

Hearing Date: May 3, 2023

Case Number: 2023MYTA2

**Case & Amendment information below:**

**CASE #11:** Request for a text amendment submitted by Clinton County Zoning Board of Appeals, 850 Fairfax, Carlyle, IL 62231 to amend the Clinton County Zoning Ordinance as follows:

**ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS**

**DIVISION I – AGRICULTURAL**

**ADD THE FOLLOWING:**

**40-4-3      SPECIAL USES.** The following uses shall be permitted in the "A" District only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-16.**

COMMERCIAL SOLAR ENERGY FACILITY pursuant to **55 ILCS 5/5-12020**

**DIVISION IV - INDUSTRIAL DISTRICT**

**40-4-64      SPECIAL USES.**

COMMERCIAL SOLAR ENERGY FACILITY pursuant to **55 ILCS 5/5- 12020**

**ARTICLE V - SUPPLEMENTARY REGULATIONS**

**40-5-23      SOLAR ENERGY SYSTEMS.**

(A)      **Definitions.**

**Commercial Solar Energy Facility:** 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. No Commercial Solar Energy Facility or Substation governed by this Ordinance shall be constructed, erected, installed or located within the county, unless prior siting approval has been obtained for each individual Commercial Solar Energy Facility or for a group of Commercial Solar Energy Facilities under a joint siting application pursuant to this Ordinance.

(B)      **Building Permit Requirements and Fees.**

**DELETE THE FOLLOWING:**

0-10 kilowatts (kW AC)	\$100.00
11-50 kilowatts (kW AC)	\$250.00
51-100 kilowatts (kW AC)	\$500.00
101-500 kilowatts (kW AC)	\$1,000.00
501-1,000 kilowatts (kW AC)	\$2,500.00
1,001-2,000 kilowatts (kW AC)	\$5,000.00
Over 2,000 kilowatts (kW AC)	\$100.00 for each additional 0-100 kilowatts

**ADD THE FOLLOWING:**

Commercial Solar

\$.07 Per Sq Ft Of Permitted Property Area

(DI) **Commercial Solar Energy Facility (CSEF)** pursuant to **55 ILCS 5/5- 12020**

***DELETE THE FOLLOWING:***

(D)(6) **Visual Screening.** Visual screening must be maintained and the owner must remove and replace dead or diseased screening on an annual basis. **(Ord. No. 2018-36; 12-17-18)**

***ADD THE FOLLOWING:***

(D)(6) **Visual Screening.** Any part of the facility that is facing a roadway or nonparticipating residence shall be required to be screened. Additional screening may be required by the Zoning Board of Appeals as part of the special use hearing. Required screening shall consist of native trees, shrubs and a combination thereof in alternate rows which are suitable for screening and suitable for soil type. All screening must be installed prior to the activation and operation of the facility. Screening is to be maintained by the facility owner for the life of the project, or until decommissioned, with replacement plantings annually on or before Arbor Day. The maintenance of grasses and weeds shall be done on a monthly basis until seasonally unnecessary. The Zoning Board of Appeals may amend the type of screening on a case by case basis. Failure to maintain vegetation and visual screening, or any non-compliance of the Zoning Code, will result in fines of up to \$2500 per day, until corrected, commencing 10 days after certified mail notification has been received.

(D) (8) **Application.** A Commercial Solar Energy Facility shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the County Code or any special conditions required by the Zoning Board of Appeals, Zoning Administrator or Clinton County Board:

- (e) The potential equipment manufacturer, types of solar panels, cell and modules, the number of solar panels, cells and modules and the approximate weight of recyclable metals.
- (f) The number and location of substations
- (g) Project phasing plan and project construction timeline plan
- (h) Description of the Applicant, Owner and Operator, including their respective business structures.
- (i) Documentation demonstrating land ownership or legal control of the property
- (k) A landscape plan must be submitted and approved which shows the proposed locations and dimensions of all landscaping and plantings.

Site Plan of proposed conditions:

- (xi) Provide a survey and legal descriptions for requested permitted acreage.
- (xii) Show participating and non-participating residences, occupied community buildings, substations, operations and maintenance buildings, electrical cabling to the substations, ancillary equipment, third party transmission lines, underground mines, scenic and natural areas within one thousand five hundred (1500) feet of the proposed Commercial Solar Energy Facility and layout of all structures within the geographical boundaries of any applicable setback.
- (xiii) An Agricultural Impact Mitigation Agreement (AIMA) executed between the Applicant and the Illinois Department of Agriculture.

(10) **Indemnification and Liability.**

- (c) Any third party costs shall be billed and paid for by the applicant.

**DELETE THE FOLLOWING:**

**ARTICLE V – SUPPLEMENTARY REGULATIONS**

(D) (1) **Setback and Height Restrictions.**

- (a) No aspect shall exceed **eighteen (18) feet** in height, as measured from grade at the base of the structure to its highest point.
- (b) All solar panels in a Solar Farm Energy System (SFES) shall be kept at least **seven hundred fifty (750) feet** from a residence that is not part of the specific solar energy system permit/plan. **(Ord. No. 2018-36; 12-17-18)**
- (c) All aspects and components shall be set back no less than **one hundred (100) feet** from any lot line, **two hundred (200) feet** from County roads, **two hundred (200) feet** from Township roads and **two hundred (200) feet** from Interstate and State Route easements or right-of-way.

**ADD THE FOLLOWING:**

**ARTICLE V – SUPPLEMENTARY REGULATIONS**

- (D) (1) **Setback and Height Restrictions** pursuant to **55 ILCS 5/5- 12020.**