VILLAGE OF LONG GROVE
ORDINANCE NO. 2013-O-__

AN ORDINANCE AMENDING THE LONG GROVE ZONING CODE REGARDING SOLAR AND GEOTHERMAL ENERGY SYSTEMS

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this __th day of _____, 2013

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ___th day of _____, 2013

VILLAGE OF LONG GROVE

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AN ORDINANCE AMENDING THE LONG GROVE ZONING CODE REGARDING SOLAR AND GEOTHERMAL ENERGY SYSTEMS

WHEREAS, the Long Grove Zoning Code (***"Zoning Code"***) regulates the development and use of land within the Village of Long Grove; and

WHEREAS, the Village President and Board of Trustees desire to encourage the responsible development and use of alternative sources of energy within the Village in conformance and harmony with the existing land development and use patterns of the Village; and

WHEREAS, in order to allow for the development and use of alternative energy sources in the Village while preserving the public health, safety, and welfare of the residents of the Village, the Village desires to amend the Zoning Code to adopt regulations governing the location, installation, operation, maintenance, and decommissioning of solar and geothermal energy systems in the Village (collectively, the ***"Proposed Amendments"***); and

WHEREAS, pursuant to notice duly published in the *Daily Herald*, the Long Grove Plan Commission/Zoning Board of Appeals ("***PCZBA***") conducted a public hearing on March 19, 2013 and continued until May 7, 2013, concerning the Proposed Amendments; and

WHEREAS, at the conclusion of the public hearing, the PCZBA made findings and recommended that the Board of Trustees adopt the Proposed Amendments, as set forth in this Ordinance; and

WHEREAS, having considered the findings and recommendations of the PCZBA, the President and Board of Trustees have found and determined that the adoption of the Proposed Amendments, as set forth in this Ordinance, is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are incorporated into and made part of this Ordinance by this reference.

SECTION TWO: Amendment of Title V of the Village Code. Chapter 9, entitled "District Regulations of General Applicability," of Title V, entitled "Zoning Regulations," of the Village Code is hereby amended to add a new Section 14, entitled "Solar and Geothermal Energy Systems," which Section 5-9-14 shall hereafter be and read as follows:

"5-9-14 SOLAR AND GEOTHERMAL ENERGY SYSTEMS

A. Purpose. The purpose of this Section 5-9-14 is to:

1. Establish reasonable and uniform regulations for the location, installation, operation and maintenance of Solar and Geothermal Energy Systems;

2. Assure that any development and production of solar and geothermal energy systems is safe and minimizes any potentially adverse effects on the community;

3. Promote the supply of sustainable and renewable energy resources, in support of national, state and local goals; and

4. Facilitate energy cost savings and economic opportunities for residents and businesses situated within the Village.

B. Solar Energy System Regulations. Solar Energy Systems are only allowed as authorized in this Section 5-9-14, and all Solar Energy Systems shall comply with the regulations set forth in this Section 5-9-14.

1. Compliance with Laws. All Solar Energy Systems shall comply with all applicable Village, state, and federal laws and regulations, including, without limitation, the provisions of this Section 5-9-14, this Code, and all applicable Village building ordinances and regulations.

2. Compliance with Permits. All Solar Energy Systems shall obtain and comply with all applicable permits pursuant to this Section 5-9-14, including, without limitation building and electrical permits, all conditions imposed by the Village as a condition of issuance of these permits shall be complied with.

3. Use and Energy Production Restrictions. The sole purpose of the Solar Energy System shall be the production of energy for local distribution and consumption on the property on which the Solar Energy System is located; provided, however, that excess energy produced by a Solar Energy System may be sold to a local electric utility company.

4. Interference with Utilities, Roads, and Neighboring Properties. No Solar Energy System shall be operated in a manner so as to interfere with any public right-of-way or any utility system in the Village, or so as to interfere with the reasonable use and enjoyment of any other property in the Village.

5. Engineering Requirements. Solar Energy Systems shall conform to all applicable industry standards, including, without limitation, the standards developed by the American National Standards Institute.

6. Building-Mounted Solar Energy Systems.

(a) Solar Energy System Permit Required. Building-mounted Solar Energy Systems are allowed as a permitted use in any zoning district, but only upon issuance of a Solar Energy System permit in accordance with the following:

(i) The owner of the property on which the Solar Energy System is proposed to be installed shall submit an application for building permits, as applicable, pursuant to Title 4 of the Long Grove Village Code. Such application shall include the Minimum Data Requirements identified in section 5-11-8(E)15 of this Code.

(ii) Upon receipt of a complete application pursuant to Title 4 of this Code, and upon a determination by the Village that the application and the proposed Building-Mounted Solar Energy System comply with the requirements set forth in this and the other applicable codes the Village shall issue permits for the Solar Energy System.

(b) Location.

(i) Solar Energy Systems may be mounted on the roof of a permitted principal or accessory structure. Solar Energy Systems shall not be mounted upon any other portion of any principal or accessory structure.

(ii) Solar Energy Systems must either be: (1) an integral part of the structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building, such as a photovoltaic or hot water system that are contained within roofing materials, windows, skylights, shading devices and similar architectural components; or (2) mounted flush with, and parallel to, a finished surface, at no more than six inches in height above that surface.

(iii) Applications and plans for a Building Mounted Solar Energy System within the B-1 Historic District shall also be subject to review and approval by the Architectural Commission.

(c) Horizontal Projection. Solar Energy Systems shall not extend beyond the exterior perimeter of the structure on which the System is mounted.

(d) Setbacks. All portions of building-mounted Solar Energy Systems shall comply with the generally applicable setback restrictions for the Zoning District or building setbacks lines as established in a Planned Unit Development (PUD) in which the Solar Energy System is located.

(e) Height. The height of any building-mounted Solar Energy System shall not exceed the lesser of: (i) the height of the peak of that portion of the roof of the structure on which the System is mounted; and (ii) the generally applicable height restrictions for the Zoning District in which the Solar Energy System is located. For purposes of this section, "height" shall be measured vertically from the lowest edge of the panel to the highest edge of the Solar Energy System.

(f) Maximum Roof Coverage. No Solar Energy System shall occupy more than 80% of the cumulative area of the face of the structure on which the System is mounted, unless the System is incorporated into, and is an integral part of, the structural elements of the face on which it is mounted.

7. Ground-Mounted Solar Energy Systems.

Ground mounted Solar Energy Systems shall be considered special uses in all zoning districts. Plans for ground mounted Solar Energy Systems (excepting portable energy systems for swimming pools listed in Section 5-9-14(B)8 below) shall be subject to the issuance of a special use permit as provided for in Section 5-11-17 of this title and well as review and approval by the Architectural Commission. In addition to all other requirements of the Special Use Permit application, all applications for ground mounted Solar Energy Systems shall include the Minimum Data Requirements identified in section 5-11-8(E)15 of this Code. In addition plans for ground mounted solar energy system shall comply with the minimum standards as follows:

(a) Location.

(i) No ground-mounted Solar Energy System constructed in a Residential District shall be located within any public or private right-of-way for street purposes.

(ii) No ground-mounted Solar Energy System may be constructed within any off-street parking or loading space required pursuant to this Code.

(iv) Ground mounted Solar Energy Systems shall be located on the same lot or parcel as the principal structure and within the rear yard of that lot or parcel.

(b) Installation Angle. All solar panels of a ground-mounted Solar Energy System shall be installed not greater than the maximum angle specified by the manufacturer.

(c) Setbacks. In all zoning districts, all portions of ground-mounted Solar Energy Systems shall comply with the generally applicable setback restrictions for the Zoning District or building setbacks lines as established in a PUD in which the Solar Energy System is located, as measured from the property line to the closest edge of the system. Solar Energy Systems (and parts thereof) shall not be deemed a permitted obstruction in any required yard.

(d) Height. The height of a ground-mounted Solar Energy System shall not exceed the height limitation for accessory structures.

(e) Lot Coverage. The total solar panel surface area of each ground-mounted solar energy stem shall be included in the lot coverage calculations for the property on which the system is located.

(f) Screening and Bufferyards. Ground-mounted Solar Energy Systems shall be properly screened from adjacent lots. For the purpose of this subsection (f), proper screening shall be deemed to consist of permanent vegetative screening large enough and dense enough to totally screen the energy system from view from adjacent lots. .

(g) Rotation. Ground-mounted Solar Energy System panels may rotate not to exceed the maximum angle as specified by the manufacturer.

8. Portable Solar Energy Systems for Swimming Pools. Portable Solar Energy Systems for swimming pools may only be constructed and used within the Village in accordance with the following provisions:

(a) No portable Solar Energy System may be constructed or used prior to April 1 or after October 31 of any calendar year.

(b) No portable Solar Energy System may be used for any purpose other than the provision of heat for an outdoor swimming pool located within a Residential District.

(c) Portable Solar Energy Systems shall be constructed and used in accordance with the applicable provisions of Chapter 9, Section 5-9-1 (D) (3) of this Code.

9. Decommissioning.

(a) A Solar Energy System that is not capable of operating at full capacity for a period exceeding 30 consecutive days shall be deemed abandoned. The owner of an abandoned Solar Energy System and the owner of the property on which the Solar Energy

System is located shall cause the removal of all Solar Energy System structures and facilities within 30 days after receipt of a notice of abandonment from the Village.

(b) Any abandoned Solar Energy System that is not removed within 30 days after receipt of a notice of abandonment shall be deemed a public nuisance, which nuisance the Village shall have the right, but not the obligation, to summarily abate by removing such System at the joint and several expense of the owners of the System and of the property on which the System is located. In the case of such removal, the Village shall have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the Village in connection with the removal, including, without limitation, attorney fees and accrued interest.

(c) Upon removal of the Solar Energy System, the owner of record of the subject property shall restore that portion of the subject property on which the System was installed in accordance with the standards required by the Village's then-current applicable codes.

C. <u>Geothermal Energy System Regulations</u>. All Geothermal Energy Systems shall comply with the regulations set forth in this Section 5-9-14.

1. <u>Compliance with Laws</u>. All Geothermal Energy Systems shall comply with all applicable Village, county (including, without limitation, applicable regulations of the Lake County Health Department), state, and federal laws and regulations, including, without limitation, the provisions of this Code, and all Village building ordinances and regulations.

2. <u>Compliance with Permits</u>. All Geothermal Energy Systems shall obtain and comply with all applicable Geothermal Energy Systems permits including, without limitation, all conditions imposed by the Village as a condition of issuance of the permits.

3. <u>Permitted Locations</u>. Geothermal Energy Systems are allowed as a permitted use in any zoning district, but only upon issuance of applicable building permits in accordance with the following:

(a) The owner of the property on which the Geothermal Energy System is proposed to be installed shall submit an application for building permits, as applicable, pursuant to Title 4 of the Long Grove Village Code. Such application shall include the Minimum Data Requirements identified in section 5-11-8(E)19 of this Code.

(b) Upon receipt of a complete application pursuant to Title 4 of this Code, and upon review and determination by the Village that the application and the proposed Geothermal Energy System complies with the requirements set forth in this and the other applicable codes, the Village shall issue permits for the Geothermal Energy System.

4. Engineering Requirements. Geothermal Energy Systems shall conform to all applicable industry standards, including, without limitation, the standards developed by the American National Standards Institute.

5. Setbacks. All components of a Geothermal Energy System that are located above ground shall comply with the generally applicable setback restrictions for the Zoning District or building setbacks lines as established in a Planned Unit Development (PUD) in which the system is located.

6. Installation in Rights-of-Way Prohibited. No portion of a geothermal energy system shall be installed in any right-of-way or in any easement dedicated for roadway purposes.

D. Indemnification. The owner of each Solar or Geothermal Energy System, and the owner of the property on which the Solar or Geothermal Energy System is located, shall jointly and severally defend, indemnify and hold harmless the Village and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney's fees arising out of any permit, approval, inspection, or other act or omission of the Village, or any acts or omissions of the owners concerning the operation of the Solar or Geothermal Energy System, including, without limitation, whether said liability is premised on contract or on tort."

SECTION THREE: Amendment of Subsection 5-11-8(E) of the Village Code. Subsection E, entitled "Minimum Data Requirements," of Section 8, entitled "Applications," of Chapter 11, entitled "Zoning Administration and Enforcement," of Title 5, entitled "Zoning Regulations," of the Village Code is hereby amended to add new Paragraphs 15 and 16, which Paragraphs 15 and 16 shall hereafter be and read as follows:

"5-11-8 **APPLICATIONS**

* * *

E. Minimum Data Requirements.

* * *

15. Applications for Solar Energy Systems.

(a) Generally Applicable Requirements.

(i) The name, address, and telephone number of the person, firm, or corporation that will construct or install the proposed Solar Energy System.

(ii) Elevation drawings and/or photographs, and a site plan, depicting the location, size, and design details of all existing structures on the subject property and of the

proposed Solar Energy System, which materials shall set forth all applicable zoning compliance data.

(iii) The manufacturer's specifications of the solar collectors and other devices of the proposed system, including, without limitation, wattage capacity, the dimensions of the collectors, the mounting mechanisms, the foundation details, and the structural requirements for the System.

(iv) Plans and specifications showing the method of construction of the proposed system, including details regarding the support of the system and its attachment to any structure.

(v) A copy of stress sheets and calculations prepared by a licensed professional engineer showing that the proposed system is designed for the deadload or windload, in the amount required by the manufacturer and all applicable law.

(vi) A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to this Code and other applicable law.

(vii) A certification of design compliance for the proposed Solar Energy System with respect to the applicable noise, structural, and safety regulations set forth in the Village Code, which certification must have been obtained from Underwriters Laboratories (UL) or an equivalent independent testing agency approved by the Building Commission.

(viii) A signed indemnification agreement in accordance with Subsection 5-9-14(D) of this Code.

(b) Ground-Mounted Systems - Site Plan. In addition to the requirements set forth in Section 5-11-8 "Applications" of this Code, for all ground-mounted Solar Energy Systems, the applicant shall submit a site plan, drawn to scale, signed and sealed by a Professional Engineer licensed in the State of Illinois, and including, without limitation, the following:

(i) The existing and proposed contours, at a minimum of two foot intervals;

(ii) The location, setbacks, exterior dimensions and square footage of all structures on the subject property and of all structures proposed as part of the ground-mounted solar energy system, as well as all applicable zoning compliance data; and

(iii) The location of any overhead or underground power lines and utility easements.

16. Applications for Geothermal Energy Systems.

(a) The name, address, and telephone number of the person, firm, or corporation that will construct or install the proposed Geothermal Energy System.

(b) A project summary and a site plan, which shall include, without limitation, information regarding the manufacturer of the system and the system specifications.

(c) The location and size of existing waterways, wetlands, one hundred-year floodplains, sanitary sewers, field drain tiles, storm sewer systems, aquifers, and water distribution systems.

(d) The location of any underground power lines and utility easements.

(e) A signed indemnification agreement in accordance with Subsection 5-9-14 (D) of this Code.

SECTION FOUR: Amendment to Section 5-12-13 of the Village Code. Section 13, entitled "Definitions," of Chapter 12, entitled "Applicability and Interpretation," of Title V, entitled "Zoning Regulations," of the Village Code is hereby amended to add the following four defined terms to Section 5-12-13, which defined terms shall hereafter be and read as follows:

* * *

GEOTHERMAL ENERGY SYSTEM. A system or mechanism or series of mechanisms designed to provide heating or cooling or to produce electrical or mechanical power, or any combination of these, by a method that extracts or converts the energy naturally occurring beneath the earth's surface in rock, structures, water, or steam. Geothermal Energy Systems include, without limitation: vertical closed loop, horizontal closed loop, and body of water closed loop systems.

* * *

PHOTOVOLTAIC CELL. A semiconductor device that converts solar energy into electricity.

* * *

SOLAR ENERGY SYSTEM. A system for which the primary purpose is to convert solar energy into thermal, mechanical or electrical energy for storage and use.

* * *

SOLAR PANEL. A group of photovoltaic cells that are assembled on a panel used as part of a Solar Energy System.

SECTION FIVE: Effective Date of Amendments. Notwithstanding any moratorium adopted by the Village with respect to alternative energy devices, the amendments to the Zoning Code set forth in Sections Two through Four of this Ordinance shall be in full force and effect upon the effective date of this Ordinance, as provided in Section Six of this Ordinance.

SECTION SIX: Effective Date of Ordinance. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ___th day of _____, 2013.

AYES: ( )

NAYS: ( )

ABSENT: ( )

APPROVED this ___th day of _____, 2013.

_____
Village President

ATTEST:

_____
Village Clerk