

Article 5

SUPPLEMENTAL DISTRICT REGULATIONS

5.01 Purpose: Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this Ordinance. These general regulations supplement and qualify the district regulations appearing elsewhere in this Ordinance.

5.02 Height Exceptions:

- A. Structural Projections:
 - 1. Chimneys, cooling towers, elevator headhouses, monuments, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio, television or microwave towers, satellite dishes or necessary mechanical appurtenances usually required to be placed above the roof level are not subject to the height limitations contained in the district regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than fifteen (15) percent, except as indicated below.
 - 2. Structural projections exceeding the above height limitations shall be considered as Special Uses and shall be processed in accordance with Article 9, Special Use Procedures, of this Ordinance; provided further that any such structural projections shall have setbacks which shall be increased one (1) foot on all sides for each additional foot that such structures exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
- B. Height of Dwellings: Single-family residential structures may be increased in height by not more than ten (10) feet when the side and rear setbacks are increased over the setback requirements of the regulations to which they are subject by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

5.03 Setback Exceptions:

- A. Front Setback: There shall be a front setback having a depth of not less than thirty (30) feet, unless forty (40) percent or more of the frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front setback line with a variation in depth of not more than ten (10) feet, in which case no building shall project beyond the average front setback so established. Front setbacks shall be measured according to future street and highway widening as provided for in City, County, or State street and highway widening plans and shall comply with the setback lines herein provided for. Where lots have a double frontage, a required front setback shall be provided for on both streets, except that the buildable depth of such lot shall not be reduced to less than forty (40) feet, in which latter event the Zoning Administrator may waive this requirement as to the street which will least affect surrounding property values.
- B. Structural Projections: Every part of the area within the required setback or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, chimneys, buttresses, ornamental features, and eaves, provided however, that none of the above projections shall extend into a minimum setback more than thirty (30) inches; and provided further that canopies or open porches may project a maximum of ten (10) feet into the required front or rear setback, and existing open porches extending into the required setback shall not be enclosed. Slab type porches or paved terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any setback, except that the projection into the front setback shall not exceed ten (10) feet. For the purposes of this provision, mechanical units are not considered to be structures.

- C. Fire Escapes/Balconies: An open fire escape may project into a required side setback not more than half the width of such setback, but not more than five (5) feet from the building. Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four (4) feet into a required rear setback.
- D. Sight Distance Triangle: On a corner lot in any district, development shall conform to the requirements of the sight distance triangle in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and eight (8) feet above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points forty (40) feet from their point of intersection or at equivalent points on private streets, except that the site distance triangle may be increased when deemed necessary for traffic safety by the Zoning Administrator.
- E. Fences: A fence not more than six (6) feet in height is permitted, except when located in a manufacturing district where the maximum height of any fence shall be ten (10) feet; however, any fence proposed for placement in front of any point on the primary structure that is closest to a lot line along a street will be so situated only by permission of the Zoning Administrator.
- F. Through Lots: A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

5.04. Area Regulations:

- A. Maximum Lot Coverage Calculation: In computing the amount of lot coverage, the amount of coverage shall include the total area of all primary and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three (3) feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements.
- B. Calculating Area of Zoning Lot: In the A-1, Agricultural District, if the land beneath a public right-of-way is owned by the adjacent property owner, the land beneath the right-of-way shall count in calculating total lot area and determining compliance with the required minimum lot area, up to one-half (1/2) of the right-of-way width.

5.05 Access Regulations:

- A. Access to Business and Manufacturing Uses: No land which was developed primarily for residential uses shall be used for a major access route to any land which is devoted to any business or manufacturing use; provided, however, that this Section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a planned unit development.
- B. Street Access: All zoning lots shall front on a street.
- C. Reverse Frontage: When a subdivision lot occurs between two non-intersecting streets, one of which is a parkway, thoroughfare, or collector and the other is a minor residential street, the lot will front on the minor residential street with vehicular access prohibited from the parkway, thoroughfare, or collector.

5.06 Accessory Buildings and Structures: No accessory building or structure shall be constructed or used prior to the primary building or use. Accessory buildings shall be permitted on any portion of a lot that is behind the primary building per its orientation to the front lot line and must conform to all provisions of this Ordinance. Accessory structures such as decorative walls, landscaping structures, flag poles and customary yard accessories, ornaments and furniture shall be permitted in any yard, subject to the requirements of Section 5.03.D. of this Ordinance, and subparagraph B. below. Detached garages, recreational vehicle pads and typical residential accessory buildings, and small wind energy systems

subject to the regulations set forth in subparagraph E. below, may be placed on any other portion of the lot that is not closer to a street than the closest point of the primary building to the street at the Zoning Administrator's discretion.

- A. Attached Accessory Buildings: Any accessory building or structure which is structurally attached to the primary building on a zoning lot shall be considered part of the primary building and shall comply with all provisions of this Ordinance pertaining thereto.
- B. Accessory Buildings and Structures, Height:
 - 1. Within residential zoning districts, on properties of less than two (2) acres in area, no detached accessory building or structure shall exceed twenty-one (21) feet in height.
 - 2. Within residential zoning districts, on properties of two (2) acres or greater, no detached accessory building or structure shall exceed thirty (30) feet in building height.
 - 3. Within agricultural zoning districts, there is no height limitation on accessory buildings and structures, unless said buildings and structures are governed by a Special Use Permit.
 - 4. Within all other zoning districts, the height of an accessory building or structure shall be subject to the height regulations of that district.
 - 5. The height of accessory buildings and structures on properties covered by a Special Use Permit, including planned unit developments, shall be set by the ordinance approving the Special Use Permit.
- C. Flagpoles: The maximum height of a flagpole shall not exceed the maximum height allowed for primary structures in the zoning district in which it is erected.
- D. Other:
 - 1. Yard and Area Requirements: Unless excepted by state or federal law, no detached accessory building shall be erected between the primary building and a street, provided, however, that accessory buildings may be constructed on through lots between the rear of the primary building and the adjacent street but not closer to a street than the minimum required front yard setback of the zoning district in which the lot is located. Detached accessory buildings shall not occupy more than thirty (30) percent of the yard in which they are located. The minimum setback for a detached building or structure, other than fences, shall not be less than five (5) feet to any lot line, provided however, that accessory buildings in the A-1 District are subject to the bulk and setback regulations of that district.
 - 2. Erection and Use: No accessory building shall be constructed upon a lot until the construction of the primary building has been commenced. No accessory building shall be used for dwelling purposes, but such accessory building may be temporarily used for storage purposes.
 - 3. Mailboxes: Mailboxes shall be permitted in public rights-of-way, provided that mail box supports shall be of the "break-away" type equivalent to a 4" x 4" wooden post, such equivalency subject to approval by the road authority with jurisdiction over the right-of-way.
- E: Small Wind Energy Systems: Small wind energy systems shall be permitted in all zoning districts except RC-2, on lots of one (1) acre or more in area, and no more than one such system shall be permitted per zoning lot. No small wind energy system shall exceed 100 feet in height as measured from the ground at the base of the tower to the tip of a turbine blade at its highest point, provided, however, a lower height may be required by FAA regulations. Small wind towers shall be set back from all property lines a minimum distance equal to the height of the tower plus 10%, and no guy wire anchor for a wind tower shall be closer than 10 feet to any property line. Small wind energy system equipment shall conform to applicable industry standards, including the American Wind Energy Association standards for wind turbine design and related standards adopted by the American Standards Institute (ANSI). Applicants for building permits for small wind energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

5.07 Temporary Uses:

- A. Temporary Use Permit: The Zoning Administrator is authorized to issue a permit for a temporary use provided it meets the requirements of this Section. The permit shall be issued for a specified period of time and shall contain health, safety and traffic restrictions and may require such assurances or guarantees of compliance with conditions as is reasonable and appropriate under the circumstances.
- B. Temporary Uses Permitted:
1. Christmas Tree Sales: Christmas tree sales for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable setback requirements, provided that no display will encroach within the required setback for any district by more than fifty (50%) percent and no display or equipment shall be located within the sight distance triangle of a street intersection as defined in this Ordinance.
 2. Contractor's Offices: Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of a lot, or remodeling, reconstruction, or replacement of an existing structure(s), provided, however, that such buildings and trailers shall not be placed on a property prior to approval of the development project by County Board action and issuance of a building permit, and further provided that said temporary structures are removed from said lot within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from said lot within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the Zoning Administrator upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand (\$1,000) dollars for their removal shall be posted with the County.
 3. Real Estate Offices: Temporary real estate offices or sales offices may be established in a display dwelling unit.
 4. Amusement Activities: The Zoning Administrator is authorized to issue a permit for the operation or conducting of an amusement activity on a temporary basis within any zoning district. The Zoning Administrator may request a report be submitted with respect to any public health aspect of the proposal and with respect to any traffic or public safety aspect of the proposal if appropriate. For the purpose of this paragraph, "amusement activity" includes a circus, carnival, fair, fireworks display, turkey shoot, art display, trade or animal show, concert, dance, rally, parade, athletic competition, corn maze, and any similar activity not involving the erection of any permanent structure or facility. The permit shall be issued for a specific period of time not exceeding ten (10) days, whether those days are consecutive or spread over a period of weeks in one and two-day increments. The permit shall contain such conditions as are necessary for protection of public health, safety, and traffic, and the Zoning Administrator may require such assurance or guarantee of compliance with conditions as is reasonable and appropriate under the circumstances. This permit is in addition to any building permit, air pollution device, construction or operating permit, or other permit or license required by law for any proposed activity or facility. No more than two (2) temporary amusement activity permits shall be issued in any calendar year with regard to any particular property; provided, however, that this limitation with respect to the number of temporary amusement activity permits shall not apply to public property, nor to property not held for private or corporate profit and used exclusively for religious worship, for schools and colleges, for purposes purely charitable, or for agricultural and horticultural societies. Turkey shoots held on Saturdays and Sundays during the months of October, November

and December shall be exempt from maximum period of time and maximum number of permits issued in a given calendar year as set forth in provisions above.

5. Temporary Conceal Carry Range: A facility in the A-1 District used as a temporary shooting range for the qualifying shooting portion of a concealed carry class. No more than twelve (12) Temporary Conceal Carry Range Permits shall be issued in any calendar year with regard to any particular property. For purposes of this definition, property is defined as a zoning lot(s) of record.

5.08 Home Occupations:

- A. A home occupation that is granted special use approval shall comply with the following:
 1. The home occupation shall be conducted entirely within the dwelling, unless a “cottage office” is permitted by the ordinance granting the Special Use Permit, by a member or members of the family residing in the dwelling, and such home occupation shall be clearly incidental and secondary to the use of the dwelling as a residence.
 2. No signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling shall be permitted.
 3. No stock in trade or commodity shall be sold upon the premises.
 4. No stock in trade shall be kept or displayed on the premises unless such stock is clearly secondary and necessary to the performance of the services provided by the home occupation and at no time shall exterior storage of materials be permitted.
 5. No person shall be employed other than a member of the family residing on the premises.
 6. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
 7. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.
 8. All receipt and delivery of merchandise, goods, or equipment shall be made by either carrier service or passenger automobile owned by the resident and no such receipt, delivery or any other transacting of business within the residence, except emergency service, shall be made between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or any time on Sunday.
- B. For purposes of this Ordinance, a home business that involves no employees other than members of the family residing on the premises, consists only of phone calls, record-keeping and other clerical activities, does not involve any services or goods provided, stored on the property and delivered to and from the property, does not include visits to the property by customers or clients, does not include any exterior signage, and where 25% or less of the floor area of the residence is devoted to the business, shall be considered a permitted use and shall not require a home occupation Special Use Permit. The Zoning Administrator may require the operator of such a home business to obtain a zoning permit setting forth the details of the specific home business and acknowledging these restrictions.

5.09 Land and Buildings:

- A. Use of Zoning Lots: Unless otherwise permitted by the ordinance governing a special use permit, only one principle use shall take place on each zoning lot.
- B. Number of Buildings Permitted Per Lot:
 1. Every primary structure hereafter erected or structurally altered shall be located on a separate zoning lot. At the discretion of the Zoning Administrator, a survey may be

required to prove dimensions and area of said zoning lot before a building permit may be issued. In no case shall there be more than one structure on one zoning lot except for the following:

- a. accessory buildings or uses, as defined herein,
 - b. any structure authorized as part of a special procedure requiring submission to the Board of any type of site development plan for review and approval,
 - c. Planned Developments, approved according to the provisions of Section 4.07.
2. Notwithstanding the above, the owner of an existing farm dwelling or single-family detached residence may construct a new residence on the same zoning lot while continuing to occupy the existing building, provided the property owner signs a contract with the County of DeKalb in which the owner agrees to demolish the old residential structure within thirty (30) calendar days following the final inspection of or issuance of an Occupancy Permit for the new house. Such thirty day period may be extended up to an additional 120 days at the discretion of the Zoning Administrator. The contract shall also include an irrevocable license to the County, its employees, agents and independent contractors, to enter onto the premises and demolish the old residential building if the owner fails to comply with the contract. The new residence shall meet all applicable bulk regulations of the zoning district in which it is located. Further, the owner shall deposit with the Planning, Zoning and Building Department a bond or letter of credit in an amount and form determined by the Zoning Administrator to be sufficient to cover the cost of demolishing the old residential building. The amount of such bond or letter of credit shall not be less than \$10,000. In the event that the old residence is not demolished by the owner by the end of the thirty (30) day period, the County shall have the right to draw on the bond or letter of credit and enter onto the subject property to cause the demolition of the old residential building. In the event that the bond or letter of credit is insufficient to cover the demolition costs, the owner shall be liable for any remaining costs.
- C. Farm Animals: Farm animals shall be permitted on any residential or agricultural zoning lot that is two (2) or more acres in area, but shall be prohibited on lots of less than two (2) acres in area from which \$1,000 or less of agricultural products were sold in any calendar year.

5.10 Division of Zoning Lots:

- A. Any lot, unless otherwise excepted herein, shall not hereafter be divided unless all resulting lots from such division conform with all applicable setback, lot size and other bulk regulations of the zoning district in which the tract is located and, therefore, by definition, constitute individual zoning lots themselves. Where such division occurs on or after the effective date of this Ordinance, the following shall apply:
1. Person or persons responsible for such action shall be subject to Article 11 of this Ordinance.
 2. Any nonconforming lot will be considered such as the result of action by the property owner or other controlling interests and development thereon will be restricted in accordance with this Ordinance; and
 3. No permit for the construction of a new residential (including farm dwelling), commercial, manufacturing or other nonagricultural building shall be issued for any lot, whether conforming or nonconforming as described above, created as a result of such division.
- B. The Zoning Enforcement Officer may cause to be recorded with the DeKalb County Recorder of Deeds, at such time when a building permit for the construction of a farm residence is issued for an A-1 Agricultural zoning lot, a document indicating that the geographic boundaries of such

zoning lot have been defined by said permit and that any division of such zoning lot shall conform with this Ordinance.

- 5.11 Existing Lot Rezoned or Otherwise Affected by This Ordinance** -- Any lot legally recorded and existing on the effective date of this Ordinance, which by this Ordinance and Official County Zoning Map is rezoned or otherwise affected, shall be subsequently considered a legal non-conforming lot, subject to all the regulations regarding nonconformities set forth in Article 8 of this Ordinance.

5.12 Sustainable Energy Systems

A. Solar Energy Systems (SES)

- 1. Purpose:** The purpose of this Section is to provide regulations for the construction, installation, and operation Solar Energy Systems (SES) in unincorporated DeKalb County, while ensuring the health, safety, and welfare of the residents of DeKalb County by promoting the safe, effective, and efficient use of solar energy to reduce on-site consumption of fossil fuels or utility-supplied electrical energy. Also, to avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands. DeKalb County encourages the development of commercial or utility scale SES where such systems present few land use conflicts with current and future development patterns. This ordinance shall not be deemed to nullify any provision of local, state, or federal law. The contents of this Section shall apply to all solar energy installations in unincorporated DeKalb County.
- 2. Definitions:** The following words, terms, and phrases, when uses in this Section, shall have the meanings ascribed to this Section except when the context clearly indicates a different meaning:

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

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.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground Mount: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

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

Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

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 (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Energy System Addition: A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

Solar Energy System, Private: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden: A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.

Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air.

Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

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

Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

3. Types

- a. **Private SES:** A single ground mount, roof mount or building integrated private solar energy system for residential/business use is permitted as an Accessory Use in ALL Zoning Districts where there is a principal structure, and shall be subject to the regulations for accessory uses.
- b. **Solar Gardens:** Solar Gardens are allowed in ALL Zoning Districts, and shall require a Special Use Permit whether the accessory or principal use of the property. Except as otherwise noted in this Section, solar gardens must comply with all required standards for structures in the district in which the system is located.
 - 1). The requirement for a Special Use Permit may be waived, provided the solar garden's owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the need for a Special Use Permit be waived, from all property

owners adjoining the zoning lot on which the solar garden is to be located (as determined by DeKalb County Community Development Department).

- 2). Rooftop Solar Gardens are permitted in all zoning districts where buildings are permitted.
 - 3). Ground-mount solar gardens must be less than twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.
 - 4). An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
- c. **Solar Farms:** Solar Farms are ground-mounted SES that are the primary use on the lot(s) on which it is located, designed for providing energy to off-site uses or export to the wholesale market. Solar farms are allowed as Special Use in the A-1 Zoning District, and shall require a Special Use Permit. Except as otherwise noted in this Section, solar farms must comply with all required standards for structures in the district in which the system is located.
- 1). **Ground Cover and Buffer Areas.** Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Soil Water Conservation District and paid for by the developer. DeKalb County has a Noxious Weed Ordinance which is to be followed. Due to potential county liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually, and paid for by the developer.
 - 2). **Foundations.** A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
 - 3). **Power and Communication Lines.** Power and communication lines running between banks of solar panels and to on-site electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by DeKalb County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Director of Community Development. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
4. **Content of an SES Special Use Permit Application:** In addition to those requirements listed under Article 9: Special Use Permit Procedures, a Special Use Permit application shall also require the following:
- a. The application shall include three (3) printed copies and one electronic copy of the entire application (including: the application forms and any attachments or other submittals included therein).
 - b. **Site Plan.** A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by DeKalb County. The site plan should also show all zoning districts, and overlay districts.
 - c. **Endangered Species and Wetlands.** An SES developer shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be

endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer.

5. Design and Installation Requirements:

a. Setback Requirements

- 1). Set back requirements for all SES shall meet the structure minimum set back requirements when the SES is oriented at any & all positions.
- 2). No SES shall be allowed in the front yard of any residentially used or zoned property.
- 3). Roof mounted SES shall not extend beyond the exterior perimeter of the building on which the system is mounted.
- 4). The solar array and all components of the solar collector system in a Solar Farm shall be kept at least one hundred (100) feet from a property line or right-of-way. However, this requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the DeKalb County Recorder, signed and notarized affidavits, agreeing that the required minimum setback be waived, from all property owners and affected road authorities adjoining the zoning lot on which the solar farm is to be located (as determined by DeKalb County Community Development Department). However, in no instance shall any part of a solar farm, be located within fifty (50) feet of any of the aforementioned items.

b. Height Requirements

- 1). Building or roof mounted SES shall not exceed the maximum allowed height in any Zoning District, as stated in Section 5.02 of this Article.
- 2). Ground or pole mounted SES shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located.

c. Stormwater and NPDES. Solar gardens and solar farms are subject to DeKalb County's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

d. Aviation Protection. For SES located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

e. Standards and Codes: All solar gardens and solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including, but not limited to: the State of Illinois Plumbing Code; The State of Illinois Electric Code; The State of Illinois Energy Code; the State of Illinois Uniform Building Code, as amended; the National Electric Code, as amended; and, all DeKalb County Health Department requirements.

f. In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the DeKalb County Zoning Dept. before a permit or Special Use Permit will be issued.

g. Fencing. No fencing is required however if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

h. Lighting. Any lighting for SES shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

- i. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- j. **Approved SES Components.** Electric SES components must have a UL listing, or approved equivalent, and must be designed with anti-reflective properties. Solar hot water systems must have an SRCC rating.
- k. **Utility Notification:** All grid-intertie SES shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- l. **Design Standards:** Active SES shall be designed to conform to the DeKalb County Comprehensive Plan and to blend into the architecture of the building or may be required to be screened from routine view from public right-of-ways other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials
 - 1). *Building Integrated Photovoltaic Systems.* Building integrated photovoltaic SES shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 - 2). *SES with Mounting Devices.* SES using roof mounting devices or ground-mount SES shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.
 - 3). *Reflectors.* All SES using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- m. **Coverage:** Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- n. **Plan Approval Required:** All solar energy systems shall require administrative plan approval by the DeKalb County Building official via the review of the application for a building permit
 - 1). **Plan Applications.** Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - a). **Pitched Roof Mounted Solar Energy Systems.** For all roof-mounted 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.
 - b). **Flat Roof Mounted Solar Energy Systems.** For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 - 2). **Plan Approvals.** Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Director of Community Development and shall not require Planning and Zoning Committee review. Plan approval does not indicate compliance with Building Code or Electric Code.

6. Operation and Maintenance

- a. Upon request from the DeKalb County Community Development Department, an owner of a commercial SES must provide documentation, within thirty (30) days, that the SES is still in use. If it is not, the owner of the System will have 180 days, after notification from the Zoning Department, to remove the SES from the property.
- b. Upon request from the DeKalb County Community Development Department, the owner or operator of a Solar Farm or a Solar Garden must submit, within 14 days, a current operation and maintenance report to the Department.
- c. All active SES shall meet approval of county building code officials, consistent with the State of Illinois Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any county adopted building codes will apply and take precedence where applicable

7. Decommissioning or Abandonment of The SES

- a. A decommissioning plan shall be required to be submitted when applying for all Solar Farms and Solar Gardens, to ensure that facilities are properly removed after their useful life.
- b. Decommissioning of solar panels must occur in the event they are not in use for 90 consecutive days.
- c. The owner or operator will have 6 months to complete the decommissioning plan after operation of a Solar Farm or Solar Garden stops being operational.
- d. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.
- e. The DeKalb County Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.
- f. In the event that the State of Illinois enacts a law with regards to the decommissioning of a Solar Farm, the strictest requirements shall prevail.

8. Liability Insurance and Indemnification

- a. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$5 million in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of \$20 million or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
- b. For Private / Individual SES(s), commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Director of Community Development.
- c. Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the SES(S) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not

be construed as limited or qualifying the county's other indemnification rights available under the law.