3117</u>
<u>Solar Energy System, Rooftop</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 1</u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 2</u>	=	=	=	=	=	=	=	=	=	=	<u>Sec. 3117</u>
<u>Solar Energy System, Ground Mounted, Tier 3</u>	=	=	=	=	=	=	=	=	=	=	<u>Sec. 3117</u>

(4) Applies only in Unincorporated Boone

(5) Applies only in the City of Florence and Unincorporated Boone

A - Accessory Use    P - Permitted Use    - - Prohibited Use

ATTACHMENT D  
PROPOSED TEXT AMENDMENT  
BOONE COUNTY ZONING REGULATIONS

Text to be added is underlined and text to be deleted is ~~struck out~~.

Article 5

Section 505.3 Use/District Matrix – Commercial Districts

Use	C-1	C-2	C-3	C-4	Use Standards
<u>Battery Energy Storage System Facility, Tier 1</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3118</u>
<u>Battery Energy Storage System Facility, Tier 2</u>	-	-	-	-	<u>Sec. 3118</u>
<u>Solar Energy System, Integrated</u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>Sec. 3117</u>
<u>Solar Energy System, Rooftop</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 1</u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 2</u>	-	-	-	-	<u>Sec. 3117</u>
<u>Solar Energy System, Ground Mounted, Tier 3</u>	-	-	-	-	<u>Sec. 3117</u>

(4) Applies only in Unincorporated Boone

(5) Applies only in the City of Florence and Unincorporated Boone

A - Accessory Use    P - Permitted Use    - - Prohibited Use

ATTACHMENT E  
PROPOSED TEXT AMENDMENT  
BOONE COUNTY ZONING REGULATIONS

Text to be added is underlined and text to be deleted is ~~struck out~~.

Article 5

Section 505.4 Use/District Matrix – Employment Districts

Use	O-1	O-1A	O-2	I-1	I-2	I-3	I-4	Use Standards
<u>Battery Energy Storage System Facility, Tier 1</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3118</u>
<u>Battery Energy Storage System Facility, Tier 2</u>	=	=	=	<u>P<sup>4</sup>/C<sup>2</sup></u>	<u>P<sup>4</sup>/C<sup>2</sup></u>	<u>P<sup>4</sup>/C<sup>2</sup></u>	<u>P<sup>4</sup>/C<sup>2</sup></u>	<u>Sec. 3118</u>
<u>Solar Energy System, Integrated</u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>Sec. 3117</u>
<u>Solar Energy System, Rooftop</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 1</u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 2</u>	=	=	=	=	=	=	=	<u>Sec. 3117</u>
<u>Solar Energy System, Ground Mounted, Tier 3</u>	=	=	=	=	=	=	=	<u>Sec. 3117</u>

(2) Applies only in the City of Florence

(4) Applies only in Unincorporated Boone

(5) Applies only in the City of Florence and Unincorporated Boone

A - Accessory Use    C - Conditional Use    P - Permitted Use    - - Prohibited Use



ATTACHMENT F

PROPOSED TEXT AMENDMENT  
BOONE COUNTY ZONING REGULATIONS

Text to be added is underlined and text to be deleted is ~~struck out~~.

Article 5

Section 505.5 Use/District Matrix – Public Facility, Airport, Small Community Overlay, and Special Study District

Use	PF	A	SC	FMS	WD	UC	UTC	UNO	GR-R	GR-C	GR-BP	Use Standards
<u>Battery Energy Storage System, Facility, Tier 1</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3118</u>
<u>Battery Energy Storage System, Facility, Tier 2</u>	=	<u>P<sup>4</sup>/C<sup>2</sup></u>	=	=	=	=	=	=	=	=	=	<u>Sec. 3118</u>
<u>Solar Energy System, Integrated</u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>4</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>Sec. 3117</u>
<u>Solar Energy System, Rooftop</u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>5</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 1</u>	<u>A<sup>4</sup></u>	<u>A<sup>5</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>A<sup>4</sup></u>	<u>Sec. 3117 &amp; 3153</u>
<u>Solar Energy System, Ground Mounted, Tier 2</u>	=	=	=	=	=	=	=	=	=	=	=	<u>Sec. 3117</u>
<u>Solar Energy System, Ground Mounted, Tier 3</u>	=	=	=	=	=	=	=	=	=	=	=	<u>Sec. 3117</u>

(2) Applies only in the City of Florence

(4) Applies only in Unincorporated Boone

(5) Applies only in the City of Florence and Unincorporated Boone

A - Accessory Use    C - Conditional Use    P - Permitted Use    - - Prohibited

ATTACHMENT G  
PROPOSED TEXT AMENDMENT  
BOONE COUNTY ZONING REGULATIONS

Text to be added is underlined and text to be deleted is ~~struck out~~.

Article 31

Section 3117 Solar Energy Systems

A. Purpose

1. Facilitate the siting, development, construction, installation, and decommissioning of Solar Energy Systems (SES) in a predictable manner that promotes and protects the safety, health, and welfare of the community.
2. Provide a framework for the development of SES, which balances the benefits of renewable energy production and economic development with the protection of agricultural and residential uses, the built environment, and historic, natural, and other sensitive areas.

B. Requirements for Rooftop Solar Energy Systems

1. Shall conform to the requirements of Section 3124.
2. Rooftop solar panel visibility and roof location requirements:
  - a. Rooftop solar panels can be visible from streets and adjoining properties when located in agricultural and residential zoning districts if 2e. and 2f. are met below.
  - b. Rooftop solar panels shall not be visible from streets when located in Commercial, Office, Industrial, Public Facilities, Airport and Florence Main Street zoning districts.
  - c. Rooftop solar panels shall not be visible from adjoining properties when located in Commercial, Office, Public Facilities, and Florence Main Street zoning districts.
  - d. Rooftop solar panels shall not be visible from adjoining properties when located in Industrial or Airport zones unless the adjoining property is zoned Industrial or Airport. However, in no case shall a rooftop solar panel extend more than ten (10) feet above the highest portion of the roof or parapet in an Industrial or Airport zoning district.
  - e. Rooftop solar panels on flat roofs shall not be visible when located in a residential zone.
  - ~~f. Solar panels on pitched roofs shall be positioned so as not to extend above or beyond the edge of any ridge, hip, valley, or eave.~~

- f. Solar panels shall be flush mounted on pitched roofs and be positioned so as not to extend above the edge of any of any ridge, hip, valley, or eave.
- 3. Shall not be illuminated and all surfaces shall be matte or non-reflective.
- 4. Associated wires or cables shall not be visible from public view or shall be concealed in conduit, which is color coordinated with the subject structure in all zoning districts.
- 5. Associated equipment cabinets, inverters, etc. shall:
  - a. Be inside the structure or attached to the side or rear of the structure where the rooftop system is proposed or
  - b. Not be visible from public roadways. They can be screened with fencing or landscaping.

C. Requirements for Ground Mounted Solar Energy Systems

- 1. Lighting shall be regulated by Section 3316
  - a. Shall be limited to the minimum necessary for safe operation.
  - b. Shall be directed downward.
  - c. Shall incorporate full cut-off features.
  - d. Shall incorporate motion sensors, where feasible.
- 2. All surfaces shall be matte or non-reflective.
- 3. The permitted height of ground mounted solar energy systems, shall be measured from the average grade below each solar panel to the top of each solar panel.
  - a. Permitted Tier 1 heights shall be limited as follows:
    - 10' maximum when the subject property adjoins a residential or agriculturally zoned property.
    - 20' maximum when the subject property does not adjoin a residential or agriculturally zoned property.
  - b. Permitted Tier 2 and Tier 3 heights shall be limited as follows:
    - 20' maximum.
- 4. The footprint of an accessory ground mounted solar energy system shall be less than the footprint of the principal structure on the site.
- 5. Wires or cables associated with ground mounted SES shall not be visible from public view. Wire or cables must be buried or concealed in conduit.
- 6. Siting Restrictions:

- a. The footprint of a Tier 1 solar energy system shall meet the most restrictive of the following:
  - The Tier 1 ground mounted solar energy system definition.
  - The accessory structures regulations from Section 3153.
  - # 4 above.
- b. The footprint of a Tier 2 or Tier 3 solar energy system shall be set back a minimum of two hundred (200) feet from an adjoining property that is zoned with an agricultural, recreation, conservation, residential, or public facility district.
- c. The footprint of a Tier 2 or Tier 3 solar energy system shall be set back a minimum of one hundred (100) feet from an adjoining property that is zoned with a business, employment, airport, small community, or special study district.
- d. The footprint of a Tier 2 or Tier 3 solar energy system shall be set back a minimum of fifty (50) feet from the right-of-way line of any public street.
- e. The footprint of a Tier 2 or Tier 3 solar energy system shall be set back a minimum of five hundred (500) feet from a residential or school building, other than those on the property where the system is to be located.
- f. The location of solar arrays on impermeable surfaces, including but not limited to, gravel and asphalt shall be prohibited.

7. Screening:

- a. The perimeter of the footprint of a Tier 2 or Tier 3 solar energy system shall be provided with a Buffer Yard C.
- b. Any tree that is planted in the required Buffer Yard shall have a minimum height of six (6) feet when planted and shall have an expected mature growth height of a minimum of fifteen (15) feet.

8. Fencing:

- a. All fences in the front yard, as measured from the front lot line to the closest solar array, shall meet the requirements of Section 3655.D.
- b. All other fencing shall meet the requirements of Section 3655.

9. Decommissioning:

- a. A decommissioning plan or statement shall be submitted with all Conditional Use Permit applications, Site Plan applications, and Zoning Permit applications.
- b. Other than as specified by the Board of Adjustment or other authority having jurisdiction, decommissioning shall begin no later than six (6)

months after a ground mounted solar energy system has ceased to generate electricity or thermal energy.

- c. All structures and facilities associated with the solar energy system, including any underground wiring, conduits, equipment, shall be removed within six (6) months from the beginning of the decommissioning operation.

D. Requirements for Integrated Solar Energy Systems:

1. Wires or cables shall not be visible from public view or shall be concealed in conduit, which is color coordinated with the subject structure.
2. Associated equipment cabinets, inverters, etc. shall:
  - a. Be inside the structure or attached to the side or rear of the structure on which the integrated system is proposed.
  - b. Not be visible from public roadways. They can be screened with fencing or landscaping.

E. Protection of Farmland and Revegetation of Disturbed Areas

1. Compaction of soils associated with the location of roads and installation staging areas for Tier 2 and Tier 3 ground mounted systems shall be minimized to the extent possible.
2. In Agricultural districts, upon completion of construction and installation of ground mounted solar energy systems, all temporary roads shall be removed and all disturbed areas shall be graded and reseeded with short-term cover crops and sustainable, non-weed native vegetation in order to establish an effective ground cover and to minimize erosion and sedimentation.

F. Permitting and Processing

1. Integrated and roof mounted solar energy systems shall follow the Zoning Permit procedures identified in Article 4.
2. Tier 1 solar energy systems in agricultural or residential districts shall follow the Zoning Permit procedures identified in Article 4.
3. Tier 1 solar energy systems in any district, other than agricultural or residential districts, shall follow the Site Plan procedures identified in Article 30.
4. Tier 2 or Tier 3 solar energy systems shall follow the Site Plan procedures identified in Article 30.

## ATTACHMENT H

### PROPOSED TEXT AMENDMENT BOONE COUNTY ZONING REGULATIONS

Text to be added is underlined and text to be deleted is ~~struck out~~.

#### Article 31

#### Section 3118 Battery Energy Storage Systems

##### A. Applicability

1. Tier 1 systems shall meet the same requirements as other accessory uses/structures allowed by this ordinance and Subsection B. below.
2. Tier 2 systems, whether permitted as free-standing operations or as an accessory use, shall meet the requirements identified in Subsection C., in addition to other requirements of this ordinance.

##### B. Tier 1 Requirements

Exterior battery cabinets/boxes/containers shall:

1. Not be visible from public streets. They can be screened with privacy fencing and/or landscaping.
2. Not exceed the maximum fence height of the zoning district.
3. Not have associated wires or cables visible from public view. All such wires or cables shall be hidden or concealed in conduit which correlates to the subject structure.

##### C. Tier 2 Requirements

1. Facilities shall meet the following minimum setbacks:
  - a. Two hundred (200) feet from the property line of any property within a residential district.
  - b. Fifty (50) feet from any other property line.
2. A Buffer Yard D shall be provided where a battery energy storage system facility is adjacent to a property within a residential district. In all other cases, Buffer Yards shall be provided per the requirements of Section 3645.

3. All on site utility lines shall be placed underground to the extent feasible as permitted by the serving utility, with the exception of the main service connection.
4. Areas within ten (10) feet of the Battery Energy Storage System facility shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as grass, ivy, or similar plants used as ground cover shall be permitted provided that they do not form a means of readily transmitting fire.
5. The average noise generated from the battery energy storage system facility, and its associated ancillary equipment, shall not exceed a noise level of sixty (60) dBA, as measured at the property line of the site upon which the facility is located.
6. Shall be limited to 20' in height.
7. Wires or cables associated with the battery energy storage system shall not be visible from public view or be concealed in conduit.

D. Decommissioning

1. A decommissioning plan or statement shall be submitted with all Conditional Use Permit, Site Plan, and Zoning Permit applications.
2. Decommissioning shall begin no later than six (6) months after the facility has ceased operations.
3. All structures and facilities associated with the battery energy storage system, including any underground wiring, conduits, and equipment, shall be removed within six (6) months from the beginning of the decommissioning operation.

E. Permitting and Processing

1. Tier 1 systems shall follow the Zoning Permit procedures identified in Article 4 or the Site Plan procedures identified in Article 30, whichever is applicable.
2. Tier 2 systems shall follow the Site Plan procedures identified in Article 30.