AN ACT relating to solar electric generating facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO READ AS FOLLOWS:

(1) Except as provided in subsections (2) and (3) of this section and subject to any more restrictive setback requirements under this chapter, no stand-alone, ground-mounted electric generating facility that generates electricity using solar energy and has a rated capacity of greater than five megawatts (5 MW) shall be built within one hundred (100) feet of the boundary line of an adjoining residential property on which a residence exists at the time of the commencement of the construction of the solar electric generating facility. The setback distance shall be measured from the closest electric module or solar panel to the nearest adjoining residential property line to which the setback requirement would apply.

(2) If a solar electric generating facility that would be subject to the setback requirement of subsection (1) of this section is to be built within the jurisdiction of a planning unit as defined in KRS 100.111, then any setback requirements relating to the location of the solar electric generating facility established by the planning unit at any time shall supersede the setback requirement established in subsection (1) of this section.

(3) If a solar electric generating facility lies across the boundary lines of two (2) or more adjoining properties, then no setback distance shall be required between those properties under subsection (1) of this section.