

/56. Indoor individual storage uses may be conditionally permitted in the B-3 and B-4 zones. Indoor individual storage uses are principally permitted in B-5, I-1 and I-2 zones.

The storage of items within any indoor individual storage structure shall conform to the limitations contained in the definition of "indoor individual storage" in Article 14 of this Zoning Ordinance.

In the B-3 and B-4 zones, conditionally permitted indoor individual storage uses also shall be subject to the following restrictions:

- a. Indoor individual storage shall be limited to the adaptive reuse of an existing retail storefront of not less than 10,000 square feet in size.
- b. Structures to be used as indoor individual storage units shall be fully conditioned and enclosed.
- c. Screening and landscaping shall be required as per Article 17 of this Zoning Ordinance.
- d. Outdoor storage shall be prohibited on the same property as the indoor individual storage structure(s). This shall include vehicles, boats, personal items, etc.
- e. All uses other than indoor individual storage shall be prohibited within structures while those structures are being used for individual storage, except for those accessory uses that are clearly incidental to and would also be permitted in a B-4 zone.
- f. The Owner of the indoor individual storage structure(s) shall be responsible for policing the material and/or items being stored. The Owner shall notify the Zoning Administrator upon discovering any storage not meeting the requirements set forth herein, providing the name, address and phone number of the renter whose storage is in question

/57. Storage of distilled spirits shall be permitted in the A-R and A-U zones only on tracts of at least one hundred (100) acres in size.

Storage of distilled spirits shall be conditionally permitted in the A-R and A-U zones on tracts of at least twenty (20) acres in size.

Prior to the approval of a conditional use permit hereunder, the OMBA must consider the impact of the proposed use upon surrounding properties and insure that the character of the area is protected. This type of establishment shall not be considered as altering the agricultural or residential character of its particular area and shall not be justification for zoning map amendments.

In the A-R and A-U zones, permitted and conditionally permitted storage of distilled spirits also shall be subject to the following restrictions:

- a. The construction type shall be limited to rack supported structures or pallet storage structures constructed in accordance with the requirements of the current edition of the Kentucky Building Code.
- b. The size, height and separation of any single structure shall be in accordance with the requirements of the current edition of the Kentucky Building Code.
- c. The structures shall be used for the storage of distilled spirits only; any change in the product/material stored shall deem the conditional use permit null and void.
- d. All structures shall be set back at least 200 feet from all property boundaries.

e. All structures shall be located at least 750 feet from any principal structure on an adjoining property; this may be waived if the applicant provides a sworn affidavit from the owner of said structure that he/she is agreeable to the waiver.

f. At least twenty five (25) percent of the property shall be dedicated to agricultural uses as defined in KRS 100 and/or left as open/natural space.

g. As part of the application process, the property owner shall agree that if the use ever exceeds the conditions of an approved permit, the property owner must take the necessary steps to come into compliance, cease operations, and/or relocate to an appropriately zoned location.

/58. Agriculture, Horticulture and Silviculture Industries shall be Conditionally Permitted in A-R and A-U zones located outside of the Urban Service area on parcels of at least twenty-five (25) acres in size. This type of use shall not be considered as altering the agriculture or residential character of its particular area and shall not be justification for zoning map amendments. Conditionally permitted agriculture, horticulture and silviculture industries shall be subject to the following restrictions:

- a. Any structure associated with the use shall not exceed twenty thousand (20,000) square feet in size and all structures associated with the use shall not exceed fifty thousand (50,000) square feet in total.
- b. The operation must not employ more than thirty (30) persons unless it is located on a road that is classified as a State Primary or State Secondary route or has any section classified as such, no operation shall employ more than one hundred (100) persons.
- c. The operation shall be limited to agriculture, horticulture or silviculture activities and their related accessory uses.
- d. The applicant must submit a full scope of work along with the conditional use permit application showing the operation is limited in size and scope as to not cause a negative impact or nuisance to neighboring properties. If at any time that scope of work changes or any conditions set forth with the approved conditional use permit are not met, the conditional use permit shall be revoked and the operation shall cease.
- e. All applicable building codes for commercial/industrial structures shall be followed. The OMPC Building, Electrical, HVAC department shall be contacted regarding any required permits or inspections prior to any construction activity taking place.

/59. Solar Energy Systems (SES) shall comply with the following criteria:

- a. The height of any ground mounted SES shall not exceed twenty (20) feet as measured from the highest natural grade below each solar panel (excludes utility poles and antennas constructed for the project)
- b. Setback requirements for Level 1 and Level 2 SES shall be in compliance with the zoning classification for the parcel.
- c. Setback requirements for Level 3 SES shall be as follows: (1) ~~All equipment shall be at least fifty (50) feet from the perimeter property lines of the project area. All equipment shall be at least seventy-five (75) feet from the perimeter property lines of the project area. Non-participating landowners may waive this setback;~~ (2) No interior property line setbacks shall be required if the project spans multiple contiguous properties, and; (3) ~~All equipment shall be located at least one hundred (100) feet from any residential structure. All equipment (unless otherwise~~

mentioned) shall be located at least one hundred fifty (150) feet from any residential structure; (4) All inverters shall be located at least four hundred fifty (450) feet from any residential structure; and, (5) All equipment (unless otherwise mentioned) shall be located at least five hundred (500) feet from any county park.

d. All Level 3 SES shall be screened with an 8' tall fence and a double row of staggered pines planted 15' on center from any public right-of-way or adjacent residential use. The pine trees shall be located outside of the fence. The use of barbed wire or sharp pointed fences shall be prohibited in or along any boundary adjoining residential or MHP zones. Screening shall be installed by the start of commercial operation and shall be maintained until the decommissioning of the SES is completed. All unhealthy, dead, or noncompliant plantings shall be repaired or replaced within ninety (90) days of such occurrence.

e. There shall be no signs permitted except those displaying emergency information, owner contact information, warning or safety instructions or signs that are required by a federal, state or local agency. Such signs shall not exceed 5 square feet in area.

f. Lighting shall be prohibited except that required by federal or state regulations.

g. Decommissioning of Level 3 SES shall be as follows:

1. The developer shall post a Surety Bond for the abandonment of the site and in the event the Commission must remove the facility. Abandonment shall be when the SES ceases to transfer energy on a continuous basis for twelve (12) months. The surety bond shall be one and one-quarter (1.25) percent of the total cost of the installed SES. The applicant shall provide security in the form of a performance bond or Irrevocable Letter of Credit in the amount of one hundred ten percent (110%) of the projected Decommissioning Cost [see 59. q. 2. (5)], if the Decommissioning Cost is a positive number, securing Owner's decommissioning obligations. The form and content of surety shall be in accordance with the requirements of KRS 278.706(2)(m)(5) and shall name Daviess County Fiscal Court as secondary beneficiary. The Decommissioning Security shall be delivered to the County Judge/Executive of the Daviess County Fiscal Court and the owner shall provide a copy to the planning director. The surety instrument shall be provided prior to commencement of construction. The Decommissioning Security shall be issued for a period of not less than five (5) years. The surety instrument shall be updated and revised in conjunction with a resubmitted decommissioning plan not less than once every five (5) years. A surety instrument shall be continuously maintained by applicant, their successors in interest and/or assigns, until such time as the Large-Scale SES is decommissioned and all disturbed areas are reclaimed, revegetated, and restored.

2. A decommissioning plan shall be submitted at the time of application by the party responsible for decommissioning and the land owner and must include the following: (1) Defined conditions upon which the decommissioning will be initiated. i.e. there has been no power production for 12 months, the land lease has ended, or succession of use of abandoned facility, etc.; (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations; (3) Restoration of

the property to its original condition prior to development of the SES; (4) The time frame for completion of decommissioning activities; The estimated salvage value of the SES; (5) the party currently responsible for decommissioning, and The estimated cost to decommission the SES and restore the subject property minus the estimated salvage value of the SES is the Decommissioning Cost; (6) Plans for updating the decommissioning plan; The time frame for completion of decommissioning activities; (7) the party currently responsible for decommissioning, and; (8) Plans for updating the decommissioning plan.

3. The applicant shall be responsible for a decommissioning plan, prepared by a registered professional engineer familiar with the decommissioning process of a Level SES, at the expense of the applicant, and updated not less than once every five (5) years, containing the following: (1) The anticipated life of the project and defined conditions upon which decommissioning will be initiated; (2) The estimated decommissioning costs, including removal of the Solar Energy System and related foundations, pads, underground collector lines and roads, transmission lines, and the revegetation and restoration of the property, including soils, to its original condition and all calculations supporting the decommissioning estimate; (3) The manner in which the project will be decommissioned, including provision and a timetable (such timetable not to exceed five (5) years) for the removal of all structures and foundations, and for the revegetation and restoration of the property to its original condition; (4) A copy of any contract containing specific agreements regarding decommissioning; and, (5) The manner of SES component disposal including the estimated recycled value of components.

h. The total number of acres of "prime farmland" (outside Special Flood Hazard Area Zone A) in the unincorporated areas of the county which are permitted to allow Level 3 SES shall be limited to one thousand two hundred (1,200) acres as determined and tracked by Daviess County Fiscal Court. No permits shall be authorized once the total number of permitted acres has been allotted. "Prime farmland" means a map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses.

/60. Medical Cannabis Dispensary shall comply with the following criteria:

a. A Medical Cannabis Dispensary shall not be located within one thousand (1,000) feet of an existing primary or secondary school or daycare for children as measured in a straight line from parcel boundary to parcel boundary. This separation is required by KRS and is not subject to relief by a dimensional variance.

b. A Medical Cannabis Dispensary shall not be located closer than one (1) mile from another approved Medical Cannabis Dispensary and in unincorporated Daviess County shall be limited to one per Rural Community.