

**Lee County Board
Dixon, Illinois**

ORDINANCE NO. _____

**AN ORDINANCE REGULATING DEVELOPMENT OF
SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE**

~~*The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems in Lee County that promote economic development and ensure the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. This ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.*~~

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems as an Accessory Use in Lee County that promotes the right to clean energy and access to solar power; and ensures the protection of public health, safety, and welfare by encouraging the development and use of solar energy systems in order to conserve and protect the value of land, buildings, and resources by preventing the adoption of measures which will have the ultimate effect, however unintended, of preventing the use of solar energy systems on any home that is subject to a homeowners' association, common interest community association, or condominium unit owners' association. This ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

I. DEFINITIONS

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS:

An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights and awnings.

GROUND MOUNTED SOLAR ENERGY SYSTEM:

A solar energy system and its related equipment that has its support structure placed directly on the ground and is not attached or affixed to an existing structure.

PHOTOVOLTAIC SYSTEM:

An active solar energy system that converts solar energy directly into electric.

ROOF MOUNT:

A solar energy system that is mounted on a rack that is fastened onto a building roof.

ROOF PITCH:

The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths.

SOLAR COLLECTOR:

An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY:

Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM AS AN ACCESSORY USE:

A device, array of devices, or structural design feature, the purpose of which is to provide for: (I) generation of electricity; (ii) collection, storage and distribution of solar energy for space heating or cooling; (iii) daylight for interior lighting; or (iv) water heating, so long as these provisions are used within the bounds of a specific parcel.

SOLAR MOUNTING DEVICES:

Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR RESOURCE:

A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four (4) hours between the hours of 9:00 a.m. and 3:00 p.m. Standard Time on all days of the year.

II. SOLAR PERMIT AND FEES

- A. Construction of Solar Energy Systems as an Accessory Use: No person shall construct or operate a Solar Energy System as an Accessory Use without having fully complied with all the provisions of this ordinance.
- B. Permits Required: No person shall construct or operate a Solar Energy System as an Accessory Use without first obtaining ~~both a special use permit and~~ a building permit and, if necessary, a special use permit.
- C. Permitted Use: A Solar Energy System as an Accessory Use may be permitted in all zoning districts, in accordance with the following regulations and design standards.
- D. Review Of Solar Permit Applications: Except as otherwise set forth in this Chapter, solar permit applications with respect to solar energy systems that are a permitted accessory use shall be made to the Lee County Zoning Administrator and reviewed for approval by the Lee County Zoning Administrator.

- E. Application Plans: Except as otherwise set forth in this Chapter, every solar permit application for the construction, alteration or relocation of a solar energy system shall be accompanied with a written plan and drawing for the proposed solar energy system. The written plan shall:
- a. Identify the owner of the property upon which the proposed solar energy system will be located.
 - b. Identify the owner and operator of the proposed solar energy system, if not the same as the owner of the property upon which the proposed solar energy system will be located.
 - c. Indicate the zoning classification of the property and whether the solar energy system will be an accessory or principal use.
 - d. Include to-scale horizontal and vertical drawings showing all buildings and accessory structures located on the property, all adjoining roadways, the location of the solar energy system on the building or on the property, including all set-back and property lines, the elevation of the solar energy system, and the location and types of all screening.
 - e. For roof mount solar energy systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - f. Indicate the total wattage anticipated to be generated by the solar energy system.
 - g. Indicate whether the applicant has obtained an interconnection agreement with the electric utility in whose service territory the solar energy system is located, whether the electricity generated will be distributed privately, or whether the electricity generated will be used on site.
 - h. Identify the name of the installer of the solar energy system.

No solar permit shall be issued except after approval of the written plan and drawing and after payment of the fees as provided.

- F. Abandonment: Any Solar Energy System as an Accessory Use that is no longer in use or that is visibly damaged or in disrepair for a period of one year, shall be removed by the property owner, at the expense of the property owner, within thirty (30) days of the one-year period.
- G. Fee Surcharge: Any person who constructs, alters, relocates or demolishes a solar energy system prior to the application, payment and issuance of a solar permit as required herein shall be charged three (3) times the application fee.

III. ACCESSORY USE

- A. Permitted Accessory Use: The following solar energy systems shall be allowed as a permitted accessory use in all zoning districts within the County when used exclusively for non-commercial purposes:
- a. A ground mount solar energy system.
 - b. A roof mount solar energy system.
 - c. A building-integrated solar energy system.

B. Requirements: Solar energy systems under this section shall be subject to the following requirements:

a. No solar energy system that is an accessory use may be erected prior to the establishment or construction of the main building to which such system is accessory.

a.b. All solar energy systems that are constructed as an accessory use shall not be larger than necessary to provide one hundred twenty percent (120%) of the electrical requirements of the structure to which it accessory, as determined by a contractor licensed to install photovoltaic solar energy systems.

b.c. Height: The following height requirements shall be met:

1. Building or roof mount solar energy systems shall not exceed the maximum allowed height in their respective zoning district.
2. Ground mount solar energy systems shall not exceed ten (10) feet in height when oriented at maximum tilt.

e.d. Setback: All minimum setback requirements for the zoning district in which the solar energy system is in use must be satisfied, in addition to:

1. Roof mount or building-integrated solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
2. Ground mount solar energy systems shall not extend into the side yard or rear setback when oriented at minimum design tilt.
3. No ground mount solar energy systems shall be allowed in the front yard of any property.

d.e. Visibility: Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. A solar energy system may be screened from routine view through use of fencing, shrubbery, trees, or such other landscaping or building as may be necessary to satisfy the visibility requirements herein. The color of the solar collector and solar mounting devices shall be consistent with other roofing materials. The visibility requirements as set forth herein are also subject to the following:

1. Building-integrated solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided that the building component in which the system is integrated meets all required set-back, land use or performance standards for the zoning district in which the building is located.
2. Roof mount solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided that the highest finished pitch is no steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.
3. Solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

e.f. Glare: Solar energy systems shall be designed, constructed and sited to minimize or prevent glare and/or reflections on adjacent properties and roadways, and shall not materially and negatively impact the use thereon. A solar energy system shall not interfere with traffic, including air traffic, or otherwise create a safety hazard. In the event that reasonable glare and/or reflection concerns are raised within the County, the

owner will take actions to address those concerns, including but not limited to additional screening or otherwise modifying the solar energy system.

f.g. Miscellaneous:

1. Roof mount solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the roof upon which the systems are mounted.
 2. Roof mount solar energy systems shall not be constructed in any manner which creates an unreasonable risk of falling ice or snow, or which causes water to flow directly from any solar collector to ground level.
 3. Ground mount solar energy systems approved as an accessory use in any residential or commercial districts shall not be larger than the lesser of (i) half the building footprint of the main building on the property, or (ii) six hundred twenty-five (625) square feet. Ground mount solar energy systems approved as an accessory use in any agricultural or industrial districts are exempt from this provision.
 4. No ground mount solar energy system shall be constructed in a manner which increases water drainage flow to any adjacent property. If it appears that there is a risk of increased water drainage flow, the County Zoning Administrator may require the installation and maintenance of appropriate groundcover or detention areas to mitigate any such risk. If the applicant provides a written report from a qualified professional engineer indicating that the proposed ground mount solar energy system will not increase water drainage flow to adjacent property, the requirement shall be deemed satisfied for purposes of issuance of the solar permit only.
 5. Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must be consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.
 6. Solar energy systems must be certified by a third-party for safety, performance and quality through a UL (formerly Underwriters Laboratories) listing or approved equivalent and solar hot water systems must have an SRCC (Solar Rating and Certification Company) rating.
 7. Solar energy systems shall comply with all applicable local and state building, electric and plumbing codes.
- C. Special Use Permit: Solar energy systems permitted under subsection (A) of this section that demonstrate that the requirements in subsection (B) cannot be met without materially diminishing the minimum reasonable performance of the solar energy system, as that term is defined herein, may request a special use permit from the County.
- a. Minimum Reasonable Performance: The standards for the minimum reasonable performance of certain solar energy systems are as follows:
 1. Fixed-Mount Active Solar Energy Systems: They should be mounted to face within forty-five (45) degrees of south (one hundred eighty-five (185) degrees azimuth).
 2. Solar Electric (Photovoltaic) Systems: The solar collectors should have a pitch between twenty (20) and sixty-five (65) degrees.

3. Location Of All Solar Energy Systems: The solar energy system should be located where the lot or building has a solar resource, as defined herein.
- b. Special Use Permit: A special use permit shall be granted, regardless of whether the requirements in subsection (B) are not met, if the applicant demonstrates that the minimum reasonable performance of the solar energy system is materially diminished and that the following conditions are present:
1. Safety Conditions: The solar energy system must meet all applicable local, state, and federal health and safety standards.
 2. Aesthetic Conditions: The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible, while still allowing the system to be mounted for efficient performance.
 3. Non-Tracking Ground Mount Systems: Pole or ground mount solar energy systems must be set back from the property line by a minimum of five feet (5').
- D. Restrictions On Solar Energy Systems Limited: Nothing in this Chapter shall be deemed a limitation upon any homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within the County that prohibit or restrict homeowners from installing solar energy systems.

PASSED BY THE LEE COUNTY BOARD

This day of , 2022.

BY:

Lee County Board Chair

ATTEST:

Lee County Clerk