

**ORDINANCE ESTABLISHING A SOLAR ENERGY CODE
AS NEW CHAPTER FIFTY-EIGHT OF TITLE SEVENTEEN
OF THE METAMORA VILLAGE CODE**

WHEREAS, with the interest in renewable energy systems increasing across the United States and in Illinois, Village Officials have reviewed solar energy systems and how to reasonably regulate such solar energy systems constructed or maintained within the Village; and

WHEREAS, as provided in this Ordinance, solar energy systems include ground mounted and rooftop mounted solar panels, as well as building integrated systems, and all the components for the making the solar panels operational as an energy generating systems or components; and

WHEREAS, Village Officials have determined that large solar energy systems that serve more than the occupants of the property upon which the solar energy system is located must be regulated in a more comprehensive manner to ensure public health, safety, comfort, and general welfare of the Village and its citizens; and

WHEREAS, the Village Board has determined that regulating solar energy systems constructed or maintained in the Village in open spaces or on buildings as provided herein promotes the public health, safety, comfort, and general welfare of the Village and its citizens and thus is in the best interests of the Village;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF METAMORA, WOODFORD COUNTY, ILLINOIS, THAT:

Section 1. The recitals set forth above are hereby found to be true and correct and are hereby incorporated into this Ordinance by this reference.

Section 2. A new Title 17, Chapter 58 (Solar Energy Code) of the Metamora Village Code is hereby added as follows:

Chapter 17.58 – SOLAR ENERGY CODE:

SECTION:

- 17.58.010 Purpose.
- 17.58.020 Definitions.
- 17.58.030 Ground-mount and roof-mount solar energy systems.
- 17.58.040 Building-integrated systems.
- 17.58.050 Community solar projects.
- 17.58.060 Commercial/large scale solar farm.
- 17.58.070 Compliance with building code.
- 17.58.080 General provisions.
- 17.58.090 Administration and enforcement.
- 17.58.100 Fees charged for building permits.

17.58.010 Purpose.

The purpose of this chapter is to facilitate the construction, installation, and operation of solar energy systems in the Village 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 chapter 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.

17.58.020 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings:

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.

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 on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity. A commercial/large scale solar farm shall include any solar-electric (photovoltaic) array with a nameplate capacity of four thousand (4,000) kilowatts AC or more.

Community solar project means a solar-electric (photovoltaic) array with a nameplate capacity not exceeding four thousand (4,000) 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, provided that the project consists of no more than: (i) two (2) arrays on one (1) parcel such that neither array exceeds two thousand (2,000) kilowatts AC; or (ii) one (1) array not exceeding two thousand (2,000) kilowatts AC on each of two (2) contiguous parcels.

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.

Photovoltaic system means a solar energy system that produces electricity by the use of semiconductor devices generally called photovoltaic cells that generate electricity whenever light strikes them.

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.

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.

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.

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

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.

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.

Solar thermal system means a solar thermal system that directly heats 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.

17.58.030 Ground-mount and roof-mount solar energy systems.

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 in any agricultural, residential, commercial, or industrial zoning district, except with respect to any component of such system located in a front yard. Such solar energy systems are accessory structures allowed only on zoning lots with a principal structure. All other such solar energy systems in any agricultural, residential, open space, commercial, or industrial zoning district shall require a special use. The owner of such solar energy system may make excess power available for net metering. An application shall be submitted to the zoning administrator demonstrating compliance with all applicable provisions of the Village Code and with the following requirements:

A. Height:

- a. Roof-mount solar energy systems shall not project more than twelve (12) inches above the height of the principal structure on the zoning lot where the system is located.
- b. Ground-mount solar energy systems shall not exceed twenty (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 thirty (30) inches above grade.

B. 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 devices 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.
- C. Safety: 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.

17.58.040 Building-integrated systems.

Building-integrated solar energy systems shall be permitted in all zoning districts in the Village without a special use, but shall meet the requirements of all applicable provisions of the Village Code including, without limitation, the provisions of the Village building codes (see Title 15).

17.58.050 Community solar projects.

Community solar projects are allowed by special use in all zoning districts subject to the following requirements:

- A. Community solar projects may be located on rooftops.
- B. 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.

- C. Dimensional standards. 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 applicable zoning district in which the solar energy system is located.

17.58.060 Commercial/large scale solar farm.

Commercial/large scale solar farms may be allowed by special use in AG agricultural, OS open space, and I-2 heavy industrial districts. The following information shall also be submitted as part of an application for a commercial/large scale solar farm:

A. A site plan with existing conditions showing the following:

1. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.
2. 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.
3. Location and size of any abandoned wells or sewage treatment systems.
4. Existing buildings and impervious surfaces.
5. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
6. Existing vegetation (list type and percent of coverage: i.e., cropland/plowed fields, grassland, wooded areas, etc.).
7. Any delineated wetland boundaries.
8. A copy of the current FEMA FIRM maps that shows the subject property including the 100-year flood elevation and any regulated flood protection elevation, if available.
9. Surface water drainage patterns.
10. The location of any subsurface drainage tiles.
11. Location and spacing of the solar collector.
12. Location of underground and overhead electric lines connecting the solar array to a building, substation or other electric load.
13. New electrical equipment other than at the existing building or substations that is to be the connection point for the solar farm.

B. Fencing and weed/grass control:

1. An acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The applicant and any successor in interest shall continuously maintain the entire site in compliance with weed/grass control plan during the operation of the solar farm.
2. Perimeter fencing having a minimum height of five (5) feet and 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. The applicant and any successor in interest shall continuously maintain the fence in good condition on the entire solar farm.

- C. Manufacturer's specifications: The manufacturer's specifications and recommended installation methods for all major equipment, including solar collectors, mounting systems, and foundations for poles and racks.
- D. Connection and interconnection:
 - 1. A description of the method of connecting the solar array to a building or substation.
 - 2. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- E. Setbacks: A minimum of fifty (50) feet must be maintained from all property lines.
- F. Fire protection: A detailed fire protection plan for the construction phase and the operation phase of the facility, and addressing emergency access to the site.
- G. 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 Village as an additional insured with limits of at least one million dollars (\$1,000,000.00) 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).
- H. Endangered species and wetlands: 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.
- I. Decommissioning of the solar farm: 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 non-operational, 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:
 - 1. Removal of the following within six (6) months after the farm became non-operational:
 - a. All solar collectors and components, above ground improvements, and outside storage.
 - b. Foundations, pads and underground electrical wires at reclaimed site to a depth of four (4) feet below the surface of the ground.
 - c. Hazardous material from the property and dispose in accordance with federal and state law.

2. The decommissioning plan shall also include an agreement between the applicant and the Village that:
 - a. 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 zoning administrator.
 - b. The agreement shall establish conditions which the funds will be disbursed.
 - c. The Village 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.
 - d. The Village shall have the right to enter the site, pursuant to reasonable notice to effect or complete decommissioning.
 - e. The Village 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.

17.58.070 Compliance with building code.

All solar energy systems shall require the issuance of a building permit from the Village and shall comply with any other applicable provisions of the Village Code, state law, and federal law.

17.58.080 General provisions.

- A. Reflection angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- B. 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.
- C. Installation. All solar energy systems shall be installed by a qualified solar installer.
- D. Utility connection. Any connection to the public utility grid shall be inspected and approved by the affected public utility.
- E. Maintenance. All solar energy systems shall be maintained and kept in good working order. If it is determined by the zoning administrator 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 six (6) consecutive months, the property owner shall be given ninety-day written notice to remedy or to remove the unit and all equipment.
- F. 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.
- G. Restrictions on solar energy systems prohibited. 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.

- H. Removal of non-operational systems. With the exception of commercial/large scale solar farms that are governed by the decommissioning process established under the Chapter, when the solar energy system is no longer operational or is no longer being used by the property owner for receiving and converting solar energy, the solar energy system shall be removed from its location within sixty (60) days of such system or component becoming non-operational or no longer useable. For purposes of this provision, a solar energy system, or any component of a solar energy system (including individual solar panels), is considered non-operational or no longer useable if the system or component is no longer converting solar energy into electric or thermal energy suitable for use or is no longer being used for such purpose for a period of sixty (60) continuous day. Further, when the solar energy system or component has been removed as required herein, the solar energy system or component cannot be stored on an outdoor location on the property or on an outdoor location on any other property in the Village.

17.58.090 Administration and enforcement.

The zoning administrator shall enforce the provisions of this chapter through inspections on such schedule as he deems appropriate. The zoning administrator 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 Village Code.

17.58.100 Fees charged for building permits.

In addition to any applicable building permit fees, all solar energy systems shall require an additional fee for processing the application for the solar energy system as follows:

System Serving Property Occupants	\$25.00
Community Solar Project	\$500.00
Commercial/Large Scale Solar Farm	\$2,500.00

For solar systems serving the property occupants, the system may be on the lot with the principal structure, an adjacent lot to the lot with the principal structure, or both as authorized under this chapter. If there are two (2) project arrays, either on one (1) parcel or on two (2) separate contiguous parcels as permitted for a community solar project, each array will be assessed a separate fee as provided herein.

Section 3. Section 020 of Title 17, Chapter 16 of the Metamora Village Code governing Agricultural (AG) Districts is hereby amended to read as follows (additions are indicated by underline; deletions by strikeout):

17.16.020 Uses permitted.

- A. Bonafide agricultural uses: agriculture, horticulture, or forestry, including crop and tree farming, gardening, nursery operation, dairy farming, stock raising, domestic animals and poultry breeding and raising (not including raising of fur bearing animals, or animal hospitals) and forestry operations together with the operation and storage of any machinery or vehicles incidental to the above uses;
- B. One-family residential dwellings as associated with a bonafide agricultural use, as outlined in subsection A of this section;

- C. Temporary roadside stands for the display, sale or offering for sale of agricultural products grown or produced on the property, providing that no structure is located less than fifteen feet from the highway right-of-way;
- D. Commercial grain storage;
- E. Signs, as permitted in Section 17.52.060;
- F. Accessory buildings and uses;
- G. Utility sub-stations and pump houses.
- H. Medical cannabis cultivation facilities operated in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act and any administrative regulations promulgated under authority of such Act;
- I. Solar Energy Systems, as permitted in Chapter 58 of Title 17.

Section 4. Section 020 of Title 17, Chapter 18 of the Metamora Village Code governing Open Space (OS) Districts is hereby amended to read as follows (additions are indicated by underline; deletions by strikeout):

17.18.020 Uses permitted.

- A. Golf courses including appurtenances such as club houses and related restaurant facilities, maintenance facilities, driving ranges and other recreational activities and necessary parking facilities.
- B. Bona fide agricultural uses including horticulture, forestry, crop and tree farming, gardening and nursery operations; provided, however, that agricultural activities involving the breeding and raising of livestock, poultry and other animals shall not be permitted.
- C. Public or private parks.
- D. Accessory buildings and uses;
- E. Solar Energy Systems, as permitted in Chapter 58 of Title 17.

Section 5. Section 020 of Title 17, Chapter 20 of the Metamora Village Code governing Residential (R-1) Districts is hereby amended to read as follows (additions are indicated by underline; deletions by strikeout):

17.20.020 Uses permitted.

- A. Single-family and two-family dwellings;
- B. Boarding houses;
- C. Private and noncommercial gardens;
- D. Accessory buildings and uses;
- E. Signs, as permitted in Section 17.52.060.
- F. Solar Energy Systems, as permitted in Chapter 58 of Title 17.

Section 6. Section 020 of Title 17, Chapter 32 of the Metamora Village Code governing Neighborhood Business (C-1) Districts is hereby amended to read as follows (additions are indicated by underline; deletions by strikeout):

17.32.020 Uses permitted.

- A. Residential uses;
- B. Business offices and offices of accountants, architects, artists, attorneys, authors or writers, dentists, engineers, insurance, landscape architects, physicians, veterinarians, psychiatrists, realtors, surgeons or other established or recognized professions in which only such personnel are employed as are customarily required for the practice of such business or profession;
- C. Other service stores, provided no more than three employees are on the premises at any one time: barber shops, beauty shops, dry cleaning and laundry receiving stations, laundromats or similar personal service shops;
- D. Retail stores provided no more than three employees are on the premises at any one time: apparel shops, art supply stores, art galleries,

bakeries, book stores, candy shops, photography shops, gift shops, tailor shops, pharmacies, repair shops, florists, food stores, hobby stores, interior decorating shops, jewelry stores, musical shops, liquor stores, paint and wall-paper stores, postal substations, travel bureaus or other similar stores;

E. Signs, as permitted in Section 17.52.060;

F. Accessory uses;

G. Solar Energy Systems, as permitted in Chapter 58 of Title 17.

Section 7. Section 020 of Title 17, Chapter 36 of the Metamora Village Code governing Central Business (C-2) Districts is hereby amended to read as follows (additions are indicated by underline; deletions by strikeout):

17.36.020 - Uses permitted.

- A. Any use permitted in the C-1 district, excluding ground mount Solar Energy Systems;
- B. General merchandise stores: department and variety stores;
- C. Food, drug and beverage: grocery stores, supermarkets, meat markets, dairy product stores, retail bakeries, drug stores, liquor stores, restaurants and taverns;
- D. Specialty shops: apparel and accessory stores, shoe stores, jewelers, retail florists, gift shops, magazine, book and stationery stores, camera and photography shops, sporting goods stores, tobacco shops, art supply stores, galleries, furniture and carpet stores, music stores, paint and wallpaper stores, appliance dealers, antique stores, toy stores, plumbing, heating and air conditioning shops;
- E. Service stores: watch, shoe and hat repair stores, tailor shops and printing shop with not more than ten full-time regular employees;
- F. Entertainment and recreation: theaters and motion pictures, billiard and pool parlors;
- G. Meeting and lodge halls provided they are not on the main floor of the building or occupy street frontage on the main floor;
- H. Banks and financial institutions;
- I. Hotels;
- J. Signs, as permitted in Section 17.52.060;
- K. Accessory uses and buildings;
- L. Convenience type stores primarily for the retail sale of food, beverages and related products, and the retail sale of gasoline;
- M. Retail sale of automotive parts and accessories.

Section 8. New Part EE is hereby added to Section 020 of Title 17, Chapter 48 of the Metamora Village Code governing Heavy Industrial (I-2) Districts as follows:

17.48.020 Uses permitted.

- EE. Solar Energy Systems, as permitted in Chapter 58 of Title 17.

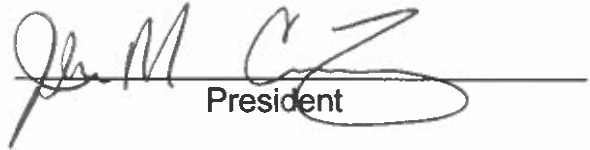
Section 9. This Ordinance is hereby ordered to be published in pamphlet form by the Metamora Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 10. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby superseded and repealed by this ordinance, and any conflicts shall be governed by the ordinance.

Section 11. 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 BOARD OF TRUSTEES OF THE VILLAGE OF METAMORA
AND APPROVED BY ITS PRESIDENT THIS 5th DAY OF April, 2022.**

APPROVED:


President

ATTEST:


Village Clerk

CERTIFICATE OF PUBLICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Metamora and that the foregoing Ordinance was published by me in pamphlet form this 5th day of April, 2022, by making three (3) copies thereof available on that date for public inspection.


Village Clerk