

Cass County, IN
Summary Only

For full ordinance text, please find pdf below or visit county website.

Date Passed/Amended: June 1, 2021

Summary Written: May 2, 2022

Agricultural Use Table:

Eligible Zoning:

- a) Commercial Solar Energy System (CSES)
 - a. Special Exception Use
 - i. Agriculture District (AG)
 - ii. Industrial District (I-1)
 - iii. Industrial District (I-2)
 - iv. General Commercial District (CG)

Prohibition Language:

Required Information/Permits Required:

- a) Commercial Solar Energy System (CSES)
 - a. Economic Agreement
 - b. Drainage Agreement
 - c. Maintenance Agreement
 - d. Decommissioning Plan
 - e. Improvement Location Permit

Request for Variance:

Site and Structure Requirements:

- a) Compliance with all local, state, and federal regulations:
 - a. Commercial Solar Energy System (CSES)
 - i. 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).
 - ii. The CSES shall comply with all applicable local, state and federal laws and regulations.

- b) Concentrating Solar Power Facilities:
- c) Fencing/Security:
 - a. Commercial Solar Energy System (CSES)
 - i. All ground-mounted CSES shall have six (6) foot high fences enclosing the facility.
 - ii. In areas abutting a residential property, two (2) times a classification V buffer shall be provided. (See page 24 of ordinance PDF)
- d) Glare minimization:
 - a. Commercial Solar Energy System (CSES)
 - i. Glare from the CSES is prohibited from being directed towards vehicular traffic and any habitable portion of an adjacent inhabited structure.
- e) Height:
 - a. Commercial Solar Energy System (CSES)
 - i. Solar panels shall not exceed twenty-two feet and six inches (22'6") in height. The height is determined from the ground to the top of the panel at any angle.
- f) Lighting:
 - a. Commercial Solar Energy System (CSES)
 - i. 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.
- g) Minimum Lot Size:
 - a. Commercial Solar Energy System (CSES)
 - i. CSES are a minimum of five (5) acres.
- h) Noise:
 - a. Commercial Solar Energy System (CSES)
 - i. A noise potential study shall be performed and included in the application.
 - ii. Noise from the CSES shall not exceed sixty (60) decibels measured from the nearest property line.
- i) Outside storage:
- j) Setbacks and Lot Coverage:
 - a. Commercial Solar Energy System
 - i. Any CSES ground mounted 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 landowner.

- ii. CSES equipment shall have a minimum setback of one hundred and fifty (150) feet away from property lines of land that has residential units.

k) Screening:

a. Commercial Solar Energy System (CSES)

- i. Owner/Operator 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.
- ii. The use of pollinator seed mixes in the planting of ground cover is encouraged.
- iii. A vegetation plan must be submitted that is compatible for that specific project and such plan shall use native and naturalized species for the appropriate region based off the Indiana Invasive Species list.
- iv. Owner/Operator must control noxious vegetation.

l) Signage

a. Commercial Solar Energy System (CSES)

- i. Advertising signs are prohibited.
- ii. The manufacturer's name and equipment information and ownership shall be allowed provided they comply with the zoning district's restrictions.
- iii. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the CSES.

m) Site Access/Emergency Response:

n) Utility Connections

a. Commercial Solar Energy System (CSES)

- i. Owner/Operator 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.

o) Waste:

Operation and Maintenance Plan

a) Monitoring and Maintenance

b) Soil and Erosion and Sediment Control

- a. Commercial Solar Energy System (CSES)
 - iii. A Drainage Agreement must be approved by the County and done in conjunction with appropriate County authorities.
 - iv. This plan must address crop and field damages for the life of the project.

Decommissioning and Site Reclamation

- a) Commercial Solar Energy System (CSES)
 - a. A Decommissioning Agreement must be submitted to and approved by the County prior to the issuance of any permits.
 - b. This Agreement must include the work to remove all physical materials, a cost estimate for decommissioning, a schedule for contributions to the decommissioning fund and a demonstration of financial assurance.
 - c. Applicant will provide financial assurance in an amount at least equal to the cost estimate for decommissioning. This assurance must be by bond, letter of credit or other security deemed acceptable by the County. This security will be released when the County considered the project properly decommissioned. These estimates shall be reviewed every five (5) years.
 - d. Should the project be without power generation for twelve (12) consecutive months, it will be considered discontinued or abandoned and must be decommissioned.
 - e. Owner/Operator will have ninety (90) days to start decommissioning and one hundred and eighty (180) days to complete decommissioning.
 - f. Any earth disturbance due to decommissioning must be graded and reseeded and shall be discussed with the property owner.
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