

1 (55 ILCS 5/5-12020)

2 Sec. 5-12020. Wind farms, electric-generating wind  
3 devices, and commercial wind energy facilities.

4 (a) Definitions. As used in this Section:

5 "Commercial wind energy facility" has the meaning provided  
6 by Section 10 of the Renewable Energy Facilities Agricultural  
7 Impact Mitigation Act.

8 "Facility owner" means: (i) a person with a direct  
9 ownership interest in a commercial wind energy facility,  
10 regardless of whether the person was involved in acquiring the  
11 necessary rights, permits and approvals or otherwise planning  
12 for the construction and operation of a wind energy system;  
13 and (ii) at the time a wind energy system is being developed, a  
14 person who is acting as a wind energy system developer by  
15 acquiring the necessary rights, permits and approvals for or  
16 by planning for the construction and operation of a wind  
17 energy system, regardless of whether the person will own or  
18 operate the wind energy system.

19 "Nonparticipating property" means real property that is  
20 not participating property.

21 "Nonparticipating residence" means an occupied residence  
22 on nonparticipating property that is existing and occupied as  
23 of the date of filing of a permit application by the commercial  
24 wind energy facility.

25 "Occupied community building" means an existing structure

1 occupied as of the date of filing of a permit application by  
2 the commercial wind energy facility, including,207 but not  
3 limited to, a school, place of worship, daycare facility,  
4 public library, community center, or commercial building.

5 "Participating Property" means real property that is the  
6 subject of a written agreement between the facility owner and  
7 the owner of such real property which provides the facility  
8 owner an easement, option, lease license or other agreement  
9 for the purpose of constructing a wind tower or supporting  
10 facilities on such real property.

11 "Participating residence" means a residence on  
12 participating property occupied as of the date of filing of a  
13 permit application.

14 "Shadow flicker" means shadows that are given off by wind  
15 turbines when they are in full rotating motion.

16 "Supporting facilities" means the associated transmission  
17 lines, substations, access roads located on private property,  
18 meteorological towers, and other equipment related to the  
19 generation of electricity from the commercial wind energy  
20 facility.

21 "Wind tower" means the wind turbine tower, nacelle, and  
22 blades.

23 (b) Notwithstanding any other provision of law or whether  
24 the county has formed a zoning commission and adopted formal  
25 zoning under Section 5-12007, a county may establish standards  
26 for commercial wind energy facilities. ~~wind farms and~~

1 ~~electric generating wind devices. The standards may include,~~  
2 ~~without limitation, the height of the devices and the number~~  
3 ~~of devices that may be located within a geographic area. A~~  
4 county may also regulate the siting of commercial wind energy  
5 facilities ~~wind farms and electric generating wind devices~~ in  
6 unincorporated areas of the county outside of the zoning  
7 jurisdiction of a municipality and the 1.5 mile radius  
8 surrounding the zoning jurisdiction of a municipality. A  
9 county that establishes standards for items specified in  
10 subsections (f) through (g) hereof for ground mounted solar  
11 energy systems shall do so in accordance with this Section.  
12 This Section applies to home rule and non-home rule counties  
13 and is a limitation under subsection (i) of Section 6 of  
14 Article VII of the Illinois Constitution on the concurrent  
15 exercise by home rule units of powers and functions exercised  
16 by the State.

17 (c) There shall be at least one public hearing during  
18 which public comment shall be taken regarding the application  
19 for siting approval or a special use permit for a commercial  
20 wind energy facility. The first public hearing shall be  
21 noticed and shall commence not more than 75 days after the  
22 filing of an application for siting approval or a special use  
23 permit for a commercial wind energy facility, and the final  
24 public hearing shall conclude not more than 90 days following  
25 the filing. The county board or its designee shall make its  
26 siting decision not more than 45 days after the conclusion of

1 the final public hearing or the conclusion of the special use  
2 permit hearing by the zoning board of appeals. ~~not more than 30~~  
3 ~~days prior to a siting decision by the county board.~~ Notice of  
4 the hearing shall be published in a newspaper of general  
5 circulation in the county or on a municipality's or county's  
6 website. A commercial wind energy facility owner, as defined  
7 in the Renewable Energy Facilities Agricultural Impact  
8 Mitigation Act, shall ~~must~~ enter into an agricultural impact  
9 mitigation agreement with the Department of Agriculture prior  
10 to the date of the required public hearing. A commercial wind  
11 energy facility owner seeking an extension of a permit granted  
12 by a county prior to July 24, 2015 (the effective date of  
13 Public Act 99-132) must enter into an agricultural impact  
14 mitigation agreement with the Department of Agriculture prior  
15 to a decision by the county to grant the permit extension.  
16 Counties may allow test wind towers to be sited without formal  
17 approval by the county board. ~~Any provision of a county zoning~~  
18 ~~ordinance pertaining to wind farms that is in effect before~~  
19 ~~August 16, 2007 (the effective date of Public Act 95-203) may~~  
20 ~~continue in effect notwithstanding any requirements of this~~  
21 ~~Section.~~

22 (d) A county with an existing zoning ordinance in conflict  
23 with this Section shall amend such zoning ordinance to be in  
24 compliance with this section within 180 days after the  
25 effective date of this amendatory Act of the 102nd General  
26 Assembly.

1       (e) This section does not apply to a commercial wind  
2 energy facility that began construction or was approved by a  
3 political subdivision before the effective date of this  
4 amendatory Act of the 102nd General Assembly.

5       A county may ~~not~~ require:

6           (1) a commercial wind energy facility to be sited with  
7 setback distances measured from the center of the base of  
8 the wind tower as follows:

9           Occupied Community Buildings: 2.1 times the maximum blade  
10 tip height from the nearest point on the outside wall of the  
11 structure.

12           Participating Residences: 1.1 times the maximum blade tip  
13 height to the nearest point on the outside wall of the  
14 structure.

15           Nonparticipating Residences: 2.1 times the maximum blade  
16 tip height to the nearest point on the outside wall of the  
17 structure.

18           Participating Property Lines: None.

19           Nonparticipating Property Lines: 1.1 times the maximum  
20 blade tip height to the nearest point on the property line.

21           Public Road Right-of-Way: 1.1 times the maximum blade tip  
22 height to the center point of the public road right-of way.

23           Overhead Communication and Electric Transmission - Not  
24 including utility service lines to individual houses or out-  
25 buildings: 1.1 times the maximum blade tip height to the  
26 center point of the easement containing the overhead line.

1 Overhead Utility Service Lines - Lines to individual  
2 houses or outbuildings: None.

3 ~~a wind tower or other renewable energy system that is used~~  
4 ~~exclusively by an end user to be setback more than 1.1 times~~  
5 ~~the height of the renewable energy system from the end user's~~  
6 ~~property line.~~

7 (2) a wind tower to be sited in a manner such that  
8 industry standard computer modeling indicates that any  
9 occupied community building or nonparticipating residence  
10 will not experience more than 30 hours per year of shadow  
11 flicker under planned operating conditions.

12 (3) The requirements set forth in this subsection (f)  
13 may be waived subject to the written consent of the owner  
14 of the affected nonparticipating property.

15 (g) A county may not set a blade tip height limitation that  
16 is more restrictive than the height allowed under a  
17 Determination of No Hazard to Air Navigation by the Federal  
18 Aviation Administration under 14 CFR Part 77.

19 (h) A county may not set a sound limitation that is more  
20 restrictive than the sound limitations established by the  
21 Illinois Pollution Control Board under 35 Ill. Adm. Code 900,  
22 901, and 910.

23 (i) A county may not establish standards for items listed  
24 in this Section, either directly or in effect, on the  
25 installation or use of a commercial wind energy facility  
26 except by adopting an ordinance that complies with this

1 section and may not establish siting standards which are less  
2 restrictive than any terms and conditions included in the  
3 standard agricultural impact mitigation agreement available  
4 from the Department of Agriculture in accordance with  
5 subsection (f) of Section 15 of the Renewable Energy  
6 Facilities Agricultural Impact Mitigation Act.

7 (j) A county may not require a wind tower or other  
8 renewable energy system that is used exclusively by an end  
9 user to be setback more than 1.1 times the height of the  
10 renewable energy system from the user's property line.

11 (k) Only a county may establish standards for wind farms,  
12 electric-generating wind devices, wind towers, supporting  
13 facilities, and commercial wind energy facilities, as that  
14 term is defined in Section 10 of the Renewable Energy  
15 Facilities Agricultural Impact Mitigation Act, in  
16 unincorporated areas of the county outside of the zoning  
17 jurisdiction of a municipality and outside the 1.5 mile radius  
18 surrounding the zoning jurisdiction of a municipality.

19 (Source: P.A. 100-598, eff. 6-29-18; 101-4, eff. 4-19-19.)

20 (55 ILCS 5/5-12022 new)

21 Sec. 5-12022. Ground mounted solar energy systems.

22 (a) Definitions. As used in this Section:

23 "Commercial solar energy system" or "CSE system" means a  
24 system that captures and converts solar energy into  
25 electricity that is generated primarily: (1) for the purpose

1 of selling the electricity at wholesale; and (2) for use in  
2 locations other than where it is generated.

3 "Dwelling" means any building, structure, or part of a  
4 building or structure that is occupied as, or is designed or  
5 intended for occupancy as, a residence by one (1) or more  
6 families or individuals.

7 "Ground mounted solar energy system" means a solar energy  
8 system mounted on a rack or pole that is attached to the  
9 ground, and includes either a commercial solar energy system  
10 or a community renewable generation project, as that term is  
11 defined in Section 1-10 of the Illinois Power Agency Act.

12 "Ground mounted solar energy system" includes transmission  
13 lines, substations, ancillary buildings, solar monitoring  
14 stations, and accessory equipment or structures that are  
15 associated with the ground mounted solar energy system.

16 "Nonparticipating property" means real property that is  
17 not participating property.

18 "Nonparticipating residence" means an occupied residence  
19 on nonparticipating property that is existing and occupied as  
20 of the date of filing of a permit application by the permit  
21 applicant.

22 "Participating property" means real property that is the  
23 subject of a written agreement between the facility owner and  
24 the owner of such real property which provides the facility  
25 owner an easement, option, lease license or other agreement  
26 for the purpose of constructing a ground mounted solar energy



1 system on such real property.

2 "Participating residence" means an occupied residence on  
3 participating property.

4 "Permit applicant" means a person who: (1) will own one or  
5 more ground mounted solar energy systems; (2) owns one or more  
6 round mounted solar energy systems; or (3) an agent or a  
7 representative of a person described in items (1) or (2).

8 "Solar energy system" means a device, or array of devices,  
9 whose purpose is to convert solar energy into electricity.

10 (b) Notwithstanding any other provision of law or whether  
11 the county has formed a zoning commission and adopted formal  
12 zoning under Section 5-12007, a county may establish standards  
13 for ground mounted solar energy systems. The standards may  
14 include without limitation all of the requirements specified  
15 in subsections (f) through (g) hereof, but may not include  
16 requirements for ground mounted solar energy systems that are  
17 more restrictive than specified in subsections (f) through (g)  
18 hereof unless the restrictions apply to all other uses in the  
19 same zoning classification. A county may also regulate the  
20 siting of ground mounted solar energy systems in  
21 unincorporated areas of the county outside of the zoning  
22 jurisdiction of a municipality and the 1.5 mile radius  
23 surrounding the zoning jurisdiction of a municipality. A  
24 county that establishes standards for items specified in  
25 subsections (f) through (g) hereof for ground mounted solar  
26 energy systems shall do so in accordance with this Section.

1 This Section applies to home rule and non-home rule counties  
2 and is a limitation under subsection (i) of Section 6 of  
3 Article VII of the Illinois Constitution on the concurrent  
4 exercise by home rule units of powers and functions exercised  
5 by the State.

6 (c) There shall be at least one public hearing during  
7 which public comment shall be taken regarding the application  
8 for siting approval or a special use permit for a ground  
9 mounted solar energy system. The public hearing shall be  
10 noticed and commence not more than 60 days after the filing of  
11 an application for siting approval or a special use permit for  
12 a ground mounted solar energy system. The county board shall  
13 make its siting decision not more than 30 days after the  
14 conclusion of the public hearing or the conclusion of the  
15 special use permit hearing by the zoning board of appeals.  
16 Notice of the hearing shall be published in a newspaper of  
17 general circulation in the county.

18 (d) A county with an existing zoning ordinance in conflict  
19 with this section shall amend such zoning ordinance to be in  
20 compliance with this section within 180 days from the  
21 effective date of this amendatory Act of the 102nd General  
22 Assembly.

23 (e) This Section does not apply to a ground mounted solar  
24 energy system that began construction or was approved by a  
25 political subdivision before the effective date of this  
26 amendatory Act of the 102nd General Assembly.

1 (f) A permit applicant may not install a ground mounted  
2 solar energy system unless the distance measured from the  
3 nearest outer edge of the ground mounted solar energy system  
4 is as follows (subject to State and Federal setback  
5 requirements):

6 Roadway - federal interstate highway, federal highway,  
7 State highway, or county highway: at least 40 feet from the  
8 right of way.

9 Roadway - collector road: at least 30 feet from the right  
10 of way.

11 Roadway - local road: at least 10 feet from the right of  
12 way.

13 Nonparticipating Residences: at least 150 feet from the  
14 nearest point on the outside wall of a dwelling.

15 Nonparticipating Property Lines: at least 50 feet from  
16 nearest point on the property line.

17 (g) A permit applicant shall install a landscape buffer  
18 when the nearest outer edge of the ground mounted solar energy  
19 system is within a distance of 250 feet of the nearest point on  
20 the outer wall of a dwelling located on a nonparticipating  
21 property. The permit applicant shall install a landscape  
22 buffer in the area between the nearest outer edge of the ground  
23 mounted solar energy system and the outer wall of the dwelling  
24 located on the nonparticipating property: (i) in a location;  
25 and (ii) constructed from such materials, as set forth in a  
26 site plan submitted to the county, if required.

1       (h) The requirements set forth in subsection (g) may be  
2 waived subject to the written consent of the owner of the  
3 affected nonparticipating property.

4       (i) A permit applicant shall not install or locate a  
5 ground mounted solar energy system that is more than 25 feet  
6 above ground level when the ground mounted solar energy  
7 system's arrays are at full tilt. However, a county may not  
8 impose a clearance requirement between the ground and the  
9 bottom edge of a ground mounted solar energy system's solar  
10 panels.

11       (j) A permit applicant shall control weeds and vegetation  
12 on the land where a ground mounted solar energy system is  
13 located in accordance with the Agricultural Impact Mitigation  
14 Agreement the permit applicant is required to sign by the  
15 Renewable Energy Facilities Agricultural Impact Mitigation  
16 Act. The use of pollinator seed mixes in the planting of ground  
17 cover shall conform to the Pollinator-Friendly Solar Site Act.

18       (k) A permit applicant shall completely enclose the ground  
19 mounted solar energy system with fencing that is at least 6  
20 feet high.

21       (l) A permit applicant shall install and maintain support  
22 structures, aboveground facilities, guy wires and anchors, and  
23 underground cabling in accordance with the Agricultural Impact  
24 Mitigation Agreement the permit applicant is required to sign  
25 by the Renewable Energy Facilities Agricultural Impact  
26 Mitigation Act.

1 (m) A ground mounted solar energy system is to be designed  
2 and constructed to: (i) minimize glare on adjacent properties  
3 and roadways; and (ii) not interfere with vehicular traffic,  
4 including air traffic.

5 (n) A ground mounted solar energy system shall not  
6 interfere with: (i) television signals; (ii) microwave  
7 signals; (iii) agricultural global positioning systems; (iv)  
8 military defense radar; or (v) radio reception.

9 (o) A permit applicant is to operate a ground mounted  
10 solar energy system in a manner such that the sound  
11 attributable to the ground mounted solar energy system will  
12 not exceed the sound limitations established by the Illinois  
13 Pollution Control Board under 35 Ill. Adm. Code 900, 901, and  
14 910.

15 (p) A permit applicant will comply with local road load  
16 limits and will apply for permits to use overweight vehicles,  
17 if necessary.

18 (q) A county may not establish standards for items listed  
19 in subsections (f) through (p), either directly or in effect,  
20 on the installation or use of a ground mounted solar energy  
21 system except by adopting an ordinance that complies with this  
22 section and may not establish siting standards that  
23 effectively preclude development of ground mounted solar  
24 energy systems in the county.

25 (r) Only a county may establish standards for ground  
26 mounted solar energy systems and Commercial Solar Energy

1 Facilities, as that term is defined in Section 10 of the  
2 Renewable Energy Facilities Agricultural Impact Mitigation  
3 Act, in unincorporated areas of the county outside of the  
4 zoning jurisdiction of a municipality and outside the 1.5 mile  
5 radius surrounding the zoning jurisdiction of a municipality.

6 Section 30-35. The Illinois Municipal Code is amended by  
7 adding Section 8-11-2.7 as follows:

8 (65 ILCS 5/8-11-2.7 new)

9 Sec. 8-11-2.7. Non-Home Rule Municipal Gas Use Tax.

10 (a) This Section may be cited as the Non-Home Rule  
11 Municipal Gas Use Tax Law.

12 (b) As used in this Section:

13 "Delivering supplier" means a person engaged in the  
14 business of delivering gas to another person for use or  
15 consumption and not for resale, and who, in any case where more  
16 than one person participates in the delivery of gas to a  
17 specific purchaser, is the last of the suppliers engaged in  
18 delivering the gas prior to its receipt by the purchaser.

19 "Delivering supplier maintaining a place of business in  
20 this State" means any delivering supplier having or  
21 maintaining within this State, directly or by a subsidiary, an  
22 office, distribution facility, sales office, or other place of  
23 business, or any employee, agent, or other representative  
24 operating within this State under the authority of the