

**ORDINANCE 2021-05  
AN ORDINANCE AMENDING THE  
CASS COUNTY ZONING ORDINANCE  
WIND 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 Wind 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 Board of 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:**  
523 Wind Energy Conversion Systems

**Proposed Language Change:**

	AG	RR	R1	B1	B4	AB	I1	I2	CG
Com. WECS	<del>P-S</del>	X	x	x	x	x	x	x	X

1. Minimum setback distances for Commercial WECS Towers

Distance from a...	Minimum Setback Distance
Property line, measured from the center of the	<del>2.5</del> 3 times the total height of the WECS Tower

WECS Tower to the property line	(where the blade tip is at its highest point) provided that the distance is no less than <del>one thousand five hundred (1,500)</del> <u>one thousand eight hundred (1,800)</u> . <sup>2</sup> (i) A WECS Tower may be placed up to the property line, if a fully executed and recorded written waiver agreement is secured from the affected adjoining Landowner. <sup>3</sup>
Residential dwellings, measured from the center of the WECS Tower to the nearest corner of the structure	<del>2.5</del> <u>3</u> times the total height of the WECS Tower, (where the blade tip is at its highest point), provided that the distance is no less than <del>one thousand five hundred (1,500)</del> <u>one thousand eight hundred (1,800)</u> feet <sup>1,3</sup>
Public road right-of-way, measured from the center of the WECS Tower to the edge of the right-of-way	<del>1.5</del> <u>3</u> times the total height of the WECS Tower, (where the blade tip is at its highest point), provided that the distance is no less than <del>nine hundred (900)</del> <u>one thousand eight hundred (1,800)</u> feet <sup>2</sup> (i) A WECS Tower may be placed up to the public right-of-way, if a fully executed and recorded written waiver agreement is secured from owner or whomever oversees the right of way.
Other rights-of-way, such as railroads and public utility easements, measured from the center of the WECS Tower to the edge of the right-of-way	<del>1.5</del> <u>3</u> times the total height of the WECS Tower (where the blade tip is at its highest point) (i) A WECS Tower may be placed up to the public right-of-way, if a fully executed and recorded written waiver agreement is secured from owner or whomever oversees the right of way.
State and Federally owned public conservation lands, measured from the center of the WECS Tower to the nearest point of the public conservation land in question	<del>2.5</del> <u>3</u> times the total height of the WECS Tower, (where the blade tip is at its highest point), provided that the distance is no less than <del>one thousand five hundred (1,500)</del> <u>one thousand eight hundred (1,800)</u> feet (i) A WECS Tower may be placed up to the property line, if a fully executed and recorded written waiver agreement is secured from the affected owner(s).
Wetlands, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS Tower to the nearest point of the wetland in question	As determined by a permit obtained from the Army Corps of Engineers
Wabash or Eel River measured from the center of the WECS Tower to the shoreline	One-half (1/2) mile
Incorporated limits of a municipality, measured from the center of the WECS Tower to the	One-half (1/2) mile

corporate limits	
Above-ground electric transmission line, measured from the center of the WECS Tower	<p>1-5 <u>3</u> times the total height (where the blade tip is at its highest point)</p> <p><u>(i) A WECS Tower may be placed up to the transmission lines, if a fully executed and recorded written waiver agreement is secured from the affected owner(s).</u></p>

1 The setback for residential dwellings shall be no less than 1.5 times the total height of the WECS Tower provided that the distance is no less than one thousand (1,000) feet of a COMMERCIAL WECS Tower, measured from the center of the WECS Tower to the nearest corner of the structure, if on a participating property.

2 The setback shall be measured from future public rights-of-way width if a planned public road improvement or expansion is known at the time of application.

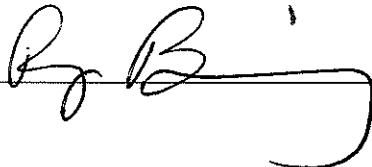
3 If future residential dwellings or buildable land splits occur near a WECS Tower, they shall keep the ~~2-5~~ 3 times the total height of the WECS or no less than ~~1,500~~ 1800 feet setback or a Memorandum of Understanding (MOU) must be signed, notarized and recorded with the Deed.

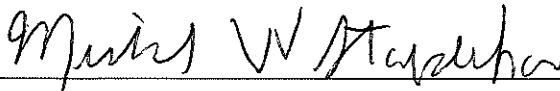
a. Commercial WECS Power Collection and Transmission System

1. WECS Substation: for all Substations, setbacks from property lines are waived if the affected adjoining landowners sharing the common property line are all Participating Landowners.
2. Poles: for all poles carrying overhead wiring connecting Commercial WECS Towers to a Substation for connection to a utility's electric transmission line, there are no setback requirements from property lines as long as the poles are located within a recorded easement for such purpose.

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

Adopted this 21<sup>st</sup> day of June 2021.

  
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 Ryan Browning, President

  
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 Michael Stajduhar, Member

  
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 Ruth Baker, Member

ATTEST:

  
 \_\_\_\_\_ Cheryl Alcorn, Cass County Auditor