

ORDINANCE NO. 2023 - _____

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF TIPTON COUNTY,
INDIANA AMENDING THE TIPTON COUNTY ZONING ORDINANCE 2008-12, AS
AMENDED

WHEREAS, IC 36-7-4-602 provides that a Zoning Ordinance may be amended; and

WHEREAS, the Plan Commission did initiate a process to consider amendments to the Zoning Ordinance as it pertains to solar energy conversion system regulations, and

WHEREAS, the Plan Commission did in considering the proposal pay reasonable regard to the comprehensive plan, current conditions and character of 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, and

WHEREAS, the Plan Commission did hold a public hearing on the matter on May 4, 2023, and voted 7-0 to give a favorable recommendation on the amendments, and

WHEREAS, the Plan Commission did certify to the Board of Commissioners on May 10, 2023, the attached amendments with a favorable recommendation,

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tipton County, Indiana, that:

Section One: The Tipton County Zoning Ordinance Section 523.04 A. 4. – Construction Bond Required as follows:

4. **Construction Bond Required** – The applicant shall post a bond in a form acceptable to Tipton County in the sum of One Million Dollars (\$1,000,000) for each contiguous solar energy system project: **prior to any Improvement Location Permit.**

Section Two: The Tipton County Zoning Ordinance Section 523.04 A. 8. d. – Security Fund as follows:

d. **Security fund.** Prior to issuance of any **Improvement Location Permit** ~~Tipton County approval~~, the applicant shall establish a cash security fund in the form of a bond, irrevocable letter of credit or other means to secure the payment of removing any abandoned solar energy system, including the solar panels and associated equipment and any buildings that have been determined to be abandoned or found to be in non-compliance with this Ordinance, and to provide Tipton County a fund from which to deduct fines and penalties for non-compliance with this Ordinance or other applicable laws in the lesser of: (a) the amount of 125% of the

Removal Cost, which shall be the cost of demolition and removal of the solar energy system based upon a licensed engineer's estimate of the cost of removal and demolition, less salvage value; or (b) the Removal Cost plus One Hundred and Fifty Thousand Dollars (\$150,000.00).

Section Three: The Tipton County Zoning Ordinance Section 808.01 adds a new section D as follows:

D. the proposed use shall promote the objectives of this ordinance and should be consistent with the comprehensive plan.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS THIS _____
DAY OF _____ 2023.

TIPTON COUNTY BOARD OF COMMISSIONERS

Dennis Henderson, President

Tracey Powell, Member

Nancy Cline, member

ATTEST:

Melissa Pickering, Tipton County 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. Mark R. Regnier.

Prepared by Steve Niblick, Tipton Plan Department Executive Director
Reviewed by Mark Regnier, Attorney for the Tipton County Board of Commissioners