
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR
SUBJECT: DISCUSSION: ZONING ORDINANCE AMENDMENT, SOLAR INSTALATION REGULATIONS
AGENDA: MARCH 21, 2023 VILLAGE BOARD MEETING
DATE: MARCH 16, 2023

ISSUE

Shall the Village Board discuss a proposed zoning amendment addressing the application requirements for solar installations in the Village.

DISCUSSION

In the course of administering the solar regulations in the zoning regulations, Village staff has encountered resistance to the insurance requirement associated with the application requirements. The zoning regulations require proof of insurance with the application but, in reality, an insurance company is not going to issue coverage in advance of the improvement. This has become problematic for residents desiring to add this feature to their homes. Village staff has attempted to obtain written assurances from insurance companies in the absence of a specific policy coverage but this, too, has been fraught with problems. This requirement has become a textbook example of a seemingly good idea that is difficult and time consuming to consistently implement.

The Planning Commission recommends keeping some form of insurance requirement.

Village staff recommends eliminating the proof of insurance requirement. Proof of insurance is required as part of the electric interconnection application process. This process, however, does not involve the Village and is a matter between the electric distribution company and the customer.

Additionally, there recently has been interest by residents of the community in revisiting the prohibition of solar collectors on street-facing rooves. Now, may be the time to revisit this requirement that is unique to Sugar Grove. The prohibition is rooted in appearance considerations as solar collector panels are not created equally and can become discolored or worse over time and not uniformly at any given installation.

Also, in administration of the solar regulations, Village staff has encountered much resistance from a few solar contractors concerning the Village's qualification requirements for solar installers. At the root of the problem is the State of Illinois has the weakest requirements for solar installer to receive designation as a certified installer. All other states use NABCEP requirements which are more rigorous and differentiate between designers, installers and inspectors. Adding to the confusion, most solar collector manufacturers have proprietary "certification" programs for vendors to install the manufacturers product. In Illinois, this proprietary certification would suffice and make the contractor a "qualified" installer, regardless which product the contractor is installing.

In other solar energy news, the Village Board may recall in 2022, when the solar regulations were last revised, the Board agreed to revisit the location requirements a year later. We are now at the point where we need to discuss, again, the Village's restriction on the location of solar collectors on a residence. At the last Board meeting a resident addressed the Board during the Public Comment section of the meeting and requested the Board revisit this requirement.

The issue is solar collectors are not permitted on a roof surface that faces a street. This requirement has prevented a number of residents from adding solar collectors to their property. While solar collector technology has evolved to the point where solar collectors can function without direct sunlight—even moonlight—the reality is maximum efficiency is achieved only when the collectors directly face the sun. For many homes, this means the roof facing the street.

The prohibition is rooted in the appearance of the solar collectors. There is an opinion that solar collectors are unattractive and detract from the appearance of residential streetscapes in the Village. Solar collectors also become discolored but at different rates and there is concern the array facing the street can become a checkerboard of different colors. Alternatively, residents who cannot comply with the requirement can participate in solar energy subscription services to collect benefits of solar electric.

The issue to discuss is whether the location restrictions for solar collectors on a residence should be revised or lifted.

Lastly, Village staff has encountered resistance from a small number of solar contractors who take issue with the Village's requirements for certification for solar installers. The Village requires a NABCEP certification for solar installers. This is the gold standard in the industry. Unfortunately, the State of Illinois requirement for certification is less robust and some solar installers have discovered this loophole and demand the Village apply the Illinois standards. For example, many solar collector manufacturers provide "certification" programs for their own products. A solar contractor who has an agreement to exclusively offer a manufacturer's product and is certified by the manufacturer to install the manufacturer's product, is deemed "qualified" by the State of Illinois.

The State also permits solar contractors who do not meet the NABCEP certification requirements to proceed with an installation if they have a NABCEP certified individual overseeing the installation. Sugar Grove has experienced this arrangement on several installations with much success.

The issue with the certification requirement for the Board to discuss is whether to lower the certification requirements for solar installers.

ATTACHMENTS

- Planning Commission Recommendation PC23-003

COSTS

There are no costs to discuss the proposed amendment.

RECOMMENDATION

The Village Board discuss the proposed amendment; whether the location restrictions for solar collectors on a residence should be revised or lifted; and, whether to lower the certification requirements for solar installers and provide input and direct in order for Village staff to prepare necessary amendments or administrative changes.

VILLAGE PRESIDENT

Jennifer Konen

VILLAGE CLERK

Alison Murphy



COMMUNITY DEVELOPMENT

VILLAGE TRUSTEES

Matthew Bonnie

Ted Koch

Heidi Lendi

Michael Schomas

Ryan Walter

James F. White

R E C O M M E N D A T I O N
PC23-003

TO: Village President and Board of Trustees
FROM: Planning Commission
DATE: Meeting of March 15, 2023
PETITION: 23-001
Zoning Ordinance Amendment
Solar Regulations

PROPOSAL

Amend section 11-4-21 of the Zoning Ordinance to revise the general requirements for Level 1 Solar Energy Systems.

BACKGROUND & HISTORY

Solar energy systems remain popular. Federal and state regulations and financial incentive programs fuel the popularity for these systems. In 2020 the Planning Commission revised the requirements for level 1 solar energy systems. Through the process of administering the regulations, Village staff feels that two adjustments are necessary.

The first amendment staff is proposing is adding a requirement that all solar energy plans must be stamped by a NABCEP PV Installation Professional. After, doing much research on what types of certifications are best and most practical for the installers and designers of the solar energy plans we have learned that the plans submitted for the design and installation of solar electric systems should be stamped by a designated NABCEP PV Installation Professional; this ensures that the system was designed properly. All other certification systems are manufacturer-specific and/or less robust than the NABCEP PV Installation Professional designation.

The second amendment is to remove the requirement of proof that the homeowner's insurance will cover the panels once they are installed. In most instances, insurance companies will not provide a policy that covers the solar panels until after they are installed. From staff's experience, enforcing this requirement for the past few years and consulting with other municipalities, we have arrived at the conclusion this requirement is problematic, extraordinary and, generally, unnecessary.

DISCUSSION

The Planning Commission discussed the proposed text amendment. Commissioners felt that the insurance requirement should not be removed as it is part of the state's requirements.

PUBLIC RESPONSE

After due notice, the Planning Commission held a public hearing on March 15, 2023. No objectors were present.

RECOMMENDATION

After careful consideration, the Planning Commission recommends the Village Board **approve** the proposed text amendment attached in Exhibit A with the addition of rewording the insurance requirement as stated in the attached Exhibit A.

AYES: Jones, Sabo, Guddendorf, Wilson, Bieritz, Eckert, Ochsenschlager

NAYES: None

ABSENT: None

Exhibit A

3. General Requirements For Level 1 Solar Energy System:

a. Building Permit: A level 1 solar energy system requires a valid building permit prior to installation. Permit application shall include the following:

- (1) Plat of survey or scaled dimensioned drawing of the zoning lot indicating all buildings on the lot and the proposed location of the level 1 solar energy system.
- (2) If the system is to be building mounted, a scaled, dimensioned building elevation plan depicting the existing conditions and the proposed level 1 solar energy system. If the system is to be ground mounted, a scaled, dimensioned elevation drawing of the system.
- (3) Detailed installation drawings and specifications for the system. **Plans shall be stamped by a NABCEP PV Installation Professional.**
- (4) Proof of certification in compliance with 83 Illinois Administrative Code 468 and proof of certification of electrician installing the system.
- (5) Proof that notification to the electric power company has been properly completed.
- (6) UL listing or approved equivalent for all component parts of the level 1 solar energy system.
- ~~(7) Must provide proof that homeowners insurance covers solar panels.~~
- (7) Must provide proof of homeowner's insurance or similar policy covering general liability.**