

## AGRICULTURAL DISTRICTS

### § 154.050 PURPOSE.

The Agricultural District is established to provide for a continuation of agricultural pursuits and to also provide a holding zone for areas required for future urban developments and to promote the logical growth of uses in the village. These areas are intended to be rezoned in accordance with the use designations appearing on the Master Plan Map when urban development needs so necessitate and when the logical extension of utilities and public facilities can be ensured. This will discourage haphazard and premature development from occurring at the fringes of the village.

(1983 Code, § 9-3-1) (Ord. 09-07, passed 9-8-2009)

### § 154.051 A AGRICULTURAL DISTRICT.

(A) *Permitted uses.* The following uses are permitted:

(1) Agriculture - an area which is used specifically for the purpose of producing crops, livestock, poultry or dairy products;

(2) One-family detached dwellings and accessory uses;

(3) Home occupations;

(4) Private stables may be permitted for not more than three horses or ponies or two animals for 4-H Club or other similar club activity for each five acres of a zoning lot, if such stables are animal houses and are located 150 feet or more from the nearest residence or business district;

(5) Signs, as permitted or required in §§ 154.145 through 154.150;

(6) Temporary buildings for construction purposes for a period not to extend beyond the completion date of the construction;

(7) Temporary real estate office in conjunction with a new housing development, limited to the selling or renting of new units in the development and in no case to be in operation for more than one year following completion of construction of the housing development;

(8) Railroad rights-of-way;

(9) Temporary buildings for construction purposes for a period not to exceed the construction and when located on the same lot where the construction is being undertaken or a contiguous lot thereto; and

(10) Accessory uses to agriculture:

(a) Those customarily accessory to the pursuit of agriculture, provided that permanent structures for the shelter of livestock, poultry and other farm animals shall be located not less than 100 feet from a lot line; and

(b) Roadside stands, for the sale of produce and poultry grown and raised on or in the immediate area of the premises, but not including live animals, and provided that such stand shall contain not more than 600 square feet of floor area. Each roadside stand shall have facilities approved by the Zoning Administrator, for vehicular ingress and egress, and adequate off-street parking.

(B) *Special use.* Special uses may be allowed as per §§ 154.160 through 154.166.

(C) *Off-street automobile parking facilities.* Automobile parking facilities shall be provided as required in §§ 154.125 through 154.132.

(D) *Lot size.*

(1) *Existing residential use.* A subdivision, for the purpose of the sale or transfer of ownership of one lot, which contains an existing residential structure, shall be not less than five acres in area and have a width at the established building line of not less than 300 feet.

(2) *Nonfarm residence.* Every one-family detached dwelling hereafter erected shall be located on a zoning lot having an area of not less than five acres, and a width at the established building line of not less than 300 feet. All or part of the zoning lot may be devoted to permitted agricultural uses. There shall be only one dwelling to a zoning lot.

(3) *Special use.* The lot size for a special use shall be designated in the permit granting the special use but shall not be less than one acre.

(E) *Yard areas.* No building or structure shall be erected or enlarged unless the following yards are provided and maintained in connection with the building, structure or enlargement.

(1) *Front yard.* A front yard of not less than 40 feet shall be provided.

(2) *Side yard.* A side yard on each side of the principal building of not less than 100 feet; except where a side yard adjoins a street, the minimum width of such yard shall be not less than that established above for front yards.

(3) *Rear yard.* A rear yard of not less than 100 feet shall be provided.



(F) *Lot coverage.* Not more than 15% of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

(G) *Maximum floor area ratio.* The floor area ratio shall not exceed the following:

- (1) One-family detached dwellings and agricultural uses—not applicable.
- (2) The maximum floor area ratio for special uses shall be established at the time the special use permit is granted.

(H) *Solar farm.* A solar farm is a special use within the A Agricultural District.

(1) All solar farm special use permits shall be subject to the following standards and regulations:

(a) *Setback.* The solar farm above ground components must be set back at least 25 feet from all property lines. However, for any solar farm above ground improvements including, but not limited to, fences or solar panels, abutting a state route, the solar farm above ground components shall be set back 150 feet from the centerline of such state route. In addition, solar farm above ground components must be set back at least 50 feet from the centerline of any non-state route right-of-way.

(b) *Visual screening.* Ground-mounted mechanical equipment that is visible outside the perimeter of the property on which the solar farm is located must be screened from view of roads and dwelling units located within 1,000 feet of the solar farm in accordance with the provisions of this subsection. Required screening and berms shall be located within required setbacks, but outside of any paved road surface on land dedicated to the village by the owner, and must comply with one of the following options or a similar alternative approved by the Village Board at the time of special use permit approval as follows:

1. A landscaped area at least ten feet in width with at least one shrub per five linear feet, plus at least one evergreen tree per 25 linear feet of perimeter area. Shrubs must be at least three feet in height at the time of planting. Evergreen trees must be at least 5 feet in height at the time of planting; or

2. A landscaped area at least ten feet in width with a solid wall or privacy fence with a minimum height of eight feet. At least one evergreen tree is required per 30 linear feet of the fence or wall.

3. In addition, a landscaped berm of at least five feet in height may be installed in the required setback area relative to any adjacent parcel on which a residence is situated. Such berm shall be landscaped with one evergreen with a minimum height of five feet every 25 linear feet.

4. Every evergreen in the landscaped area described in (b)1. or (b)2. above, at the time of planting, shall be at least five feet in height. In the event that a shrub or tree dies within any such landscaped area, such shrub or tree shall be promptly replaced by the then owner of the subject property, weather permitting. No portion of the landscaped area or berm shall be situated within any right of way.

(c) *Glare.* The solar energy system utilized must be designed, constructed and sited to insure glare or reflections on adjacent properties and roadways will not materially and negatively impact the use of such adjacent properties and roadways by their owners and travelers and to not interfere with traffic, including air traffic, or otherwise create a safety hazard. In the event that glare concerns are documented and presented to the village following commercial operation, the solar farm owner will take actions to address those concerns, including adding landscaping or privacy fencing as necessary or otherwise modifying the project site to address such concerns.

(d) *Soil and ground cover.*

1. Top soils shall not be removed from the site during development unless the removal is expressly approved as part of the special use permit.

2. Perennial vegetative ground cover must be maintained or established in all areas containing a solar energy system and in required setbacks to prevent erosion and manage stormwater run-off. The ground cover shall also include an area that is suitable habitat for pollinators such as bees.

(e) *Compliance with endangered species laws.* The applicant shall be in compliance with federal and state laws regarding endangered species.

(f) *Lighting.* A solar farm may not be artificially illuminated, unless required by the FAA or other applicable government agency or authority or approved by the village as part of the special use process. If lighting is approved by the village, such lighting shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Lighting of the solar panels shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

(g) *Underground utilities.* On-site power lines communications and utility connections must be placed underground unless expressly provided otherwise in the text of the body of the ordinance granting the special use permit. Such undergrounding requirement includes but is not limited to those power, communication or other lines running between banks of solar panels, but does not include transmission lines and interconnection facilities that will be used by the solar farm to connect to electric lines, electric substations or interconnections with buildings.

(h) *Signage.*

1. Any sign on a solar farm shall comply with the village's sign ordinances. A sign consistent with the village's sign



ordinance shall be required to identify the owner and provide a 24-hour emergency contact phone number.

2. Solar panels shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar panels.

(i) *Abandonment and decommissioning.* A solar farm that: (a) fails to transmit any energy to the electric distribution system within any period of 12 or more consecutive months; and (b) where the owner/operator is not pursuing the repair of such solar farm will be presumed to have been abandoned. If the village reasonably believes an abandonment to have occurred in accordance with the prior sentence, the village shall provide written notification of such belief to the owner/operator and the owner/operator shall have 30 days after receipt of such written notice to reply to such notification with evidence refuting such contention. In the event the owner/operator fails to refute such contention within such 30-day period, the village may presume that the solar farm has been abandoned unless, prior to the village: (i) accessing any cash or letter of credit posted by owner as security for the decommissioning; or (ii) taking over and commencing the decommissioning, the village is provided with clear and convincing evidence otherwise.

1. Any solar farm that has been abandoned must be decommissioned and removed within 180 days.

2. Decommissioning must consist of:

a. Physical removal of all solar panel installations, structures, foundations, equipment, security barriers or fences and transmission lines from the site to a depth below grade of three feet.

b. Recycling or disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.

c. Stabilization, restoration and/or re-vegetation of the site.

d. The Zoning Administrator is authorized to allow the owner or operator to leave landscaping or designated foundations three feet or less below grade in place in order to minimize erosion and disruption to vegetation.

3. *Decommissioning plan.*

a. A decommissioning plan prepared by a qualified engineering firm outlining the anticipated means and costs of removing the solar farm must be submitted with the building permit application associated with the special use permit application.

b. The decommissioning plan shall ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The plan must include provisions for the removal of all structures and foundations, the removal of all electrical transmission components and the restoration of soil and vegetation in accordance with this section.

c. The owner/operator must provide a present-day decommissioning cost estimate and identify the parties responsible for decommissioning. This estimate will include the cost to remove equipment, less applicable salvage values.

d. The owner/operator must submit a summary of the decommissioning plan to all property owners owning properties adjacent to the solar farm site. Before issuance of a special use permit, the owner/operator of the solar farm must provide to the Village Administrator a certificate signed by the solar farm owner certifying that a summary of the decommissioning plan has been sent by certified mail to all of such property owners. In addition, prior to the issuance of a building permit for construction of a solar farm on all, or a portion, of the property, the village shall require cash in an escrow account or an irrevocable letter of credit, in an amount equal to 125% of the present-day decommissioning cost estimate provided by the owner/operator under § 154.051(H)(1)(i)3.a., designating the village as beneficiary, issued by a financial institution with an office in Illinois upon which the letter of credit may be drawn and substantially in the form attached to Ord. 2019-01 as Exhibit A or otherwise in a form approved by the Village Attorney. The letter of credit shall provide that the village may draw upon the funds upon the occurrence of any of the following events: (i) a breach or failure by the owner or operator to complete all or a portion of such plan; (ii) a material breach or failure to comply with any requirement or condition of any zoning ordinance relative to a solar farm on the subject property; or (iii) such letter of credit is about to expire and has not been, or will not automatically be renewed; provided, however, that such draw shall not occur in the event of items (i) and (ii) above unless owner has failed to cure such breach or failure within 15 days of being notified in writing by the village of such breach or failure. The village may also draw upon such letter of credit to compensate any adjacent property owner for property proven to have been damaged as a direct result of a drain tile on the subject property being damaged by the owner/operator of the subject property. In the event that a letter of credit rather than a cash escrow is utilized, such irrevocable letter of credit shall be renewed by the owner of the subject property or operator of the solar farm without interruption for the term of the special use permit. In the event that such letter of credit lapses, such lapse shall result in the revocation of the special use permit for the solar farm by the village if not remedied within 15 days of the village notifying the owner of such lapse or 30 days of such lapse.

(j) *Monitoring and maintenance.* The owner/operator of the solar farm is responsible for keeping the solar farm in a safe, sound and well-maintained condition, including painting, grounds keeping, structural repairs, internal access drives and the integrity of security measures. The owner of the solar farm will certify to the village at the start of commercial operations that the solar farm is in compliance with the site plan, and its operation will comply with all federal, state and local regulations in effect at that time.

(k) *Avoidance and mitigation of damages to public infrastructure.*

1. *Roads.* If the subject property is adjacent to a state route, such state route shall be used for the purpose of



transporting components and equipment for construction, operation or maintenance of the solar farm. The owner/operator shall obtain applicable permits from the applicable highway authority prior to construction or as needed to remain in compliance with all state laws and regulations.

2. *Existing road conditions.* The owner/operator must conduct a pre-construction survey in coordination with the applicable highway authority to determine the condition of existing roads within the village that will be utilized by the solar farm. The pre-construction survey must include photographs and a written agreement to document the condition of the roads and applicable public facilities. The owner/operator is responsible for reasonable ongoing road maintenance and dust-control measures identified by the applicable highway authority for all vehicles used for construction of the solar farm during all phases of construction and installation. The owner/operator shall conduct, within 30 days of completing construction, a second video survey of all existing roads used by the solar farm for construction activities. Prior to starting construction, the owner/operator shall deliver or have delivered to the village a letter of credit or cash escrow in the amount of \$20,000 as security for the village to cover, in the event of a failure of the owner/operator to meet its obligations, the costs of the village performing the obligations of the owner/operator to make any necessary road repairs to the existing roads used by the solar farm for construction activities required due to the impact of such construction activities on such roads. Such letter of credit or cash escrow shall serve as the sole source and amount from owner/operator to cover the costs incurred by the village for its undertaking any such future road repairs to existing roads required due solely to solar farm construction activities that the owner/operator has failed to perform. The village shall release such letter of credit or cash escrow with any unused amounts remaining thereon or therein upon completion of any such necessary road repairs.

3. *Drainage and detention systems.* The owner/operator is responsible for identifying the location of all drain tiles (or, alternatively, the information required in § 154.051(H)(1)(k)3., as an alternative to a drain tile study), detention and subsurface drainage systems on the property and submitting such information to the village at the time of application. In addition, the applicant shall identify detention, drain tile (or, alternatively, the information required in § 154.051(H)(1)(k)3.), or subsurface drainage systems that will be incorporated into the site stormwater permit and for preparing a plan for maintaining such drainage systems during construction and operation of the solar facility. Owner/operator is responsible for repairing, at all times, including but not limited to as part of decommissioning, any damage to drain tiles and other drainage systems that result from construction, operation, or maintenance of the solar farm.

(l) *Financial assurance.* The owner/operator must provide reasonable evidence of financial ability to construct the solar farm and all required improvements, as determined by the Village Board at the time of special use permit approval.

(m) *Height.* The height of any solar energy system, including panels, shall not exceed 12 feet and six inches as measured from adjoining grade at base to the highest elevation of the equipment, when oriented at maximum tilt position. This limitation does not apply to transmission lines and interconnection facilities or operations and maintenance facilities.

(n) *Airports.* For solar units within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the airport traffic control tower cab and final approach paths. Solar farms shall not be located adjacent to or within a control zone of any airport.

(2) All applications for special use permit approval for a solar farm shall include the customary submittal requirements for special use permit applications. In addition, the following information and documentation listed below must be submitted by the later of the date of the submittal of the application for special use or the date of the Village Board's having approved this division (H).

(a) *A project description.* Applicant shall provide a general description of the project, which will be subject to revision prior to application for the project building permit. Such description shall include the total generating capacity, the equipment manufacturer, the type and model of solar panels proposed, the number of solar panels, the nameplate generating capacity of each solar panel, the proposed height of each solar panel as installed and overall dimensions thereof.

(b) *Site plan,* which may utilize or be based upon an ALTA survey, showing property lines and physical features, including roads, setbacks, floodplain (if applicable), buildings, the assumed location of solar panels, rights of way, and zoning district designation for the subject property and all abutting properties. Such site plan shall also include or be accompanied by the following:

1. All existing and proposed underground and above ground utilities including, but not limited to, overhead electric lines on the solar farm site including any for the transmission of energy from the solar farm to any buyer.

2. Ingress and egress from the site as proposed during construction and thereafter, which indicates the proposed road surface and cover on the subject property.

3. Wetland boundaries.

4. A drain tile study identifying existing drain tiles on the subject property, or, alternatively, a narrative and supporting evidence indicating to the satisfaction of the Village Enforcement Officer that drain tiles are not likely to be present within the development site. This evidence may consist of;

- a. Soil maps;
- b. Historic aerial photographs;
- c. Historic topographic maps; and
- d. Wetland maps.



5. A signed reimbursement agreement, in a form approved by the village, which provides for an initial deposit of \$10,000 for the village's professionals fees associated with such application and review by the village.

6. Location and size of any abandoned wells or septic systems.

7. Vertical elevation drawings.

8. Number, location, and spacing of solar panels/arrays.

9. Solar energy equipment schematic drawing.

10. Identification of access to, and traffic control for, the project site, during construction and operation of the solar farm.

11. Elevation drawing(s) (and/or photographs and/or architect's renderings) and site plan showing location, size and design details of solar farm, including but not limited to how the power generated will be delivered and proposed meter connections.

12. Endangered Species EcoCat and IDNR Consultation Termination.

13. IHPA consultation initiation in accordance with 20 ILCS 3420 (Illinois State Agency Historic Resources Preservation Act).

14. Natural Resources Inventory Report from DeKalb County Soil and Water District.

15. ALTA survey and title report for the site.

16. Wetland boundary map/delineation reports with an U.S. Army Corps of Engineers jurisdictional determination letter.

17. A tree survey and tree preservation plan for trees within the site that are identified as significant either in the: (1) Natural Resource Information Report from the SWCD; or (2) identified as an oak stand of high ecological significance by the DeKalb County Conservation District.

18. Landscape plans.

19. Grading and excavation plan.

20. A map shall be provided identifying all offsite tributary areas. A calculation of flow depths on overland flow paths including all onsite and offsite tributary area is also required.

21. Stormwater management report shall identify volumes of depressional storage before and after improvement.

22. Easement documents (proposed and existing).

23. Sight distance studies for access points.

24. Phasing map or plan, as applicable.

(3) No solar farm shall be constructed, installed or modified as provided in this section without first obtaining a building permit. The application for a building permit for a solar farm must be accompanied by the fee required for a building permit. All applications for a building permit for a solar farm must include the information and documentation listed below in addition to the customary submittal requirements for a building permit. All material modifications to a solar farm made after issuance of the required building permit shall require approval by the village.

(a) Interconnection service agreement or evidence of filing required interconnection service applications with the electric utility.

(b) Operation and maintenance plan of the solar farm, including measures for maintaining safe access to the installation, dust control and maintenance plans for roads, stormwater controls, as well as general procedures for operation and maintenance of the solar farm.

(c) Name, address and telephone number of the person, firm or corporation constructing and installing the solar farm.

(d) Manufacturer specifications and installation methods of the solar panels, poles and racks and other major equipment and devices including: wattage capacity, dimensions of panels, mounting mechanisms and/or foundation details and structural requirements.

(e) Evidence that the system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).

(f) A certificate of compliance demonstrating that the equipment comprising the solar farm has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency.

(g) No solar farm shall be constructed, installed or modified as provided in this section without first obtaining a building permit. The application for a building permit for a solar farm must be accompanied by the fee required for a building permit.



(h) The solar farm owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. All means of shutting down the solar farm shall be clearly marked. The owner or operator shall identify a responsible person by title for public inquiries throughout the life of the solar farm.

(i) Description of the hours of operation for construction and maintenance of the facility, numbers of employees and type of traffic to be generated from the site (TIS).

(j) Water usage impact study indicating any impact on county and village water resources.

(k) *Complaint resolution process.* The applicant shall submit a process to review and address any complaints that may arise from neighboring property owners during the construction and operation of the solar farm.

(l) *Waste disposal plan.* All solid waste generated from supplies, equipment, parts, packaging or operation of the facility shall be removed from the site in a timely manner and disposed of in an appropriate manner. Any hazardous waste generated by the facility including but not limited to lubricating materials shall be removed consistent with all local, state and federal rules and regulations.

(m) Weed/grass control plan.

(n) *Signage plan.* Signs warning of the high voltage associated with the solar farm shall be posted at every entrance to the facility, at the base of all pad mounted transformers and substations. A sign that provides emergency contact information, such as phone number, shall be posted near the tower and the operations and maintenance building.

(o) Fence plan (eight foot minimum) with appropriate warning signage.

(p) A fire protection plan for the construction and operation of the facility, and emergency access to the site.

(q) A permanent, nonexclusive easement, in a form approved by the village, providing for a blanket ingress and egress easement in and upon the subject property in favor of the village allowing it, in its sole discretion, to: i) remove all solar panel installations, structures, facilities, equipment, and security barriers or fences, as well as transmission lines from the subject property to a depth below grade of three feet; ii) remove and recycle or dispose of all solid or hazardous waste in accordance with local regulations, and state and federal law; and iii) stabilize, restore or re-vegetate the subject property and to restore the soil on the subject property if the solar farm is deemed abandoned in accordance with § 154.051(H)(1)(a). Such easement shall be conveyed to the village no later than 30 days after expiration of a building permit for a solar farm. The sole purpose of the easement will be to enable the village, in the event the village determines in its reasonable discretion that there has been a material breach by the owner/operator in the implementation of the decommissioning plan for the subject property, to enter and exit the property in order to complete the decommissioning.

(r) Stormwater management permit application including stormwater management report, drainage plan and erosion control plan.

(s) Grant by warranty deed(s) with plats of dedication from the owner of the property to the appropriate governmental unit(s) dedicating a right-of-way from the center line of the road to three feet adjacent to the roadway adjacent to the subject property.

(t) An encroachment, cooperation or similar agreement from owner of gas or other pipelines to grade over their pipeline.

(u) A current general liability policy covering bodily injury and property damage naming the village as additional insured with limits of at least \$2,000,000 per occurrence and \$4,000,000 in aggregate.

(v) Copy of NOI, copy of SWPPP for construction and post construction and copy of approved NPDES permit.

(w) Structural engineering plans for foundation and design of solar panels racking and support given local soil and climate conditions.

(x) Storm sewer calculations.

(y) Signed, sealed and dated engineer's opinion of probable construction costs for infrastructure improvements relevant to stormwater management and municipal services.

(z) Soils reports with logs.

(aa) IDOT approval, if required.

(bb) All material modifications to a solar farm made after issuance of the required building permit shall require approval by the village. Any material modification must be reviewed and acted upon by the village within a 60 day period after being submitted by the owner to the village for approval.

(cc) The decommissioning plan required to be submitted pursuant to §154.051(H)(1)(a)3.

All other requirements of the agricultural district shall apply unless relief is provided by the village. In addition, the village may require as a condition of such special use that a development or annexation agreement be entered into by the parties.

(1983 Code, § 9-3-2) (Ord. 532, passed 5-14-1974; Ord. 09-07, passed 9-8-2009; Ord. 2019-01, passed 2-4-2019)