

**CITY OF FREEPORT
STEPHENSON COUNTY, ILLINOIS
ORDINANCE NO. 2018-40**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES
OF THE CITY OF FREEPORT REGARDING THE REGULATION AND ZONING OF
SOLAR ENERGY SYSTEMS**

AMENDS:

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|--|--|
| Chapter 1240 - General Provisions and
Definitions
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District
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| Chapter 1248 – Agricultural Districts
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[ADDED IN ITS ENTIRETY] |
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OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF FREEPORT, ILLINOIS
THIS ____ DAY OF _____, 2018**

**Published in pamphlet form by authority of the
City Council of the City of Freeport, Stephenson County, Illinois,
this ____ day of _____, 2018.**

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES
OF THE CITY OF FREEPORT REGARDING THE REGULATION AND ZONING OF
SOLAR ENERGY SYSTEMS**

ORDINANCE NO. 2018-40

WHEREAS, the City of Freeport, Illinois (“City”) has Codified Ordinances of the City (the “Code”); and

WHEREAS, pursuant to authority granted by Illinois Law, the City of Freeport has enacted zoning regulations governing the use of property within the corporate limits of the City; and

WHEREAS, the City desires to encourage the orderly development of solar energy systems, without the need for unduly burdensome procedures; and

WHEREAS, pursuant to all due notice required by law, a public hearing was held by the Planning Commission regarding said Application on June 13, 2018 at 6:30pm; and

WHEREAS, after hearing all evidence presented, the Planning Commission recommended, by a vote of _____, the enactment of the Amendments to the Zoning Code set forth herein; and

WHEREAS, the City Council believes that enacting the Text Amendments set forth herein will encourage the growth of renewable energy sources within the City, while ensuring that such growth takes place in a manner which is in keeping with community standards and preserves the public health and safety of the City's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS AS FOLLOWS:

Section 1. The above-recitals are incorporated herein and made a part hereof.

Section 2. Section 1240.06 of Chapter 1240 of the Codified Ordinances (General Provisions and Definitions) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1240 remain unaffected hereby:

1240.06 DEFINITIONS

...

(2) ACCESSORY BUILDING OR USE.

...
B. An "accessory use" includes, but is not limited to, the following:

...
11. Carports; ~~and~~

12. Public utility facilities, such as telephone, electric, gas, water and sewer lines, their supports and incidental equipment; and

13. Solar Canopies.

...

(77) LOT . A parcel of land legally described as a distinct portion or piece of land of record.

(a) LOT, REAR. The portion of a Lot which is located between the outer wall of the primary structure situated closest to the Rear Lot Line, and the Rear Lot Line.

(b) LOT, FRONT. The portion of a Lot which is located between the outer wall of the primary structure situated closest to the Front Lot Line, and the Front Lot Line.

...

(164) PV ARRAY – An array of photovoltaic panels mounted in a closely placed arrangement. For purposes of coverage, the area of a PV Array shall be deemed to include all space between panels, and the edge of the array shall be treated as a line around the outermost edges of the outermost panels in the array, connected in a fashion which creates a polygon with no inner angles in excess of 180 degrees.

(165) PHOTOVOLTAIC PANEL – A single panel comprised of multiple semiconductor cells which converts light into electrical current through photovoltaic effect.

(166) REFLECTOR APPARATUS – A design element of a Solar Energy System which reflects sunlight toward a collection apparatus, such as a PV Array or individual Photovoltaic Panel for the purpose of increasing the amount of sunlight received.

(167) SOLAR ENERGY SYSTEM - A system which provides for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating through the use of photovoltaic panels or film or solar thermal panels, and includes all associated control, monitoring, and conversion electronics such as power inverters and battery storage units.

(168) PV ARRAY – GROUND MOUNTED – A PV Array which is structurally mounted and anchored to the ground. May be fixed-mount or tracking.

(169) PV ARRAY – ROOF MOUNTED – A PV Array which is affixed to the roof of a building or other structure using structural mounting points or a suitable ballasted system.

(170) PV ARRAY – BUILDING MOUNTED – A PV Array which is structurally mounted to a building or other structure in a manner other than affixing panels to a rooftop, including, but not limited to, canopies or facade systems.

(171) PV ARRAY – BUILDING INTEGRATED – A PV Array which is directly affixed to a building and functions as the building's outer surface, such as a roof, wall, or siding.

(172) SOLAR CANOPY – A PV Array which is raised above the ground on structures designed to leave the surface beneath available for use for other purposes, such as vehicle

parking, and where the available space is designed for a use distinct from the collection of solar energy.

(173) SOLAR ENERGY SYSTEM – LARGE SCALE – A Solar Energy System with PV Arrays occupying more than one (1) acre of land and/or rooftop space.

(174) SOLAR ENERGY SYSTEM – MID SCALE - A Solar Energy System with PV Arrays occupying more than 4,000 square feet of land and/or rooftop space, but less than one (1) acre.

(175) SOLAR ENERGY SYSTEM – SMALL SCALE - A Solar Energy System with PV Arrays occupying less 4,000 square feet of land and/or rooftop space.

Section 3. Section 1248.01 of Chapter 1248 of the Codified Ordinances (A-1 Agricultural) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1248 remain unaffected hereby:

1248.01 PERMITTED USES.

The following uses are permitted in the A-1 Agricultural District:

...

(o) Solar Energy Systems of all types, in accordance with the provisions of Chapter 1477 of these Codified Ordinances

Section 4. Sections 1250.01 and 1250.05 of Chapter 1250 of the Codified Ordinances (Residence Districts) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1250 remain unaffected hereby:

1250.01 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(a) Permitted Uses. The following uses are permitted:

...

(9) Solar Energy Systems which do not utilize Ground Mounted PV Arrays ;

(10) Solar Energy Systems which utilize Ground Mounted PV Arrays in accordance with the provisions of Chapter 1477 of these Codified Ordinances which:

(i) Occupy less than the lesser of:

(A) Twenty five percent (25.00%) of the buildable area, excluding any required setbacks, of the Rear Lot of the property on which they are located, or

(B) 625 square feet; and

(ii) For which no part thereof exceeds ten feet (10') in height, at maximum tilt; and

(iii) Are located on the same lot as an existing residential structure.

(b) Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Chapter 1242:

...

(20) Small-Scale and Mid-Scale Solar Energy Systems utilizing Ground Mounted PV Arrays which are not otherwise permitted pursuant to Section 1250.01(a).

1250.05 R-5 TWO-FAMILY RESIDENCE DISTRICT.

(b) Special Uses.

...

(3) Large Scale Solar Energy Systems utilizing Ground Mounted PV Arrays.

Section 5. Section 1252.01 of Chapter 1252 of the Codified Ordinances (Business Districts) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1252 remain unaffected hereby:

1252.01 B1-1 RESTRICTED RETAIL BUSINESS DISTRICT.

(a) Permitted Uses. The following retail business and service uses are permitted, provided they are operated entirely within a building, except for off-street parking and loading facilities:

...

(64) Small Scale and Mid Scale Solar Energy Systems of all types, and Large Scale Solar Energy Systems utilizing only Roof Mounted PV Arrays, in accordance with the provisions of Chapter 1477 of these Codified Ordinances.

(b) Special Uses. The following uses may be allowed by special use permit:

...

(17) Large Scale Solar Energy Systems utilizing Ground Mounted PV Arrays.

Section 6. Section 1254.01 of Chapter 1254 of the Codified Ordinances (Manufacturing Districts) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1254 remain unaffected hereby:

1254.01 M-1 LIMITED MANUFACTURING DISTRICT.

(a) Permitted Uses. The following uses are permitted:

...

(9) Solar Energy Systems of all types, in accordance with the provisions of Chapter 1477 of these Codified Ordinances

Section 7. Sections 1256.01 and 1256.02 of Chapter 1256 of the Codified Ordinances (P-1 Professional Use District) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1256 remain unaffected hereby:

1256.01 PERMITTED USES.

The following uses are permitted:

...

(n) Small Scale and Mid Scale Solar Energy Systems of all types, and Large Scale Solar Energy Systems which do not utilize Ground-Mounted PV Arrays, in accordance with the provisions of Chapter 1477 of these Codified Ordinances.

1256.02 SPECIAL USES.

The following uses may be allowed by special use permit:

...

(i) Large Scale Solar Energy Systems utilizing Ground Mounted PV Arrays.

Section 8. Section 1258.01 of Chapter 1258 of the Codified Ordinances (H-1 Medical Use District) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1256 remain unaffected hereby:

1258.01 PERMITTED USES.

The following uses are permitted:

...

(e) Small Scale and Mid Scale Solar Energy Systems of all types, and Large Scale Solar Energy Systems which do not utilize Ground Mounted PV Arrays, in accordance with the provisions of Chapter 1477 of these Codified Ordinances.

Section 9. Section 1259.02 of Chapter 1259 of the Codified Ordinances (RR Riverfront Redevelopment District) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1259 remain unaffected hereby:

1259.02 PERMITTED USES.

The following uses are permitted:

...

(f) Solar Energy Systems which do not utilize Ground Mounted PV Arrays.

Section 10. Section 1260.02 of Chapter 1260 of the Codified Ordinances (F-1 Flood Plain District) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1260 remain unaffected hereby:

1260.02 PERMITTED USES.

The following uses are permitted:

...

(9) Solar Energy Systems of all types, in accordance with the provisions of Chapter 1477 of these Codified Ordinances

Section 11. Sections 1446.01 and 1446.06 of Chapter 1446 of the Codified Ordinances (Licensing of Commercial Contractors) are hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1446 remain unaffected hereby:

1446.01 COMMERCIAL CONTRACTOR DEFINED.

(a) As used in this chapter, "commercial contractor" means any person, firm or corporation who or which engages in, for profit, the business of providing labor and/or labor and materials for the construction, repair or maintenance of:

...

(7) Electrical wiring, fixtures, conduit, and other similar activities, whether within a structure or outdoors;

~~(7)~~(8) Other similar activities as determined by the Building Commissioner in accordance with the intent of this chapter.

1446.06 COMPLIANCE WITH CITY AND STATE LAWS.

No license shall be issued for the conduct of any trade, business or occupation, or the performance of any act, which would involve a violation of these Codified Ordinances, any other codes or ordinances of the City or any laws of the State. The Building Commissioner may require proof of a license or certification from relevant State or Federal Authorities as a condition to issuing any local permit, if such State or Federal Certification is deemed by the Building Commissioner to be required for the work proposed.

Section 12. Chapter 1477 - Solar Energy Systems is hereby ADDED IN ITS ENTIRETY to the Codified Ordinances as set forth in this Section. **Chapter 1477 – Solar Energy Systems**

1477.01 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.

It shall be unlawful to construct, maintain, or install a Solar Energy System in the City of Freeport except in compliance with the provisions of this Chapter.

1477.02 ADHERENCE TO DESIGN STANDARDS.

The general design and permitting standards applicable to all construction, maintenance, and repair work in the City of Freeport shall apply to the installation of a Solar Energy System, including, but not limited to, the current Mechanical and Electrical Codes. The provisions of this Chapter shall be deemed to be requirements in addition to said general standards. Provided, however, that where there is a conflict between the provisions of this Chapter and the provisions of another Chapter, the provisions set forth in this Chapter shall be deemed to supercede any such conflicting provision as it pertains to the installation, maintenance, or repair of a Solar Energy System.

1477.03 ROOF MOUNTED PV ARRAYS

- (a) In addition to the general design standards applicable to all installations of structural or electrical components in the City of Freeport, Roof Mounted PV Arrays shall further comply with the following design and installation requirements set forth in this Section.
- (b) No Roof Mounted PV Array shall be constructed in a manner which creates an increased risk of falling ice or snow, or which causes water to flow directly from any panel to ground level.
- (c) For purposes of this Section, a “pitched roof” shall be any roof with an angle of more than 12.00 degrees inclination as measured from the horizon. “Flat roof” shall be defined as any roof with angle of 12.00 degrees or lower.
- (d) Height and Angle Restrictions
 - (i) For pitched roof installations:
 - (A) The highest edge of a PV Array mounted on a pitched roof shall not exceed the height of the ridge of the roof section upon which the PV Array is installed.
 - (B) No panel shall be installed more than ten inches (10”) above, as measured perpendicular to the pitch, the existing roof surface.
 - (C) All panels shall be installed at an angle which does not differ from the angle of the roof pitch by more than five degrees (5%) when measured against the horizon.
 - (D) All PV Arrays shall be mounted or affixed directly to a truss or support beam, and shall not be secured to the roof using only a decking anchor or mount.
 - (ii) For flat roof installations:

(A) The highest edge of a PV Array mounted on a flat roof shall not exceed fifteen feet (15') beyond the existing roofline. The height of a PV Array shall not be included in the height of the building for purposes of computing the height of a flat roof building.

(B) Non-ballasted Roof Mounted PV Arrays shall be mounted or affixed directly to a truss or support beam, and shall not be secured to the roof using only a decking anchor or mount.

(C) Ballasted Roof Mounted PV Arrays may be used provided that the structure on which they are to be located is structurally sufficient to support the added load stresses, including dead load, wind load, and rain/snow loads.

(e) Setbacks and Pathways. All Roof Mounted PV Arrays shall observe setbacks and provide structurally supported, unobstructed pathways in accordance with this subsection.

(i) Pitched Roof Installations - Large. Where the total coverage of a PV Array exceeds 1,000 square feet on any building with a pitched roof:

(A) No collector panel or mounting device shall extend closer than thirty six inches (36") to the edge of the roof as measured from the the nearest edge of the roof to the solar array or mounting apparatus.

(B) An unobstructed walkway from eave to ridge no less than thirty six inches (36") shall be provided at regular intervals of no more than seventy five feet (75') if any PV Array exceeds one hundred feet (100') in length as measured parallel to the nearest ridgeline.

(C) A minimum of a eighteen inch (18") unobstructed pathway shall be maintained along each side of any ridge or valley (total 36" minimum width) and around any roof-mounted equipment, not including passive air vents.

(ii) Pitched Roof Installations – Small. Where the total coverage of a PV Array does not exceed 1,000 square feet on any building with a pitched roof:

(A) If the total coverage area of the PV Array is less than twenty-five percent (25.00%) of the total area of the roof area of the structure, a minimum of a twelve inch (12") unobstructed pathway shall be maintained along any horizontal ridge, and along any roof edge as measured from the nearest edge of the roof to the solar array or mounting apparatus.

(B) If the total coverage area of the PV Array is twenty-five percent (25.00%) or more of the total area of the roof area of the structure, a

minimum of a twelve inch (12”) unobstructed pathway shall be maintained along any horizontal ridge, and along any roof edge as measured from the nearest edge of the roof to the solar array or mounting apparatus. A minimum thirty six inch (36”) unobstructed pathway shall be provided from ridge to eave on any roof face on which a PV Array is installed.

(iii) Flat Roof Installations - On any building with a flat roof:

(A) No collector panel or mounting device shall extend closer than thirty six inches (36”) to the edge of the roof as measured from the the nearest edge of the roof to the solar array or mounting apparatus.

(B) No collector panel or mounting device shall be placed closer than thirty six inches (36”) from any roof-mounted equipment.

(C) Any PV Array exceeding 4,000 square feet in area shall provide unobstructed pathways of no less than thirty six inches (36”) at regular intervals of no more than fifty feet (50').

(f) Historic Buildings. No Roof Mounted PV Array shall be installed on any building or structure which has been designated as a historic landmark, or is located in a Historic district, unless a Certificate of Appropriateness is first obtained from the Building Commission pursuant to the procedures set forth in Section 1475.14 of these Codified Ordinances.

1477.04 GROUND MOUNTED PV ARRAYS

(a) In addition to the general design standards applicable to all installations of structural or electrical components in the City of Freeport, Ground Mounted PV Arrays shall further comply with the following design and installation requirements set forth in this Section.

(b) Height Restrictions. No portion of a Ground Mounted PV Array shall be taller than fifteen feet (15') when measured from the ground to the highest point of a panel, at the highest angle of tilt, unless otherwise further limited by specific site requirements or Section 1250.01(a)(10):

(c) Setbacks and Pathways. No Ground Mounted PV Array shall be mounted within any required front, side, or rear yard. No pathways shall be required except as required for general maintenance of panels.

(d) Drainage. No Ground Mounted PV Array shall be constructed in a manner which increases drainage flow to any adjacent property. If it appears to the Community Development Director that there is a risk of increased outflow from the property by reason of the installation of a Ground Mounted PV Array, or any impermeable or semipermeable foundation used therefor, the Community Development Director may, at his or her discretion, require the installation and maintenance of appropriate

groundcover or detention areas to mitigate any such risk. If the applicant provides a written report from a qualified professional engineer which indicates that the proposed installation will not increase water flow rates from the applicant's property, this requirement shall be deemed satisfied for purposes of issuance of the permit only.

- (e) Historic Districts. No Ground Mounted PV Array shall be installed in a Historic District unless a Certificate of Appropriateness is first obtained from the Building Commission pursuant to the procedures set forth in Section 1475.14 of these Codified Ordinances.
- (f) Solar Canopies. A Solar Canopy shall not be deemed a Ground-Mounted PV Array for purposes of these Ordinances.

1477.05 BUILDING MOUNTED PV ARRAYS.

- (a) Building Mounted PV Arrays which are mounted parallel with a wall of a building or structure shall be installed and regulated in the same manner as marquees, pursuant to Chapter 1454 of these Codified Ordinances.
- (b) Building Mounted PV Arrays which are not mounted flush to, or parallel with, a wall of a building or structure shall be installed and regulated in the same manner as canopies, pursuant to Chapter 1454 of these Codified Ordinances.

1477.06 BUILDING INTEGRATED PV ARRAYS.

Building Integrated PV Arrays which are mounted in direct contact with a wall or rooftop of a building, and affixed directly thereto, shall be treated as part of the structure, constituting a building facade, siding or roofing material, as the case may be, and shall be installed and regulated in the same manner as other design or structural elements generally.

1477.07 PERMIT APPLICATIONS.

A permit application requested pursuant to this Chapter shall contain at minimum the following information, plus any such additional information as may be required for Mid Scale and Large Scale solar energy Systems as provided for in Sections 1477.08 and 1477.09.

- (a) Name and address of the applicant;
- (b) Name(s) and address(es) of owner(s) of proposed site;
- (c) For Small Solar Energy Systems, a detailed sketch, generally to scale, of the entire lot, including any buildings and accessory structures, applicable setbacks, adjacent roadways and showing the location of all planned PV Arrays;
- (d) The manufacturer, type and nameplate capacity of all photovoltaic panels to be used in the project;

- (e) Total nameplate capacity of the Solar Energy System;
- (f) An indication of whether the applicant has obtained an interconnection agreement with the appropriate regional transmission organization, whether the electricity will be distributed privately, or whether the electricity will be consumed on site;
- (g) Types of mounts to be used (fixed or tracking);
- (h) The maximum height of panels at maximum inclination as mounted;
- (i) Type of groundcover to be utilized for any Ground Mounted PV Array;
- (j) Name of installer;

1477.08 ADDITIONAL PROVISIONS APPLICABLE TO MID SCALE SOLAR ENERGY SYSTEMS.

Mid Scale Solar Energy Systems shall comply with the provisions of this Section, in addition to the provisions pertaining to Solar Energy Systems and PV Arrays generally. Provided, the provisions of this Section shall only be applicable to Mid Scale Solar Energy Systems and Large Scale Solar Energy Systems.

- (a) If the owner of the Solar Energy System is not the owner of the parcel on which it will be situated:
 - (i) A copy of the executed lease shall be provided at the time of application. Said lease may provide redacted provisions concerning the amount of rents to be paid;
 - (ii) If not contained in the lease, a proposed decommissioning plan for the removal of all PV Arrays and related equipment upon cessation of use shall be provided;
 - (iii) The permit application shall be co-signed by the owner of the parcel on which the Solar Energy System is to be located.
- (b) The building permit application shall include, in addition to the information required by Section 1477.07, the following information
 - (i) A detailed, correct-to-scale site plan indicating:
 - (1) The location and size of all proposed PV Arrays (an outline shall suffice);
 - (2) Location of any property lines within the project boundaries;
 - (3) Location of any proposed buildings or ancillary structures; and
 - (4) Location of all relevant setbacks;

- (5) Location of any easements for ingress, egress, drainage, stormwater detention or otherwise;
 - (6) The location and name of adjacent roadways;
 - (7) All proposed points of vehicular ingress and egress;
 - (8) Location and type of any proposed landscape screening;
 - (9) Any proposed changes to grade or elevation;
 - (10) Location of all power inverters, control units, and other electrical equipment;
 - (11) Location of substation, if any;
 - (12) Point of grid interconnection, if any;
 - (13) Location of transmission lines, both existing and proposed;
 - (14) Location of any occupied buildings within the project area or on any adjacent properties located within two hundred feet (200') of any project area boundary;
 - (15) Location and type of lighting;
 - (16) Location, height, and type of any fencing.
- (ii) Contact information for the project manager or site supervisor;
 - (iii) Plans, if any, for traffic control and/or requested roadway closures during construction.
 - (iv) The expected dates for start and completion of construction.
 - (v) A written report from a qualified professional engineer which indicates that the proposed installation will not increase water flow rates from the applicant's property;
 - (vi) If any portion of the proposed site is within five hundred feet (500') of an airport, or is located within an identified Runway Protection Zone (RPZ), a Solar Glare Hazard Analysis Tool (SGHAT) report consistent with the FAA's then-current policy on solar energy projects.
 - (vii) A plan for operation and maintenance of the Solar Energy System, setting forth, at a minimum, the following:
 - (A) Measures for maintaining safe and secure access to the site;
 - (B) General procedures for operational maintenance of the site; and
 - (C) Stormwater management plans;
- (c) Any equipment necessary to the regulation, storage or control of electricity shall be enclosed in a primary building or accessory structure, unless otherwise required to be exposed to view for purposes of compliance with applicable code provisions or by interconnection or metering requirements imposed by any public utility.

(d) No additional overhead power lines shall be permitted to be installed. If additional power lines are needed for grid connection, the installation shall be underground only.

(e) Perennial vegetation, consisting of grasses and wildflowers native to the region, shall be maintained at all times as ground cover beneath any Ground Mounted PV Arrays.

1477.09 ADDITIONAL PROVISIONS APPLICABLE TO LARGE SCALE SOLAR ENERGY SYSTEMS.

Large Scale Solar Energy Systems shall comply with the provisions of this Section, as well as the provisions of Section 1477.08 applicable to Mid Scale Solar Energy Systems and the provisions pertaining to Solar Energy Systems and PV Arrays generally. Provided, the provisions of this Section shall only be applicable to Large Scale Solar Energy Systems.

(a) The permit application shall contain, at a minimum, the following:

- (i) All items required to be submitted as part of the permit application for Mid Scale Solar Energy Systems as set forth in Section 1477.07 and 1477.08.
- (ii) A statement of the date and location of the planned meeting required under subsection (c) of this Section 1477.09, which date shall be not less than seven (7) days, nor more than sixty (60) days after the date of filing the application.
- (iii) If the proposed site is more than five (5) acres, an Ecological Compliance Assessment Tool (EcoCAT) report from the Illinois Department of Natural Resources conducted within two (2) years prior to the filing of the application, indicating that there are no threatened or endangered species or natural areas in the vicinity of the project, or, if so, that adverse effects are unlikely pursuant to the proposed site plan or other measures taken to address concerns raised by the consultation;
- (iv) A plan for operation and maintenance of the Solar Energy System, setting forth, at a minimum, the following:
 - (A) Measures for maintaining safe and secure access to the site;
 - (B) General procedures for operational maintenance of the site;
 - (C) An emergency response plan, approved by the City Fire Chief;
 - (D) Stormwater management plans;
 - (E) Landscape maintenance plans and arrangements; (F) On-site staffing, if applicable.
- (v) A decommissioning plan for removal of all PV Arrays and equipment upon cessation of operations, indicating the party financially responsible for such removal.

(b) A public meeting shall be held by the applicant prior to the approval of any application for the construction of a Large Scale Solar Energy System, in accordance with the provisions of this Section:

- (i) The meeting shall be held at a suitable location with the corporate limits of the City of Freeport.
- (ii) All owners of property directly adjacent to the property on which the Large Solar Energy System is to be constructed shall be provided notice of the meeting in the form required by subsection (iv) hereof, via certified mail, return receipt requested, addressed to the owner of each such property as indicated upon the Stephenson County Assessor's records as of the date of mailing, at the address so indicated for such persons, of the date and time of the meeting. A copy of said notice shall also be provided to the Community Development Director. The applicant shall provide all original certified mail receipts to the Community Development Director upon receipt.
- (iii) In addition to the mailed notice required under subsection (b)(ii) above, a notice shall published no less than one (1) time in a newspaper of general circulation within the City of Freeport in the form required by subsection (b)(iv).
- (iv) The notice required by this Section shall be in substantially the following form:

YOU ARE HEREBY NOTIFIED that [Applicant] is requesting the issuance of a building permit for the construction of a Solar Energy System exceeding one acre in total coverage, at [Address of Site]. A meeting to present discuss the site plan and provide an opportunity for public comment will be held at [Location of Meeting], at [Date and Time of Meeting]. THIS WILL BE YOUR ONLY OPPORTUNITY TO PRESENT CONCERNS OR OBJECTIONS TO THE PROJECT.

- (v) At the time and place of the meeting, the applicant (or an appropriate representative thereof if applicant is a business entity) shall be present and provide a detailed explanation of the proposed project, which shall include, at a minimum:
 - (A) A copy of a completed Permit Application, including a full-sized site plan, in the form and containing all of the information required for the permit application by Section 1477.09(a), available for review by attendees for a reasonable time before and after the meeting.
 - (B) An opportunity for attendees to ask questions, and answers thereto provided in a meaningful and informative manner.

- (C) Contact information for the applicant, or applicant's representative responsible for public inquiries, for the purpose of registering concerns or issues regarding construction, maintenance, or operations.
- (D) Contact information for the Community Development Director.

1477.08 PERMIT REVIEW.

The Community Development Director, or his or her designee, shall review the permit application, all supporting documentation, and comments, if any provided by adjoining landowners at the meeting required hereby, if applicable.

- (a) If an application is complete, and all applicable requirements of this Chapter are met, including, but not limited to, applicable Electrical and Building codes, the Community Development director shall promptly issue a permit for the construction of the facility in accordance with the application. Provided, that if the Community Development director, in his or her reasonably exercised discretion, believes that any portion of the application is incomplete, or any element thereof is deemed deficient in terms of compliance with accepted trade practices or the interests of public safety, the Community Development director may deny the application, subject to the provisions of subsection (b) of this Section.
- (b) In the event the Community Development director denies any application, the Community Development director may either deny the application outright, or in the alternative, may require alterations or additions to the proposed site plan or application to address any such issues. In either such case, the Community Development Director shall provide written findings indicating the reasons for the denial, and the revisions or remedies to the proposed installation, if any, which he or she deems necessary in order to allow a permit to issue.
- (c) Any decision to approve or deny an application, or requiring modifications to the site plan as a condition to approval, shall be provided in writing to the applicant within fourteen (14) days of (a) submission of the completed application or (b) the date of the public meeting required if by Section 1477.07(c) in the case of a Large Scale Solar Energy System.
- (d) If the applicant does not agree with any finding or condition imposed by the Community Development Director, the applicant may appeal the decision of the Community Development Director in the manner provide for appeals of permit denials generally under these Codified Ordinances. Provided, that any application which is complete shall be presumed valid for purposes of any appeal, and the burden shall be on the Community Development Director to show by a preponderance of the evidence that the proposed installation, or a component thereof, is not in accordance with accepted trade practices or will create a danger to the public health or safety.

1477.09 OPERATIONS.

(a) Solar Energy Systems shall be operated in conjunction with all health and safety regulations applicable to other properties with the corporate limits of the City of Freeport.

(b) The operator of a Solar Energy System shall be responsible to take all reasonably necessary steps to ensure public health and safety as it pertains to any electrical connections, transmission lines, or equipment located upon or adjacent to, any public right of way or easement.

(c) Any PV Array which has not been utilized for more than one (1) year, shall be removed, along with any mounting hardware, any below-grade foundations, and exposed wiring, at the expense of the landowner on which the PV Array is located. This provision shall apply regardless of any cost shifting provision contained in a contract between the property owner and the operator of the Solar Energy System concerning decommissioning.

(d) With respect to Mid Scale Solar Energy Systems and Large Scale Solar Energy Systems, the operator shall:

- (1) Control access to the property, by persons and/or wildlife, in order to prevent any public nuisance or hazard to public health and safety;
- (2) Provide access to the project area by emergency management and law enforcement personnel at all times;
- (3) Ensure that any approved lighting is maintained in operating condition.

1477.10 SOLAR ACCESS.

In order to preserve access to solar resources by all residents, the following provisions restrict the construction of structures on adjacent lots which may cause a significant decrease in the amount of available sunlight to a particular lot.

(A) Solar Access Areas. Two (2) solar access areas are hereby established as defined below. The purpose of dividing the City into solar access areas is to provide solar access protection for each area of the City consistent with planned densities, topography and lot configurations and orientations.

(1) Solar Access Area I (SA-1) - SA-1 is designed to protect solar access principally for residential areas where, because of planned density, topography or lot configurations or orientations, the preponderance of lots therein currently enjoy such access and where solar access of this nature would not unduly restrict permissible development. SA-1 includes all property in all Residential (R1 through R-6), Professional Use (P-1), and Agricultural (A-1) Districts.

(2) Solar Access Area II (SA-2) – SA-2 is designed to protect solar access principally for rooftops in areas where, because of planned density, topography or lot configuration or orientation, the preponderance of lots therein currently

enjoy such access and where solar access of this nature would not unduly restrict permissible development. SA-2 includes all property not included in SA-1.

(B) Solar Access Protection:

(1) Solar Fence: A solar fence is hereby hypothesized for each lot located in the City. Each solar fence completely encloses the lot in question, and its foundation is contiguous with the lot lines. Such fence is vertical, is opaque and lacks any thickness. Said concept shall be applied to all calculations required by this Section. The term “solar fence” as used throughout this Section shall refer to such hypothetical fence specifically as described in this subsection.

(2) No person shall erect an object or structure on any other lot that would shade a protected lot in SA-1 to a greater degree than the lot would be shaded by a solar fence twelve feet (12') in height, between two hours before and two hours after local solar noon on a clear winter solstice day.

(3) No person shall erect an object or structure on any other lot that would shade a protected lot in SA-2 to a greater degree than the lot would be shaded by a solar fence twenty-five feet in height, between two hours before and two hours after local solar noon on a clear winter solstice day.

(4) Maximum Height: Notwithstanding anything to the contrary contained herein, nothing in this Section prevents a structure in SA-1 from being erected up to a height of twenty five feet, or a structure in SA-2 from being erected up to a height of thirty-five feet, if located within the allowed buildable area of the lot.

(5) Any application for a variance of any requirement of this Section shall include, in addition to the requirements for variations generally as set forth in these Codified Ordinances, the following:

- (i) A graphic representation showing the shadows that would be cast by the proposed structure between two hours before and two hours after local solar noon on a clear winter solstice day;
- (ii) The solar fences on all lots that the shadows would touch;
- (iii) All possible obstructions of solar access protected by permit; and (iv) Provide additional information as may be required by the Community Development director.

(6) Existing Structures: A structure in existence on the date of establishment of an applicable solar access area, or structures and vegetation in existence on the date of issuance of an applicable solar access permit, are exempt from the application of this section. For purposes of this section, structures are deemed to be in existence on the date of issuance of a development permit authorizing its construction.

(7) Temporary Solar Obstructions: Unavoidable temporary obstructions of protected solar access necessitated by construction activities or other necessary

and lawful purposes are exempt to the extent that they do not exceed ten (10) days in any three (3) month period and thirty (30) days in any year.

(8) Solar Analysis: When a solar analysis is required for any review process, it shall be prepared in compliance with the methods described in materials provided by the Community Development director.

1477.11 LICENSED CONTRACTORS.

No work shall be performed on any Solar Energy System, nor any component thereof, by any person who is not a licensed Commercial Contractor in the City of Freeport, as defined by Section 1446.01 of these Codified Ordinances.

Section 13. Section 1268.02 of Chapter 1268 of the Codified Ordinances (Supplemental Regulations) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1268 remain unaffected hereby:

1268.02 LOT COVERAGE.

...

(k) PV Arrays. With respect to PV Arrays as defined in Section 1240.06(164), the following provisions shall apply:

(1) Ground Mounted PV Arrays shall not be deemed buildings or accessory buildings for any purposes hereof; and

(2) Ground Mounted PV Arrays shall not be allowed as obstructions in any required yard.

Section 14. Section 1262.03 of Chapter 1262 of the Codified Ordinances (Off-Street Parking and Loading) is hereby amended as follows (additions shown as underlines and deletions as strikethroughs). The remainder of the Sections in Chapter 1262 remain unaffected hereby:

1262.03 USE OF PARKING FACILITIES; NUMBER, SIZE, ETC.; DESIGN AND MAINTENANCE.

...

(h) Design and Maintenance.

(1) Open and enclosed parking spaces. Accessory parking spaces located on the same lot occupied by the use served may be open to the sky, covered by a carport or solar canopy, or enclosed in a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky, except when otherwise allowed as a special use.

Section 15. In all other respects, and except as expressly indicated above, the remaining text of each Section or Chapter referenced herein shall remain unchanged.

Section 16. This Ordinance shall be effective upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 17. This ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 18. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 19. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY A ROLL CALL VOTE OF THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS this _____ day of _____, 2018.

Dovie L. Anderson, City Clerk

YEAS: _____
NAYS: _____
ABSTAIN: _____
PRESENT: _____

APPROVED by the Mayor of the City of Freeport this _____ day of _____, 2018.

Jodi Miller, Mayor

Date Published:
Date Effective:

Approved as to form:

City Legal Counsel