

ORDINANCE NO. 2024-607

BEING A RESOLUTION OF APPROVAL TO AMEND THE TEXT OF THE
DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE REGARDING
SOLAR ENERGY

WHEREAS, the State enabling act for planning and zoning empowers the Board of Commissioners of Delaware County, Indiana to adopt a zoning ordinance and also provides for amendments to said ordinance as deemed necessary from time to time; and

WHEREAS, a zoning ordinance may establish one or more districts which may be for agricultural, commercial, industrial, residential, special, or unrestricted uses and any subdivision or combination of these uses; and may, in each district, regulate how real property is developed, maintained, and used; and

WHEREAS, solar energy systems are an alternative energy source that produces electrical energy in an environmentally beneficial manner without the production of greenhouse gases and can offer economic development benefits to local government and residents such as increases to the tax base, revenue generation for landowners and the creation of temporary and permanent employment; and

WHEREAS, amending the zoning ordinance to regulate the location, construction and operation of solar energy systems is necessary and appropriate to achieve and secure the benefits and to avoid and/or minimize the impacts; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing for consideration of the proposed amendment in order to forward a recommendation regarding said amendment to the County as required by law; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has given reasonable regard to the comprehensive plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT RESOLVED by the Delaware-Muncie Metropolitan Plan Commission that the text of the Delaware County Comprehensive Zoning Ordinance Article XXXI, Solar Facility Requirements, Section 13, D 2 and D 3 be amended as follows:

SECTION 1.

D 2. A minimum five hundred (500) foot setback, which includes a screening buffer and other native vegetation as described below, shall be maintained from the solar facility security fence measuring to any non-participating owner's property line which contains a dwelling. If the non-participating property does not contain a dwelling, the regular F

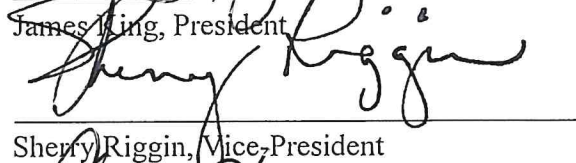
Farming Zone side and rear setbacks of twenty-five (25) feet and fifty (50) feet, respectively, shall apply.

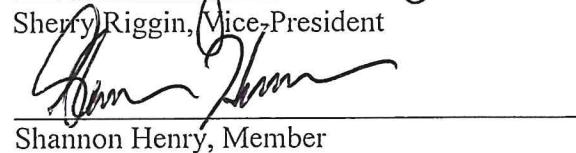
D 3. A minimum five hundred fifty (550) foot setback shall be maintained from any non-participating dwelling to any solar facility security fence. A minimum one hundred (100) foot setback shall be maintained for all other dwellings.

SECTION 2. That this Ordinance to amend is hereby passed by a vote of 3 to 3 by the Board of Commissioners, Delaware County, Indiana this 15 day of April, 2024.

**DELAWARE COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**


James King, President


Sherry Riggins, Vice-President


Shannon Henry, Member

ATTEST:



Ed Carroll, Auditor

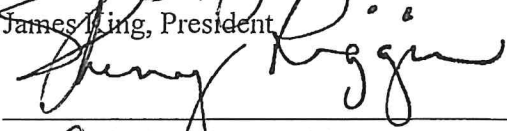
Farming Zone side and rear setbacks of twenty-five (25) feet and fifty (50) feet, respectively, shall apply.

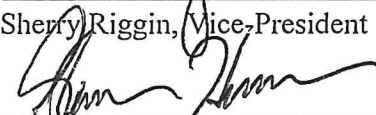
D 3. A minimum five hundred fifty (550) foot setback shall be maintained from any non-participating dwelling to any solar facility security fence. A minimum one hundred (100) foot setback shall be maintained for all other dwellings.

SECTION 2. That this Ordinance to amend is hereby passed by a vote of 3 to 3 by the Board of Commissioners, Delaware County, Indiana this 15 day of April, 2024.

**DELAWARE COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**


James King, President


Sherry Riggins, Vice-President


Shannon Henry, Member

ATTEST:



Ed Carroll, Auditor

RESOLUTION NO. 2024-03

BEING A RESOLUTION OF APPROVAL TO AMEND THE TEXT OF
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE ARTICLE XXXI
SOLAR FACILITY REQUIREMENTS, SECTION 13, D2 AND D 3

WHEREAS, the State enabling act for planning and zoning empowers the City Council of Muncie, Indiana and the Board of Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to said ordinances as deemed necessary from time to time; and

WHEREAS, the State enabling act also provides for amendments to the Comprehensive Zoning Ordinances to further promote the health, safety and general welfare; and

WHEREAS, the current provisions require updating or clarification; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing for consideration of the proposed amendments in order to forward a recommendation regarding said amendment to the County as required by law; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has given reasonable regard to the Comprehensive Plan, current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT RESOLVED by the Delaware-Muncie Metropolitan Plan Commission that the text of the Delaware County Comprehensive Zoning Ordinance shall be amended as follows:

Section 1. Article XXXI SOLAR FACILITY REQUIREMENTS, Section 13, D 2: SETBACKS, shall be amended to read as follows:

2. A minimum five hundred (500) foot setback, which includes a screening buffer and other native vegetation as described below, shall be maintained from the solar facility's security fence measuring to any non-participating owner's property line which contains a dwelling. If the non-participating property does not contain a dwelling, the regular F Farming Zone side and rear setbacks of twenty-five (25) feet and fifty (50) feet, respectively, shall apply.

Section 2. Article XXXI SOLAR FACILITY REQUIREMENTS, Section 13, D 3. SETBACKS, shall be amended to read as follows:

3. A minimum five hundred (550) foot setback shall be maintained from any non-participating dwelling to any solar facility security fence. A minimum one hundred (100) foot setback shall be maintained for all other dwellings.

**REPORT TO THE BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA**

To the Honorable:

Board of Commissioners of Delaware County, Indiana

Dear Commissioners

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report regarding **RESOLUTION NO. 2024-03 BEING A RESOLUTION TO AMEND THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE, ARTICLE XXXI SOLAR FACILITY REQUIREMENTS, SECTION 13, D 2 AND D 3.**

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission, considered a Resolution of Approval to Amend the text of the Delaware County Comprehensive Zoning Ordinance, Article XXXI Solar Facility Requirements, Section 13, D 2 and D 3 and

WHEREAS, the amended text is attached as Exhibit A; and

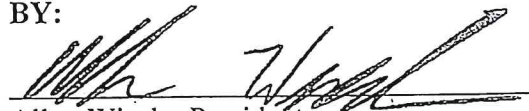
WHEREAS, at the April 4, 2024 Meeting of the Delaware-Muncie Metropolitan Plan Commission, a motion was made, seconded and a favorable recommendation was made (7-1) to forward Resolution No. 2024-03 to the Delaware County Commissioners, for consideration at their meeting on April 15, 2024

NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby files this report with the Board of Commissioners, Delaware County, Indiana, confirming approval of the amended text as set forth in the attached Exhibit A.

DATED this 5th day of April, 2024


**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Allen Wisely, President

ATTEST:


Kylee Swackhamer, Secretary