"BEHIND THE METER" SOLAR ENERGY SYSTEM SITING ORDINANCE FOR FULTON COUNTY

WHEREAS, This Ordinance shall amend the Fulton County Zoning Ordinance and be known, cited, and referred to as the Behind the Meter Solar Energy System Siting Ordinance of Fulton County, and will replace Section 9.3 of the Fulton County Zoning Ordinance; and

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; and

WHEREAS, 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; and

WHEREAS, 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 Comprehensive Plan; and

WHEREAS, this ordinance aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefor.

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

I. DEFINITIONS

A. "Accessory Structure" means 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.

B. "Commercial Solar Energy Facility" or "Commercial Solar Energy System" means any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.

C. "Ground Mounted Solar Energy System" means a solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

D. "Low-voltage Solar-powered Device" means a piece of equipment designed for a particular purpose, including, but not limited to, doorbells, security systems, and illumination equipment, powered by a solar collector operating at less than 50 volts, and located (i) entirely within the lot or parcel owned by the property owner; or (ii) within a common area without being permanently attached to common property.

E. "Shared Roof" means any roof that (i) serves more than one unit, including, but not limited to, a contiguous roof serving adjacent units, or (ii) is part of the common elements or common area of a unit.

F. "Solar Collector" means; (i) an assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct and indirect solar energy and specially designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid, or liquid or to use that energy directly; (ii) a mechanism that absorbs solar

energy and converts it into electricity; (iii) a mechanism or process used for gathering solar energy through wind or thermal gradients; or (iv) a component used to transfer thermal energy to a gas, solid, or liquid, or to convert it into electricity.

G. "Solar Energy" means radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

H. "Solar Energy System" means (i) a complete assembly, structure, or design of a solar collector or a solar storage mechanism that uses solar energy for generating electricity or for heating or cooling gases, solids, liquids, or other materials; and (ii) the design, materials, or elements of a system and its maintenance, operation, and labor components, and the necessary components, if any, of supplemental conventional energy systems designed or constructed to interface with a solar energy system.

For the purposes of this Ordinance, "Solar Energy System" has the same meaning as, "Behind the Meter Solar Energy System", and is for the primary purpose of consumption on the property and/or parcel, on which the device or devices reside.

I. "Small-Scale Solar Energy System" means a "Solar Energy System" with a total solar energy nameplate capacity less than 500 kW A/C, and is for the primary purpose of consumption on the property and/or parcel, on which the device or devices reside.

J. "Large-Scale Solar Energy System" means a "Solar Energy System" with a total solar energy nameplate capacity of 500 kW A/C or more, and is for the primary purpose of consumption on the property and/or parcel, on which the device or devices reside.

Large-Scale Solar Energy Systems require a Conditional Use Permit.

K. "Solar Storage Mechanism" means equipment or elements, such as piping and transfer mechanisms, containers, heat exchangers, batteries, or controls thereof and gases, solids, liquids, or combinations thereof, that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

L. "Permit Granting Authority" refers to the Fulton County Zoning Office. The Fulton County Zoning Enforcement Officer will be charged with the authority of granting permits for the operation of solar energy systems within its jurisdiction, that are not covered under Section 9.4 of the Fulton County Zoning Ordinance.

M. "Principal Structure" means the main structure located on a lot, for which a small-scale solar energy system or large-scale solar energy system is constructed as an accessory to, and in which the solar energy system generates electricity for the primary purpose of consumption onsite, by the principal structure.

N. "Qualified Solar Installer" means 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.

O. "Rooftop or Building Mounted Solar System" means 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.

II. APPLICABILITY

A. The requirements of this Ordinance shall apply to all Small-Scale and 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.

III. PERMITTING

A. No Small-Scale or Large-Scale 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 all Zoning Districts in Fulton County.

1. Small-Scale Solar Energy Systems shall be permitted subject to the following regulations:

    i. Permit Applicants must provide proof of property insurance for the subject property/parcel in which the solar energy system permit is being sought. The proof of insurance must show the coverage will continue through any decommissioning phase and must be provided prior to the issuance of a construction permit.

    ii. 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.

    iii. The total height of the building including the solar collection devices shall comply with the height regulations of the zoning district in which it is located.

    iv. Roof mounted solar collectors shall be constructed so as not to obstruct solar access on neighboring properties.

    v. The setback requirements for ground mounted solar collectors shall meet all applicable setback requirements for an accessory structure within the zoning district in which it is located.

    vi. All solar collector installations must be performed by trained and qualified electrical professionals. All installations must be in compliance with all applicable construction codes.

    vii. The solar device(s) installation company must provide proof of liability insurance.

    viii. All local electrical utility companies must be notified by the applicant prior to installation

ix. 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.

x. Solar energy systems shall be maintained in good working order.

xi. 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.

xii. Those facilities under 50 kW shall not use any hazardous materials, such as lead, mercury, or asbestos in the construction of the facility.

D. Large-Scale Solar Energy Systems will be permitted in the Agricultural Conservation (A/C) District and the Industrial (I) District only.

1. Large-Scale Solar Energy Systems require a Conditional Use permit, and are subject to a hearing with the Fulton County Zoning Board of Appeals (ZBA).

2. Large-Scale Solar Energy Systems shall be permitted subject to the following regulations:

i. Permit Applicants must provide proof of property insurance for the subject property/parcel in which the solar energy system permit is being sought. The proof of insurance must show the coverage will continue through any decommissioning phase and must be provided prior to the issuance of a construction permit.

ii. 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.

iii. The total height of the building including the solar collection devices shall comply with the height regulations of the zoning district in which it is located.

iv. Roof mounted solar collectors shall be constructed so as not to obstruct solar access on neighboring properties.

v. The setback requirements for ground mounted solar collectors shall meet all applicable setback requirements for an accessory structure within the zoning district in which it is located.

vi. All solar collector installations must be performed by trained and qualified electrical professionals. All installations must be in compliance with all applicable construction codes.

vii. The solar device(s) installation company must provide proof of liability insurance.

viii. All local electrical utility companies must be notified by the applicant prior to installation

ix. 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. Proof of satisfactory inspection is required before a Certificate of Completion will be issued.

x. Solar energy systems shall be maintained in good working order. The Applicant shall submit a weed control and groundcover plan to the Zoning Board of Appeals as part of the Conditional Use Permit application process.

xi. 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.

xii. All solar panels shall be of similar design, size, and height; rotate in the same direction; and be consistent in color and direction with nearby facilities.

IV. FEES

A. Small-Scale and Large-Scale Solar Energy System Fee Schedule

System Size	One-Time Permit Fee
5 kW - 50 kW	$150.00
51 kW - 100 kW	$300.00
101 kW - 499 kW	$500.00
500 kW - 999 kW	$3,000.00
Above 1 MW	$5,000 per MW

V. 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

VI. EFFECTIVE DATE

A. This Ordinance shall be in full force and effect from and after its passage, publication and approval as required by law.

LET IT FURTHER BE ORDAINED, that this Ordinance hereby REVOKES and REPLACES the current Section 9.3 "Solar Siting Ordinance for Fulton County" of the Fulton County Zoning Ordinance of 2009.

PRESENTED AND ADOPTED this 12th day of May, 2026

JOHN SPANGLER
CHAIRMAN OF THE FULTON COUNTY BOARD

ATTEST: _____

PATRICK O'BRIAN
EX-OFFICIO CLERK OF THE FULTON COUNTY BOARD