ORDINANCE NO. 4355

AN ORDINANCE AMENDING TITLE 4 OF THE EAST PEORIA CITY CODE FOR THE PURPOSE OF ADDING A NEW CHAPTER 19 CONSISTING OF A SOLAR ENERGY CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Title 4 of the East Peoria City Code Is hereby amended by the addition thereto of a new Chapter 19 consisting of a solar energy code which shall read as follows:

SOLAR ENERGY CODE

4-19-1. Purpose.

The purpose of this Chapter is to facilitate the construction, installation, and operation of Solar Energy Systems in the City in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts on adjoining property or on the environment. It is the intent of this ordinance to encourage the development of Solar Energy Systems that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This Chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances.

4-19-2. Definitions.

(a) *Accessory* as applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

(b) *Building Integrated Solar Energy System* means a solar energy system that integrates photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

(c) *Commercial/Large Scale Solar Farm* means a utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

(d) *Community Solar Project* means a solar-electric (photovoltaic) array with a nameplate capacity not exceeding 2,000 kilowatts AC that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar elective array.

(e) *Director* means the Director of Planning and Community Development for the City.

(f) *Ground Mount Solar Energy System* means a solar energy system that is directly installed onto the ground and is not attached or affixed to an existing structure.

(g) *Photovoltaic System* means a solar energy system that produces electricity by the use of semiconductor devices calls photovoltaic cells that generate electricity whenever light strikes them.

(h) *Qualified Solar Installer* means a trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

(i) *Roof Mount Solar Energy System* means a solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

(j) *Solar Collector* means a device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

(k) *Solar Energy* means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

(l) *Solar Energy System (SES)* means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.

(m) *Solar Storage Battery/Unit* means a component of a solar energy device that is used to store solar generated electricity or heat for later use.

(n) *Solar Thermal Systems* means solar thermal systems that directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

4-19-3. Ground Mount and Roof Mount Solar Energy Systems.

(a) Ground Mount and Roof Mount Solar Energy Systems designed to serve only the occupants of the parcel on which they are located shall not require a special use except with respect to any component of such a system located in a front yard. All other such systems shall require a special use. Such systems are accessory structures allowed only on zoning lots with a principal structure. An application shall be submitted to the Director demonstrating compliance with all applicable provisions of the City Code and with the following requirements:

(1) Height:

a. Roof mount solar energy systems shall not exceed the height of the principal structure on the zoning lot where the system is located.

b. Ground mount solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

c. Ground mount solar energy systems placed in the front yard through a special use shall not exceed 30 inches above grade.

(2) Setbacks:

a. Ground mount solar energy systems shall meet the accessory structure setbacks for the zoning district in which the system is located.

b. Ground mount solar energy systems shall not extend into the side yard or rear yard setback at any design tilt.

c. In addition to building setbacks, the collector surface and mounting devises for roof mount systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar systems generating heated water may extend beyond the perimeter of the building on a side yard exposure.

(3) Safety:

a. Roof mount solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south facing or flat roof upon which the panels are mounted.

4-19-4. Building Integrated Systems.

Building Integrated Solar Energy Systems shall be permitted in all Zoning Districts in the City without a special use but shall meet the requirements of all applicable provisions of the City Code including, without limitation, the East Peoria Building Code.

4-19-5. Community Solar Projects.

Community Solar Projects are allowed by Special Use in all zoning districts subject to the following requirements:

(1) Community Solar Projects may be located on rooftops.

(2) An interconnection agreement must be completed with the electric utility in whose service the territory the solar energy system is located prior to the project being energized.

(3) Dimensional Standards.

a. All community solar projects related structures in newly platted and existing subdivisions shall comply with the principal structure setback, height, and coverage limitations for the district in which the solar energy system is located.

4-19-6. Commercial/Large Scale Solar Farm.

Commercial/Large Scale Solar Farms may be allowed by special use in the Conservation District and Residential Estate and M-2 Industrial Districts. The following information shall also be submitted as part of an application for a Commercial/Large Scale Solar Farm:

(1) A site plan with existing conditions showing the following:

a. Existing property lines and property lines extending one hundred feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.

b. All routes that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress shall be shown.

c. Location and size of any abandoned wells, sewage treatment systems.

d. Existing buildings and impervious surfaces.

e. A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.

f. Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.)

g. Any delineated wetland boundaries.

h. A copy of the current FEMA FIRM maps that shows the subject property including the one hundred year flood elevation and any regulated flood protection elevation, if available.

i. Surface water drainage patterns.

j. The location of any subsurface drainage tiles.

k. Location and spacing of the solar collector.

l. Location of underground and overhead electric lines connecting the solar farm to a building, substation or other electric load.

m. New electrical equipment other than at the existing building or substations that is to be the connection point for the solar farm.

(2) Fencing and Weed/Grass Control

a. An acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The applicant and any successor shall during the operation of the Solar Farm adhere to the weed/grass control plan.

b. Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.

c. The applicant shall maintain the fence in good condition and adhere to the weed/grass control plan.

(3) Manufacturers Specifications

a. The manufacturer's specifications and recommended installation methods for all major equipment, including solar collectors, mounting systems and foundations for poles and racks.

(4) Connection and Interconnection

a. A description of the method of connecting the solar array to a building or substation.

b. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.

(5) Setbacks

a. A minimum of fifty (50) feet must be maintained from all property lines.

(6) Fire Protection

a. A fire protection plan for the construction and the operation of the facility, and emergency access to the site.

(7) Endangered Species and Wetlands

a. Solar Farm developers 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 shall be borne by the developer.

(8) Decommissioning of the Solar Farm

a. The Developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event the facility is abandoned or has reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of twelve (12) months, it will be deemed nonoperational and decommissioning and removal of that facility shall commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. A restoration plan shall also be provided for the site with the application. The decommissioning plan shall include the following:

b. Removal of the following within six (6) months after the farm became non-operational:

i. All solar collectors and components, above ground improvements and outside storage.

ii. Foundations, pads and underground electrical wires ad reclaim site to a depth of four (4) feet below the surface of the ground.

iii. Hazardous material from the property and dispose in accordance with Federal and State law.

c. The decommissioning plan shall also include an agreement between the applicant and the City that:

i. The financial resources for decommissioning shall be secured by a Surety Bond, or cash deposited in an escrow account with an escrow agent acceptable to the Director.

ii. The agreement shall establish conditions which the funds will be disbursed.

iii. The City shall have access to the security for the purpose of completing decommissioning if decommissioning is not completed by the owner of the project within six (6) months of the end of project life or facility abandonment.

iv. The City shall have the right to enter the site, pursuant to reasonable notice to effect or complete decommissioning.

v. The City shall have the right to seek injunctive relief to effect or complete decommissioning, and to seek reimbursement from the owner for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

4-19-7. Compliance with Building Code.

All solar energy systems shall require a permit from the Director and shall comply with any other applicable provisions of the City Code, State law or Federal law.

4-19-8. Liability Insurance.

The owner operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name the City as an additional insured with limits of at least two million dollars ($1,000,000.00) per occurrence and five million ($5,000.000.00) in the aggregate with a deductible of no more than five thousand dollars ($5,000.00).

4-19-9. General Provisions.

(a) Reflection Angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

(b) Aviation Protection. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze 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 Federal Obligated Airports, or most recent version adopted by the FAA.

(c) Visibility: Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the North while still providing adequate solar access for collectors.

(d) Installation: All solar energy systems shall be installed by a qualified solar installer.

(e) Utility Connection: Any connection to the public utility grid shall be inspected and approved by the affected public utility.

(f) Maintenance: All solar energy systems shall be maintained and kept in good working order. If it is determined by the Director that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended purpose for 6 consecutive months, the property owner shall be given 90-day written notice to remedy or to remove the unit and all equipment.

(g) Approved Solar Components: Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.

(h) Restrictions on Solar Energy Systems Limited: Consistent with 765 ILCS 165/1 et seq., no homeowner's agreement, covenant, common interest community or other contracts between multiple property owners within a subdivision shall prohibit or restrict homeowners from installing solar energy systems.

4-19-10. Administration and Enforcement.

The Director shall enforce the provisions of this chapter through inspections on such schedule as he deems appropriate. The Director has the authority to enter upon the premises where a solar energy system is located at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this chapter shall be subject to the general penalty provisions of the City Code.

4-19-11. Fees charged for Building Permits.

The fees for processing the applications for solar energy systems shall be as follows:

0-4 kilowatts (kW-dc)	$75.00
5-10 kilowatts (kW-dc)	$150.00
11-50 kilowatts (kW-dc)	$300.00
51-100 kilowatts (kW-dc)	$500.00
101-500 kilowatts (kW-dc)	$1,000.00
501-1000 kilowatts (kW-dc)	$3,000.00
1001-2000 kilowatts (kW-dc)	$5,000.000

Section 5. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 6. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 10th **DAY OF** January, ~~2017~~. 2018

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

CITY OF EAST PEORIA

ORDINANCE NO. 4355

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ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF EAST PEORIA
THE 16TH DAY OF JANUARY 2018

Published in pamphlet form by authority of the City Council of the City of East Peoria, Tazewell County, Illinois, this 16th day of January, 2018.

EFFECTIVE JANUARY 26, 2018