

### **Sec. 121-3. Rules and definitions.**

*Commercial wind energy facility* means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. Commercial wind energy facility includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of this amendatory Act of the 102nd General Assembly.

*Commercial solar energy facility* means a "commercial solar energy system" as defined in Section 10-720 of the Property Tax Code. "Commercial solar energy facility" does not mean a utility-scale solar energy facility being constructed at a site that was eligible to participate in a procurement event conducted by the Illinois Power Agency pursuant to subsection (c-5) of Section 1-75 of the Illinois Power Agency Act.

*Facility owner* means

- (1) a person with a direct ownership interest in a commercial wind energy facility or a commercial solar energy facility, or both, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and
- (2) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

*Nonparticipating property* means real property that is not a participating property.

*Nonparticipating residence* means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

*Occupied community building* means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

*Participating property* means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities. Participating property also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities.

*Participating residence* means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.

*Protected lands* means real property that is:

- (1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act;  
or
- (2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

*Supporting facilities* means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility or commercial solar energy facility.

*Wind tower* means and includes the wind turbine tower, nacelle, and blades.

**Sec. 121-99. Agriculture district (A1).**

(b) *Permitted uses.*

(14) Commercial Wind Energy Facility as regulated herein.

(15) Commercial Solar Energy Facility as regulated herein.

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**Sec. 121-146. Single-family residence district (R1)**

(b) *Permitted uses.*

(10) Commercial Wind Energy Facility on a lot not less than 20 acres as regulated herein.

(11) Commercial Solar Energy Facility on a lot not less than 20 acres as regulated herein.

**Sec. 121-208. - Light industrial district (I-1).**

(a) *Scope and permitted uses.*

(37) Commercial Wind Energy Facility as regulated herein.

(38) Commercial Solar Energy Facility as regulated herein.

**Sec. 121-209. - Industrial district (I2).**

(a) *Scope and permitted uses.*

(37) Commercial Wind Energy Facility as regulated herein.

(38) Commercial Solar Energy Facility as regulated herein.

**Sec. 121-295. Siting of wind energy facilities.**

All commercial wind energy facilities shall fully comply with Public Act 102-1123 as amended and all other State and Federal laws, rules, and regulations that pertain to siting, construction, operating and maintaining the facility.

(a) Required submittals. The following submittals are required to accompany an application for a building permit and must be approved by Building Division staff prior to the issuance of a building permit. This is in addition to any required submittals customarily required to accompany an application for a building permit.

(1) An executed Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture.

(2) A "Determination of No Hazard to Air Navigation" by the Federal Aviation Administration under 14 CFR Part 77.

- (3) The results of an industry standard computer modeling program that indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions.
- (4) A report that indicates that the project is in compliance with sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.
- (5) A decommissioning plan and surety bond in an amount reflected in the decommissioning plan. This decommissioning plan, the surety bond amount, and intervals of review and renewal shall be identical to those specified in the executed AIMA.
- (6) The results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the "U.S. Fish and Wildlife Service's Land-based Wind Energy Guidelines" and any applicable United States Fish and Wildlife Service solar wildlife guide lines that have been subject to public review. The applicant shall also include information as to how they will comply with these results.
- (7) An ECOCAT report from the Illinois Department of Natural Resources which includes the results and recommendations of their examination and a plan for executing any and all recommendations. Including a plan demonstrating the avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Preserve Commission and compliance with recommend setbacks from protected lands recommended by the Illinois Department of Natural Resources including areas identified by the Illinois Nature Preserve Commission.
- (8) Evidence of consultation with the Illinois State Historic Preservation Office and an assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resource Preservation Act.
- (9) An executed road use agreement that includes all roads and their associated jurisdictions that will be used by or affected by the construction, operation or maintenance of the facility.

(b) Design Criteria

- (1) *Setbacks.* All setbacks for commercial wind energy facility towers shall be measured from the center of the base of the wind tower. The following setback requirements may be waived subject to the written consent of the owner of each affected nonparticipating property.
  - a. Commercial wind energy facility towers shall be set back a minimum distance of 1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of any participating residences.
  - b. Commercial wind energy facility towers shall be set back a distance of at least 1.10 times the maximum blade tip height of the wind tower measured from the nearest point on the property line of any nonparticipating property.
  - c. Commercial wind energy facility towers shall have a zero setback from any participating property line.
  - d. Commercial wind energy facility towers shall be setback a minimum distance of 2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of any nonparticipating residence in existence or which has received a building permit as of the date of the date the application is filed for the special use permit.
  - f. Commercial wind energy facility towers shall be set back a minimum of 2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of any fish and wildlife area, nature preserve commission protected lands, or protected lands.

- g. All wind energy conversion system towers shall be set back a distance of at least 1.10 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement or right-of-way containing the overhead communication and electric transmission lines. This requirement does not include overhead utility service lines to individual houses or outbuildings.
  - h. Commercial wind energy facility towers shall be setback a minimum of 2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of any occupied community building.
  - i. Commercial wind energy facility towers shall be setback a minimum of 1.1 times the maximum blade tip height of the wind tower to the center point of any public road right-of-way.
  - j. Commercial wind energy facility towers shall have a zero setback from overhead utility service lines to individual houses or outbuildings.
- (2) Height.
- a. The blade tip height for wind towers in commercial wind energy facilities shall be determined by a “Determination of No Hazard to Air Navigation” by the Federal Aviation Administration under 14 CFR Part 77.

**Sec. 121-297. Siting of commercial solar energy facilities.**

All commercial solar energy facilities shall fully comply with Public Act 102-1123 as amended and all other State and Federal laws, rules, and regulations that pertain to siting, construction, operating and maintaining the facility.

- (c) Required submittals. The following submittals are required to accompany an application for a building permit and must be approved by Building Division staff prior to the issuance of a building permit. This is in addition to any required submittals customarily required to accompany an application for a building permit.
  - (1) An executed Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture.
  - (2) A report that indicates that the project is in compliance with sound limitations established by the Illinois Pollution Control Board under 35 Ill. Adm. Code Parts 900, 901, and 910.
  - (3) A decommissioning plan and surety bond in an amount reflected in the decommissioning plan. This decommissioning plan, the surety bond amount, and intervals of review and renewal shall be identical to those specified in the executed AIMA.
  - (4) The results of the United States Fish and Wildlife Service’s Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with the “U.S. Fish and Wildlife Service’s Land-based Wind Energy Guidelines” and any applicable United States Fish and Wildlife Service solar wildlife guide lines that have been subject to public review. The applicant shall also include information as to how they will comply with these results.
  - (5) An ECOCAT report from the Illinois Department of Natural Resources which includes the results and recommendations of their examination and a plan for executing any and all recommendations. Including a plan demonstrating the avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Preserve Commission and compliance with recommend setbacks from protected lands recommended by the Illinois Department of Natural Resources including areas identified by the Illinois Nature Preserve Commission.

- (6) Evidence of consultation with the Illinois State Historic Preservation Office and an assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resource Preservation Act.
- (d) Vegetative ground cover shall be planted and established on all commercial solar energy facilities that is consistent with the goals of the Pollinator-Friendly Solar Site Act. A vegetation management plan shall be provided that is consistent with the Illinois Department of Natural Resources' guidelines for vegetation management plans and must include both short-term and long-term property management practices that provide and maintain native and non-invasive naturalized perennial vegetation to protect the health and well-being of pollinators. The landscaping screen shall be located between the required fencing and the property line of the participating parcel upon which the facility sits. The vegetative screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants.
- (e) Design Criteria
- (1) *Setbacks.* All setback distances for commercial solar energy facility shall be measured from the nearest edge of any component of the facility. The following setback requirements may be waived subject to the written consent of the owner of each affected nonparticipating property.
- a. Commercial solar energy facilities shall be setback a minimum distance of 150' from the nearest point on the outside wall of the structure of an occupied community building or a dwelling on nonparticipating property.
  - b. Commercial solar energy facilities shall have a zero setback from the boundary line of participating property.
  - c. Commercial solar energy facilities shall have a 50-foot (50') setback from the nearest edge of a public road right-of-way.
  - d. Commercial solar energy facilities shall be setback a minimum of 50-feet (50') from the nearest point on the property line of any nonparticipating property.
- (2) *Height, fencing, and screening.*
- a. No component of a solar panel shall have a height of more than twenty feet (20') above ground when the solar energy facility's arrays are at full tilt.
  - b. The perimeter of all commercial solar energy facilities shall be enclosed by a fence of at least six feet (6') in height but not more than twenty-five feet (25') in height.
  - c. Vegetative screening shall be required on the exterior perimeter of the fence surrounding a commercial solar energy facility in any location that abuts or is within one hundred feet (100') of a public right-of-way or a residential property. This vegetative screening shall be of a height, size, and density to adequately screen the facility from the view of public rights-of-way and residential properties. For the purposes of this requirement, a residential property is a property of less than three (3) acres in size that contains a dwelling unit. The maintenance of the vegetative screening shall be included in the vegetative management plan.