CITY OF NEW HAVEN

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AGENDA
Common Council Regular Agenda
November 18, 2025, at 5:30 PM
City Hall Community Room
815 Lincoln Highway E.

I. CALL TO ORDER

A. Welcome - please silence cell phones and other electronic devices.

B. Pledge of Allegiance

C. Roll Call

D. Title VI Statement

E. Approval of Minutes from the previous meeting

1. Approval of minutes from 11/04/2025

II. STANDING COMMITTEE REPORTS

III. UNFINISHED BUSINESS

A. Second reading of an ordinance titled, An Ordinance Amending the Zoning Map of the New Haven Plan Commission's Jurisdictional Area

IV. NEW BUSINESS

A. Introduction of a resolution titled Resolution by the Common Council of the City of New Haven, Indiana, to Correct Scrivener's Error

B. Introduction of a resolution titled, New Haven City Council Confirmatory Resolution Application of Diversified Metal Specialties Inc. for the Designation of Economic Revitilization Area No. NH-118

C. Introduction of a resolution titled, New Haven City Council Resolution Waiving Non-Compliance for Ruble Property Group, LLC./Ruble Trucking Sales, LLC.

D. Introduction and first reading of an ordinance titled, An Ordinance Amending Chapter 157: New Haven Unified Development Ordinance of the City of New Haven, Indiana (Solar Ordinance)

V. ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE COUNCIL

VI. PUBLIC COMMENTS

VII. ADJOURNMENT

MEMBER	TERM
Matt Newbauer, 1st District	1/1/24-12/31/27
Jeff Turner, 2nd District	1/1/24-12/31/27
Craig Dellinger, 3rd District	1/1/24-12/31/27
Mike Mowery, 4th District	1/1/24-12/31/27
Amelia Gascoigne, 5th District	1/1/24-12/31/27
Bob Byrd, Council-At-Large	1/1/24-12/31/27
Terry Werling, Council-At-Large	1/1/24-12/31/27

Meetings are archived and can be viewed live at https://newhavenin.portal.civicclerk.com/.

November 4, 2025

MINUTES OF A REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF NEW HAVEN, INDIANA

The Common Council of the City of New Haven Indiana met in the City Hall Community Room on the November 4, 2025 at the hour of 5:30 PM in a Regular session in accordance with the rules of the Council.

I. CALL TO ORDER

A. Welcome - please silence cell phones and other electronic devices.

B. Pledge of Allegiance

C. Roll Call

On the call of the roll, the members of the Common Council were shown to be present or absent as follows:

Present: Terry Werling, Matt Newbauer, Jeff Turner, Craig Dellinger, Mike Mowery, and Bob Byrd

Absent: Amelia Gascoigne

Also Present: Council Attorney Steve Harrants

D. Title VI Statement

E. Approval of Minutes from the previous meeting

1. Approval of the minutes from 10/07/2025

Terry Werling made a motion to approve the minutes from 10/07/2025, Mike Mowery seconded the motion, and the motion was approved by the following vote:

Ayes: Terry Werling, Matt Mewbauer, Jeff Turner, Craig Dellinger, Mike Mowery and Bob Byrd

Nays: None

II. STANDING COMMITTEE REPORTS

III. UNFINISHED BUSINESS

A. Public hearing and second reading of Ordinance G-25-28, an ordinance titled, Ordinance of the City of New Haven, Indiana, Authorizing the Issuance of General Obligation Bonds for the Purpose of Providing Funds to Pay for Certain Projects for the Downtown District of the City of New Haven and Incidental Expenses in

Connection Therewith and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Thereof

Under unfinished business item A, was a public hearing and second reading of Ordinance G-25-28, an ordinance titled, Ordinance of the City of New Haven, Indiana, Authorizing the Issuance of General Obligation Bonds for the Purpose of Providing Funds to Pay for Certain Projects for the Downtown District of the City of New Haven and Incidental Expenses in Connection Therewith and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Thereof. Mayor Steve McMichael opened the public hearing for comments. The first call with no comments. Second call with no comments. Third and final call with no comments. Mayor Steve McMichael declared the public hearing closed. Jeff Turner made a motion to approve by title only, Ordinance G-25-28, an ordinance titled, Ordinance of the City of New Haven, Indiana, Authorizing the Issuance of General Obligation Bonds for the Purpose of Providing Funds to Pay for Certain Projects for the Downtown District of the City of New Haven and Incidental Expenses in Connection Therewith and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Thereof. Bob Byrd seconded the motion and the motion was approved by the following vote:

Ayes: Terry Werling, Matt Newbauer, Jeff Turner, Craig Dellinger, Mike Mowery and Bob Byrd

Nays: None

Clerk Treasurer Angela Hamrick read by title only Ordinance G-25-28, an ordinance titled, Ordinance of the City of New Haven, Indiana, Authorizing the Issuance of General Obligation Bonds for the Purpose of Providing Funds to Pay for Certain Projects for the Downtown District of the City of New Haven and Incidental Expenses in Connection Therewith and on Account of the Issuance of the Bonds, and Appropriating the Proceeds Thereof.

IV. NEW BUSINESS

A. Introduction of a resolution titled, New Haven City Council Declaratory Resolution for the Designation of Economic Revitilization Area NO.NH-118 Application of Diversified Metal Specialties Inc.

Under new business item A, was the introduction of a resolution titled, New Haven City Council Declaratory Resolution for the Designation of Economic Revitilization Area NO.NH-118 Application of Diversified Metal Specialties Inc. Jeff Turner made a motion to approve by title only a resolution titled, New Haven City Council Declaratory Resolution for the Designation of Economic Revitilization Area NO.NH-118 Application of Diversified Metal Specialties Inc., Bob ByrNone seconded the motion, and the motion was approved by the following vote:

Ayes: Terry Werling, Matt Newbauer, Jeff Turner, Craig Dellinger, Mike Mowery and Bob Byrd

Nays: None

Clerk Treasurer Angela Hanrick read by title only and numbered resolution R-25-30 a resolution titled, New Haven City Council Declaratory Resolution for the Designation of Economic

Revitilization Area NO.NH-118 Application of Diversified Metal Specialties Inc.

B. Approval of two new stop signs on Park Avenue at North Park and South Park intersections. Approved at BOW on 10/7/2025

Under new business item B, was the approval of two new stop signs on Park Avenue at North Park and South Park intersections, previously approved at BOW on 10/7/2025. Matt Newbauer made a motion to approve two new stop signs on Park Avenue at North Park and South Park intersections, previously approved at BOW on 10/7/2025, Mike Mowery seconded the motion, and the motion was approved by the following vote:

Ayes: Terry Werling, Matt Newbauer, Jeff Turner, Craig Dellinger, Mike Mowery and Bob Byrd.

Nays: None

C. Introduction of a resolution titled, A Resolution to Transfer City Funds Between Accounts for the Year 2025

Under new business item C, was the introduction of a resolution titled, A Resolution to Transfer City Funds Between Accounts for the Year 2025. Bob Byrd made a motion to approve by title only a resolution titled A Resolution to Transfer City Funds Between Accounts for the Year 2025. Jeff Turner seconded the motion, and the motion was approved by the following vote:

Ayes: Terry Werling, Matt Newbauer,Jeff Turner, Craig Dellinger, Mike Mowery, and Bob Byrd.

Nayes: None

Clerk Treasurer Angela Hamrick read by title only, and numbered resolution R-25-31 a resolution titled, A Resolution to Transfer City Funds Between Accounts for the Year 2025.

D. Introduction of a resolution titled, Resolution of the Common Council of the City of New Haven, Indiana, Expressing Interest in the Purchase of Real Estate Located at 620 Lincoln Highway W and Certain Matters Related Thereto (Fuentes Property)

Under new business item D, was the introduction of a resolution titled, Resolution of the Common Council of the City of New Haven, Indiana, Expressing Interest in the Purchase of Real Estate Located at 620 Lincoln Highway W and Certain Matters Related Thereto (Fuentes Property)Terry Werling made a motion to approve a resolution titled, Resolution of the Common Council of the City of New Haven, Indiana, Expressing Interest in the Purchase of Real Estate Located at 620 Lincoln Highway W and Certain Matters Related Thereto (Fuentes Property), Craig Dellinger seconded the motion, and the motion was approved by the following vote:

Ayes: Terry Werling, Matt Newbauer, Jeff Turner, Craig Dellinger, Mike Mowery, and Bob Byrd

Nays: None

Clerk Treasurer Angela Hamrick read by title only and numbered Resolution R-25-32, a resolution titled, Resolution of the Common Council of the City of New Haven, Indiana, Expressing Interest in the Purchase of Real Estate Located at 620
Lincoln Highway W and Certain Matters Related Thereto (Fuentes Property)

E. Introduction of a resolution titled, Resolution of the Common Council of the City of New Haven, Indiana, Expressing Interest in the Purchase of Real Estate Located Along the 400 Block of West Lincoln Highway and Certain Matters Related Thereto (Isenbarger Property)

Under new business item E, was the introduction of a resolution titled, Resolution of the Common Council of the City of New Haven, Indiana, Expressing Interest in the Purchase of Real Estate Located Along the 400 Block of West Lincoln Highway and Certain Matters Related Thereto (Isenbarger Property) Craig Dellinger made a motion to approve by title only a resolution titled, Resolution of the Common Council of the City ofNew Haven, Indiana, Expressing Interest in the Purchase of Real Estate Located Along the 400 Block of West Lincoln Highway and Certain Matters Related Thereto (Isenbarger Property), Jeff Turner seconded the motion, and the motion was approved by the following vote:

Ayes: Terry Werling, Matt Newbauer, Jeff Turner, Craig Dellinger, Mike Mowery, and Bob Byrd

Nays: None

Clerk Treasurer Angela Hamrick read by title only and numbered Resolution R-25-33, a resolution titled, Resolution of the Common Council of the City of New Haven, Indiana, Expressing Interest in the Purchase of Real Estate Located Along the 400 Block of West Lincoln Highway and Certain Matters Related Thereto (Isenbarger Property)

F. Introduction and first reading of an ordinance titled, Ordinance Amending the Zoning Map of the New Haven Plan Commission's Jurisdictional Area

Under new business item F, was the introduction and first reading of an ordinance titled, Ordinance Amending the Zoning Map of the New Haven Plan Commission's Jurisdictional Area. Jeff Turner made a motion to approve by title only an ordinance titled, Ordinance Amending the Zoning Map of the New Haven Plan Commission's Jurisdictional Area. Bob Byrd seconded the motion, and the motion was approved by the following vote:

Ayes: Terry Werling, Matt Newbauer, Jeff Turner, Craig Dellinger, Mike Mowery, and Bob Byrd

Nays: None

Clerk Treasurer Angela Hamrick read by title only and numbered Resolution Z-25-29, an ordinance titled, Ordinance Amending the Zoning Map of the New Haven Plan Commission's Jurisdictional Area

G. 25-TXT-01 - Solar Ordinance Presentation

Planning Director Nathan Hooley gave a presentation on 25-TXT-01 Solar Ordinance.

V. ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE COUNCIL

VI. PUBLIC COMMENTS

VII. ADJOURNMENT

Craig Dellinger made a motion to adjourn the meeting. Jeff Turner seconded the motion and the meeting was adjourned.

_____	_____
Steven McMichael	Angie Hamrick
Presiding Officer	Clerk Treasurer

ORDINANCE NO. Z-25-

AN ORDINANCE amending the zoning map of the New Haven Plan Commission's jurisdictional area.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW HAVEN, INDIANA:

SECTION 1. That the area described as follows is hereby changed from R1; Single Family Residential District & R3; Multifamily Residential District to I2; General Industrial District under the terms of Chapter 157 Title XV of the Code of the City of New Haven, Indiana:

The land referred to in this Commitment, situated In the County of Allen, State of Indiana, is described as follows:

Legal Description of Annexation Territory

Parcels 1, 2, 3, 4: 02-14-06-354-001.000-047, 02-14-06-376-001.000-047, 02-14-07-104-001.000-047, 02-14-07-126-001.000-047, & a portion of 02-14-07-104-002.000-047

PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOGETHER WITH PART OF THE NORTHWEST QUARTER OF SECTION 7, ALL IN TOWNSHIP 30 NORTH, RANGE 14 EAST OF THE SECOND PRINCIPAL MERIDIAN, JEFFERSON TOWNSHIP IN ALLEN COUNTY, INDIANA, BASED ON AN ORIGINAL SURVEY BY BRETT R. MILLER, INDIANA PROFESSIONAL SURVEYOR NUMBER 20300059 OF MILLER LAND SURVEYING, INC., SURVEY NO. 23066965, DATED JULY 27, 2023 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" STEEL REBAR WITH A "TAZIAN" IDENTIFICATION CAP MARKING THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 87 DEGREES 09 MINUTES 34 SECONDS EAST (INDIANA EAST SPC, 1983 BEARING AND BASIS OF BEARINGS TO FOLLOW), A DISTANCE OF 733.63 FEET (732.62 FEET DEED) ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO A 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP AT THE POINT OF INTERSECTION OF SAID SOUTH LINE WITH THE EASTERLY RIGHT-OF-WAY LINE OF LINDEN ROAD, SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 18 DEGREES 13 MINUTES 15 SECONDS WEST, A DISTANCE OF 300.55 FEET (300.33 FEET DEED) ALONG SAID RIGHT-OF-WAY LINE TO A 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP; THENCE NORTH 31 DEGREES 10 MINUTES 17 SECONDS WEST, A DISTANCE OF 351.71 FEET, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP; THENCE NORTH 29 DEGREES 40 MINUTES 07 SECONDS WEST, A DISTANCE OF 40. 00 FEET, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO A 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF EAST U.S. HIGHWAY #24 AS DESCRIBED IN DOCUMENT NUMBER 90-027602 AND DOCUMENT NUMBER 90-027827 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA; THENCE ALONG SAID SOUTHEASTERLY

RIGHT-OF-WAY LINE THE FOLLOWING SIX COURSES; THENCE NORTH 60 DEGREES 43 MINUTES 23 SECONDS EAST, A DISTANCE OF 120.02 FEET (DEED); THENCE NORTH 84 DEGREES 20 MINUTES 59 SECONDS EAST, A DISTANCE OF 143.08 FEET (DEED); THENCE NORTH 59 DEGREES 39 MINUTES 30 SECONDS EAST, A DISTANCE OF287.63 FEET (287.65 FEET DEED) TO THE POINT OF CURVATURE OF A TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A Radius OF 3036.79 FEET . (DEED); THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTHEASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 694.32 FEET (DEED), HAVING A CENTRAL ANGLE OF 13 DEGREES 06 MINUTES 00 SECONDS, AND A CHORD OF 692.81 FEET BEARING NORTH 53 DEGREES 06 MINUTES 29 SECONDS EAST TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 46 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 289.60 FEET (289.58 FEET DEED); THENCE NORTH 80 DEGREES 54 MINUTES 12 SECONDS EAST, A DISTANCE OF 49.63 FEET (49.67 FEET DEED) TO A POINT ON THE SOUTHWESTERLY RIGHT- OF-WAY LINE OF INTERSTATE HIGHWAY #469 AS DESCRIBED IN SAID DOCUMENT NUMBER 90-027827, SAID POINT BEING REFERENCED BY A STEEL BRACE POST 0.2 FEET NORTH AND 0.8 FEET EAST; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES; THENCE SOUTH 43 DEGREES 26 MINUTES 30 SECONDS EAST, A DISTANCE OF 690.67 FEET (690.69 FEET DEED) TO A 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP; THENCE SOUTH 38 DEGREES 59 MINUTES 35 SECONDS EAST, A DISTANCE OF 391.28 FEET (390.90 FEET DEED) TO A 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP; THENCE SOUTH 16 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 428.12 FEET (428.01 FEET DEED) 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP; THENCE SOUTH 07 DEGREES 16 MINUTES 10 SECONDS EAST, A DISTANCE OF 801.00 FEET (DEED) TO A 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP; THENCE SOUTH 08 DEGREES 58 MINUTES 16 SECONDS EAST, A DISTANCE OF 53.36 FEET TO A 5/8" STEEL REBAR WITH A "S.C.O." IDENTIFICATION CAP ON THE NORTH LINE OF AN EXISTING 16.957 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 200079028 IN THE OFFICE OF SAID RECORDER; THENCE SOUTH 87 DEGREES 13 MINUTES 51 SECONDS WEST, A DISTANCE OF 1202.19 FEET (DEED) ALONG SAID NORTH LINE TO A 5/8" STEEL REBAR WITH A "S.C.O." IDENTIFICATION CAP ON THE EAST LINE OF AN EXISTING 10.126 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 2018002937 IN THE OFFICE OF SAID RECORDER; THENCE NORTH 02 DEGREES 29 MINUTES 00 SECONDS WEST, A DISTANCE OF 87.44 FEET TO THE NORTH LINE OF SAID 10.126 ACRE TRACT, SAID POINT BEING REFERENCED BY A 5/8" STEEL REBAR WITH A "TAZIAN" IDENTIFICATION CAP 0.73 FEET WEST; THENCE SOUTH 87 DEGREES 09 MINUTES 34 SECONDS WEST, A DISTANCE OF 449.40 FEET (449.47 FEET DEED) ALONG SAID NORTH LINE TO 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP THE EAST LINE OF AN EXISTING 4.58 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 2018002846 IN THE OFFICE OF SAID RECORDER; THENCE NORTH 02 DEGREES 59 MINUTES 36 SECONDS WEST, A DISTANCE OF

609.07 FEET (607.29 FEET DEED) ALONG SAID EAST LINE TO A 5/8" STEEL REBAR WITH A "MILLER FIRM #0095" IDENTIFICATION CAP ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7, TOWNSHIP 30 NORTH, RANGE 14 EAST; THENCE SOUTH 87 DEGREES 09 MINUTES 34 SECONDS WEST, A DISTANCE OF279.87 FEET (278.18 FEET DEED) ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. CONTAINING 69.242 ACRES, MORE OR LESS.
TOGETHER WITH:

THE INTENT OF THIS DESCRIPTION IS TO DESCRIBE A NEW TAX PARCEL BEING A PORTION OF PARCEL I OF THE LANDS OF LOCKPORT LLC AS RECORDED IN DOCUMENT NUMBER 2018002937 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, LYING WITHIN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 14 EAST, ALLEN COUNTY, INDIANA. THIS REAL ESTATE DESCRIPTION IS BASED UPON A BOUNDARY SURVEY COMPLETED BY FORESIGHT CONSULTING, LLC, COMMISSION NUMBER 243926, DATED SEPTEMBER 12TH, 2025, AND CERTIFIED BY TODD BAUER, INDIANA PROFESSIONAL SURVEYOR NUMBER 29800007.

A PORTION OF PARCEL I OF THE LANDS OF LOCKPORT LLC AS RECORDED IN DOCUMENT NUMBER 2018002937 WITHIN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, LYING WITHIN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 14 EAST, ALLEN COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT THE POINT OF BEGINNING, COMMENCE AT A 5/8" REBAR WITH "TAZIAN" IDENTIFICATION CAP FOUND AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE NORTH 87 DEGREES 09 MINUTES 32 SECONDS EAST (BEARINGS BASED UPON INDIANA STATE PLANE COORDINATE SYSTEM, EAST ZONE), ON AND ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 6, A DISTANCE OF 733.52 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF LINDEN ROAD AS COINCIDENT WITH A SOUTHWESTERN CORNER OF THE LANDS OF CEDAR FARM EAST, LLC AS RECORDED IN DOCUMENT NUMBER 2024043235 WITHIN SAID RECORDERS OFFICE, AND THE NORTHWEST CORNER OF THE LANDS OF LOCKPORT LLC AS RECORDED IN DOCUMENT NUMBER 2018002846, SAID CORNER BEING REFERENCED BY A 5/8" REBAR WITH "MILLER" IDENTIFICATION CAP FOUND 0.1 FEET EAST; THENCE CONTINUING NORTH 87 DEGREES 09 MINUTES 32 SECONDS EAST, ON AND ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7, THE NORTH LINE OF
SAID LANDS OF LOCKPORT LLC AS RECORDED IN DOCUMENT NUMBER 2018002846, AND A SOUTHERN LINE OF SAID LANDS OF CEDAR FARM EAST, LLC, A DISTANCE OF 279.99 FEET TO THE NORTHEAST CORNER OF SAID LANDS OF LOCKPORT LLC, SAID CORNER BEING MARKED BY A 5/8" REBAR WITH "MILLER" IDENTIFICATION CAP FOUND; THENCE SOUTH 02 DEGREES 59 MINUTES 06 SECONDS EAST, ON AND ALONG THE EAST

LINE OF SAID LANDS OF LOCKPORT LLC AND A WESTERN LINE OF SAID LANDS OF CEDAR FARM EAST, LLC; A DISTANCE OF 609.06 FEET TO A SOUTHWESTERN CORNER OF SAID LANDS OF CEDAR FARM EAST, LLC, AND A NORTHWESTERN CORNER OF THE LANDS OF PARCEL I OF LOCKPORT LLC AS RECORDED IN DOCUMENT NUMBER 2018002937, SAID CORNER BEING REFERENCED BY A 5/8" REBAR WITH "MILLER" IDENTIFICATION CAP FOUND 0.2 FEET WEST, SAID CORNER BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 87 DEGREES 10 MINUTES 45 SECONDS EAST, ON AND ALONG A SOUTHERN LINE OF SAID LANDS OF CEDAR FARM EAST, LLC, AND A NORTHERN LINE OF SAID PARCEL I OF THE LANDS OF LOCKPORT LLC, A DISTANCE OF
449.37 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, AS COINCIDENT WITH A SOUTHERN CORNER OF THE LANDS OF CEDAR FARM EAST, LLC AND THE NORTHEAST CORNER OF SAID PARCEL I OF THE LANDS OF LOCKPORT LLC, SAID CORNER BEING REFERENCED BY A 5/8" REBAR WITH AN ILLEGIBLE IDENTIFICATION CAP FOUND 0.5 FEET WEST, THENCE SOUTH 02 DEGREES 30 MINUTES 38 SECONDS EAST, ON AND ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, AND A WESTERN LINE OF SAID LANDS OF CEDAR FARM EAST, LLC, A DISTANCE OF 87.07 FEET TO A SOUTHERN CORNER OF SAID LANDS OF CEDAR FARM EAST, LLC AS COINCIDENT WITH THE NORTHWEST CORNER OF THE LANDS OF CITY OF NEW HAVEN AS RECORDED IN DOCUMENT NUMBER 200079028 WITHIN THE OFFICE OF SAID RECORDER, SAID CORNER BEING MARKED BY A 5/8" REBAR WITH "SCO" IDENTIFICATION CAP FOUND; THENCE SOUTH 87 DEGREES 14 MINUTES 42 SECONDS WEST, ON AND ALONG THE WESTERN EXTENSION OF THE SOUTH LINE OF SAID LANDS OF CEDAR FARM EAST, LLC AS COINCIDENT WITH THE NORTH LINE OF SAID LANDS OF CITY OF NEW HAVEN, A DISTANCE OF 448.65 FEET TO A POINT ON THE EAST LINE OF LOCKPORT LLC DOCUMENT NUMBER 2018002846 AND A WESTERN LINE OF SAID PARCEL I OF LOCKPORT LLC DOCUMENT NUMBER 2018002937, SAID CORNER BEING MARKED BY A 5/8" REBAR WITH "FORESIGHT CONSULTING, LLC - BOUNDARY" IDENTIFICATION CAP SET; THENCE NORTH 02 DEGREES 59 MINUTES 06 SECONDS WEST, ON AND ALONG THE LAST MENTIONED LINE, A DISTANCE OF 86.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.895 ACRES OF LAND, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD

The symbols of the City of New Haven Zoning Map as established by Section 157.201 of Title XV of the Code of the City of New Haven, Indiana is hereby changed accordingly.

SECTION 2. If a written commitment is a condition of the Plan Commission’s recommendation for the adoption of the rezoning, or if a written commitment is modified and approved by the Common Council as part of the zone map amendment, that the written commitment is hereby approved and is hereby incorporated by reference.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
Presiding Officer – Steve McMichael

ATTEST:

_____
Angie Hamrick – Clerk Treasurer

Presented to me to the Mayor of the City of New Haven on the _____ day of _____, 20___, at the hour of _____. m.

_____
Angie Hamrick – Clerk Treasurer

This Ordinance approved and signed by me on the _____ day of _____, 20___, at the hour of _____. m.

_____
Steve McMichael, Mayor

RESOLUTION R-25-

RESOLUTION BY THE COMMON COUNCIL OF THE CITY OF NEW HAVEN, INDIANA, TO CORRECT SCRIVENER'S ERROR

WHEREAS, the Common Council of the City of New Haven adopted Resolution R-25-30 dated October 7 ,2025, which contained a scrivener's numbering error incorrectly identifying the Resolution as R-25-30 when it should have been titled R-25-34; and,

WHEREAS, a Resolution is required to correct the scrivener's error; and,

WHEREAS, a corrected copy of the Resolution which is hereby amended is attached.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of New Haven that Resolution previously numbered R-25-30 dated October 7, 2025 shall now be numbered R-25-34.

Dated this ____ day of _____, 2025, by the Common Council of New Haven, Indiana.

_____
Steve McMichael, Presiding Officer

ATTEST:

_____
Angela Hamrick, Clerk-Treasurer

RESOLUTION NO. _____

NEW HAVEN CITY COUNCIL
CONFIRMATORY RESOLUTION
APPLICATION OF DIVERSIFIED METAL SPECIALTIES INC.
FOR THE DESIGNATION OF
ECONOMIC REVITALIZATION AREA NO. NH-118

WHEREAS, the City of New Haven has been requested by the owners of record to find pursuant to I.C. 6-1.1-12.1 that the following described real estate is an Economic Revitalization Area:

See Exhibit A

WHEREAS, on November 4, 2025, the New Haven City Council, Indiana, did adopt a Declaratory Resolution for the designation of the real estate described above as an Economic Revitalization Area pursuant to New Haven City Council Resolution No. G-20-01; and

WHEREAS, notice of the adoption of substance of said Declaratory Resolution was published in the Fort Wayne Journal-Gazette on November 7, 2025, pursuant to I.C. 6-1.1-1-2.5 and I.C. 5-3-1; and

WHEREAS, the Application for Designation, description of the affected area, a map of the affected area and all pertinent supporting data were available for public inspection in the offices of the Allen County Assessor, New Haven City Hall, and the Department of Planning Services; and

WHEREAS, the New Haven City Council, after conducting a public hearing on this matter, has given careful consideration to all comments and views expressed and written evidence presented regarding the designation of the subject real estate as an "Economic Revitalization Area".

NOW, THEREFORE, BE IT RESOLVED, the Council confirms certain findings made in the subject Declaratory Resolution for designation of the real estate described above as an "Economic Revitalization Area", those findings being to wit:

1. That said-described property is located within the jurisdiction of the New Haven City Council for purposes set forth in I.C. 6-1.1-12.1-2; and

2. That this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy inasmuch as the subject property is in an Economic Development Target Area. The community surrounding the subject property has experienced a loss of large industry over several decades, and the facilities that have remained continue to utilize outdated technology. The proposed project will bring state of the art equipment and processes to bear in the interest of producing higher quality products in a more timely fashion, allowing Diversified Metal Specialties, Inc. to remain

competitive with wages and benefits for employees, and provide increased tax revenue for Allen County; and

3. That the subject real estate complies with the general standards established by the New Haven City Council as set forth in I.C. 6-1.1-12.1-2 for determining "Economic Revitalization Areas" within the jurisdiction of said Council, as evidenced by the information provided in the application submitted by Diversified Metal Specialties Inc.; and

4. That the capital investment at the real estate described herein and as further detailed in the applicant's application would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of New Haven and Allen County; and

5. That the subject real estate is zoned I2 according to the New Haven Zoning Map and that the Economic Revitalization Area designation is contingent on Diversified Metal Specialties Inc. conforming to the restrictions of the I2 zoning district; and

6. That designation of the subject property as an "Economic Revitalization Area" will assist in the inducement of a project which will retain 8 (eight) jobs and create two (2) new employment opportunities to residents of New Haven and Allen County and will provide long-term benefits to the tax base of New Haven and Allen County according to the application; and

BE IT ALSO RESOLVED, that based on the information provided in the application for Economic Revitalization Area designation, the Council authorizes a seven (7) year tax abatement of personal property taxes in accordance with I.C. 6-1.1-12.1-3 and I.C. 6-1.1-12.1-4.5, respectively.

Schedule is as follows:

Personal Property
Year 1 100%
Year 2 85%
Year 3 71%
Year 4 57%
Year 5 43%
Year 6 29%
Year 7 14%

BE IT ALSO RESOLVED, that the designation of the property described above as an "Economic Revitalization Area" shall be limited to a time period of two (2) years ending on December 31, 2027 as the designation applies to a deduction from the increased assessed value of personal property. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i)(1) and 6-1.1-12.1-2(i)(2).

BE IT ALSO RESOLVED, that the real estate described above should be known as "Allen County Economic Revitalization Area No. NH-118".

BE IT ALSO RESOLVED, that Diversified Metal Specialties Inc. is responsible for filing the actual tax abatement forms with the Allen County Auditor, located at the Rousseau Center each year in order to receive its deduction on personal property.

BE IT ALSO RESOLVED, that Diversified Metal Specialties Inc. must provide the Allen County Auditor and the New Haven City Council, at the time of filing the deduction, information showing the extent to which the company has been in compliance with the signed Statement of Benefits in accordance with I.C. 6-1.1-12.1-5.1.

BE IT ALSO RESOLVED, that Diversified Metal Specialties Inc. is willing to voluntarily contribute five percent (5%) of its tax savings received from the tax abatement to assist in funding future economic development projects.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

BE IT FINALLY RESOLVED, that by adoption of this Resolution, the New Haven City Council does confirm its Declaratory Resolution approved on November 4, 2025, which designated the real estate described above as an "Economic Revitalization Area".

ADOPTED, this November 18, 2025, by the New Haven City Council, Indiana.

_____

Presiding Officer
City of New Haven

_____

Angela Hamrick, Clerk-Treasurer
New Haven, Indiana

Exhibit A

IDENTIFICATION OF PROPERTY:

Subject property is located at 4926 New Haven Avenue, Fort Wayne, Indiana 46803.

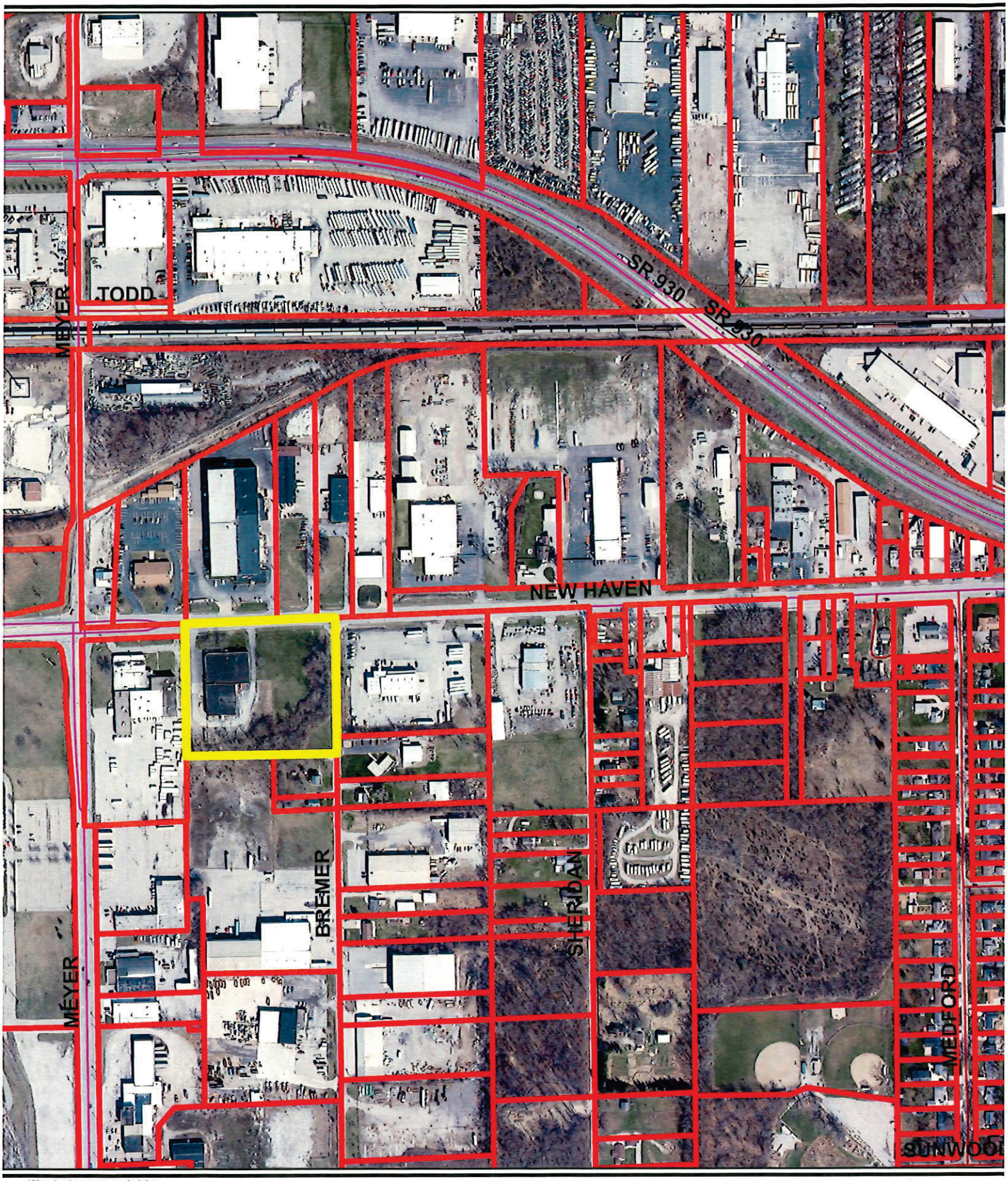
LEGAL DESCRIPTION:

The following legal description is from a survey provided by the client of the report.

Part of the East 40 acres of the West Half of the Southwest Quarter of Section 9, Township 30 North, Range 13 East of the Second Principal Meridian, in Allen County, Indiana, more particularly described as follows:

Commencing at the point of intersection of the East line of the West Half of said Southwest Quarter with the centerline of New Haven Avenue (formerly Fort Wayne and New Haven Road and formerly U.S. Highway #30); thence Westerly, on and along said centerline, a distance of 495 feet to the intersection of said centerline with the line exactly dividing the East 40 acres of said West Half into two equal parts; thence Southerly, by an interior angle left of 88°-33', on and along said dividing line, being also the centerline of Bremer Drive, a distance of 440.0 feet to the true point of beginning; thence Northerly, on and along the last described line, a distance of 400.0 feet to the point of intersection of said line with the Easterly projection of the South right-of-way line of New Haven Avenue; thence West, by an interior angle of 88°-33', on and along said South right-of-way line, being a line situated 60.0 feet (measured at right angles) South of and parallel to the centerline of New Haven Avenue, a distance of 400.0 feet to the East line of a 5 foot-wide tract conveyed by deed recorded in Deed Record 582, page 463, in the Allen County Recorder's Office; thence Southerly, by an interior angle of 91°-27', on and along the East line of said 5 foot-wide tract, a distance of 186.3 feet to the Southeast corner of said 5 foot-wide tract; thence Easterly, by an interior angle of 89°-53', a distance of 399.82 feet to the true point of beginning, containing 4.072 acres of land, subject to legal right-of-way for Bremer Drive over the East 30 feet thereof.

DIVERSIFIED METAL SPECIALTIES, INC.



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009

N

1 inch = 400 feet

RESOLUTION NO. _____

NEW HAVEN CITY COUNCIL
RESOLUTION WAIVING NON-COMPLIANCE
FOR RUBLE PROPERTY GROUP, LLC/RUBLE TRUCK SALES, LLC

WHEREAS, on November 3, 2025 Ruble Property Group, LLC/Ruble Truck Sales, LLC submitted a letter to the Allen County Department of Planning Services expressing their intent to file an application for designation of an economic revitalization area for their property located at 12239 Dechell Drive to the New Haven City Council; and

WHEREAS, Ruble Property Group, LLC/Ruble Truck Sales, LLC has filed and was issued an Allen County Building Permit on October 23, 2025 for their project; and

WHEREAS, in order to apply for designation of an economic revitalization area, the property owner must apply for a waiver of non-compliance for failure to submit the completed application and Statement of Benefits form(s) to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction; and

WHEREAS, Ruble Property Group, LLC/Ruble Truck Sales, LLC has submitted a written request for a waiver of non-compliance and paid a fee required under New Haven Ordinance G-20-01 Section 5(D); and

WHEREAS, State law allows the correction of situations where a filing deadline is missed under IC 6-1.1-12.1-11.3 through a resolution waiving non-compliance as long as the document is filed, and a public hearing is held before the resolution is adopted; and

WHEREAS, New Haven City Council acknowledges that Ruble Property Group, LLC/Ruble Truck Sales, LLC has requested a waiver of non-compliance which the Council has the authority to approve under I.C. 6-1.1-12.1-11.3; and

WHEREAS, notice of the public hearing has been published in accordance with I.C. 6-1.1-12.1-11.5(c) on November 7, 2025 in the Journal Gazette; and

WHEREAS, Ruble Property Group, LLC/Ruble Truck Sales, LLC has filed the necessary documents; and

WHEREAS, a public hearing has been conducted for the waiver of non-compliance.

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby adopts a waiver of non-compliance in accordance with IC 6-1.1-12.1-11.3 regarding the failure to submit the completed application and Statement of Benefits form(s) to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.

BE IT ALSO RESOLVED, that the adoption of this waiver of non-compliance shall result in the taxpayer being treated as if the taxpayer had complied with procedural requirements.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

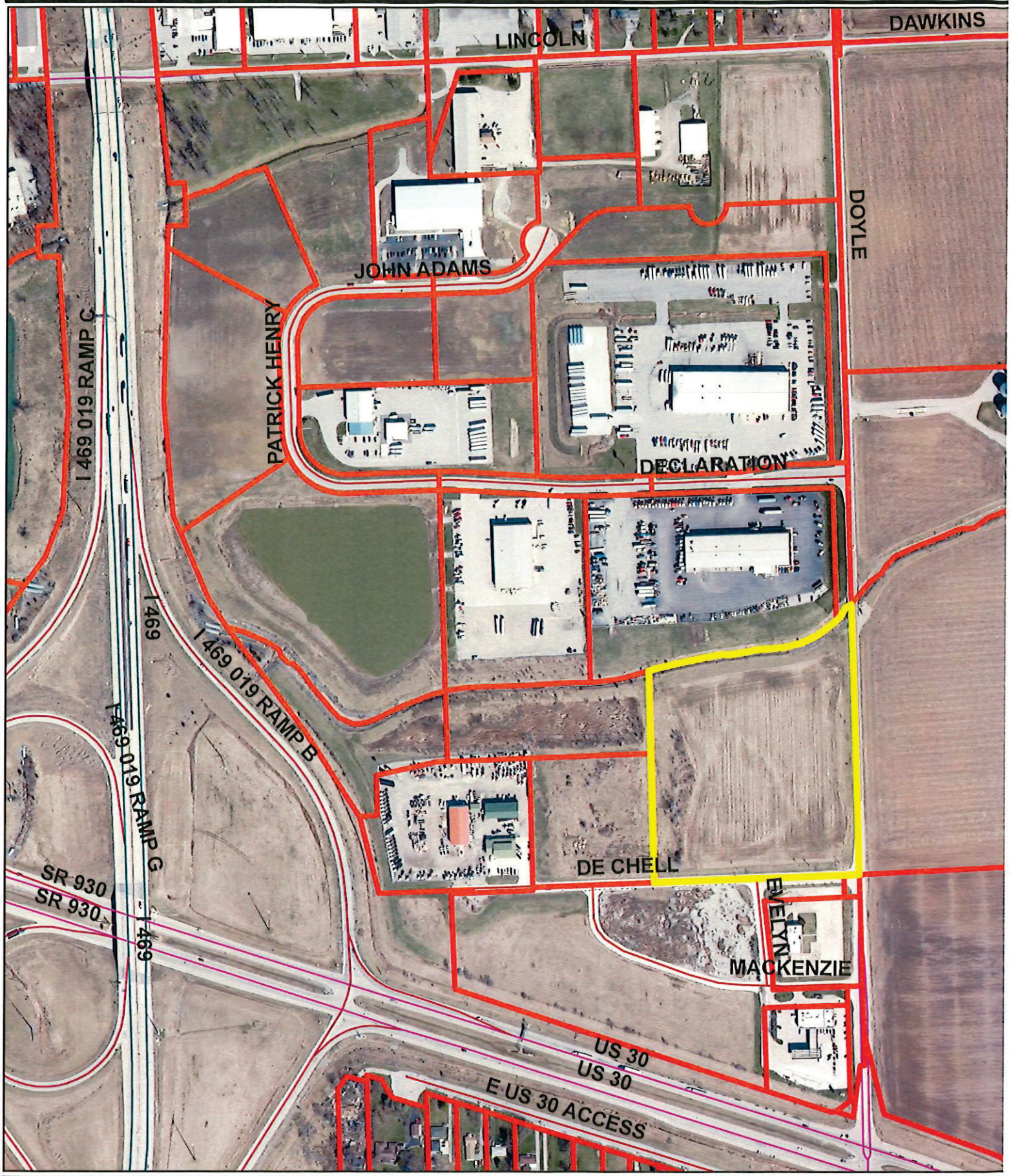
ADOPTED, this 18th day of November, 2025, by the New Haven City Council.

_____
Presiding Officer
City of New Haven

ATTEST:

_____
Angie Hamrick, Clerk-Treasurer
City of New Haven

Ruble Property Group, LLC/Ruble Truck Sales, LLC



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North American Datum 1983

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ORDINANCE NO. Z -_____

AN ORDINANCE AMENDING
CHAPTER 157: NEW HAVEN UNIIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF NEW HAVEN, INDIANA

WHEREAS, Indiana Code 36-7-4-601 permits a legislative body to adopt ordinances 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, *et seq*.; and

WHEREAS, the City of New Haven desires to make typographical and textual corrections to the New Haven Unified Development Ordinance.

THEREFORE, BE IT NOW ORDAINED by the Common Council of the City of New Haven that:

SECTION I. Chapter 157 New Haven Unified Development Ordinance typographical and textual changes are hereby amended as follows:

157.203 (B)(Permitted Uses)

(3) Battery Energy Storage Systems "BESS" – "FTM" as set forth in §157.413 **(4) Commercial Solar Energy System "CSES"** as set forth in §157.413 Renumbering the permitted use list.

157.222 (B)(Permitted Uses)

Battery Energy Storage Systems "BESS" – "BTM" **Solar Panel (ground mounted)**

157.222 (C)(Special Uses)

~~(5) Solar panel (ground mounted)~~

157.222 (E)(Development Standards)

Front Yard (3)
Notes: (3) **Solar Panel (ground-mounted)** shall meet the Primary Building setbacks.

157.223 (B)(Permitted Uses)

Battery Energy Storage Systems "BESS" – "BTM" **Battery Energy Storage Systems "BESS" – "FTM"** (6) **Commercial Solar Energy System "CSES"** (6) **Solar Panel (ground mounted)** Notes: (6) Design standards under Section (157.413)

157.223 (C)(Special Uses)

~~(16) Solar panel (ground mounted)~~

157.223 (E)(Development Standards)

Front Yard (3)
Notes: (3) **Solar Panel (ground-mounted)** shall meet the Primary Building setback.

157.224 (B)(Permitted Uses)

Battery Energy Storage Systems "BESS" – "BTM" **Battery Energy Storage Systems "BESS" – "FTM"** (6) **Commercial Solar Energy System "CSES"** (6) **Solar Panel (ground mounted)** Notes: (6) Design standards under Section (157.413)

157.224 (C)(Special Uses)

~~(14) Solar panel (ground mounted)~~

157.224 (E)(Development Standards)

Front Yard (3)
Notes: (3) **Solar Panel (ground-mounted)** shall meet the Primary Building setback.

157.225 (B)(Permitted Uses)

Battery Energy Storage Systems "BESS" – "BTM" **Battery Energy Storage Systems "BESS" – "FTM"** (7) **Commercial Solar Energy System "CSES"** (7) **Solar Panel (ground mounted)** Notes: (7) Design standards under Section (157.413)

157.225 (C)(Special Uses)

~~(11) Solar panel (ground mounted)~~

157.225 (E)(Development Standards)

Front Yard (3)
Notes: (3) **Solar Panel (ground-mounted)** shall meet the Primary Building setback.

157.226 (B)(Permitted Uses)

Battery Energy Storage Systems "BESS" – "BTM" **Solar Panel (ground mounted)**

157.226 (C)(Special Uses)

~~(15) Solar panel (ground mounted)~~

157.226 (E)(Development Standards)

Front Yard (3)
Notes: (3) **Solar Panel (ground-mounted)** shall meet the Primary Building setback.

157.301 (B) When Required

TYPE OF DEVELOPMENT	PRIMARY DEVELOPMENT PLAN REQUIRED	SECONDARY DEVELOPMENT PLAN REQUIRED
Projects proposing a **Commercial Solar Energy System (CSES)** or **Battery Energy Storage System (BESS) - FTM**	□	□

157.408 (D) Standards and Requirements (2)(d)

LANDSCAPE CODES – BUILDINGS AND OUTDOOR ACTIVITY AREAS		
Building Type	**Landscape Code, if Adjacent To:**	
	Residential districts	**Nonresidential districts**
Commercial, Retail, Industrial, Solar Panel (Ground Mounted) or Universally Permitted Use Building	B-2	No requirement

157.408 (D) Standards and Requirements (2)(f) Landscape codes for Solar Energy (CSES) and Batter Energy Storage Systems – FTM are covered under §157.413 (C)(2)

157.503 (D) Special Uses (1) List of Special Uses - Deleting BTI, I1, I2, I3.

157.506 Definitions (B)

Battery Energy Storage System or "BESS" Behind the Meter "BTM"

A battery energy storage system that is installed on a consumer's property or as part of an overall development plan and on the consumer's side of the utility's electricity meter. These systems are intended to store excess energy from private solar panels for later use onsite.

Solar Panel (building-mounted)

A building-mounted solar panel or a combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels shall be associated with and accessory to a permitted primary building.

Amended Definition:

Solar Panel (ground-mounted)

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a structure, heating or pumping of water, and generating electricity primarily for onsite use. Solar panels shall be associated with and accessory to a permitted primary building and shall include both photovoltaic and hot water devices.

§157.413 SOLAR ENERGY SYSTEMS

(A) Definitions

Adjacent

For the purposes of section 157.413 shall mean two or more lots whose external boundaries adjoin one another. This shall also include two properties separated by railroad right-of-way and or road right-of-way

Agrivoltaics

Any land co-located with an improved CSES used for agricultural production, including land used for crop production, grazing, apiaries, or other agricultural products or services.

Battery Energy Storage System or "BESS Front of Meter "FTM"

A battery energy storage system that is capable of storing and releasing more than one (1) megawatt of electrical energy for a minimum of one (1) hour using an AC inverter and DC storage, but not including:

(1) Foundations or property used to directly or indirectly connect the AC inverter or DC storage of such a system to electrical energy production equipment or to a customer's meter;

(2) An energy storage system that is used for the purpose of providing electricity to meet or offset all or part of a host operation's energy needs;

(3) A battery recycling facility; and

(4) The manufacturing or storage of batteries by an automobile manufacturer.

Commercial Solar Energy System or "CSES"

A solar energy system with a nameplate capacity of at least ten (10) megawatts that captures and converts solar energy into electricity for the purpose of selling the electricity at wholesale and for use in locations other than where it is generated. The term shall include solar panels, collection and feeder lines, generation tie lines, substations, ancillary buildings, solar monitoring stations, accessory equipment or structures, and all other related project facilities. A concentrated Solar Energy System shall not be installed within the **city**.

Construction Commencement

The installation of permanent infrastructure, including but not limited to underground electrical, steel piles, or access roads, and any other construction activity for the project that requires a permit to be issued by applicable City authorities.

Nonparticipating Property

Any lot or parcel of real property that is:

(1) Not owned by the owner of a proposed CSES or BESS-FTM, and

(2) With respect to which:

(a) The owner does not seek to install any CSES or BESS-FTM project or other facilities related thereto (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure), or to otherwise enter into an lease or any other agreement with the property owner for use of the property in connection with a CSES or BESS-FTM project, or

(b) The owner of the property does not consent to having a CSES or BESS-FTM project or other related facilities (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located, or to otherwise enter into a lease or any other agreement with the owner for use of all or part of the property in connection with a CSES or BESS-FTM project.

Nonparticipating Landowner

The owner of a nonparticipating property.

Owner

For the purpose of this section of the ordinance shall mean a person that owns or will own one (1) or more CSES or BESS-FTM located or proposed to be located within the City.

Participating Property

Any property that is: not owned by the owner of a proposed CSES or BESS-FTM, and with respect to which:

(a) The owner seeks to install any CSES or BESS-FTM project or other facilities related thereto (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure), or to otherwise enter into a lease or any other agreement with the property owner for use of the property in connection with a CSES or BESS-FTM project, or

(b) The owner of the property consents to having a CSES or BESS-FTM project or other related facilities (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located, or to otherwise enter into a lease or any other agreement with the owner for use of all or part of the property in connection with a CSES or BESS-FTM project.

Participating Landowner

The owner of a participating property.

Permit Authority

The New Haven Common Council with respect to all rezoning decisions, and the New Haven Plan Commission with respect to all development plan decisions.

Unified Development Ordinance

The New Haven Unified Development Ordinance, as amended.

(B) CSES/BESS-FTM Development Plans

(1) Additional Submittal Requirements

(a) CSES and BESS-FTM shall only be permitted through an approved Primary and Secondary Development as required by Section 157.301(B) and must meet the following additional requirement:

i. The owner shall submit with its application a copy of all the leases it has entered into with participating landowners for the project site and all leases must be recorded in the office of the Allen County Recorder prior to submission,

(2) Applicability

(a) Unless otherwise noted, any provision within this Section that applies to CSES shall also apply to BESS-FTM.

(b) Section 157.413 (C)(1) Setbacks & (C)(2) Landscaping shall only apply along the boundary of the approved CSES Development Plan including along public roads and railroad right-of-way within the project area.

(C) Development Standards for CSES AND BESS-FTM

(1) Setbacks

(a) Subject to any waivers under this section, an owner may not install or locate a CSES or BESS-FTM unless the following minimum setback requirements are met, as measured in a straight line from the nearest outer edge of the project's solar panels or the outer edge of any other above-ground project equipment:

i. To a participating property line with a dwelling or to a vacant participating or nonparticipating property line: 100 feet

ii. To a nonparticipating property line with a dwelling: 300 feet

iii. To a property line of a commercial or industrial property: 50 feet

iv. To the edge of a right-of-way:

(a) 150 feet, if proper buffer and trail have been installed pursuant to Subsection (c) hereof or,

(b) 400 feet, if no proper buffer and trail has been installed to Subsection (c) hereof.

(b) Unless otherwise provided herein the above property line and dwelling setback requirements may be reduced through the Primary Development Plan waiver process under Section 157.405(B)

(c) In order to satisfy the requirements for the reduced setbacks with respect to roads under Subsections 157.413(C)(1)(a)(iv)(a) hereof, Owners of CSES/BESS-FTM shall install and maintain landscaping and a trail pursuant to the following requirements:

i. Owners shall plant, establish and maintain landscaping for the life of the CSES/BESS-FTM project pursuant to the requirements set forth in Section 157.413 (C)(2) Landscaping and (C)(3) Ground Cover hereof.

ii. The nearest edge of the landscape buffer must be at least 60 feet from the edge of a right-of-way; otherwise, the buffer may be located anywhere within the required setback.

iii. Trails shall be asphalt or concrete, a minimum of 8 feet wide, shall comply with all ADA specifications, and maintained for the life of the project.

(2) Landscaping

Owners of CSES/BESS-FTM shall plant, establish and maintain landscaping for the life of the CSES/BESS-FTM project within the site buffer areas pursuant to the following requirements:

(a) Except as specified under Section 157.413 (C)(1)(c)(ii) hereof, the buffer may be located anywhere within the required setback.

(b) If the CSES or BESS-FTM is adjacent to a participating property line with a dwelling or adjacent to a right-of-way

i. 1 evergreen tree of at least 6 feet in height at time of planting every 20 feet.

(c) If the CSES or BESS-FTM is adjacent to a nonparticipating property line with a dwelling. The **Owner** shall maintain a 50-foot-deep buffer area. Each 100 linear feet of required buffer, **Owner** shall install:

i. 10 evergreen trees of at least 4 feet in height at time of planting, and

ii. 16 medium to large shrubs of at least 2 to 3 feet in height at time of planting.

(d) Property within the required setback but outside the buffer area may comply with the provisions and uses of the underlying zoning district.

(e) Any ancillary structures and drives installed as part of a CSES or BESS-FTM shall meet the screening requirements of Section 157.408.

(f) Grass or ground cover shall be planted on all portions of the required buffer areas not occupied by other landscape material.

(g) All evergreens, trees, shrubs, and ground cover installed shall be native, as identified by the Indiana Native Plant Society.

(h) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The **Owner** shall be responsible for the continued property maintenance of all landscaping materials and shall be kept in a proper, neat and orderly appearance at all times and free from refuse and debris at all times.

(i) **Owner** shall be responsible for removal and replacement of unhealthy and dead plants within 6 months of written notice from the Plan Commission of the violation.

(j) Effectiveness of the screening and buffer shall be maintained as the plant materials mature.

(3) Ground Cover

For any CSES or BESS-FTM located within the City limits, the owner shall plant, establish, and maintain, for the life of the CSES or BESS-FTM project, perennial vegetated ground cover under and around the solar arrays, in accordance with the following requirements:

(a) The project site shall be planted and maintained by the **Owner** for the life of the CSES or BESS-FTM with perennial vegetated ground cover, and to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council. To the maximum extent feasible for site conditions, pollinator friendly seed mixes and native plants shall be used. For purposes of this Section, the project site includes ground cover on the ground around and under solar panels and in project site buffer areas. Maintenance of the site shall include regular mowing of grass areas.

(b) No insecticide use shall be permitted on the site. This provision does not apply to insecticide use in on-site buildings, in or around electrical boxes, or as otherwise may be deemed necessary to protect public health and safety or as may be approved by the County

(c) **Owners** are encouraged to incorporate agrivoltaics on the project site where reasonably feasible.

(4) Fencing

The CSES/BESS-FTM perimeter, including all ground-mounted electrical and control equipment, shall be completely enclosed by a fence no shorter than 7 feet, unless state and federal agency guidelines, if any, provide otherwise. Fencing shall be installed at least 40 feet from the front property line of the project and adhere to the following standards:

(a) Permitted fencing materials include chain link, dark vinyl coated chain link, polyvinylchloride, wood, and welded wire mesh.

(b) Prohibited fencing materials: corrugated or sheet metal, chicken wire, woven wire, welded wire mesh (as a primary material), temporary construction fencing, snow fencing, or any other similar materials.

(c) Use of barbed wire, broken glass, nails, razor wire, spikes, electric charge or any other similar material or technology is prohibited.

(d) **Owner** shall work with adjacent property owners to install wildlife corridors where reasonably feasible to do so.

(5) Height

The maximum height of CSES solar panels shall not exceed 25 feet at full tilt. The height of any other CSES or BESS-FTM structures shall comply with any height requirements of the underlying zoning district.

(6) Lighting

All artificial lighting, except as required by applicable local, state or federal authority (including, but not limited to, the Federal Aviation Administration), or as required for the safety, operation, maintenance, inspection or repair of the CSES or BESS-FTM, shall be prohibited.

(7) Sound Limits

Except as otherwise allowed under the Unified Development Ordinance, a project owner may not install or locate a CSES or BESS-FTM project in the City unless the project owner demonstrates in its application materials that the CSES or BESS-FTM 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. This requirement may be waived with respect to a given CSES or BESS-FTM only with written consent of the owner of each adjacent nonparticipating property.

(8) Glare

Except as otherwise allowed under the Unified Development Ordinance, a CSES or BESS-FTM project

must be designed and constructed to:

(a) Minimize glare on adjacent properties and roadways; and

(b) Not interfere with vehicular traffic, including air traffic.

(9) Location of Cables

Except as otherwise allowed under the Unified Development Ordinance, 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. Other solar infrastructure, such as module-to-module collection cables, transmission lines, substations, junction boxes, and other typical aboveground infrastructure may be located and maintained above ground. 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.

Cables and lines located outside of the CSES or BESS-FTM project site may:

(a) Be located above ground; or

(b) In the case of cables 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.

(10) Signal Interference

A CSES installed by a project **owner** must be installed in a manner so as to minimize and mitigate impacts:

(a) Television signals;

(b) Microwave signals;

(c) Agricultural global positioning systems;

(d) Military defense radar;

(e) Radio reception; or

(f) Weather and doppler radar.

(11) Road and Drainage System Impact and Repair

The **owner** and the City shall enter into Road Use Agreement that shall include the terms for usage of and impact on City roads and drainage infrastructure during construction of the project, any improvements to City roads and drainage infrastructure necessary to support project construction, communications between the owner and the City during construction, safety procedures and signage, and posting and maintenance of a financial security.

(a) **Owner** shall provide to the City financial assurance in the form of a surety bond, letter of credit, or other form acceptable to the City for the repair or replacement of all damaged roads, bridges, signage, other transportation structures, and drainage-related infrastructure during construction, maintenance, and operation. If the financial assurance is in the form of a surety bond, the surety bond shall be issued by one of the acceptable companies listed in the latest version of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reimbursing Companies", Department Circular 570, issued by the U.S. Department of Treasury, or any replacement list issued by the U.S. Department of Treasury or other federal department or agency. If the financial assurance is a letter of credit shall be issued by a bank with an "Aa3" or higher rating from Moody's Investors Service, Inc., or an "AA "or higher rating from Standard and Poor's. The financial assurance shall be posted no later than 60 days prior to the construction commencement date.

(b) Any road or drainage infrastructure damaged by owner during project construction must be repaired or replaced to a condition as good as or better than the original condition prior to construction, as documented by a pre-construction and post-construction video survey.

(c) The form of Road Use Agreement must be approved at a public meeting by the City Council, and the approved form of Road Use Agreement shall be executed and entered into no later than 90 days prior to the construction commencement date.

(D) Decommissioning

(1) Decommissioning Plan

Owner shall prepare and submit with its Secondary Development Plan application a Decommissioning Plan to ensure that the project is properly decommissioned. The Decommissioning Plan shall include:

(a) Procedures for removal and proper disposal of all physical material pertaining to the project facilities to a depth of three (3) feet beneath the soil surface, and restoration of the area occupied by the project facilities such that it is suitable for an equivalent land use to what existed immediately before construction of such improvements.

(b) Procedures for removal of any trail installed as part of the CSES or BESS project unless removal has been waived by the landowner through written documentation of the waiver.

(c) A detailed cost estimate from a third-party licensed engineer with experience in these matters for demolition and removal of similar facilities. Such cost estimates shall reflect and use local market rates when applicable. Salvage value may not be considered in determining decommissioning cost.

(d) Financial assurance from the Applicant, in the form a bond, letter of credit, or other form of security approved by the City, to ensure that the project is properly decommissioned upon the end of the project life or upon abandonment of the project. Forms of the proposed financial assurance must be included in the Decommissioning Plan, and the financial assurance must posted no later than 60 days prior to the construction commencement date.

i. The financial assurance shall be in an amount equal to one hundred twenty-five percent (125%) of the estimated decommissioning costs, with such costs to be reevaluated and updated every five (5) years in the same manner as the original cost estimate. In no event shall the decommissionings costs be less than the amount determined at the creation of the project.

ii. If the financial assurance is in the form of a surety bond, the surety bond shall be issued by one of the acceptable companies listed in the latest version of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reimbursing Companies", Department Circular 570, issued by the U.S. Department of Treasury, or any replacement list issued by the U.S. Department of Treasury or other federal department or agency. If the financial assurance is a letter of credit shall be issued by a bank with an "Aa3" or higher rating from Moody's Investors Service, Inc., or an "AA" or higher rating from Standard and Poor's.

(e) A detailed soil and vegetation plan providing for restoration of the underlying land to its natural state.

(f) Procedures for disposals, including proper disposal of all hazardous material, that must comply with local, state and federal law, rules and regulations in effect at the time of decommissioning.

(g) The Decommissioning Plan shall be attached as an exhibit to a Decommissioning Agreement, to be entered into by and between the **owner** and the City. The form of Decommissioning Agreement shall be approved by the City Council and shall be entered into and executed no later than 90 days prior to the construction commencement date.

(2) Decommissioning; abandonment

Owner is required to decommission a CSES or BESS-FTM in accordance with the following timeframes:

(a) **Owner** must initiate decommissioning within six (6) months of the date of abandonment, a force majeure event, or the end of project life. Once initiated, decommissioning of the project must be completed within an additional twelve (12) months from the date decommissioning is initiated.

(b) A CSES or BESS-FTM is considered "abandoned" if it fails to generate electricity for one hundred and eighty (180) days. The date of abandonment shall be the date that is one hundred and eighty (180) days after the date on which the CSES or BESS-FTM last generated electricity.

(c) If the **owner** fails to decommission the CSES or BESS-FTM pursuant to requirements of this Section, the City may draw upon the financial security and enter the project site to decommission, or engage qualified contractors to decommission, the CSES or BESS-FTM and to remove all project facilities, sell any assets removed, and remediate and restore the site.

(d) In the event of a force majeure or other event that results in the absence of electrical generation for six (6) consecutive months, by the end of the sixth month of non-operation the owner must demonstrate to the Plan Commission that the project will be substantially operational and producing electricity with six (6) months of the force majeure event. If such demonstration is not made to the Plan Commission's satisfaction, the decommissioning must be initiated six (6) months after the force majeure or other event. A force majeure event means fire, earthquake, flood, tornado, or other acts of God and natural disasters, and war, civil strife, or other similar violence.

(E). Economic Development Agreement; Abatement

Economic Development Agreement. **Owner** shall enter into an Economic Development Agreement with the City to address matters related to economic development and the economic impact of the proposed CSES or BESS-FTM. Unless otherwise determined by the City, such matters shall include, but not be limited to, property tax impacts, terms governing any abatement for the project (if granted by the Common Council), any economic development payments from **Owner** requested by the City, guarantees for minimum assessed value, terms for assignment of the project, payment of professional fees by **Owner**, and other related matters. The executed Economic Development Agreement must be submitted as part of the **Owner**'s Secondary Development Plan application.

SECTION II. The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or part thereof, or the application thereof to any person or thing shall be held unconstitutional or invalid, such holding shall not affect or impair the remainder of this ordinance of the remaining persons or things to which it applies, it being the legislative intent to enact each provision, section, sentence, paragraph, and part thereof, and the application thereof, separately and verbally from each other.

SECTION III. This ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of New Haven, Indiana, by this _____ day of _____, 2025.

_____
Presiding Officer
New Haven Common Council

ATTEST:

_____

This Ordinance was presented by me to the Mayor of the City of New Haven, Indiana, this _____ day of _____, 2025, at _____ .m.

_____

This ordinance was approved and signed by me this _____ day of _____, 2025, at _____ .m.

_____
Steve McMichael, Mayor