
**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 ON MUNICIPAL PROPERTY)
AGENDA: DECEMBER 5, 2023 VILLAGE BOARD MEETING
DATE: NOVEMBER 27, 2023

ISSUE

Shall the Village Board approve an Ordinance establishing rules and requirements for solar gardens and solar farms located on municipal-owned property.

DISCUSSION

The Village Board indicated its desire to establish a solar garden on the Village's water treatment plant site on Arbor Avenue. In order to proceed, the Zoning Ordinance needs to be amended to permit solar gardens and solar farms on municipal-owned property.

Solar gardens and farms are permitted only as *accessory uses* of property and only with a Special Use permit but are not permitted on residential property, such as the Arbor Avenue site. The proposed amendment identifies solar gardens and solar farms as permitted uses in all zoning districts but only on municipal-owned property and subject to certain conditions and restrictions. Solar farms and gardens may only be accessory uses on the municipal-owned property. The proposed amendment gives the Village Board the ability to modify landscape screening requirements on a case-by-case basis, and is neutral on ownership of the solar array, that is, the solar array may be owned by the municipality or by a third party.

The Planning Commission held the required public hearing and did not recommend amending the Zoning Ordinance as requested. The objection was focused on municipal government should not be in the power business. Notwithstanding the Planning Commission's recommendation, Village staff is of the opinion the zoning amendment is necessary and desirable. In order to approve the requested zoning amendment, the Village Board must approve the Ordinance with 2/3 positive vote.

ATTACHMENTS

- Planning Commission Recommendation PC23-010
- Ordinance Amending Title 11, Zoning Regulations (Solar Energy Systems on Municipal Property)

RECOMMENDATION

The Village Board discuss and approve an Ordinance Amending Title 11, Zoning Regulations (Solar Energy Systems on Municipal Property).

VILLAGE PRESIDENT

Jennifer Konen

VILLAGE ADMINISTRATOR

Scott Koeppel

DEPUTY VILLAGE CLERK

Rachel Wortham



COMMUNITY DEVELOPMENT

VILLAGE TRUSTEES

Matthew Bonnie

Sean Herron

Heidi Lendi

Sean Michels

Michael Schomas

James F. White

R E C O M M E N D A T I O N

PC23-010

TO: Village President and Board of Trustees
FROM: Planning Commission
DATE: Meeting of November 15, 2023
PETITION: 23-012 Text Amendment: Municipal Solar

PROPOSAL

The Village proposes to amend section 11-4-7, Accessory Uses, Structures, and Buildings, to make solar farms and solar gardens located on property owned by a municipality a permitted accessory use, subject to certain conditions.

BACKGROUND & HISTORY

The Village has treated solar energy projects as a Special Use primarily because they were an unknown when they were added to the Zoning Ordinance. Now that solar energy systems have become more common and familiar, it is time to re-think our approach to regulating this use, particularly on municipal property.

Recently there has been interest in large scale solar projects on municipal-owned property within the Village. The Village Board has expressed interest in permitting solar energy systems on municipal property in the Village as there is a significant financial benefit to do so.

Currently, solar farm and solar gardens are only permitted as special accessory uses and require a Special Use permit. The locations that are being considered for these solar projects are on property owned by a municipality. Requiring a Special Use permit for solar projects on municipal property seems to be an unnecessary added step in the approval process since the municipal use on the property has already been vetted for adverse impacts. Staff feels that the desired outcome can be achieved by adding requirements or conditions to the zoning regulations specifically for solar projects on municipal property to follow without the requirement for a Special Use permit.

DISCUSSION

Commissioners discussed concerns they have with solar developments being located on municipal property, including warranty issues, maintenance issues, and environmental issues, specifically recycling the panels and potential for soil contamination from runoff from the panels. Some Commissioners did not feel that the Village should be involved in owning or leasing property for solar projects. Commissioners debated whether these concerns were topics that the Plan Commission had jurisdiction over. Some Commissioners were of the opinion that many of the concerns being raised during the discussion were private or contractual issues between the solar provider and the landowner.

PUBLIC RESPONSE

After due notice, the Planning Commission held a public hearing on November 15, 2023. There were no objectors present.

RECOMMENDATION

Commissioner Guddendorf made a recommendation that the Village Board approve the proposed text amendment as stated in Exhibit A. Commissioner Jones provided a second.

AYES: Guddendorf

NAYES: Jones, Eckert, Sabo, Wilson, Ochsenschlager

Motion FAILED

EXHIBIT A

11-4-7: ACCESSORY USES, STRUCTURES, AND BUILDINGS:

Add the following:

ACCESSORY USES:	A-1	E-1	R-1	R-2	R-3	SR	B-1	B-2	B-3	BP	OR-2	DC	M-1	I-1	PD
Solar farm energy system, building- or ground-mounted, municipal- owned property	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Solar garden energy system, building- or ground-mounted, municipal- owned property	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*

F. Additional Standards for Specific Accessory Uses, Accessory Buildings, and Accessory Structures:

Solar Farm and Solar Garden Energy Systems, Municipal-Owned Property:

In addition to the requirements of Section 11-4-21, solar farm and solar garden energy systems located on municipal-owned property shall comply with the following:

- a. Shall be located on property owned by a municipality.
- b. Shall be located on tracts of land along a railroad or on a municipal airport.
- c. Screening and landscaping requirements set forth in section 11-4-21-C shall not apply and shall be provided as determined by the Village Board.



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

ORDINANCE NO. 2023-1205__

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(SOLAR FARMS & GARDENS ON MUNICIPAL PROPERTY)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 5th day of December 2023

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois,
this 5th day of December 2023

ORDINANCE NO. 2023-1205_

AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS (SOLAR FARMS & GARDENS ON MUNICIPAL PROPERTY)

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,

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 of the Village Code of Ordinances shall 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 5th day of December 2023.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Rachel Wortham,
Deputy Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Sean Michels	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee James White	_____	_____	_____	_____

Exhibit A

1. Amend Section 11-4-7 by adding the following to the table, in alphabetical order:

ACCESSORY USES:	A-1	E-1	R-1	R-2	R-3	SR	B-1	B-2	B-3	BP	OR-2	DC	M-1	I-1	PD
Solar farm energy system, building- or ground-mounted, municipal- owned property	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Solar garden energy system, building- or ground-mounted, municipal- owned property	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*

2. Amend Section 11-4-7-F, Additional Standards for Specific Accessory Uses, Accessory Buildings, and Accessory Structures by adding the following, in alphabetical order:

Solar Farm and Solar Garden Energy Systems, Municipal-Owned Property:

In addition to the requirements of Section 11-4-21, solar farm and solar garden energy systems located on municipal-owned property shall comply with the following:

- a. Shall be located on property owned by a municipality.
- b. Shall be located on tracts of land along a railroad or on a municipal airport.
- c. Screening and landscaping requirements set forth in section 11-4-21-C shall not apply and shall be provided as determined by the Village Board.