

1 AN ACT relating to solar electric generating facilities.

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

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

- 5 *(1) Except as provided in subsections (2) and (3) of this section and subject to any*
6 *more restrictive setback requirements under this chapter, no stand-alone,*
7 *ground-mounted electric generating facility that generates electricity using solar*
8 *energy and has a rated capacity of greater than five megawatts (5 MW) shall be*
9 *built within one hundred (100) feet of the boundary line of an adjoining*
10 *residential property on which a residence exists at the time of the commencement*
11 *of the construction of the solar electric generating facility. The setback distance*
12 *shall be measured from the closest electric module or solar panel to the nearest*
13 *adjoining residential property line to which the setback requirement would apply.*
14 *The setback requirement under this subsection may be waived by the owner of the*
15 *adjoining residential property, and for a merchant electric generating facility*
16 *subject to KRS 278.704, may be subject to deviation in accordance with KRS*
17 *278.704(4).*
- 18 *(2) If a solar electric generating facility that would be subject to the setback*
19 *requirement of subsection (1) of this section is to be built within the jurisdiction*
20 *of a planning unit as defined in KRS 100.111, then any setback requirements*
21 *relating to the location of the solar electric generating facility established by the*
22 *planning unit at any time shall supersede the setback requirement established in*
23 *subsection (1) of this section.*
- 24 *(3) If a solar electric generating facility lies across the boundary lines of two (2) or*
25 *more adjoining properties, then no setback distance shall be required between*
26 *those properties under subsection (1) of this section.*
- 27 *(4) In addition to all other powers conferred to it under this chapter, the commission*

1 *shall have jurisdiction over any complaints regarding compliance with the*
2 *requirements of subsection (1) of this section.*