
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR
SUBJECT: ORDINANCE: ZONING ORDINANCE AMENDMENT, SOLAR REGULATIONS - STAR
AGENDA: MAY 2, 2023 VILLAGE BOARD MEETING
DATE: APRIL 19, 2023

ISSUE

Shall the Village Board approve an Ordinance amending the requirements for solar energy applications in the Village's zoning regulations.

DISCUSSION

The Village Board previously discussed the proposed amendment and concurred with the Planning Commission's recommendation to require a NABCEP certified PV designer seal on future solar array permit submittals.

Also, at the March 21, 2023 Board meeting, a member of the public expressed concerns regarding the homeowners' insurance requirement. Consequently, the Village Board directed staff to investigate this matter further. As part of its review, staff further examined the Village's general requirements regarding insurance, the requirements of surrounding communities regarding insurance, and the enabling statutes pertaining to solar energy. Following its review, staff maintains its position that proof of homeowner's insurance should not be required. Staff bases its recommendation on the following factors:

1. The Village does not currently require proof of homeowners' insurance for any other types of permits. It is also not the practice of any surrounding communities to impose this requirement.
2. The Illinois Administrative Code imposes the insurance requirement as part of the interconnect agreement between the resident and the electric distributor. Staff is of the opinion that any enforcement with regard to this matter would be an issue between the private parties and/or the state.
3. The state's solar initiatives specifically set forth a mission to reduce administrative burdens with regard to the installation of solar panels and to make solar installations more affordable and accessible. The Village believes that because the insurance matter is already directed to be addressed by the interconnect agreement, any additional requirements would create additional administrative burdens. If the state had intended municipalities to police this requirement, it would have so stated in the legislation.

The Board also discussed the location requirements for rooftop mounted solar arrays and the consensus was to continue prohibiting solar arrays on roof surfaces that face a public street.

ATTACHMENTS

- Ordinance Amending Title 11, Zoning Regulations (solar energy application requirements)

COSTS

There are only nominal codification costs associated with codification of the proposed amendment.

RECOMMENDATION

The Village Board approve an Ordinance amending the Village Code Title 11, Zoning Regulations (solar energy application requirements), subject to attorney review.



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2023-0502A

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(SOLAR ENERGY APPLICATION REQUIREMENTS)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 2nd day of May 2023

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois,
this 2nd day of May 2023

ORDINANCE NO. 2023-0502A

AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS (SOLAR ENERGY APPLICATION REQUIREMENTS)

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-8 *et seq.*; and,

WHEREAS, the Village currently maintains zoning regulations governing the use and improvement of land within the Village; and,

WHEREAS, the Village finds that such restrictions provide for the safety and well-being of Village inhabitants and benefit the public welfare, safety and morals; and,

WHEREAS, the Village seeks to continue to promote these interests, and seeks to amend the Village Code to more fully protect and preserve the safety and well-being of such inhabitants; and,

WHEREAS, from time to time, it is necessary and desirable to modify the zoning regulations in response to changes in community attitudes, technology, development and the law; and,

WHEREAS, after due notice the Planning Commission held a public hearing concerning the proposed amendment on March 15, 2023, and no objectors were present; and

WHEREAS, the Planning Commission recommended in their Recommendation PC23-002 that the Village Board approve the Zoning Ordinance amendment.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: ZONING ORDINANCE AMENDMENT

Title 11 (Zoning Ordinance) of the Village Code of Ordinances be amended as provided in **Exhibit A**, attached hereto and made a part hereof by this reference.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 2nd day of May 2023.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James White	___	___	___	___

Exhibit A

Amend Section 11-4-21-A-3-a to be and to read as follows:

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.