

**ORDINANCE 2026-09  
AN AMENDMENT TO THE  
CASS COUNTY ZONING ORDINANCE  
SOLAR ENERGY CONVERSION SYSTEM STANDARDS INCLUDING BATTERY  
STORAGE**

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 April 7, 2026, on the proposed textual amendments to the Cass County Zoning Ordinance regarding the Solar Energy Conversion System Standards including Battery Storage; 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 send back to Plan Commission recommended changes believing 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

WHEREAS, the Cass County Plan Commission did meet and voted in favor of the Cass County Commissioners changes

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:

Section 201 Definition:

Battery Energy Storage Systems (BESS): standalone battery system that captures electricity from renewable sources or the grid, storing it in electrochemical cells to release later.

Solar Related Equipment: Items including a solar photovoltaic cell, module, panel or array, or solar hot air or water collector device panels, lines, pumps, battery energy storage systems, thermal energy conversion systems, mounting brackets, framing and possible foundations or other structures used for or intended to be used for collection of solar energy.

524 SOLAR ENERGY SYSTEM:

524.01 Commercial Solar Energy System (CSES).

A. The CSES layout, design, installation, and ongoing maintenance shall conform to the most current edition of applicable industry standards in effect at the time of the application, 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 which could include but not limited to fines.

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. Signage at the gate(s) must include warning signs and contact current up to date information for emergencies. The Planning Department must receive notification within 60 days of ownership change or management change and their contact information. Fines could be assessed to the project owners if this information is not accurate.

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 dBA and dBC noise potential study shall be performed by a 3<sup>rd</sup> party as determined by the county and included in the application. Noise from a CSES shall be no greater than sixty (60) decibels measured from nearest property line or forty-five (45) decibels from a residence, whichever is more restrictive. A dBA and dBC post construction noise study shall be performed by a 3<sup>rd</sup> party and shall be provided before the Certificate of Occupancy is issued, to make sure the required decibels are being met. Noise level studies shall be performed for the life of the project by either: 1. Permanent placement of noise level detection equipment at locations as determined by the County Commissioners or, 2. Bi-annual noise level study performed by a company of the County Commissioners choosing. The method selected shall be paid for by the project owners for the life of the project. Fines could be assessed to the project owners if not adhered to within 5 business days. The dBC potential and post construction noise study must be approved by the County Commissioners.

H. CSES has a maximum of 500 acres. Any CSES shall be entirely contiguous except where divided by public right-of-way, and separated by a linear distance of one (1) mile as measured from the project boundary.

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 within 3 business days.

L. Maintenance repairs and replacements for the CSES does not require additional review, but the Planning Department must receive notification within 30 days of ownership change or management change and their contact information. New ownership must abide by the same standards.

J. An Economic Development Agreement, a Drainage Agreement, a Maintenance Agreement and a Road Use Agreement must be approved by the County Commissioners prior to the commencement of the project. 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.

i. The drainage agreement must include the following:

a. How all private and public tiles will be located, and process to ensure no encroachment.

b. Must reference provisions to address crop and field tile damages for the life of the project for participating properties.

K. Decommissioning. In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES a decommissioning agreement and a Road Use 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 the decommissioning fund, and a demonstration of financial assurance. Salvage value at the time of decommissioning 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.

1. 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.

2. The CSES owner is required to notify the Planning Department ~~immediately~~ within 5 business days 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.

3. 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 CSES owner fails to dismantle and/or remove the CSES within the established timeframes, the municipality may complete the decommissioning at the CSES owner and/or Property owner's expense.

4. If a ground mounted CSES is removed, any earth disturbance resulting from the removal must be graded and reseeded shall be discussed and completed with CSES owner and property owner.

L. By submitting a permit, applicants acknowledge that approval of such permit shall not give the CSES owner and 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 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 fifty (150) feet away from property lines of land that has residential unit(s) and/or three hundred (300) feet from the residence or any adjacent building, whichever is more restrictive, and one thousand three hundred twenty (1320) feet from incorporated municipalities and unincorporated towns as defined by zoning districts. A waiver can be provided by the owner of the property the CSES is to be screened from for any setback but the front yard. New construction and additions to residences are only required to follow the setback standards for their respective zoning district. In the same manner any changes to property lines may move closer to the CSES.

N. No Solar Energy System shall be placed between a residence and a public road. Also, no Solar Energy System shall adjoin a residential property more than two (2) sides of the residence, with the exception of a third (3) side if the Solar Energy System is a minimum of 1320' away from the residence.

ON. All ground-mounted CSES shall be completely enclosed by a minimum six-~~(6)~~-foot seven (7) foot high fence. Fencing must be at least ten (10) feet from the right-of-way and/or edge of pavement. In areas abutting residential properties two (2) times a classification V buffer shall be provided, with the exception of a waiver signed by the owner of the residential property affected. The buffer must be placed along the property line the CSES is being screened from, with the plants no closer than 20' from the property line.

P ~~Q~~—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.

QP. 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.

RQ. 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 plantings 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.

SR. 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.

TS. Temporary laydown yard(s) shall have a minimum setback of five hundred (500) feet away from non-participating residences, unless a waiver is provided.

U. Construction shall begin within two (2) years of the special exception approval and finished within two (2) years from the approval date of the building permit. If this is not met the use shall go back through the Board of Zoning Appeals process and submit for a new building permit.

V Any equipment and fencing must be 75' off the centerline of any legal tile ditch, or 75 feet off the existing top edge of a legal open ditch or tile, unless either are approved by the drainage board for a lesser setback

W. An operations and maintenance plan must include measures for maintaining safe access to the installation, stormwater controls, solar panels' cleaning procedures, control of noxious weeds and invasive species, and other typical procedures for operation and maintenance of the SES. No permit is required for the implementation of the operation and maintenance plan. These plans must be approved by the County Commissioners before the issuance of a building permit.

X. An emergency response plan and training plan for the local fire department(s) is required and must meet State codes. In addition, any emergency equipment needed must be provided to emergency personal at the expense of the developer. These plans must be approved by the County Commissioners before the issuance of a building permit. The CSES owner shall

provide current emergency contact information to all public safety agencies who have jurisdiction within the CSES project area, and maintain such contacts for the life of the project.

Y. Battery Energy Storage System (BESS) in conjunction with a Solar Energy Project.

i. In addition to all applicable standards in Section 524.01 A BESS must also meet layout, design, installation, and ongoing maintenance in accordance with applicable industry standards, such as those of the National Fire Protection Association (NFPA) specifically NFPA 855, 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.

ii. BESS must meet Section 524.01 B-E,G, I-K, N, P, T-X

iii. Any BESS, excluding any security fencing, poles, roads and wires necessary to connect to facilities, 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, the BESS shall have a minimum setback of one hundred fifty (150) feet away from property lines of land that has residential unit(s) and/or five hundred (500) feet from the residence or any adjacent building, whichever is more restrictive, and one thousand three hundred twenty (1320) feet from incorporated municipalities and unincorporated towns as defined by zoning districts. A waiver can be provided by the owner of the property the BESS is to be screened from for any setback but the front yard. New construction and additions to residences are only required to follow the setback standards for their respective zoning district. In the same manner any changes to property lines may move closer to the BESS.

iv. If the BESS is adjacent to a residence or any building a buffer yard of 2 times the classification V buffer will be required. The buffer must be placed along the property line the BESS is being screened from, with the plants no closer than 20' from the property line. A signed waiver can be provided by the property owner of the property being screened for the buffer yard. In addition, a minimum seven (7) foot fence must be provided around the BESS which can include barbwire. Fencing must be at least ten (10) feet from the right-of-way and/or edge of pavement.

v. BESS shall not exceed 15' in height. The height is determined from the ground to the top of the equipment.

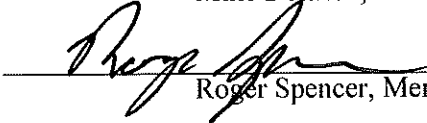
vi. Battery systems must be placed on top of 2 containment layers. To meet this standard there must be a geo membrane liner with concrete on top of the membrane.

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

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

  
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Ruth Baker, President

  
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Mike Dejtrich, Member

  
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Roger Spencer, Member

ATTEST:

  
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Alicia Pifer, Cass County Auditor

