

ORDINANCE NO. 0002-2026-0294

AN ORDINANCE RELATING TO AN AMENDMENT OF THE ZONING ORDINANCE OF GRANT COUNTY, KENTUCKY

WHEREAS, the Grant County Fiscal Court has heretofore adopted a comprehensive ordinance relating to planning and zoning within Grant County, Kentucky; and

WHEREAS, the Grant County Fiscal Court is desirous of changing the zoning ordinance by adding thereto the inclusion of Solar Energy System Regulations to Article 15 Performance Standards for Industrial Zones; and

WHEREAS the Grant County Fiscal Court is aware that the change and addition referred to herein has been recommended by the Grant County Planning Commission; NOW, THEREFORE, **BE IT ORDAINED BY THE GRANT COUNTY FISCAL COURT THAT:**

Article 15

PERFORMANCE STANDARDS FOR INDUSTRIAL ZONES

SECTION 15.0 APPLICATION OF PERFORMANCE STANDARDS:

After the effective date of this ordinance, any use established or changed to, and any building, structure, or tract of land developed, constructed or used for any permitted or permissible principal or accessory use in all industrial zones (I-1 and I-2) shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

SECTION 15.1 TIME SCHEDULE FOR COMPLIANCE OF PERFORMANCE STANDARDS:

Except for standards regulated and enforced by the State of Kentucky, compliance with the provisions of this article of the ordinance shall be according to the following time schedule:

- A. All new installations shall comply as of going into operation.
- B. All existing installations not in compliance as of the effective date of the ordinance shall be in compliance within one (1) calendar year of the effective date of this ordinance unless the owner or person responsible for the operation of the installation shall have submitted to the zoning administrator a program and schedule for achieving compliance, such program and schedule to contain a date on or before which full compliance will be attained and such other information as the zoning administrator may require. If approved by the zoning administrator, such date will be the date on which the person shall comply. The zoning administrator may require persons submitting such program to submit subsequent periodic reports on progress in achieving compliance.

SECTION 15.2 PERFORMANCE STANDARDS:

A. BUILDING ENCLOSURES: In the I-1 and I-2 industrial districts, permitted uses shall be operated either within a completely enclosed building or within an area screened from view at the nearest district boundary, according to Section 9.18 and Article 14 of this ordinance.

B. LANDSCAPING: In all industrial districts, all required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the planning commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, etc., according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

In areas to be used for off-street parking, the parking arrangement and surfacing must likewise have been approved of for the development of such tract as a permitted use. Any landscaped areas shall be properly maintained thereafter in a sightly and well kept condition. Parking areas shall likewise be maintained in good condition. Any areas left in a natural state shall be properly maintained in a well kept condition.

C. NOISE: For the purpose of measuring the intensity and frequencies of a sound, a sound level meter and an octave band analyzer shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 - 1971, and Specifications for Octave, Half Octave and Third Octave Band Filter Sets S1.11 - 1966, American National Standards Institute, 1430 Broadway, New York, New York 10018, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level.

In the I-1 district the sound pressure of noise radiated from any activity shall not exceed the values given in Table 3 of this section in any octave band frequency at any point on or beyond any lot line. If the I-1 district adjoins a residential district, the maximum sound pressure level at any point on the district boundary shall be reduced by six (6) decibels from the maximum listed in Table 3.

In the I-2 district, the sound pressure of noise radiated from any activity shall not exceed the value given in Table 3 of this section in any octave band frequency at any point on or beyond the nearest district boundary. If said districts adjoin a residential district, the maximum sound pressure shall be reduced by six (6) decibels from the maximum listed in Table 3 of this section.

In all districts, industrial noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

D. ODOROUS MATTER: No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.

E. HUMIDITY, HEAT OR GLARE: In the I-1 district, any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line. In the I-2 district, any activity producing heat or glare shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at or beyond any residential or commercial district boundary. Detailed plans for the elimination of humidity, heat or glare may be required before the issuance of a building permit.

Table 1
Maximum Permissible Sound Pressure Level At Specified Point of Measurement for Noise Radiated Continuously From A Facility

OCTAVE BAND (cycles per second)	SOUND PRESSURE LEVEL (decibels*)
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800- 10,000	28
10,000 - 20,000	26**
20,000 - 30,000	25**
30,000 - 40,000	24**
40,000 - 50,000	23**

*According to the following formula, Sound Pressure Level in Decibels equals 10 Log where P2 equals 0.0002 dynes/cm²

$$P2$$

**To avoid possible interference with animal experiments.

TABLE 2
Correction In Maximum Permitted Sound Pressure Level In Decibels To Be Applied to Table 3

Type of Operation of Character of Noise	Correction In Decibels
Noise source operated less than 20% of any one hour period	plus 5*
Noise source operated less than 5% of any one hour period	plus 10*
Noise source operated less than 1% of any hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5

*Apply one of these corrections only.

TABLE 3
Maximum Permitted Sound Pressure Level In Decibels

Octave Band (Cycles Per Second)	Sound Pressure Level (Decibels*)
0 - 74	79
75 - 149	74
150 - 299	66
300 - 599	59
600 - 1,100	53
1,200 - 2,399	47
2,400 - 4,799	41
4,800 and over	39

* According to the following formula, Sound Pressure Level in Decibels equals 10 Log where P2 equals 0.0002 dynes/cm²

$$P2$$

F. EXTERIOR LIGHTING: Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones.

G. VIBRATION: Vibrations shall be measured at the lot line in the I-P and I-1 districts and at the nearest district boundary in the I-2, I-4 and I-5 districts. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Efforts of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.

H. EMISSIONS AND OPEN BURNING: No emission of particulate matter, sulfur compound, carbon monoxide, hydro-carbon, nitrogen oxide, and open burning shall be allowed in all industrial zones in excess of regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.

I. RADIATION: In all industrial zones, all sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.

J. ELECTRICAL RADIATION: In all industrial zones, any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.

K. STORAGE: In the I-P Zone, no material, products or supplies shall be stored or permitted to remain on any part of the property outside the building constructed thereon. In the I-1, I-2, I-4 and I-5 Zones, storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted to the side and rear of the property providing that the storage of materials, supplies, and products are within an area screened from view at the nearest district boundary, in accordance with Section 9.17 and Article 15.

L. FIRE AND EXPLOSIVE HAZARDS: In the I-2, I-4 and I-5 zones only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, providing that said materials or products shall be stored, utilized, or manufactured within complete enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the I-2, I-4, and I-5 zones only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of "American Insurance Association", Pamphlet No. 30, June, 1959, or any subsequent revision or amendment thereto.

M. WASTE: Within the I-5 zone, no waste material or refuse shall be dumped upon or permitted to remain upon any part of the part of the property outside of the buildings constructed thereon. All sewage and industrial waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit. In the I-1, I-2, I-4 and I-5 zones, all waste shall be disposed of in accordance with the Solid Waste Regulations of the Kentucky Department of Natural Resources and Environmental Protection.

N. MINING AND RECLAMATION: All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Division of Reclamation. Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

O. BLASTING AND EXPLOSIVES: All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals Division of Explosives and Blasting (pursuant to the authority of KRS 351.310 to 351.340 and 351.990) and in accordance with the Standards of Safety for Explosives for the state of Kentucky, prepared by the Department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).

SECTION 15.3: SOLAR ENERGY SYSTEMS REGULATIONS:

A. PURPOSE

1. Facilitate the siting, development, construction, installation, and decommissioning of solar energy systems and devices in a predictable manner that promotes and protects the safety, health, and welfare of the community.

2. Provide a framework for the development of solar energy systems and devices, 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. DEFINITIONS

1. Solar Energy System (SES) means a device, including its components and subsystems that collects solar energy for electricity generation, consumption, or transmission, or for thermal applications. SESs are categorized as three types depending on how the system is incorporated into the existing land use:

a. Integrated Solar Energy System means an SES where the solar materials are incorporated into the building materials, such that the building and solar system are reasonably indistinguishable, or where the solar materials are used in place of traditional building components, such that the SES is structurally an integral part of the building or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.

b. Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a building, or other structure and does not qualify as an Integrated SES.

c. Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES.

C. REQUIREMENTS FOR GROUND MOUNTED SOLAR ENERGY SYSTEMS

1. Lighting shall:

- a. be limited to the minimum necessary for safe operation.
- b. be directed downward.
- c. incorporate full cut-off features.
- d. 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. heights shall be limited as follows:
 - 1. 10' maximum when the subject property adjoins a residential or agriculturally zoned property.
 - 2. 20' maximum when the subject property does not adjoin a residential or agriculturally zoned property.

4. 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.

5. Siting Restrictions:

- a. The footprint of a solar energy system shall be set back a minimum of seven hundred fifty (750) feet from an adjoining property.
- b. The location of solar arrays on impermeable surfaces, including but not limited to, gravel and asphalt shall be prohibited.

c. Maximum number of acres for a solar energy system shall be ten (10) acres and shall not adjoin another solar energy system

6. Decommissioning:

a. A decommissioning plan shall be prepared by a licensed engineer and updated every five years from date of first approval. The decommissioning plan must be submitted and approved by the Fiscal Court prior to approval of the site plan. The plan shall establish the party responsible for decommissioning, the anticipated life of the project, the estimated decommissioning cost including removal of all structures, facilities, equipment, fencing, conduit, driveways and the estimated salvage value of such. Decommissioning must begin no later than six (6) months after a solar farm has substantially ceased to generate electricity for a period of three (3) months. All structures, facilities, and equipment must then be removed from the property within six (6) months from beginning of decommission operation and any disturbed areas for the property reclaimed, revegetated, and otherwise restored in a manner consistent with its prior state within six (6) months from beginning of decommission operation.

b. A performance bond, or other approvable financial surety, payable to and approved by Grant County Fiscal Court sufficient to cover 110% of the net cost of decommissioning of the site by a third party in the event the assigned party defaults on this obligation. The amount shall be evaluated every five years in conjunction with the revision to the decommissioning plan by a third-party engineer at the expense of the developer, or SES owner, and requires final approval by the Fiscal Court.

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 ground mounted systems shall be minimized to the extent possible.

F. PERMITTING AND PROCESSING

- 1. all solar energy systems shall only be permitted as a Conditional Use in the I-2 Zone
- 2. shall obtain approval of a decommission plan from the Fiscal Court prior to approval of the site plan
- 3. shall obtain approval of a site plan from the Planning Commission prior to development and installation

G. CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS, STANDARDS AND ISSUANCE

1. Applications for an SES requiring a conditional use permit shall include the following information:

- a. Name, address, telephone number, and email address (if available) of the applicant, the project owner, and the project operator.
- b. The address of the property on which the SES will be located and the property owner's name, address, telephone number, and email address if available.
- c. Documentation, such as a deed, lease, memorandum of lease, or other agreement with the landowner, demonstrating the applicant's right to use and control the property.
- d. A topographic or other map that depicts vegetative cover, watersheds, floodplains, and other geographic information about the property and surrounding area.
- e. A conceptual description of the project, including the maximum number of modules, mounting type (fixed-tilt or tracking), system height, system capacity, total land area covered by the system, and information about all associated structures or facilities such as transformers, substations, feeder lines, and battery storage.
- f. A conceptual site plan including property lines, zoning classification of the property and all adjacent properties, existing buildings and proposed structures, the proposed location of the solar equipment, transmission lines, any associated structures and facilities, and substations. The conceptual site plan shall also identify existing and proposed temporary or permanent roads, drives, and parking, fencing or other methods to ensure public safety, and a visual buffer plan demonstrating how proposed visual buffers will effectively screen the proposed SES from adjacent properties zoned for residential use.
- g. A decommissioning plan prepared by a registered professional engineer in accordance with Section 15.3 c 6.
- h. A copy of any lease or a memorandum of lease containing specific agreements regarding decommissioning with the landowner.
- i. Proof of adequate casualty and liability insurance covering installation and operation of the SES
- j. A description of the measures that will be taken to minimize erosion and sedimentation, and to promptly stabilize and revegetate disturbed areas with native vegetation.

All Ordinances in conflict with this Ordinance, or portions thereof, shall be deemed repealed from and after the effective date of this Ordinance, to the extent of such conflict.

Introduced, given first reading and ordered published this the 17th day of February 2026.

Given second reading, passed by the Grant County Fiscal Court and ordered recorded this the 3rd day of March, 2026.

**GRANT COUNTY FISCAL COURT
BY: /S/ CHARLES E. DILLS II
CHARLES E. DILLS II
GRANT COUNTY JUDGE/EXECUTIVE**

**ATTEST: /S/ JENNA ALSIP
JENNA ALSIP
GRANT FISCAL COURT CLERK**