

**ORDINANCE 2019- //**  
**AN ADDITION TO THE**  
**CASS COUNTY ZONING ORDINANCE**  
**OF SOLAR ENERGY CONVERSION SYSTEM REGULATIONS**

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 August 6, 2019, on the proposed textual additions 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 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:

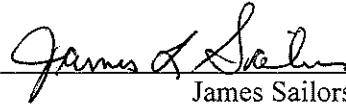
**Zoning Ordinance:**  
524 Solar Energy Conversion Systems

**Proposed Language Change:**

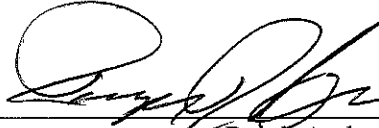
- i. The minimum yard setbacks from side and rear property lines shall be 20ft. and a 50ft setback from the front property line or edge of road improvement.
- ii. Freestanding ground mounted ASES shall not exceed the maximum accessory structure height 20ft.
- iii. The foundation and mechanical components of a ground mounted ASES shall be considered in lot coverage calculations.

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

Adopted this 3rd day of September 2019.



James Sailors, President



Ralph Anderson, Member



Ryan Browning, Member

ATTEST:



Cheryl Alcorn, Cass County Auditor

Table A:	<u>AG</u>	<u>RR</u>	<u>R1</u>	<u>B1</u>	<u>B4</u>	<u>AB</u>	<u>I1</u>	<u>I2</u>	<u>CG</u>	<u>Buffer Class</u>	<u>Parking Class</u>
Commercial Solar Energy System	P	X	X	X	X	X	P	P	S	A	C
Accessory Solar Energy System	P	P	P	P	P	P	P	P	P	A	C

**SOLAR ARRAY** A grouping of multiple solar modules with purpose of harvesting solar energy.

**SOLAR CELL** The smallest basic solar electric device which generates electricity when exposed to light.

**SOLAR EASEMENT** A right, expressed as an easement, restriction, covenant or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

**SOLAR ENERGY** Radiant energy (direct, diffuse, and/or reflective) received from the sun.

**COMMERCIAL SOLAR ENERGY SYSTEM** An area of land or other area used for solar collection system principally used to capture solar energy, convert it to electrical energy primarily for off-site use. Commercial solar energy systems consist free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines, energy storage and other structures.

**SOLAR ENERGY SYSTEM - ACCESSORY** An area of land or other area used for solar collection system used to capture solar energy, convert it to either electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels under 5 acres.

**SOLAR MODULE** A grouping of solar cells with the purpose of harvesting solar energy.

**SOLAR PANEL** That part or portion of the solar energy system containing one (1) or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/ or generation of electricity.

**SOLAR RELATED EQUIPMENT** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

**A. Solar Energy System.**

1. Commercial Solar Energy System (CSES).
  - a. The CSES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society of Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar rating and Certification Corporation (SRCC), International Building Code (IBC), Federal Aviation Administration (FAA), and National Electric Code (NEC) including all other applicable local and state standards. The manufacturer's specifications for the key components of the system shall be submitted as part of the application.
  - b. Upon completion of installation, the CSES shall be maintained in good working order. Failure of the owner and/or operator to maintain the CSES in good working order is grounds for appropriate enforcement actions.
  - c. When possible, all on-site utility, transmission lines, and conductors should be underground. If not underground, conduit for conductors is to be used with approved hangers. Conduit will be suspended from the solar array.
  - d. The owner of a CSES shall provide in writing confirmation that the utility company to which the CSES will be connected has been informed of the customer's intent to install a cogeneration system and approved such connection.
  - e. No portion of the CSES shall contain or be used to display advertisement. The manufacture's name and equipment information or indication of ownership shall be allowed on any equipment of the CSES provided they comply with the prevailing sign regulations for that zoning district.
  - f. Glare from a CSES is prohibited from being directed towards vehicular traffic and any habitable portion of an adjacent inhabited structure. The applicant has the burden of proving that there is no glare produced on inhabited structures or in the roadway. All glare concerns shall be documented, and mitigation will be determined by the County Commissioners and consulted with the CSES Owner.
  - g. A noise 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.
  - h. CSES are a minimum 5 acres.
  - i. The CSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Planning Department for their file. The CSES owner and/or operator shall make reasonable efforts to respond to the public's inquires and complaints.
  - 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.

- k. Decommissioning. In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES a decommissioning agreement must be approved and signed by the County Commissioners before a building permit is issued. This agreement must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule for contributions to it decommissioning fund, and a demonstration of financial assurance. Salvage value can be considered in determining decommissioning cost. In the event of a fire, flood, tornado or other unforeseen events that results in the absence of electrical generation for twelve months, the applicant must demonstrate that the project will be substantially operational producing electricity with-in twelve months of the event after such time it will be considered abandoned and need to follow decommissioning as such.
  - i. Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, letter of credit or other security acceptable to the County, for the cost of decommissioning CSES and related improvements constructed under the permit. Said security will be released when CSES is properly decommissioned as determined by Cass County Commissioners. Review of estimated cost shall be done every five (5) years and the financial assurance reflect the changes.
  - ii. The CSES owner is required to notify the Planning Department immediately upon cessation or abandonment of the operation. The CSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
  - iii. The CSES owner shall have ninety (90) days to start decommissioning and one hundred and eighty (180) days to totally dismantle and remove the CSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, electrical components, roads, foundations, and other associated facilities from the property. If the owner fails to dismantle and/or remove the CSES within the established timeframes, the municipality may complete the decommissioning at the owners expense.
  - iv. If a ground mounted CSES is removed, any earth disturbance resulting from the removal must be graded and reseeded shall be discussed with property owner.
- l. By submitting a permit, applicants acknowledge that approval of such permit shall not give the property owner or their successor the right to remain free of shadows and/or obstructions to solar energy caused by development of other properties or the development or growth of any vegetation on such 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 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 away from the foundation of any residential unit.
- n. All ground-mounted CSES shall be completely enclosed by a six (6) foot high fence.
- o. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the CSES informing individuals of potential voltage hazards.

- p. Although lighting is not required, any lighting used at a CSES shall be full-cutoff and directed down. Lighting shall only be used when necessary for safety and operational purposes.

2. Solar Energy System – Accessory (ASES).

- i. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society of Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), International Building Code (IBC), Federal Aviation Administration (FAA), and National Electric Code (NEC) including all other applicable local and state standards.
- ii. Upon completion of installation, the ASES shall be maintained in good working order. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions.
- iii. When possible, all on-site utility, transmission lines, and conductors should be underground. If not underground, conduit for conductors is to be used with approved hangers. Conduit will be suspended from the solar array.
- iv. The owner of an ASES shall provide written confirmation that the Utility Company to which the ASES will be connected has been informed of the customer's intent to install a net metering system and approved of such connection. Off-grid systems shall be exempt from this requirement.
- v. The display of advertisement is prohibited except for reasonable identification of the manufacturer of the system.
- vi. All ASES shall be placed such that glare does not project onto nearby structures or roadways causing safety and health concerns.
- vii. By submitting a permit, applicants acknowledge that approval of such permit shall not give the property owner or their successor the right to remain free of shadows and/or obstructions to solar energy caused by development of other properties or the development or growth of any vegetation on such properties.
- viii. Decommissioning must start in 90 day and be totally removed within 180 days for each ASES and all solar related equipment if no electricity has been generated by such solar collection within twelve (12) months. At such time the use will be considered discontinued or abandoned by system owner and/or operator. Decommissioning may also be determined for systems that are not maintained in a good working order. If a ground mounted ASES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
- ix. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:
  - i. A roof mounted or wall mounted ASES may be located on a principal or accessory structure.
  - ii. For roof and wall mounted systems, the applicant shall provide evidence that the roof and/or wall is capable of holding the load based off of the International Building Code.
- x. Ground Mounted Accessory Solar Energy System: