

Flexible Setbacks

DeKalb County, IN

[DeKalb County Ord. 2018-06](#)

Setbacks may be reduced to 200 feet (from 400 feet) if a 30 foot wide landscape buffer that completely screens the solar panels from view of the non-participating property owner is utilized.

Setbacks after 2022 update (info provided by Kelly M):

- 1. All components, except the interconnection point, installed as part of the solar facility shall be setback at least one hundred (100) feet from a property line or right-of-way;***
- 2. In addition, all components, except the interconnection point, installed as part of the solar facility shall be setback at least three hundred (300) feet from a property line or right-of-way of any property that is twelve (12) acres or less and has an occupied structure;***
- 3. In addition to meeting the one hundred (100) foot or three hundred (300) foot minimum setback noted above, all components, except the interconnection point, installed as part of the solar facility must also be setback at least one hundred (100) feet for every three (3) feet of height of the SES, when oriented at maximum tilt from the nearest outer wall of any occupied structure not located on the subject property a. This setback from an occupied structure may be waived if the developer of the facility can obtain and record with the DeKalb County Recorder a written, signed, and notarized statement from the owner of the property containing the occupied structure agreeing to waive this setback. This waiver only affects the setback from an occupied structure. The minimum one hundred (100) foot setback from a property line or right-of-way is required regardless of whether this setback from an occupied structure is waved;***
- 4. A "spot" survey will be required, at time of installation, verifying that all elements of the facility meet the minimum setbacks approved by the Special Use ordinance. It will be the responsibility of the developer to relocate any component of the facility failing to meet these setbacks in a timely fashion. Failure to do so will constitute a violation of the ordinance.***

Carroll County, IL

[Carroll County Code § 725.1\(f\)](#)

County Board may grant a variance to setback requirements if proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way

Hamilton County, IN

[Hamilton County Ord, 01-2021\(F\)\(1\)\(f\)](#)

“A waiver agreement may be utilized to reduce this setback to the minimum setback for each zone district for the appropriate property line building setback for Primary Structures. The minimum setback must include the 20’ buffer yard requirement (a waiver agreement with a setback of 20 feet would need to be set at 45 feet). The minimum setbacks for solar equipment associated with the C-SES shall be the required primary building setback for the zone district and may include a buffer yard around the perimeter of the solar arrays. The setback may be reduced with an approved buffer/landscaping plan and/or waiver agreement.”

Iroquois County, IL

[Iroquois County Solar Ord. § 2\(A\)\(b\)\(5\)](#)

“The zoning board of appeals may grant a variance to such setback requirements if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way if the owners of the adjoining properties agree to waive these setback requirements.”

Also: Kankakee County, IL; Livingston, IL

Logan County, IL

[Logan County Solar Zoning Ord.](#)

500’ dwelling setback may be waived if owners of a residence within the 500’ perimeter sign a waiver stating they have agreed to allow the land owner and developer to place solar panels closer than the County’s set perimeter. This waiver must specifically state terms of the agreement and the County must receive a certified copy from the residence owner. This setback shall not apply to solar Gardens that are a part of a subdivision.

Also: Montgomery County, IL

Dearborn County, IN

[Dearborne County Ordinance Art. 19](#)

Any SES-C equipment, excluding perimeter fencing, poles, and wire necessary to connect the facility to an electric utility, must be setback at least one-hundred-and-fifty feet (150) feet from any property line of a non-participating landowner—unless a landscape bufferyard 2 is placed between the SES-C equipment and the adjacent nonparticipating property line(s). *If a landscape bufferyard 2 is installed, then the setback may be reduced to seventy-five (75) feet.

Property line setbacks between separate parcels of different ownership—both or all of which are participating as part of an SES-C—may be waived upon agreement of the landowners.

Howard County, IN

[Howard County Zoning Ordinance](#)

100 foot setback from property line of participating landowner; An individual landowner within the project may waive by written agreement the setback applicable to the landowner's property; however, setbacks can be reduced by no more than 50%.

Miami County, IN

[Miami County Ordinance # 12-20-2021](#)

Property line setbacks may be waived by owners of adjoining properties.

Noble County, IN

[Noble County Zoning Ordinance](#)

A waiver from the impact of development standards via notarized statement from the nonparticipating landowner(s), allowing a less than required development standard setback shall be included in the Development Plan, Section 23.

Posey County, IN

[Posey County Zoning § 153.126.03](#)

"Variances may only be granted for relief from 153.126.03 (B) [100' setback from nonparticipating landowner property line]. However, the variance application must include an executed agreement between the applicant and all participating and non-participating landowners affected by the requested variance prior to consideration of the variance request by the Board of Zoning Appeals."

Adair County, IA

[Adair County Ord. 38 § 4](#)

Participating and non-participating landowners may sign a waiver consenting to the placement of US-SES and/or upgrades closer than the setback requirements outlined above.

Also: Union County, IA

Vermillion County, IA

[Vermillion County Commercial Solar Energy Ordinance](#)

"Exception of variance may be permissible, depending on individual circumstances."