
**THE CITY OF ROCHELLE
Ogle County, Illinois**

**ORDINANCE
NO. _____**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCHELLE
ZONING ORDINANCE PERTAINING TO SPECIAL USE TREATMENT OF SOLAR
FARMS IN CERTAIN AREAS OF THE CITY OF ROCHELLE**

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ORDINANCE NO. ____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCHELLE ZONING ORDINANCE PERTAINING TO SPECIAL USE TREATMENT OF SOLAR FARMS IN CERTAIN AREAS OF THE CITY OF ROCHELLE

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle (“City”), Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, on April 1, 2019, the Planning & Zoning Commission of the City of Rochelle (“PZC”) held a public hearing (“Public Hearing”) on the proposed text amendment to various sections of the City of Rochelle Zoning Ordinance (“Zoning Ordinance”) pertaining to special use treatment for Solar Farms in certain areas of the City; and

WHEREAS, on April 1, 2019, said PZC unanimously voted to recommend approval of certain text amendments to the Zoning Ordinance pertaining to Solar Farms as fully set forth below; and

WHEREAS, the PZC has filed its report of findings and recommendations regarding the proposed text amendments to the Zoning Ordinance with this Mayor and City Council, and this City Council has duly considered said report, findings, and recommendations; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to approve the text amendments to said Zoning Ordinance pertaining to Solar Farms as fully set forth below; and

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Section 110-191 entitled “RD RURAL DEVELOPMENT DISTRICT” of the Rochelle Municipal Code be and is hereby amended by adding the following underlined language:

Sec. 110-191. – RD RURAL DEVELOPMENT DISTRICT

The RD rural development district provides a holding zone for areas that may be required for future urban development. These areas will be rezoned in accordance with the use designation appearing on the land use plan map where logical extension of utilities and facilities can be insured. This will discourage haphazard and premature development from occurring at the fringes of the community.

(a) *Generally.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the RD Rural Development District regulations.

(b) *Special Use Regulations.* The following special use requirements shall apply in RD Rural Development Districts:

(1) Solar Farm.

(c) *Special Use Application.* An application for a Special Use permit shall include at a minimum the following, together with payment of the appropriate fee.

(1) The property owner and or agent name, address, phone number, and e-mail address.

(2) A site plan depicting all existing conditions of, and proposed development to, land, building, walks, drives, parking, berming, planting, fencing, signage and lighting. Pertinent evaluations or perspective drawings may be requested for more accurate review of various details;

(3) Photographs of the area proposed for the development, accessory buildings, and zoning lot;

(4) Decommissioning Plan;

(5) Fencing plan in accordance with the National Electrical Safety Code; and

(6) A preliminary agreement and/or an adequate show of discourse with the Bureau of Land and Water Resources (BLWR) pertaining to the entry into an Agricultural Impact Mitigation Agreement (AIMA).

(d) *Special Use Conditions/Standards*

(1) *Height.* No aspect or component of a solar farm shall exceed 20 feet in height, as measured from grade at the base of the structure to its highest point. Such height restriction shall not apply to transmission lines.

(2) *Setbacks.* All aspects and components of a solar farm (excluding fences) shall be set back a minimum 40 feet from the right-of-way line of a township jurisdiction road, a minimum of 60 feet from the right-of-way line of a county jurisdiction road, and a minimum of 80 feet from a state/federal jurisdiction road.

(3) Yard Area Requirements. All aspects and components of a solar farm (excluding fences) shall be located a minimum of 50 feet from any interior property line.

(4) Residential Buffer

- a. All aspects and components of a solar farm (excluding fences) shall maintain a minimum buffer distance of 150 feet from the property line of any parcel of 20 acres in area or less contain an existing dwelling, other than a parcel owned by the owner, operator, or lessor of the solar farm;
- b. All aspects and components of a solar farm (excluding fences) shall maintain a minimum buffer distance of 150 feet from the property line of any vacant parcel of 20 acres in area or less that is zoned for residential use or determined to be eligible to have a dwelling constructed upon it as determined at the time of filing for a Special Use, other than a parcel owned by the owner, operator, or lessor of the solar farm.
- c. All aspects and components of a solar farm (excluding fences) shall maintain a minimum buffer distance of 200 feet from any existing dwelling (as measured from the closest exterior wall) other than a dwelling owned by the owner, operator, or lessor of the solar farm.

(5) Approved Solar Components

- a. Electric solar farm components must have UL listing or equivalent and all Solar Collectors must be designed with anti-reflective coating(s).
- b. Building and electrical plans for the solar farm shall be in compliance with all required building and electrical codes for the State of Illinois.

(6) Lighting. Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the property upon which the solar farm is located.

(7) Storm water Management. Best management practices shall be employed to minimize erosion and sedimentation during construction of the solar farm. [Drainage Permits?]

(8) Vegetative Cover. All areas occupied by the solar farm that are not utilized for access to operate and maintain the solar farm shall be planted and maintained with native grasses and/or other vegetation for the purpose of soil stabilization or other method as recommended by the Planning & Zoning Commission and/or City Council.

The solar farm owner/operator shall provide for weed control in a manner that prevents the spread of weeds onto agricultural land affected by the construction, operation, or

decommission of the solar farm. Spraying shall be done by a pesticide applicator that is appropriately licensed for doing such work in the State of Illinois.

The required fence surrounding the solar farm shall be maintained to prevent the growth of wood vegetation within and along the fence.

(e) *Special Use Permit.* The Special Use permit shall contain a record of the information on which the permit is based including the following;

- (1) The specific time period of time for which the permit shall be granted, not greater than twenty years;
- (2) Proof of registration with the state department of revenue, the county, and the city for taxation purposes, which shall be given to the zoning administrator within 90 days;
- (3) Proof of compliance with fire and safety criteria.

(f) *Revocation/Transferability.*

- (1) Upon a determination by the City Manager that an approved Special Use Permit has become unsuitable in its location as a result of any nuisance or activity generated by the use, the City Council shall have the authority to revoke the permit after affording the Special Use Permit Holder the right to be heard at the next regularly scheduled meeting of the City Council, following notification of no less than 30 calendar days of the pending revocation of said Special Use Permit.
- (2) All Special Use Permits shall be approved for a specific location and may not be transferred to any other location by the application or successor property owners.

SECTION THREE: That Section 110-191.01 entitled “DEFINITIONS” of the Rochelle Municipal Code be and is hereby created by adding the following language:

- (1) **Solar Collector.** A device, structure or part of a device or structure (i.e. array, panel, etc.) installed for the purpose of transforming solar energy into thermal, mechanical, chemical or electrical energy.
- (2) **Solar Energy.** Radiant energy received from the sun that is collected in the form of heat or light by a solar collector.
- (3) **Solar Farm.** A use of land where a series of solar collectors are placed in an area for the purpose of converting solar energy into electrical power for interconnection with the power grid primarily for off-site energy consumption. The term includes any associated cabling, devices, equipment, and structures located on site that are associated with the operation of a solar farm. The use of solar collectors for residential or business consumption that occurs on-site is not considered a solar farm.

SECTION FOUR: That Section 110-291 entitled “DISTRICT USE CLASSIFICATION” of the Rochelle Municipal Code be and is hereby amended by adding the following underlined language in alphabetical order:

Division 8. – District Use Classification

Sec. 110-291. - District use classification list.

In the following list of uses, an "X" means that the use is permitted in the zoning district subject to the general provisions of this chapter; a "0" means that the use will be permitted only if a conditional (special) use permit is granted by the city council. For uses not included on this list, application shall be made to the planning and zoning commission for interpretation.

	RD	R-1	R-2	R-3	R-4	R-5	R-O	B-1	B-2	I-1	I-2	I-3
Slaughterhouse											0	0
<u>Solar Farm</u>	<u>0</u>											
Social halls, lodges, fraternal organization and clubs								X	X			

SECTION FIVE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION SIX: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION SEVEN: The City Clerk shall publish this Ordinance in pamphlet form.

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

PASSED THIS ____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CITY OF ROCHELLE ZONING ORDINANCE PERTAINING TO SPECIAL USE TREATMENT OF SOLAR FARMS IN CERTAIN AREAS OF THE CITY OF ROCHELLE,” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____ day of _____, 2019.

CITY CLERK