

**ORDINANCE 07-2020**

**" AN ORDINANCE REGULATING SOLAR FARM PLACEMENT,  
CONSTRUCTION AND OPERATION WITHIN AGRICULTURAL  
DISTRICTS VILLAGE OF GODFREY, ILLINOIS."**

**ORDINANCE NO. 07-2020**

---

**ADOPTED BY THE  
VILLAGE BOARD  
OF THE  
VILLAGE OF GODFREY**

**THIS 2nd DAY OF JUNE 2020**

---

Published in pamphlet form by authority of the Village Board  
of the Village of Godfrey, Madison County, Illinois, this 2nd  
day of June, 2020.

=====

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF MADISON        )

**CERTIFICATE**

I, Bethany A. Bohn, certify that I am the duly elected and acting municipal Clerk of the Village of Godfrey, Madison County, Illinois.

I further certify that on June 2, 2020  
the Corporate Authorities of the above municipality  
passed approved Ordinance 07-2020,

**" AN ORDINANCE REGULATING SOLAR FARM PLACEMENT,  
CONSTRUCTION AND OPERATION WITHIN AGRICULTURAL  
DISTRICTS VILLAGE OF GODFREY, ILLINOIS"**

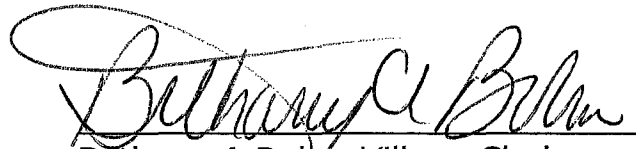
---

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 07-2020, including the Ordinance and a cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the municipal building, commencing on June 2, 2020 and continuing for at least ten days thereafter. Copies of the Ordinance will also be available for public inspection upon request in the Office of the Village Clerk.

DATED at GODFREY, Illinois, this 2nd Day of June, 2020.

(SEAL)

  
Bethany A Bohn, Village Clerk,  
Village of Godfrey

ORDINANCE NO. 07-2020

**An Ordinance Regulating**  
**Solar Farm Placement,**  
**Construction and**  
**Operation within**  
**Agricultural Districts**  
**Village of Godfrey, Illinois**

Whereas, the Village of Godfrey by and through its Trustees deems it to be in the best interests of the Village to establish regulations to govern the construction, placement and operation of Solar Farms within the Village; and,

Whereas, the Village Trustees believe it is feasible to allow Solar Farms as Special Uses within the Agricultural Districts within the Village; and,

Whereas, Section 60-404 of the Village Zoning Code allows for certain Special Uses within Agricultural Districts.

Now, Therefore Be It resolved as follows:

SECTION ONE

Section 60.404 of the Godfrey Zoning Code, "Special Uses in Agricultural districts" is amended by adding the following Amendment:

**ADD SECTION 60.404.1**

Purpose: The purpose of this section is to provide regulations for the permitting of solar farms as a special use within the Agricultural Zoning District "A". This section provides for the preservation, protection of natural resources such as forests, tributaries, and habitat while also providing restrictions for the development to aid in the quality of life for the adjacent property owners and general aesthetic qualities for the Village while preventing detriment to the public health, safety and welfare of the Village as a whole.

A. Definitions:

LARGE SOLAR ENERGY SYSTEM: Energy generated from multiple solar panels over a large parcel in which this would be the primary land use. Poles and racks of multiple solar panels would be used that would generate direct current (DC) rated capacity greater than one hundred (100) kilowatts.

SOLAR ARRAY: A number of photovoltaic modules or panels connected together to provide a single electrical output.

SOLAR COLLECTOR TOTAL HEIGHT: The height of the solar collector system from grade to the highest point of the system that may be achieved when in operation.

TRACKING SOLAR ARRAY: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device.

Applications:

A. Content of The Solar Farm Application: Every solar farm application shall include the following information and documentation:

1. Host Agreement: An executed Host Agreement must be appended to, and included as part of, any solar farm special use application filed with the Village.
2. Applicant Information: The applicant shall describe itself, its legal standing as to whether it is a corporation, Limited Liability Company, individual, or other legal entity and shall identify its officers and directors, shareholders, and members. It shall also identify its parent and subsidiary companies. The same information shall be provided for all owners and operators of the solar farm system. In addition, the applicant shall identify the property owners that have entered into leases or agreements with the applicant and proof must be included that the applicant has the legal authority to bring this application in the name of such property owners.
3. Project Description: The applicant shall provide a general description of the project, including its total generating capacity; the equipment manufacturer, the type and model of solar collectors proposed, the number of solar collectors, the nameplate generating capacity of each solar collector, the proposed height of each solar collector and overall dimensions thereof.
4. Site Plan:

## Solar Ordinance

- a. All proposed setback dimensions.
- b. All proposed structures on the property, including, but not limited to, solar collectors, substations, and service roads.
- c. Topographic site information for the subject property and the adjacent properties within a quarter mile of the property line of the subject property indicating contours in five foot (5') intervals.
- d. Existing structures on subject property and properties within a quarter mile of the property.
- e. All existing and proposed underground and aboveground utilities.
- f. All rights of way, wetlands, wooded areas, and public conservation lands.
- g. Ingress and egress from the site as proposed during construction and thereafter, which indicates:
  - (1) Proposed road surface and cover.
  - (2) Dust control.
  - (3) Width and length of access route and location of ingress.
  - (4) Road maintenance progress or schedule for proposed use of land.
- h. Certified easements, contracts, waivers, and option agreements for proposed use of the land.
- i. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- j. Fire protection plan for the construction and the operation of the facility, and emergency access to the site.
- k. Revegetation or reclamation plan of the areas that will be disturbed.
- l. Drainage plan and erosion control plan.
- m. Description of hours of operation for construction and maintenance of the facility, number of employees and type of traffic expected to be generated from the site.
- n. Public road routes.

B. Design and Installation Requirements:

1. Height: The total height of the solar collectors shall not exceed twenty feet (20') in height when oriented at a maximum tilt position.
2. Setbacks:
  - a. Yard Setback Requirements: The setback for the rear, front and side of the solar array and components of the solar collector system shall conform to the requirements of a structure for the zoning district in which the solar farm is located.
  - b. Public and Private Roads: Components of the solar collector system shall be located such that they are one hundred fifty feet (150') from public and private roads.
  - c. High Water Mark: High water mark of navigable waterways/public parks/public conservation lands: One hundred fifty feet (150').
  - d. Waiver: Any waiver of any setback requirement shall only be considered an effective compliance with this subsection if said waiver runs with the land and is recorded as part of the chain of title and the deed of the subject property.
3. Electrical Components: All electrical components of a solar farm shall conform to all applicable local utility standards and national electric codes. All electrical wires and lines that are used in conjunction with the solar farm shall be installed underground.
4. Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including wetlands and other fragile ecosystems, historical or cultural sites and antiquities, and adjacent agricultural uses such as rotating crops. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any effects or concerns that will remain after mitigation efforts. In addition a water usage or impact study shall be completed that will indicate any impact that the solar farm will have on county water resources.
5. Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take the appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
6. Warning Signage: Signs warning of the high voltage associated with the solar farm shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building.

7. Landscaping: Applicant shall minimize the disruption of natural environment, retain existing *vegetation* and native plant species *to the maximum extent feasible and replant with native vegetation* if existing vegetation is disturbed during construction. Landscaping shall be used as part of screening from adjacent properties or public view.
8. Federal and State Requirement Compliance: The solar collecting system shall meet or exceed any standards and regulations of any agency of the state or federal government with the authority to regulate solar farms.
9. Power Lines: All electrical control wiring and power lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
10. Access Roads: The applicant shall minimize the number and width of access roads, minimize cut and fill on sloping terrain and use natural terrain where feasible for these access points.
11. Roads: All routes on either county or Village roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Village of Godfrey Street Director. The developer shall provide and complete a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The developer applicant shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the developer. The developer applicant shall provide a letter of credit or a surety bond in an amount and form approved by the highway/roadway official(s).
12. Property Value Protection Plan: The developer shall provide within the application a plan to protect the property values of any nonparticipating real property owner within two (2) miles of the boundaries of the solar farm.
13. Complaint Resolution: The applicant shall develop a process to resolve any complaints that may arise from neighboring property owners during the construction and operation of the solar farm. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint that is received. The process shall not preclude the local government from acting on a complaint. The applicant shall provide to the nearby residents a phone number of the project manager during the construction of the facility if a problem should arise.
14. Waste Disposal: All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site immediately and disposed of in an appropriate manner. Any hazardous waste that is generated by the facility, including, but not limited to, lubricating materials, shall be removed consistent with all local, state and federal rules and regulations.
15. Drainage: The plan shall state that any damage to waterways, drainage ditches, field tiles or any other infrastructures caused by the construction or maintenance of the solar farm shall be completely repaired to near original condition and so as not to impede the natural flow of water. All

repairs shall be completed within a reasonable amount of time. The solar farm owner is to notify the Village engineer that the construction of any part of the project encounters any underground field drainage tiles. A plan sufficient to provide remediation shall be submitted reviewed and subject to the approval of the Village engineer. All existing drainage tiles that will be crossed by private access roads shall be removed and replaced with load resistant tiles as specified by the Village engineer. This shall be done before the private access roads are used for construction purposes. The load resistant tiles shall extend a minimum of thirty feet (30') across the private access roads and shall be of the same diameter of the existing tiles. To ensure that all drainage tiles are located, reasonable measures shall be made to locate all existing tiles in the vicinity of the private access roads by exploratory trench or other appropriate methods. All drainage tiles that are encountered during construction shall be noted on the site plan. Financial assurances in the form of cash or an escrow account, surety bond or a letter of credit in a form and amount acceptable to the Village engineer shall be posted to assure compliance with this section.

16. Conformance to Code Standards/Engineer Certification: The solar farm shall comply with all applicable state and Village codes for the electrical, mechanical and structural components of the facility. All documents provided for review shall be stamped and signed by a professional engineer. All solar collection system panels shall be certified by the Solar Collector And Certification Corporation (SRCC).
17. Operation and Maintenance: Each applicant or successor in interest shall have the facility inspected annually by third party qualified solar power professionals at their own expense. The third party qualified solar power professional shall be subject to the approval of the Village Building & Zoning Department. Within fifteen (15) days of the inspection a copy of all reports shall be provided to the Village Building & Zoning department. The solar farm shall not operate unless a certificate is provided to the Village of Godfrey Clerks Office indicating that the annual maintenance has been completed and the facility is in good working condition. Failure to provide this annual certification may cause the revocation of the special use as issued by Village of Godfrey.
18. Fencing: Perimeter fencing having a maximum height of eight feet (8') 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.
19. Reflective Coating: Solar energy system components shall be designed with an antireflective coating. Verification shall be provided that verifies that the components of the solar energy system have this quality.
20. Lot Area: Solar farms and components thereof shall be located on a parcel that is a minimum of forty (40) acres in size. The lot or parcel shall have a minimum width of six hundred feet (600').
21. Vegetation Control: A vegetation and weed control plan shall be provided that protects against the creation of a prey habitat and/or aesthetic impacts to the surrounding area.
22. Anti-perching Protection: Anti-perching protection devices shall be used to prevent negative environmental impacts.



23. Cleaning Supplies and Solvents: Cleaning chemicals and solvents used during the operation or maintenance of the solar farm facility shall consist of biodegradable products and shall be low in volatile organic compounds.

24. Reflection Angles: Reflection angles for solar collectors shall be oriented such that they do not direct glare toward residential users on adjacent properties.

C. Decommissioning or Abandonment of the Solar Farm: Prior to receiving a special use of the solar farm, the operator/owner shall provide for a decommissioning plan for the anticipated service life of the facility or in the event that 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 nine (9) months, it will be deemed nonoperational and decommissioning and removal of that facility will need to commence according to the decommissioning plan provided and approved. The decommissioning plan shall have the following information provided:

1. Removal of the following within nine (9) months:

- a. All solar collectors and components, aboveground improvements and outside storage.
- b. Foundations, pads and underground electrical wires and reclaim the site to a depth of four feet (4') below the surface of the ground.
- c. Hazardous material from the property and dispose of in accordance with federal and state law.
- d. 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. The decommissioning cost shall be secured by cash, surety bond or irrevocable letter of credit before any construction commences.

D. A restoration plan shall be provided for the site.

E. Liability Insurance: The owner or operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name Village of Godfrey as an additional insured with limits of at least two million dollars (\$2,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

F. Administration And Enforcement: The zoning officer shall enforce the provisions of this section through an inspection of the solar farm every year. The zoning officer is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section shall, upon conviction, be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each tower, nacelle,

or any other component of the solar farm shall be the subject of a separate violation and further each week that a violation is permitted to exist shall constitute a separate offense. Other actions, including but not limited to injunctive relief, may be taken by law or in equity to prevent or to remedy any violation of this section and these remedies shall be in addition to any other remedies, damages or penalties

## **SECTION TWO**

If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a Court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

## **SECTION THREE**

All ordinances or parts of other ordinances in conflict herewith shall be and hereby are repealed to the extent of any such conflict, provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance or part of any ordinance repealed or superseded hereby. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing by reason of this Ordinance or any part thereof repealed by this Ordinance. No accrued legal right or remedy of any kind or character shall be lost, impaired or affected by this Ordinance.

#### SECTION FOUR

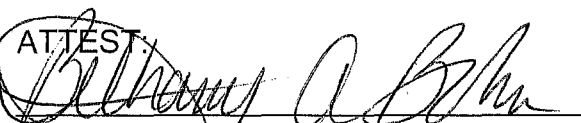
This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed by the Village of Godfrey Board of Trustees this \_\_2nd\_\_ day  
of June, 2020.



MICHAEL J. MCCORMICK, PRESIDENT  
GODFREY, ILLINOIS

ATTEST:

  
BETHANY A. BOHN, VILLAGE CLERK  
GODFREY, ILLINOIS

(SEAL)