

Fountain County Board of Commissioners

Ordinance 2024- 2

An Ordinance Adopting Text Amendment  
to the Fountain County Zoning Ordinance

**Whereas**, the Fountain County Board of Commissioners duly passed Ordinance 2021-\_\_\_, amending the Fountain County Zoning Ordinance, specifically Article 9 Solar Energy Systems and Facilities; and

**Whereas**, since the passage of Article 9 Solar Energy Systems and Facilities of the Zoning Ordinance, the Board of Commissioners have received additional public input regarding Commercial Solar Energy Collection Systems (CSECS); and

**Whereas**, the Board of Commissioners believe that a moratorium on the filing and acceptance of any new applications for a permit under Article 9 Solar Energy Systems and Facilities by any person, firm, or entity seeking to place or install a Commercial Solar Energy Collection System on any property within the jurisdiction of the Plan Commission in Fountain County, Indiana will provide the Plan Commission with the opportunity to further study the impacts of CSECS and to consider changes to the Solar Energy Collection Systems Overlay District Ordinance; and

**Whereas**, the Board of Commissioners proposes that Article 9 be amended to read as follows:

**9.06 CSES Permits.** Prior to constructing a CSES, an application for a CSES Permit must be filed with the Zoning Administrator by the property owners of the parcels within the proposed CSES, or their authorized agent (including, but not limited to, the developer of the proposed CSES). The applicant must submit to the Zoning Administrator a conceptual site plan which includes the general footprint of the CSES, the approximate number of panels, the maximum generating capacity, the general location of all fences, electrical poles and lines, the location of all other equipment and structures, the general location of any and all underground electrical lines, facilities and structures, the general location of all access roads and rights-of-way, a general road use plan for construction, general specifications for equipment, compliance with all applicable industry standards and safety codes, and Federal Aviation Administration rules and regulations (collectively the “CSES Plan”). Within 15 days of receipt of an application for a CSES Permit, the Zoning Administrator will determine whether the application is complete. The Zoning Administrator will notify the applicant in writing of his determination. If the application is complete, the application will be reviewed by the Zoning Administrator as a request for a CSES Permit, as provided for in Article 9. If the

application is not complete, the applicant must provide to the Zoning Administrative the supplemental information within sixty (60) days. If the applicant fails to provide the supplemental material for the application in a timely manner, the application will be dismissed.

Provided, however, a moratorium is hereby imposed on the filing and acceptance of any new applications for permits under this Article, and this moratorium will commence on June 3, 2024, and end on June 3, 2025.

**Whereas**, on May 14, 2024, the Fountain County Advisory Plan Commission conducted a public hearing on a proposal to amend the text of the Zoning Ordinance to impose a moratorium; and

**Whereas**, the Commissioners have received a certification, dated 14 May 2024, from the Fountain County Advisory Plan Commission which contains a favorable recommendation regarding the adoption of the Amendment to the Zoning Ordinance; and

**Whereas**, the Commissioners must either adopt, reject, or amend the proposed amendment or decide to further consider the proposal; and

**Whereas**, the Commissioners having considered the recommendation of the Plan Commission, public comments, and written correspondence from citizens regarding the proposed amendments to the Zoning Ordinance now find as follows:

1. The Commission conducted a public hearing on May 14, 2024 on a proposal to amend the Zoning Ordinance; and
2. The Commission voted to send the Commissioners a favorable recommendation on the proposed amendment to the text of the Zoning Ordinance; and
3. The Commission certified its recommendation to the Commissioners on May 15, 2024; and
4. The Commissioners, having paid reasonable regard to the comprehensive plan, the current conditions and 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 development and growth, finds that a moratorium on the filing and acceptance of permit applications under Section 9.06 of Article 9 of the Zoning Ordinance is necessary for a period of one year in order to allow time for further study and consideration of changes to the Zoning Ordinance and that, therefore, the proposed text amendment should be approved and adopted.

IT IS THEREFORE ORDAINED by the Fountain County Board of Commissioners of Fountain County, Indiana, that the proposed text amendment to the Zoning Ordinance, is hereby adopted and that Section 9.06 of Article 9 of the Zoning Ordinance is hereby amended to read as follows:

**9.06 CSES Permits.** Prior to constructing a CSES, an application for a CSES Permit must be filed with the Zoning Administrator by the property owners of the parcels within the proposed CSES, or their authorized agent (including, but not limited to, the developer of the proposed CSES). The applicant must submit to the Zoning Administrator a conceptual site plan which includes the general footprint of the CSES, the approximate number of panels, the maximum generating capacity, the general location of all fences, electrical poles and lines, the location of all other equipment and structures, the general location of any and all underground electrical lines, facilities and structures, the general location of all access roads and rights-of-way, a general road use plan for construction, general specifications for equipment, compliance with all applicable industry standards and safety codes, and Federal Aviation Administration rules and regulations (collectively the “CSES Plan”). Within 15 days of receipt of an application for a CSES Permit, the Zoning Administrator will determine whether the application is complete. The Zoning Administrator will notify the applicant in writing of his determination. If the application is complete, the application will be reviewed by the Zoning Administrator as a request for a CSES Permit, as provided for in Article 9. If the application is not complete, the applicant must provide to the Zoning Administrative the supplemental information within sixty (60) days. If the applicant fails to provide the supplemental material for the application in a timely manner, the application will be dismissed.

Provided, however, a moratorium is hereby imposed on the filing and acceptance of any new applications for permits under this Article, and this moratorium will commence on June 3, 2024, and end on June 3, 2025.

IT IS FURTHER ORDAINED that the Auditor will record this Ordinance in the Office of the Fountain County Recorder.

IT IS FURTHER ORDAINED that any other provision of the County Code that is not specifically amended by this ordinance shall remain in full force and effect.

IT IS FURTHER ORDAINED that this Ordinance shall be effective upon its adoption.

Adopted this 3rd day of June 2024.

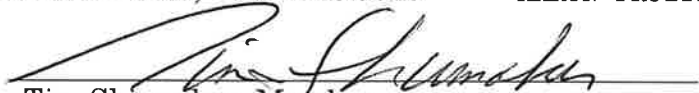
**Board of Commissioners,  
Fountain County, Indiana**



\_\_\_\_\_  
Brenda Hardy, President

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~~Andrew Hall, Vice President~~

AARON FRUITS

  
\_\_\_\_\_  
Tim Shumaker, Member

Attest:

  
\_\_\_\_\_  
Colleen Chambers, Auditor

I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. /s/ J. Kent Minnette

J. Kent Minnette, Indiana Attorney No. 21362-45, Taylor, Minnette, Schneider & Clutter, P.C., 2522 West U.S. Highway 136, Covington, Indiana, 47932, Telephone: (765) 814-2001, prepared this ordinance.