

ORDINANCE NO. 2022- 24

AN ORDINANCE AMENDING THE TEXT OF THE NOBLE COUNTY ZONING
ORDINANCE

WHEREAS, the Noble County Plan Commission has initiated and prepared this ordinance to amend the Noble County Unified Development Ordinance pursuant to IC 36-7-4-602(c) and IC 36-7-4-607.

WHEREAS, the Noble County Plan Commission has reported that it held a public hearing concerning this ordinance on August 24, 2022, after timely notification of the hearing was given by publication on or before the 10th day of August, 2022 as required by IC 36-7-4-604.

WHEREAS, the Noble County Plan Commission has reported that it paid reasonable regard to the following factors enumerated in IC 36-7-4-603 in consideration of the ordinance and determination or a recommendation to be made to the legislative body of Noble County:

1. the comprehensive plan;
2. current conditions and the character of current structures and uses in each district;
3. the most desirable use for which the land in each district is adapted;
4. the conservation of property values throughout the jurisdiction; and
5. reasonable development and growth.

WHEREAS, the Noble County Plan Commission has certified this ordinance to the legislative body with a recommendation by a majority vote in favor of adoption pursuant to IC 36-7-4-605(a)(2).

WHEREAS, the legislative body has considered the recommendation of the Noble County Plan Commission and has paid reasonable regard to the factors enumerated in IC 36-7-4-603 before acting on this ordinance.

WHEREAS, the legislative body has determined that this ordinance should be adopted without amendment as certified by the Noble County Plan Commission pursuant to IC 36-7-4-607. Therefore,

BE IT ORDAINED AND ADOPTED BY THE LEGISLATIVE BODY OF THE COUNTY OF NOBLE, INDIANA:

SECTION 1.

That the Noble County Unified Development Ordinance is hereby amended by adding the following new Section 1.29:

From the date of adoption of this Ordinance by the Board of Commissioners of Noble County through and including October 31, 2022, (i) no applications for a zoning map amendment (rezoning) to modify the zoning district of any parcel to the Commercial Solar Energy Systems Overlay District (CSES-OD) may be filed with or considered by the Noble County Plan Commission; (ii) no applications for CSES-OD Development Plan Review may be filed with or considered by the Noble County Plan Commission; and (iii) no applications for a use variance may be filed or considered by the Noble County Board of Zoning Appeals to permit the installation of a Commercial Solar Energy System.

SECTION 2.

That the Noble County Unified Development Ordinance is hereby amended by adding the following new Section 1.30:

Commencing on the Future Moratorium Date, as defined herein below, and continuing for a period of twelve (12) months, (i) no applications for a zoning map amendment (rezoning) to modify the zoning district of any parcel to the Commercial Solar Energy Systems Overlay District (CSES-OD) may be filed with or considered by the Noble County Plan Commission; (ii) no applications for CSES-OD Development Plan Review may be filed with or considered by the Noble County Plan Commission; and (iii) no applications for a use variance may be filed or considered by the Noble County Board of Zoning Appeals to permit the installation of a Commercial Solar Energy System.

The "Future Moratorium Date" is defined as the date that the total number of acres of land designated as the CSES-OD first equals Four Thousand Seven Hundred (4700) acres which acres are measured inside the fenced in enclosure and shall be counted towards said 4700 acres after the Development Plan Review has been considered and approved by the Noble County Plan Commission and an application for a zoning map amendment (rezoning) to modify the zoning district of any parcel to the Commercial Solar Energy Systems Overlay District (CSES-OD) District has been filed with the Noble County Plan Commission;

The Zoning Administrator shall keep a current count of the total number of acres of land designated as the CSES-OD and shall make such information available to the public upon inquiry. Once the Moratorium Date has been reached, the Zoning Administrator shall publish notice of such date in a newspaper of general circulation in Noble County.

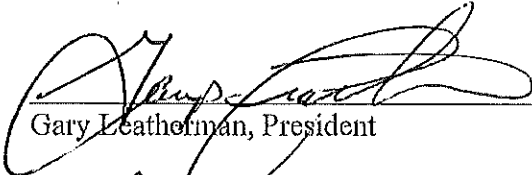
SECTION 3.

If any section of this Ordinance shall be held invalid by a court of competent jurisdiction, such section's invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.


THIS ORDINANCE TAKES EFFECT UPON PASSAGE.

The Auditor of the County of Noble County is ordered to have this ordinance published by inserting a copy of the ordinance in the Noble County Unified Development Ordinance.

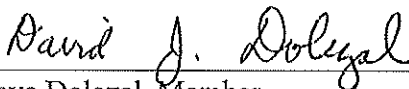
DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF NOBLE, INDIANA, on this the 12th day of Sept., 2022.



Gary Leatherman, President




Anita Hess, Vice President



Dave Dolezal, Member

ATTEST:



Tonya L. Jones, Auditor