

ORDINANCE NO. 03-21-07-06

**AN ORDINANCE AMENDING THE VILLAGE ZONING
CODE TO ALLOW FOR INSTALLATION AND OPERATION
OF WIND AND SOLAR REWEABLE ENERGY SYSTEMS**

WHEREAS, the Village of Tampico, County of Whiteside, State of Illinois, is a duly organized and existing Village created under laws of the State of Illinois; and,

WHEREAS, 65 ILCS 5/11 - 13 - 14 provides that a municipality may amend its Zoning ordinances provided that a hearing is held before the Village Zoning Board of Appeals with notice being published not more than 30 nor less than 15 days before the hearing; and,

WHEREAS, Title 17 of the Tampico Municipal Code ("Code") contains the zoning regulations applicable throughout the Village; and,

WHEREAS, the Village wishes to amend its code to provide for and regulate the installation and operation of wind and solar renewable energy systems to be used primarily on site and to accommodate sustainable energy production from renewable energy sources; and,

WHEREAS, a public hearing was noticed by publication in the Daily Gazette on June 16, 2021, and was duly held by Tampico Zoning Board of Appeals on June 30, 2021; and,

WHEREAS, the Zoning Board of Appeals met on June 30, 2021, and unanimously recommended the Village Council approve an amendment to the Zoning Code; and,

WHEREAS, the Village Council and the Mayor of the Village believe it is in the best interest of the Village to amend the Village Zoning Code to allow for wind and solar renewable energy systems as follows.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Village of Tampico, County of Whiteside, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as it fully set forth in this Section 1.

Section 2. Title 17 of the Tampico Municipal Code is hereby amended by adding Chapter entitled "Solar and Wind Energy" which shall read in its entirety as follows:

9-14-1 INTENT AND PURPOSE.

Providing zoning regulations to guide the installation and operation of Wind and Solar Renewable Energy Systems to be used primarily on site and to accommodate sustainable energy production from renewable energy sources.

9-14-2 **DEFINITIONS.**

NET METERING: An arrangement by which excess energy generated by a Renewable Energy System is distributed back to the electrical utility grid.

RENEWABLE ENERGY SYSTEM: A system that generates energy from natural resources such as sunlight, wind, and geothermal heat. As used herein, the term “Renewable Energy System” refers to Wind Energy Systems and Solar Energy Systems only.

SOLAR ENERGY SYSTEM: A system that uses the power of the sun to capture, distribute or store energy for on-site consumption of utility power.

SOLAR ENERGY BUILDING-INTEGRATED: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of a building.

SOLAR ENERGY SYSTEM BUILDING-MOUNTED: A Solar Energy System affixed to either the principal or accessory structure.

SOLAR ENERGY SYSTEM GROUND-MOUNTED: A Solar Energy System that is not attached to another structure and is affixed to the ground, or that is attached to an antenna, light pole or other utility facility.

SOLAR FARM ENERGY SYSTEM: A Commercial Solar Energy System that is used to convert sunlight to electricity for on-site or off-site use with the primary purpose being to provide or sell wholesale or retail electricity.

WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to reduce on-site consumption of utility power.

9-14-3 **WIND AND SOLAR RENEWABLE ENERGY SYSTEMS.**

(A) General Requirements: The requirements set forth in this Chapter shall govern the construction or installation of all Renewable Energy Systems governed by this Chapter.

(1) Applicability: The provisions of this Chapter are intended to establish regulations by which Solar Energy Systems may be installed in the Village. Wind Energy Systems are not permitted. Additional renewable energy installations not addressed explicitly herein may be authorized, subject to compliance with the applicable building codes and standards of the Village.

(2) Use: Except as authorized by the Village Council for public utility purposes, a Renewable Energy System shall be accessory to the principal permitted use of a lot.

(3) Approvals: Approval granted to an individual lot owner for a Renewable Energy System under the provisions of this Chapter shall not be construed to bar owners or tenants of any adjacent property from ordinary or permitted building, landscaping or other accessory improvements, even if such improvements may diminish the function of a Renewable System.

(4) Permitting and Installation:

(a) A Village building permit is required prior to the installation of an Renewable Energy System. Before a building permit is issued, the following shall be submitted to the Village Zoning Administrator for review:

1) A site plan showing:

- a) Name, address and phone number of the lot owner;
- b) Lot lines;
- c) All structures;
- d) Septic field;
- e) Setback lines;
- f) Locations of all solar panels and associated equipment; and,
- g) Location of the electrical disconnect for the Solar Energy System.

2) Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned solar energy system.

3) Evidence that the site plan has been submitted to the Tampico fire protection district.

(b) The owner of a Renewable Energy System shall ensure that it is installed and maintained in compliance with applicable building and safety codes adapted by the Village and any other State or Federal agency of applicable jurisdiction.

(c) All wiring associated with a Renewable Energy System shall be underground or contained within a raceway that complements the building materials of the principal structure.

(5) Interconnection with Public Utilities - Electric:

(a) Energy produced by a Renewable Energy System shall be utilized on site, except for Net Metering as authorized by the Village and other applicable regulatory agencies required by law.

(b) The interconnection of any Renewable Energy System to the electric distribution grid shall be in accordance with applicable regulatory agencies required by law.

(6) Illumination of a Renewable Energy System shall be prohibited.

(7) No signage or attention-getting device is permitted on any Renewable Energy System.

(8) There shall be no required physical screening for Renewable Energy Systems installed on roof's.

(B) Solar Energy Systems.

(1) Authorization of Use:

(a) Building-Integrated and Building-Mounted Solar Energy Systems may be authorized administratively in all zoning districts in accordance with the requirements of this Chapter by the Village Council. Ground-Mounted Solar Energy Systems are not permitted.

(2) Height:

(a) Building-Mounted Solar Energy System: A Building-Mounted Solar Energy System may not extend above the peak roof height of the building to which the Solar Energy System is affixed.

(C) Maintenance and Removal of Renewable Energy Systems.

(1) Renewable Energy Systems must be maintained in good repair and operable condition at all times, including compliance with all standards in applicable building and technical codes to ensure structural and technical integrity of such facilities, except for maintenance and repair outages. If a system becomes inoperable or damaged, operations must cease and be promptly remedied.

(2) If the Village determines that a Renewable Energy System fails to comply with the applicable provisions of this Code, the Village shall provide written notification to the property owner. The property owner shall have a period of ninety (90) days from the date of notification to either restore the Renewable Energy System to operation or remove the system.

(3) In the even such Renewable Energy System in not brought into compliance with this Code within the specified time period, the Village may remove or cause the removal of said facility at the property owner's expense.

(4) The Village may pursue any and all available legal remedies ensure that a Renewable Energy System to complies with this Code.

(5) Any delay by the Village in taking enforcement action against the owner of a Renewable Energy System and the owner of the property of such owner is different from the owner of such facility, shall not waive the Village's right to take any action at a later time.

(6) The Village may seek to have the Renewable Energy System removed regardless of the owner's or operator's intent for said facility, and regardless of any permits that may have been issued or granted.

(7) After the Renewable Energy System is removed, the owner of the property on which the system was located shall promptly restore the property to its condition prior to the installation of the system.

(D) Severability: If any section, subsection, sentence, clause, phrase or portion of this Chapter is held invalid or unconstitutional for any reason by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions, and such judgement shall not affect the validity of the remaining portions hereof.

(E) Conflicts Resolved: This Chapter supersedes all chapters or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

Section 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village prior to the effective date of this ordinance.

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

Passed by the Mayor and Council of the Village of Tampico, Whiteside County, Illinois, on this _____ day of _____, 2021, and deposited and filed in the office of the Village Clerk in said Village on that date pursuant to roll call vote as follows:

AYES:

NAYES:

ABSENT:

ABSTAIN:

Village Clerk of the Village of Tampico, Illinois

APPROVED by the Mayor of the Village of Tampico, this ____ day of _____, 2021.

Mayor of the Village of Tampico, Illinois

ATTEST:

Village Clerk of the Village of Tampico Illinois

Published in pamphlet form this _____ day of _____, 2021