

## 20.50.940 WF-01 – Wireless facilities standards.

This wireless facilities standards (WF) section applies to the following zoning districts:



The following standards shall apply:

- A. *Permits Required.* Wireless facilities shall not be constructed, erected, placed, modified or altered until an improvement location permit has been obtained.
- B. *Location.* Wireless facilities shall not be located within the boundaries of any recorded residential subdivision.
- C. *Design Requirements.* Proposed or modified wireless support structures and antennas shall meet the following design requirements:
  1. *Height.*
    - a. *Towers.* Wireless support structures shall not exceed 199 feet in height.
    - b. *Other Structures.* All other utility structures and antennas shall meet the height standards in appropriate sections in Chapter [20.20](#) JCC, Zoning Districts, and in JCC [20.50.350](#), HT-01 – Height standards.
  2. *Appearance.* Towers and antennas shall be designed to blend into the natural surrounding environment through the use of color and camouflaging architectural treatment, except in an instance where the color is dictated by State or Federal authorities such as the Federal Aviation Administration (FAA).
  3. *Monopole Design.* Towers shall be of a monopole design.
  4. *Setbacks.* Wireless facilities shall meet the following setback requirements:
    - a. All wireless facilities shall meet the setback requirements of the underlying zoning district; however, a wireless facility that is located in an industrial zoning district may encroach up to ten (10) feet into the required rear yard if the adjoining lot is also in an industrial zoning district.
    - b. *Front Setback.* Wireless support structures shall be set back from any right-of-way a minimum distance equal to fifty percent (50%) of the tower height, including all antennas and attachments.
    - c. *Side and Rear Setback.* Wireless support structures shall be set back from the side and rear property lines a minimum distance equal to sixty percent (60%) of the tower height, including all antennas and attachments.
    - d. Wireless support structures shall not be located between the principal structure and a public street.
    - e. Wireless support structures shall be set back from the boundaries of any recorded residential subdivision a minimum distance equal to one hundred percent (100%) of the tower height.

- f. A wireless support structure's setback may be reduced or its location varied at the sole discretion of the Board of Zoning Appeals to allow for the integration of the wireless facility into an existing or proposed structure, such as a church steeple, light standard, power line support device or similar structure.
5. *Co-location.* Any proposed wireless support structure shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for the following:
- a. A minimum of one (1) additional user if the wireless support structure is between sixty (60) and 100 feet in height.
- b. A minimum of two (2) additional users if the wireless support structure is 100 feet or more.
6. *Accessory Utility Structures.* All utility structures needed to support a wireless support structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
7. *Security Fence.* Wireless facilities and all accessory utility structures shall be protected by a security fence at least six (6) feet tall.
8. *Screening.* A live evergreen screen consisting of a hedge, planted three (3) feet on-center maximum, or a row of evergreen trees planted a maximum of ten (10) feet on-center shall be planted around the entire wireless facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting may be no less than five (5) feet.
9. *Lighting.* Wireless facilities shall not be illuminated by artificial means and shall not display strobe lights, except when it is dictated by State or Federal authorities such as the FAA.
10. *Signs.* The use of any portion of a wireless facility for the posting of any signs or advertisements of any kind, other than warning or equipment information signs, shall be prohibited.
11. *Construction Standards.* All wireless facilities are subject to inspection by the Building Inspector during the construction process.
12. *Easements.* If an easement is required for location of a wireless facility on the property, the easement shall be defined by a legal description prepared for recording and staked by a licensed and registered land surveyor so as to provide proof the facility has been constructed within the easement. The legal description shall be recorded prior to issuance of an improvement location permit.
13. *Footers.* Footing inspections may be required by the Building Inspector for all wireless facilities having footings.
14. *Electrical Standards.* All wireless facilities containing electrical wiring shall be subject to the provisions of the National Electric Code, as amended.
- D. *Inspection of Towers.* The following shall apply to the inspection of wireless facilities:

1. *Frequency.* All towers may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Zoning Administrator and/or a registered, professional engineer to determine compliance with the original construction standards.
  2. *Investigation.* The Zoning Administrator and the Building Inspector may enter onto the property to investigate the matter and may order the appropriate action be taken to bring the facility into compliance.
  3. *Violations.* Notices of violation will be sent for any known violation on the wireless facility.
- E. *Abandoned Towers.* Any tower unused or left abandoned for six (6) months shall be removed by the property owner at its expense. Should the property owner fail to remove the tower after thirty (30) days from the date a notice of violation is issued, Jasper County may obtain an injunction to remove the tower and bill the property owner for the costs of removal and cleanup of the site.
- F. *Process.* The process for application and approval of a wireless facility is described in JCC [20.90.210](#), Process for wireless facilities. [Ord. 3-7-16A § 1; Ord. 12-27-11 § 5.94.]

### **20.50.950 CS-01 – Commercial solar energy systems.**

The commercial solar energy systems standards apply to the following zoning districts:



- A. *Purpose.* It is the purpose of these performance standards to enable Jasper County to: regulate the permitting of commercial solar energy systems; be informed of the placement of commercial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in Jasper County.
- B. “Commercial solar energy systems (CSES)” is defined in Chapter [20.110](#) JCC.
- C. *Permitted Districts.* See the respective districts in Chapter [20.20](#) JCC.
- D. *Parcel Line Setbacks.* Any CSES equipment, excluding any security fencing, poles, roads, and wires necessary to connect to facilities of the electric utility, must be set back in accordance with the accessory structure standards for each zoning district. Ground mounted solar panels/arrays shall be set back a minimum of fifty (50) feet from any adjoining property line. These setbacks shall not apply between adjoining participating parcels. Additionally, such CSES equipment must be set back a minimum of two hundred (200) feet from the foundation of a primary dwelling unit. These setbacks may be waived in writing by adjacent property owners.
- E. *Height Limit.* The height of any CSES ground mounted solar equipment is limited to thirty-five (35) feet, as measured from the highest natural grade below each solar panel. If a substation is required to connect the project to the electrical grid, the substation’s design, including height, will be in accordance with applicable electrical codes.

F. *Noise Limit.* A noise study shall be performed and included in the application – noise from an operational CSES shall not exceed fifty-five (55) dBA, as measured at a dwelling unit measured on an hourly average basis (Leq) (one (1) hour). These limits may be waivable by any adjoining property owners.

G. *Landscape Buffer.* Any CSES shall be required to meet the landscape standards as listed in JCC [20.50.520](#), LA-06 – Buffer yard landscaping standards. All CSES installations shall meet the minimum requirements of:

1. Buffer yard "D" where the subject parcel abuts a residential parcel; and
2. Buffer yard "A" where the subject parcel abuts a parcel with an equal or lower intensive zoning category than the subject parcel.

H. *Application Procedure.* Applications for CSES permits shall be filed on forms provided by the Zoning Administrator.

I. *Application and Permits.* Any CSES shall be required to submit a preliminary commercial site plan to the Technical Advisory Committee for review in accordance with JCC [20.90.140](#). Such review shall occur within thirty (30) days of filing.

For CSES facilities requiring a special exception: Per Table 1, refer to JCC [20.90.140](#), Special exception. In addition to the Technical Advisory Committee submittal, the applicant shall submit the required site plan to the Board of Zoning Appeals (BZA) to be reviewed during the special exception public hearing. Construction of the CSES shall begin within three (3) years of BZA approval.

Once a special exception has been approved, an improvement location permit shall be issued in accordance with JCC [20.90.060](#), Improvement location permit. The following shall also be required:

1. Solar system specifications, including typical manufacturer and model.
2. Array/module design and site plans.
3. Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as the National Electrical Code (NEC) (NFPA-70), the American National Standards Institute (ANSI), the Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), the Institute of Electric and Electronic Engineers (IEEE), the Solar Rating and Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Indiana Building Code (IBC), and any other standards applicable to solar energy systems. The manufacturer specifications for the key components of the CSES shall be submitted with the application.
4. All ground mounted electrical and control equipment for CSES shall be labeled and secured to prevent unauthorized access.
5. All CSES shall be installed so as not to cause wire or wireless communication signal disturbance.
6. All CSES shall be situated to eliminate concentrated glare onto abutting structures and roadways.

7. All ground mounted electrical and control equipment for CSES shall be fenced and labeled or secured to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public, and access to same shall be through a locked gate.
8. To the greatest practical extent, all electrical wires and utility connections for CSES shall be installed underground, except for transformers, inverters, substations, and controls. The Planning Director will take into consideration prohibitive cost and site limitations in making his or her determination.
9. Exterior lighting for CSES shall be limited to that required for safety and operational purposes.
10. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a solar panel array and/or modules, building, or other structure associated with a CSES, shall be prohibited.
11. The CSES applicant shall certify that the applicant will comply with the utility notification requirements contained in Indiana law and accompanying regulations through the Indiana Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
12. A decommissioning agreement must be executed by the applicant which stipulates that decommissioning of the entire facility will begin upon the occurrence of twelve (12) consecutive months of no power generation at the facility. In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES when it reaches the end of its useful life, or if the applicant ceases operation of the facility, applicants must file a decommissioning agreement which details the means by which decommissioning will be accomplished and the timeline for completion. 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 its decommissioning fund, and a demonstration of financial assurance. Salvage value shall be considered in determining decommissioning cost. In the event of a force majeure or other event which results in the absence of electrical generation for twelve (12) months, by the end of the twelfth month of nonoperation the applicant must demonstrate to Jasper County that the project will be substantially operational, producing electricity within twenty-four (24) months of the force majeure or other event. If such a demonstration is not made to Jasper County's satisfaction the decommissioning must be initiated eighteen (18) months after the force majeure or other event. The County considers a force majeure to mean fire, earthquake, flood, tornado, or other acts of God and natural disasters, and war, civil strife or other similar violence. The operator of any CSES shall secure and provide a performance bond or submit an escrow deposit in an amount determined by a third party engineering firm to ensure the proper decommissioning and removal of the CSES. The applicant will have the financial assurance mechanism in place prior to the issuance of an improvement location permit and will reevaluate the decommissioning cost and financial assurance at the end of years five (5), ten (10) and fifteen (15). Every five (5) years after the start of construction, updated proof of acceptable financial assurance must be submitted to Jasper County for review. Proof of acceptable financial assurance will be required prior to the start of commercial operation.
13. The site plan should be submitted in accordance with the plan requirements of the Jasper County Storm Drainage, Erosion and Sediment Control Ordinance (Rule 5), JCC [20.50.250\(D\)\(5\)](#).

14. Drainage Board approval.
15. Applicant agrees to pay all attorney fees and costs in the enforcement of the terms of this section.

J. *Public Improvements and Repairs.*

1. *Road Capacity.* During construction, roads shall remain open at all times except for periods of time less than ten (10) minutes. Expected loss of capacity (i.e., temporary closures) greater than ten (10) minutes shall require notice to neighboring and affected property owners twenty-four (24) hours prior to the temporary closure, and either a detour to be established or personnel to redirect traffic to alternate routes during the temporary closure. Any necessary temporary closures and proposed detours shall be made known to the Highway Department at least twenty-four (24) hours prior to the temporary closure or as otherwise agreed.
2. *Commitment to Avoid Disruptions.* In addition to a surety, the CSES operator shall sign an affidavit indicating they will strive to avoid:
  - a. Damage to roads;
  - b. Unreasonable disruption of vehicular circulation around the development site; and
  - c. Unreasonable disruption of power or other utility services to surrounding areas.

K. *Public Notice.* The CSES operator shall identify all State highways and local roads to be used in the transport of equipment and parts for construction, operation, or maintenance of the solar farm. It shall also prepare a timeline and phasing plan for construction and identify any known road closures. This information shall be released to the local newspapers as notice to persons who may be affected. This information shall also be conveyed to local law enforcement, emergency services, public school corporations, the United States Postal Service, and the regional office of the Department of Transportation.

L. *As-Built Plans Requirement.* Upon completion of all development, the exact measurements of the location of utilities and structures erected during the development are necessary for public record and shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the final construction plans (as-built plans), as amended, to the Planning Administrator with the exact measurements thereon shown. The Planning Administrator, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plans, shall approve, date and sign said construction plans for the project, which the applicant, owner, or operator shall then record.

M. *Change in Ownership.* It is the responsibility of the owner or operator listed in the application to inform the advisory plan staff of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation. [Ord. 3-4-19A § 1.]

**The Jasper County Code is current through Ordinance 10-4-21C, passed October 4, 2021.**

Disclaimer: The county has the official version of the Jasper County Code. Users should contact the county for ordinances passed subsequent to the ordinance cited above.

**Note:** This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[County Website: www.jaspercountyin.gov](http://www.jaspercountyin.gov)

County Telephone: (219) 866-4930

[Code Publishing Company](#)