

**VILLAGE OF ROSCOE
ORDINANCE NO. 2023-11**

AN ORDINANCE AMENDING §15-555 OF THE VILLAGE OF ROSCOE CODE OF ORDINANCES RELATED TO THE DEVELOPMENT OF SOLAR ENERGY SYSTEMS WITHIN THE VILLAGE OF ROSCOE.

WHEREAS, solar energy is an under-utilized local energy resource and encouraging the use of solar energy will encourage local economic development, diversify the community's energy supply portfolio, and limit exposure to fiscal risks associated with imported fossil fuels.

WHEREAS, solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

WHEREAS, solar energy is an abundant, renewable, and nonpolluting energy resource, and its conversion to electricity or heat will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources ; and

WHEREAS, the development of Solar Energy Systems promotes sustainable building design and management practices to serve current and future generations, and encourages the use of local renewable energy resources; and

WHEREAS, §15-555 of the Village of Roscoe's Code of Ordinances establishes the zoning regulations related to the development of Private Solar Energy Systems within the Village of Roscoe; and

WHEREAS, the President and Board of Trustees of the Village of Roscoe, in order to preserve the health, safety, and welfare of the residents of the Village, find that it is in the best interests of the Village of Roscoe to amend such standards to promote the safe, effective and efficient use of solar energy systems; and

WHEREAS, on June 21, 2023, the Village of Roscoe Zoning Board of Appeals held the requisite hearing pursuant to notice regarding the proposed text amendment; and

WHEREAS, on June 21, 2023, the Zoning Board of Appeals voted to approve and recommend the proposed text amendment; and

WHEREAS, the Village of Roscoe is authorized and empowered by statute to amend and enforce the provisions of this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ROSCOE, WINNEBAGO COUNTY, ILLINOIS AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as findings of the Village of Roscoe Board of Trustees.

Section 2. That **Article VIII, Section §15-555** of Code of Ordinances of the Village of Roscoe, Illinois (or such other new Section as may be necessary for the efficient codification of this Ordinance into the Village Code) is hereby amended to read in its entirety, as follows:

[See attached Exhibit "A"]

Section 3. Any portion of any other ordinance in conflict with this ordinance is hereby expressly repealed to the extent of the conflict.

Section 4. All other portions of the Code of Ordinances of the Village of Roscoe shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

2023-11				
1 st Read: June 6, 2023				
PASSED BY ROLL CALL VOTE ON:				
NAME	AYE	NAY	ABSTAIN	ABSENT
Trustee William Babcock	X			
Trustee Stacy Mallicoat	X			
Trustee Susan Petty	X			
Trustee Justin Plock ①	X			
Trustee Michael Sima ②	X			
Trustee Michael Wright	X			
President Carol A. Gustafson				

APPROVED JULY 05, 2023:


VILLAGE PRESIDENT

ATTEST:


VILLAGE CLERK

Exhibit “A”
(Ordinance 2023-11)

[§15-555 – Solar Energy Systems]

Sec. 15-555. Solar Energy Systems.

(a) **Purpose.** The purpose of this Section is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in the Village of Roscoe in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this Section to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This Section is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this Section shall not be deemed to nullify any provisions of local, State or Federal law.

(b) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the concept clearly indicates a different meaning:

Agrivoltaics means a Solar Energy System co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, and other agricultural services.

Building integrated photovoltaic systems means a Solar Energy System that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

Collective solar means solar installations owned collectively through subdivision homeowner associations, college student groups, or other similar arrangements.

Community solar garden means a community solar-electric (photovoltaic) array, generating no more than 5.0 MWac of electricity, 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 Energy System.

Commercial/large scale solar farm means a utility scale commercial facility that converts sunlight to electricity, generating in excess of 5.0 MWac of 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.

Ground mount solar energy system means a Solar Energy System that is directly installed into the ground and is not attached or affixed to an existing structure.

Net metering means a billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Photovoltaic system means a Solar Energy System that produces electricity by the use of semiconductor devices 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. A qualified solar installer must also be listed as a certified distributed generation installer with the Illinois Commerce Commission.

Roof mount 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 optical angle.

Solar access means unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a Solar Energy System.

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 "Solar Energy System" 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 systems. Solar thermal systems 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.

(c) As an Accessory Use. Ground mount and roof mount SES shall be permitted by a zoning/building permit in all zoning districts where there is a principal use. Solar carports and associated electric vehicle charging equipment are a permitted accessory in all zoning districts regardless of the existence of primary structure. Any SES installation not able to comply with the conditions established herein will require a Special Use Permit

A zoning permit application shall be submitted to the Zoning Administrator, with a written plan and a drawing for the proposed Solar Energy System also submitted with the permit application. The drawing must show the location of the system on the building or on the property (for ground-mount system, show arrangement of panel), with all property lines and setback dimensions indicated on the drawing. Additional information shall be provided to demonstrate compliance with the following restrictions:

(1) Height.

- a. Building or roof-mounted Solar Energy Systems shall not extend more than 5'-0" beyond the maximum allowed height for principal structures in any zoning district. Systems shall be flush mounted where possible, and shall not extend beyond 3'-0" parallel to the surface of a pitched roof.
- b. Ground- or pole-mounted Solar Energy Systems shall not exceed the maximum permitted height for an accessory structure when oriented at maximum tilt.

(2) Setbacks.

- a. Ground-mounted Solar Energy Systems shall meet the applicable setbacks for the zoning district in which the unit is located when oriented at minimum design tilt.

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- b. Ground-mounted Solar Energy Systems shall not be located within any recorded easements and shall not be located within the front or corner side yard.
 - c. In addition to building setbacks, the collector surface and mounting devices for roof-mounted systems shall not extend beyond the exterior perimeter of the building on which the systems are mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar thermal systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
- (3) *Reflection angles.* Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- (4) *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.
- (5) *Safety.*
- a. Roof- or building-mounted 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.
 - b. Roof- or building-mounted Solar Energy Systems shall meet the requirements of the Village of Roscoe and Winnebago County regarding building regulations.
 - c. All Solar Energy System installations shall be performed by a qualified solar installer.
 - d. Any connection to the public utility grid shall be inspected by the appropriate public utility.
 - e. All Solar Energy Systems shall be maintained and kept in good working order. If it is determined that a Solar Energy System is not being maintained, kept in good working order, or is no longer being utilized to perform its intended use for six consecutive months, the property owner shall be given a 30-day notice for removal or repair of the unit and all equipment. If the Solar Energy System is not removed or repaired within 30 days, then a notice of violation and a notice to appear before the Village Hearing Officer or Winnebago County Court as an ordinance violation shall be delivered to the property owner.
- (6) *Approved solar components.* Electric solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have a Solar Rating and Certification Corporation (SRCC) rating.
- (7) *Restrictions on Solar Energy Systems limited.* No homeowner's agreement, covenant, common interest community or other contracts between multiple property owners within a subdivision incorporated in the Village of Roscoe shall prohibit or restrict homeowners from installing Solar Energy Systems.
- (d) As a Primary Use. Community Solar Farm/Gardens.** Development of community scale solar gardens is allowed as a permitted use in the IH and IG zoning districts, and as a Special Use in the IL, CH, and CG zoning districts subject to the following requirements:
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- (1) *Rooftop gardens permitted.* Rooftop gardens are a special use in all zoning districts where buildings are permitted.
 - (2) *Ground mount gardens.* Ground mounted community Solar Energy Systems must be sized appropriately for the scale of the development with respect to the total MWac generated. An estimated size for development of Community Scale of seven acres per MWac generated. Projects generating in excess of 5.0 MWac shall be considered Commercial/Utility Scale developments.
 - (3) *Interconnection.* An interconnection agreement must be completed with the electric utility in whose service the territory the system is located.
 - (4) *Dimensional standards.* All solar garden-related structures in newly platted and existing platted subdivisions shall comply with the applicable setback, height, and coverage limitations for the district in which the system is located.
 - (5) *Other standards.*
 - a. Ground mount systems shall comply with all required standards for structures in the district in which the system is located.
 - b. When applicable, community solar gardens shall comply with all Village of Roscoe procedures regarding review and approval of Special Use permits.
 - c. All solar gardens shall also comply with all other State and local requirements.
 - (6) *LOT Coverage.* For the purpose of determining Lot Coverage as established in Zoning Bulk Standards, SES developments shall be evaluated by the finished ground surface. It is recommended that all SES be established with a vegetation below all panels and equipment, creating a pervious surface.
 - (7) *Submittal Requirements.* For Community Gardens developed as either a Permitted or Special Use, the following information shall also be submitted as part of the application and/or the following restrictions shall apply:

Site plan—Existing conditions. 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. Established front, side, and rear yard setbacks, and any recorded easements.
 - c. Existing public and private roads, showing widths of the road and any associated easements.
 - d. Existing buildings and impervious surfaces.
 - e. A contour map showing topography at two-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. Surface water drainage patterns.
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- i. The location of any subsurface drainage tiles.

Site plan—Proposed conditions. A site plan of proposed conditions showing the following:

- a. Location and spacing of the solar panels.
- b. Location of access roads.
- c. Location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
- d. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
- e. Screening. The Village may require screening utilizing fencing, landscaping, or combination of both where it determines there is clear community interest in either screening an objectionable view or maintaining a desirable viewshed.

Fencing and weed/grass control.

- a. To promote and maintain the absorption of stormwater, a pervious softscape shall be installed under and around the solar array.
- b. The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The operating company or successor during the operation of the solar farm shall adhere to the weed/grass control plan.
- c. Perimeter fencing having a maximum height of 8'-0" 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. Chain link fencing shall be polymer (vinyl) coated/bonded in either a green or black color. Alternate color selections may be submitted for review and approval by Village
- d. The applicant shall maintain the fence and adhere to the weed/grass control plan. If the operating company does not adhere to the proposed plan, a fine of \$500.00 per week will be assessed until the operating company or successor complies with the weed/grass control and fencing requirements.

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 had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of 12 months, it will be deemed nonoperational and decommissioning and removal of that facility will need to 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. The decommissioning cost shall be made by a cash, surety bond or irrevocable letter of credit before construction commences. Further, a restoration plan shall be provided for the site with the application. The decommissioning plan shall have the following provided:

- a. Removal of the following within six months:

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1. All solar collectors and components, aboveground improvements and outside storage.
 2. Foundations, pads and underground electrical wires and reclaim site to a depth of four feet below the surface of the ground.
 3. Hazardous material from the property and dispose in accordance with Federal and State law.
- b. The decommissioning plan shall also recite an agreement between the applicant and the Village that:
1. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Village of Roscoe
 2. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
 3. The Village shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six months of the end of project life or facility abandonment.
 4. The Village is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 5. The Village is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Village's right to seek reimbursement from applicant or applicant successor 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.

Compliance with Building Code. All Solar Energy Systems shall comply with the ordinances of the Village of Roscoe and Winnebago County, as well as all Federal and State requirements.

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 of Roscoe as an additional insured with limits of at least \$2,000,000.00 per occurrence and \$5,000,000.00 in the aggregate with a deductible of no more than \$5,000.00.

(e) As a Primary Use. Commercial/large scale solar farm (SES). Ground mount Solar Energy Systems that are the primary use of the lot, and are designed for providing energy to off-site uses or export to the wholesale market require a Special Use, and shall be permitted with such Special Use only in the Industrial Districts (IL, IG, IH). The following information shall also be submitted as part of the application and/or the following restrictions shall apply:

- (1) *Site plan—Existing conditions.* 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. Established front, side, and rear yard setbacks, and any recorded easements.

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- c. Existing public and private roads, showing widths of the road and any associated easements.
 - d. Location and size of any abandoned wells or sewage treatment systems.
 - e. Existing buildings and impervious surfaces.
 - f. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.
 - g. Existing vegetation — list type and percent of coverage (i.e., cropland/plowed fields, grassland, wooded areas, etc.).
 - h. Any delineated wetland boundaries.
 - i. A copy of the current FEMA FIRM maps that shows the subject property, including the 100-year floor elevation and any regulated flood protection elevation, if available.
 - j. Surface water drainage patterns.
 - k. The location of any subsurface drainage tiles.
- (2) *Site plan—Proposed conditions.* A site plan of proposed conditions showing the following:
- a. Location and spacing of the solar panels.
 - b. Location of access roads.
 - c. Location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
 - d. New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.
 - e. Screening. The Village may require screening utilizing fencing, landscaping, or combination of both where it determines there is clear community interest in either screening an objectionable view or maintaining a desirable viewshed.
- (3) *Fencing and weed/grass control.*
- a. To promote and maintain the absorption of stormwater, a pervious softscape shall be installed under and around the solar array.
 - b. The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The operating company or successor during the operation of the solar farm shall adhere to the weed/grass control plan.
 - c. Perimeter fencing having a maximum height of 8'-0" 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. Chain link fencing shall be polymer (vinyl) coated/bonded in either a green or black color. Alternate color selections may be submitted for review and approval by Village.
 - d. The applicant shall maintain the fence and adhere to the weed/grass control plan. If the operating company does not adhere to the proposed plan, a fine of \$500.00 per week
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will be assessed until the operating company or successor complies with the weed/grass control and fencing requirements.

- (4) *Manufacture's specifications.* The manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.
- (5) *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.
- (6) *Setbacks.* Commercial/large scale solar farm (SES) ground-mounted Solar Energy Systems shall meet the applicable setbacks for the zoning district in which the unit is located.
- (7) *Aviation protection.* For Solar Energy Systems 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.
- (8) *Fire protection.* A fire protection plan for the construction and the operation of the facility, and emergency access to the site.
- (9) *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.
- (10) *Road use agreements.* All routes on public 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 Roscoe or other applicable authority. The solar farm developer shall complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The development shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the Village or the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by Village Engineer when warranted.
- (11) *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 had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of 12 months, it will be deemed nonoperational and decommissioning and removal of that facility will need to 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 and submitted to the Village Engineer for review and approval. 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 made by a cash, surety bond or irrevocable letter of credit before construction commences.

Further, a restoration plan shall be provided for the site with the application. The decommissioning plan shall have the following provided:

- a. Removal of the following within six months:
 1. All solar collectors and components, aboveground improvements and outside storage.
 2. Foundations, pads and underground electrical wires and reclaim site to a depth of four feet below the surface of the ground.
 3. Hazardous material from the property and dispose in accordance with Federal and State law.
 - b. The decommissioning plan shall also recite an agreement between the applicant and the Village that:
 1. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Building Inspections/Development Director.
 2. A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
 3. The Village shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six months of the end of project life or facility abandonment.
 4. The Village is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 5. The Village is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Village's right to seek reimbursement from applicant or applicant successor 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.
- (f) *Compliance with Building Code.* All Solar Energy Systems shall comply with the ordinances of the Village of Roscoe and Winnebago County, as well as all Federal and State requirements.
- (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 of Roscoe as an additional insured with limits of at least \$2,000,000.00 per occurrence and \$5,000,000.00 in the aggregate with a deductible of no more than \$5,000.00.
- (h) *Administration and enforcement.* The Village of Roscoe Code Enforcement Officer shall enforce the provisions of this Section through an inspection of the solar farm every year. The Director of Building Inspections 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 cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this Section may face fines of not less than \$25.00 nor more than \$750.00 for each offense.

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- (i) *Fees charged for zoning permits.* The fees for processing the applications for building permits for Solar Energy Systems shall be collected by the Director of Building Inspections who shall be accountable to the Village for such fees as follows:

Building Permit Fees for Solar Energy Systems

As an Accessory Use	\$ 50.00
As A Primary Use: Community Scale	\$350.00
As a Primary Use: Commercial/Utility Scale	\$500.00