

ORDINANCE

Solar Siting Ordinance for Fulton County

This Ordinance shall amend the Fulton County Zoning Ordinance and be known, cited, and referred to as the Solar Siting Ordinance of Fulton County, and will become Section 9.3 of the Fulton County Zoning Ordinance.

WHEREAS Fulton County, Illinois has been granted authority to regulate and restrict location and use of structures pursuant to 55 ILCS 5/5-12001 et. seq. and make rules and regulations (a) governing the construction and alteration of all buildings pursuant to 55 ILCS 5/5-1063,

NOW, THEREFORE, BE IT ORDAINED by the Fulton County Board as follows:

1. Purpose and Intent
  - A. Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a jurisdiction's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar energy is generated.
  - B. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a component of Fulton County's Long Range Plan.
  - C. The ordinance aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefor.

2. Definitions

**ACCESSORY STRUCTURE**

A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, and is located on the same lot or premises as the principal building.

**ALTERNATIVE ENERGY SYSTEMS**

Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

**BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS**

A solar energy system that consists of integrating photovoltaic modules into the building structure such as the roof or façade and which does not alter the relief of the roof.

**COLLECTIVE SOLAR**

Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar-pane" programs, or other similar arrangements.

#### COMMERCIAL/LARGE SCALE SOLAR

Refers to a utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

#### CONCENTRATING SOLAR POWER (CPS)

A solar energy system that produces using heat from the sun (thermal energy) to drive utility-scale, electric turbines; and heating and cooling systems, which collect thermal energy to provide hot water and air conditioning.

#### DISTRIBUTED GENERATION

A solar energy system that produces using equipment is located on rooftops or ground-mounted arrays close to where the energy is used.

#### FLUSH MOUNTED SOLAR PANEL

Any type of solar panels, tiles or shingles, that are installed flush to the surface of a roof and which cannot be angled or raised.

#### FREE STANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

#### INVERTER

An electronic device or circuitry that changes direct current (DC) to alternating current (AC).

#### NET METERING

A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

#### PERMIT GRANTING AUTHORITY

The Fulton County Zoning Office will be charged with the authority of granting permits for the operation of solar energy systems within its jurisdiction.

#### PHOTOVOLTAIC (PV) SYSTEMS

A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.

#### QUALIFIED SOLAR INSTALLER

A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

#### RECLAMATION BOND

A Reclamation Bond, also known as a Decommissioning Bond, is a type of performance surety bond. This type of surety bond is required by Fulton County prior to issuing permits for solar installations of all types. A reclamation bond provides a financial guarantee that the land being disturbed for the installation and operation of the solar installation, will be returned back to either its original state or an acceptable condition agreed upon by the land owner and the developer. Reclamation bond amounts are not standard. The amount required is usually based on a form of cost analysis used to determine the approximate cost to reclaim the land after the solar installation is decommissioned.

#### ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM

A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

#### SMALL SCALE SOLAR ENERGY SYSTEM

Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use onsite. However, the energy output may be delivered to a power grid to offset the cost of energy on site.

#### SOLAR ACCESS

Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

#### SOLAR COLLECTOR

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation or transfer of stored heat.

#### SOLAR ENERGY EQUIPMENT/SYSTEM

Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy storage, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

#### SOLAR HEATING & COOLING (SHC)

A solar energy system that produces thermal (heat) energy for water & pool heating and space heating.

#### SOLAR PANEL

A device for the direct conversion of solar energy into electricity.

#### SOLAR STORAGE BATTERY

A device that stores energy from the sun and makes it available in an electrical form.

#### SOLAR STORAGE BATTERY CONTAINMENT

Spill containment for stationary battery systems, in compliance with all federal and state laws.

#### SOLAR THERMAL SYSTEMS

Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

### 3. Applicability

- A. The requirements of this Ordinance shall apply to all Small Scale and Commercial/Large Scale solar energy systems modified or installed after the effective date of this Ordinance.
- B. Solar energy systems for which installation has commenced prior to the effective date of this Ordinance or that are less than 25 square feet shall not be required to meet the requirements of this Ordinance unless they are connected to the utility grid. If they are connected to the utility grid, the local utility company must be contacted for an inspection and the installation must be permitted by the utility.
- C. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and standards.
- D. All solar energy systems must have proof of liability insurance prior to the start of construction and show the coverage will continue through any decommissioning phase.

### 4. Permitting

- A. No solar energy system or device shall be installed or operated in the County of Fulton except in compliance with this Ordinance.
- B. To the extent practicable, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Fulton County Zoning Ordinance.
- C. Small scale solar energy systems shall be permitted in residential, business districts and agricultural/conservation districts.
- D. Commercial/Large scale solar energy systems shall be permitted as a conditional use in agricultural/conservation and industrial districts.

- E. Small scale solar energy systems will be permitted subject to the following conditions:
- a. Devices must be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
  - b. The total height of the building including the solar collection devices shall comply with the height regulations of the zoning district.
  - c. Roof mounted solar collectors shall be constructed so as not to obstruct solar access on neighboring properties.
  - d. The setback requirements for ground mounted solar collectors shall meet all applicable setback requirements for an accessory structure within the zoning district.
  - e. All solar collector installations must be performed by trained and qualified electrical professional. All installations must be in compliance with all applicable construction codes.
  - f. All local electrical utility companies must be notified by the applicant prior to installation
  - g. Any entity connecting to the public utility grid must contact the appropriate utility company, comply with their standards, and have a satisfactory inspection prior to becoming operational.
  - h. Solar energy systems shall be maintained in good working order.
  - i. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment by no later than 90 days after the twelve month period.
  - j. Those facilities under 50 kW shall not use any hazardous materials, such as lead, mercury, or asbestos in the construction of the facility.
- F. Utility scale solar energy systems will be permitted subject to the following conditions:
- a. A solar collection device or combination of devices will be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
  - b. The total height of the building including the solar collection devices shall comply with the height regulations of the zoning district.
  - c. In AC districts the solar collection system shall be incidental to the use of the farm.
  - d. Installation of the solar collection system shall not adversely impact adjacent properties.
  - e. All commercial/large scale solar collection devices shall register with the Regional Transmission Operator and shall submit a map noting the location of the solar collection devices and the panel disconnect.

- f. The developer must provide evidence of the physical control of the site to be developed as well as provide a land description of the ground that is being used. For the protection of the developer's property, a security fence must surround the property. The security fence shall be at least eight (8) feet high with a setback of at least a ten (10) feet. The security fence shall be a cyclone type or chain link type. The security fence shall follow the perimeter of the land description of the ground to be developed. Perimeters of the land description where waterways of any type interact, setbacks must be at least fifty (50) feet.
- g. The applicant shall demonstrate that a utility scale solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks, a national or state designated scenic byway, or a structure listed by the Fulton County Historical Society. The setback requirements for ground mounted solar collectors shall meet all applicable setback requirements for an accessory structure in the zoning district.
- h. As part of the application process, plans for future decommissioning shall need to be established prior to a permit being issued.
- i. A lease agreement must be entered into by all commercial/large scale solar developers.
- j. All solar collector installations must be performed by trained and qualified electrical professional. All installations must be in compliance with all applicable construction codes.
- k. During the construction phase of a solar collector; roadways will likely be impacted by an increase in traffic from construction equipment; the developer will provide mediation of road usage, with local road officials.
- l. All local utility companies must be notified by the applicant prior to any site work.
- m. All applicants shall obtain a Reclamation Bond, also known as a Decommissioning Bond, equal to \$30,000.00 per megawatt of the solar collector. If a project will have battery storage or if battery storage is added later, an additional \$30,000.00 per megawatt shall be added to the bond. All Reclamation Bonds, also known as a Decommissioning Bond, must be obtained by firms licensed in the State of Illinois and must have a B+ rating by AM Best Company, Inc. All Reclamation Bonds must be issued to Fulton County. The Reclamation Bond, also known as a Decommissioning Bond will apply to the initial developer and all successors who occupy the property before the project is decommissioned and returned to original state or better.
- n. Solar energy systems shall be maintained in good working order.
- o. If after a period of two years, if a lease property has not been developed, the conditional use permit will be subject to review and upgraded to meet current ordinance standards.
- p. If a solar collector ceases to perform its originally intended function for more than 90 days, the developer shall remove the collector, mount, and associated equipment by no later than 90 days.

- q. The developer, upon deciding to decommission a solar collector, shall give a 90 days' notice to all involved parties prior to beginning the decommissioning work, in the form of a certified letter outlining their plans.
- r. The developer, upon completion of the decommissioning of a solar collector, shall return the land to a condition that it was before the installation of a solar collector, or better. The Fulton County Assessment office will determine the value of the land once decommissioning has been completed.
- s. A developer purposing to use any public roadway, for the purpose of transporting materials of any type used in the construction, operation or maintenance of a solar array must identify all public roadways, obtain applicable weight and size permits from the relevant government agencies prior to construction, conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage. A developer must create a pre-construction agreement with the appropriate highway authorities concerning the standard on which the road will be repaired after construction, maintenance purposed during the life of the solar site as well as during the decommissioning phase.

5. Fees

Solar Fee Schedule

<b>System Size</b>	<b>One-Time Permit Fee</b>
5 kW - 50 kW	\$150.00
51 kW - 100 kW	\$300.00
101 kW - 600 kW	\$500.00
601 kW - 999 kW	\$3,000.00
Above 1 MW	\$2,000 per MW

6. Validity

- a. This ordinance shall be a supplement to, and shall not nullify or usurp any state or federal law. This ordinance shall supersede any and all resolutions or ordinances that have been passed prior.
- b. If any section, paragraph, sentences, clause or other portion of this ordinance is held or deemed to be unenforceable or invalid, then such holdings or finding of unenforceability or invalidity shall not affect the validity of the remaining provisions of this ordinance
- c. This ordinance shall become effective immediately. Be it further ordained, that this ordinance be recorded in the permanent records of the Fulton County Board and published according to law.

PRESENTED and ADOPTED this 11 day of June A.D. 2017 by the Fulton County Board

ATTEST: Patricia J. Obena

Ex-Officio Clerk of the Fulton County Board

John Stanger  
FULTON COUNTY BOARD CHAIRMAN