

**ORDINANCE 2021- 04  
AN ADDITION TO THE  
CASS COUNTY ZONING ORDINANCE  
OF SOLAR ENERGY CONVERSION SYSTEM STANDARDS**

WHEREAS, the General Assembly of the State of Indiana granted powers to the counties to adopt zoning ordinances for their jurisdiction according to IC 36-7-4-600 series; and

WHEREAS, the County of Cass County, Indiana adopted the Cass County Zoning Ordinance which became effective on October 3, 1986, and has had subsequent amendments as listed on the title page of the Cass County Zoning Ordinance; and

WHEREAS, The General Assembly of the State of Indiana granted powers to counties to amend the text of an adopted zoning ordinance according to IC 36-7-4-602 (b), and Section 906 of the Cass County Zoning Ordinance allows for the amendment of said Ordinance; and

WHEREAS, the Cass County Plan Commission held a public hearing on Tuesday June 1, 2021, on the proposed textual amendments to the Cass County Zoning Ordinance regarding the Solar Energy Conversion System Regulations in Article 5, Development Standards and all related sections; and

WHEREAS, The Cass County Plan Commission did send a favorable recommendation for the text amendments to the Cass County Commissioners; and

WHEREAS, The Cass County Commissioners did consider the proposed amendments and voted to send back to the Plan Commission to consider solar panel height not to exceed 22'6", and

WHEREAS, The Cass County Plan Commission held a public hearing on Tuesday July 6, 2021 to consider the maximum height standard for Solar Energy Systems, and

WHEREAS. The Cass County Plan Commission voted to certify a favorable recommendation for the addition of the Solar Energy Systems along with the height regulation to not exceed 22'6", to the Cass County Commissioners, and

WHEREAS, the Cass County Board of Commissioners believes there is merit in amending the Ordinance, in order to promote the public health, safety, comfort, morals, convenience and general welfare of the community; now therefore, be it

ORDAINED by the Cass County Board of Commissioners of Cass County, Indiana, as follows:

SECTION 1: That the Cass County Zoning Ordinance be amended according to the amendments, as follows:

**Zoning Ordinance:**  
524 Solar Energy Conversion System

**Proposed Language Change:**

	AG	RR	R1	B1	B4	AB	I1	I2	CG
Commercial Solar Energy System	<u>PS</u>	x	x	x	x	x	<u>PS</u>	<u>PS</u>	S

G. A noise potential study shall be performed and included in the application. Noise from a CSES shall be no greater than sixty (60) decibels measured from nearest property line.

J. An Economic Development Agreement, a Drainage Agreement, and Maintenance Agreement must be approved by the County Commissioners. The agreements shall be developed in conjunction with the Cass County Economic Development, Surveyor and Highway Department Offices and copies provided to the Planning Department. These agreements must be signed before any Building Permit is issued. The Drainage Agreement must prescribe or reference provisions to address crop and field tile damages up to five (5) years after construction for the life of the project for participating properties.

M. Any CSES ground mounted equipment, excluding any security fencing, poles, roads and wires necessary to connect to facilities if the electric utility ("Equipment"), must be fifty (50) feet from property lines of any non-participating property and edge of road or road right-of-way unless a fully executed and recorded written waiver agreement is secured from the affected land owner. Additionally, CSES Equipment shall have a minimum setback of one hundred (100) feet one hundred and fifty (150) feet away from the foundation any residential unit. property lines of land that has residential unit(s).

N. All ground-mounted CSES shall be completely enclosed by a six (6) foot high fence. In areas abutting residential properties two times a classification V buffer shall be provided.

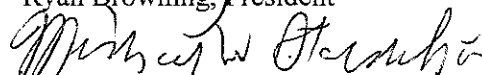
Q. The project owner shall plant, establish, and maintain for the life of the project vegetated ground cover on the ground around and under the solar panels where possible. The use of pollinator seed mixes in the planting of ground cover is encouraged. A vegetation plan must be submitted that is compatible for that specific project. Such plan shall use native and naturalized species for the appropriate region. No plants listed on the Indiana Invasive Species list shall be included. It is the responsibility of the project owner to make sure noxious vegetation is controlled.

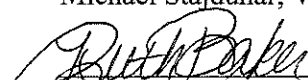
R. Solar Panels shall not exceed 22'6" in height. The height is determined from the ground to the top of the panel at any angle.

SECTION 2: That this amendment be in full force and effect upon its passage by the Cass County Board of Commissioners.

Adopted this 19 day of July 2021.

  
Ryan Browning, President

  
Michael Stajduhar, Vice President

  
Ruth Baker, Member

ATTEST:

  
Cheryl Alcorn, Cass County Auditor