

ORDINANCE NO. 2022-BC-O- 13

AN ORDINANCE EXTENDING A MORATORIUM ON SPECIAL USE APPLICATIONS FOR CERTAIN LARGE-SCALE ENERGY SYSTEMS

WHEREAS, the Madison County Board of Commissioners (“Board of Commissioners”) has adopted, pursuant to I.C. 36-7-4-602, a Zoning Ordinance, which specifies the intent, permitted uses, special uses, development standards, and other requirements concerning various land use districts in Madison County; and,

WHEREAS, on January 17, 2017, the Board of Commissioners adopted Ordinance 2017-BC-O-01, which amended the Zoning Ordinance to include definitions and development standards for Solar Energy System Standards (Section 6.29 of the Zoning Ordinance); and,

WHEREAS, Ordinance 2017-BC-O-01 permits Large-Scale Solar Energy Systems in Madison County upon the issuance of a Special Use permit by the Madison County Board of Zoning Appeals; and,

WHEREAS, since the adoption of Ordinance 2017-BC-O-01, the Madison County Board of Zoning Appeals has adjudicated multiple Special Use Applications for Large-Scale Solar Energy Systems; and,

WHEREAS, in light of a recent Large-Scale Solar Energy Special Use Application, and the strong probability that additional commercial solar energy system providers will pursue solar sites within Madison County, the Board of Commissioners has determined that Ordinance 2017-BC-O-01 may be ill suited to address the public health, safety, and welfare concerns potentially implicated by future Special Use Applications for Large-Scale Energy Systems which exceed fifty (50) acres of total project size; and,

WHEREAS, Madison County, by and through the Madison County Planning Department, Plan Commission, and Board of Commissioners, is anticipating approving a new Ordinance to govern Large-Scale Energy Systems in Madison County, necessitating the pause in applications for these Large-Scale Energy Systems to prevent non-uniformity in the short-term and long-term future; and,

WHEREAS, the Board of Commissioners have therefore previously placed a temporary moratorium on Special Use applications for Large-Scale Energy Systems, in order that the Madison County Plan Commission further study solar energy and solar energy systems and prepare proposed amendments to the Zoning Ordinance to address the effects of Large-Scale Energy Systems that exceed fifty (50) acres of total project size within Madison County.

WHEREAS, the Board of Commissioners have determined that the current moratorium on large scale solar farms, currently set to expire on December 31, 2022, pursuant to Ordinance 22-BC-O-01 should be extended.

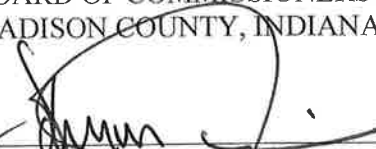
NOW THEREFORE BE IT ORDAINED, that the current moratorium shall be extended, prohibiting any Special Use Applications for Large-Scale Energy Systems which project size exceeds fifty (50) acres, as the term "Large-Scale Energy Systems is defined by Ordinance 2017-BC-O-01; and,

BE IT FURTHER ORDAINED, that this moratorium shall remain effective until either (1) December 31, 2023 or (2) this body adopts a replacement ordinance governing Large-Scale Energy Systems in Madison County, whichever occurs sooner; and,


BE IT FURTHER ORDAINED, that all provisions of Ordinance 2017-BC-O-01 which are not implicated by this Ordinance shall remain in full force and effect throughout the moratorium.

THIS ORDINANCE HAVING BEEN APPROVED AN ADOPTED by the Madison County Board of Commissioners on this 19 day of December, 2022.

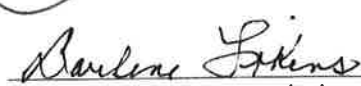
BOARD OF COMMISSIONERS OF
MADISON COUNTY, INDIANA



John M. Richwine, President



Kelly Gaskill, Commissioner



Darlene Likens, Commissioner

Attest



Rick G. Gardner, Auditor

JEFFREY K. GRAHAM/#26380-29
GRAHAM, FARRER & WILSON, P.C.
Attorneys at Law
1601 S. Anderson Street, PO Box 494
Elwood, IN 46036
Telephone: (765) 552-9878

**CERTIFICATION OF PROPOSED AMENDMENT TO THE
ZONING ORDINANCE OF MADISON COUNTY, INDIANA, CONTAINED IN
THE MADISON COUNTY LAND USE AND DEVELOPMENT CODE**

The Madison County Plan Commission hereby certifies with a **FAVORABLE / UNFAVORABLE / NEUTRAL** recommendation the Amendment attached hereto to the Madison County Zoning Ordinance contained in the Madison County Land Use and Development Code.

SO CERTIFIED THIS 19 day of December, 2022.

MADISON COUNTY PLAN COMMISSION

BY: 
WESLEY LIKENS, President

JEFFREY K. GRAHAM/#26380-29
GRAHAM, FARRER & WILSON, P.C.
Attorneys at Law
1601 S. Anderson Street, PO Box 494
Elwood, IN 46036
Telephone: (765) 552-9878