



Planning and Zoning Commission Agenda

City Council Chambers
City Hall, 55 W Tompkins St
5:30 p.m. on June 17, 2025

A G E N D A

	Approve	Minutes of the April 22, 2025 meeting
	Update	Past Planning and Zoning Commission items
	Receive	General citizen comments
PZ-25-0601	Public Hearing	Ordinance amendment for Solar Energy Systems
PZ-25-0602	Public Hearing	Ordinance amendment for Wind Energy Systems

COMMISSION MEMBERS: PLEASE NOTIFY ME IF YOU ARE UNABLE TO ATTEND AT 345-3619.

cc: Mayor	Alderpersons (7)
City Manager	City Attorney/Administrative Services Director
Fire Chief	Director of Public Works
Deputy City Clerk	City Engineer
Information Systems Supervisor	Executive Secretary
Construction Inspectors (3)	Buildings & Grounds
File Copy	News Media (7)

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COUNCIL CHAMBERS OF GALESBURG CITY HALL
55 W TOMPKINS ST, GALESBURG, IL
Tuesday, April 22, 2025 at 5:47 p.m.

MEMBERS PRESENT: Ardennia Leahy, Carla Markwart, Steve McKelvie, Jason Paulsgrove, Neil Thomas, 5.
MEMBERS ABSENT: Katina Cochrane, Mark Lee, 2.
OTHERS PRESENT: Steve Gugliotta AICP-Director of Community Development.

Staff declared quorum present.

The floor was opened for nominations of Chairperson. Member Thomas nominated Member Paulsgrove. No other nominations were brought forward.

Roll Call #1

Ayes: Leahy, Markwart, McKelvie, Paulsgrove, Thomas, 5.
Nays: None.
Abstentions: None.

Chairperson declared the motion approved

The floor was opened for nominations of Vice-Chairperson. Member McKelvie nominated Member Lee. No other nominations were brought forward.

Roll Call #2

Ayes: Leahy, Markwart, McKelvie, Paulsgrove, Thomas, 5.
Nays: None.
Abstentions: None.

Chairperson declared the motion approved

Approve Minutes of the November 19, 2024 meeting

Member McKelvie moved to approve the minutes, seconded by Member Markwart.

Minutes were approved by voice vote.

Update Past Planning and Zoning Commission items

- Zoning amendment, 40 E Simmons St, from Institutional (I) to Central Business (B3). P&Z recommended approval and the zoning amendment was approved by City Council at their December 16, 2024 meeting.

- Variance of the height and setback of a sign located at 1720 E Main St was approved. A sign permit was issued in January 2025 and the project is now complete.

Receive Citizen Comment
None Received.

PZ-25-0401 Public Hearing Special Use request to allow concrete crushing and processing, 538 Louisville Rd.

The applicant, Hein Construction, was present.

The Commission members considered the following items:

- Proposed use is consistent with the 2019 Comprehensive Plan, which shows this area to be Industrial
- The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare
- The special use will not be injurious to the use and enjoyments of adjacent properties for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood
- The Development Review Committee reviewed the Special Use request at their April 2, 2025 meeting and recommended approval.

Member Thomas moved, seconded by Member McKelvie to recommend approval.

Roll Call #3

Ayes: Leahy, Markwart, McKelvie, Paulsgrove, Thomas, 5.
Nays: None.
Abstentions: None.

Chairperson declared the motion approved

PZ-25-0402 Public Hearing Zoning Amendment of 3176 Dover Lane from R-3A, Multi-Family to R-1A, Single Family.

The applicant was not present.

The Commission members considered the following items:

- Proposed use is consistent with the 2019 Comprehensive Plan, which shows this area to be Single Family

- The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property
- The city and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development
- The Development Review Committee reviewed the Zoning Amendment request at their April 2, 2025 meeting and recommended approval.

Member Markwart moved, seconded by Member McKelvie to recommend approval.

Roll Call #4

Ayes: Leahy, Markwart, McKelvie, Paulsgrove, Thomas, 5.

Nays: None.

Abstentions: None.

Chairperson declared the motion approved

PZ-25-0403 Public Hearing Minor Plat of the Knight Subdivision, SE corner of Locust St & Conger St

Jay Barshinger was present on behalf of Habitat for Humanity.

The Commission members considered the following items:

- The subdivision is in compliance with the Development Ordinance.
- The Development Review Committee reviewed the proposed Minor Plat at their April 2, 2025 meeting and recommended approval.

Member McKelvie moved, seconded by Member Leahy to recommend approval of the Minor Plat.

Roll Call #5

Ayes: Leahy, Markwart, McKelvie, Paulsgrove, Thomas, 5.

Nays: None.

Abstentions: None.

Chairperson declared the motion approved

PZ-25-0404 Public Hearing Zoning Amendment from (R3A) Multi-Family and (I) Institutional to (B3) Central Business, 167 N Kellogg and adjacent parking lot.

The applicant, Russell Preston, was present.

The Commission members considered the following items:

- Proposed use is consistent with the 2019 Comprehensive Plan, which shows this area to be Downtown Mixed Use
- The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property
- The city and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development
- The Development Review Committee reviewed the Zoning Amendment request at their April 2, 2025 meeting and recommended approval.

Member Thomas moved, seconded by Member McKelvie to recommend approval.

Roll Call #6

Ayes: Leahy, Markwart, McKelvie, Paulsgrove, Thomas, 5.

Nays: None.

Abstentions: None.

Chairperson declared the motion approved

PZ-25-0405 Public Hearing Zoning Amendment from (B1) Neighborhood Business to (B2) General Business, 1120 N Henderson St.

The applicant, Rob Benedict was present.

Member Thomas asked if there were any concerns about traffic flow. Mr. Benedict said he has hired Bruner, Cooper and Zuck as the design firm and they are considering options that would factor in the building location on the lot, stacking spaces and the utilization of Olive Street which is accessible on the west end of the property.

The Commission members considered the following items:

- Proposed use is consistent with the 2019 Comprehensive Plan, which shows this area to be Regional Commercial
- The proposed amendment will allow development that is compatible with existing uses and zoning of nearby property
- The city and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development
- The Development Review Committee reviewed the Zoning Amendment request at their April 2, 2025 meeting and recommended approval.

Member Thomas moved, seconded by Member McKelvie to recommend approval.

Roll Call #7

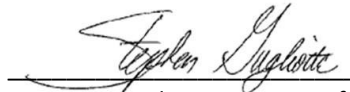
Ayes: Leahy, Markwart, McKelvie, Paulsgrove, Thomas, 5.

Nays: None.

Abstentions: None.

Chairperson declared the motion approved

There being no further business, the meeting adjourned at 6:09 p.m.

A handwritten signature in black ink, appearing to read "Steve Gugliotta", written over a horizontal line.

Steve Gugliotta, Director of Community Development



Planning and Zoning Commission Meeting

Agenda Item Overview

June 17, 2025

AGENDA ITEM: PZ-25-0601 Ordinance amendment for Solar Energy Systems

SUMMARY RECOMMENDATION: The Development Review Committee members reviewed the Ordinance amendment during their June 4, 2025 meeting and recommend approval. The proposed changes provide a modern, clear, and equitable framework for solar energy systems and support the City's commitment to sustainability, energy efficiency, and orderly development.

BACKGROUND: For your consideration are amendments to the text of Chapter 152 of the Galesburg Development Ordinance, relating to the regulation and development of solar energy systems within the city limits. This amendment establishes comprehensive regulations for solar energy systems, including new definitions, accessory use provisions, special use permit requirements, design standards, and performance criteria. These changes support responsible solar development and align local regulations with state and national renewable energy trends.

Summary of proposed amendments:

1. Definitions (Section 152.005)
 - Eleven new definitions related to solar energy systems to establish clarity are proposed to be added, including:
 - Solar Carport
 - Solar Energy System (and its various types: agrivoltaics, building-integrated, community, commercial, private, roof-mounted, ground-mounted)
 - Qualified Solar Installer
 - Solar Mounting Devices
2. Removal of Redundant Language
 - The term "solar energy devices" is proposed to be removed from Section 152.030(A)(2), as it will be addressed more comprehensively in new and revised provisions.
3. New Section 152.123 – Solar Energy Systems, provides a regulatory framework for solar energy systems, structured as follows:

CITY OF GALESBURG ILLINOIS

- Purpose and Applicability. Establishes goals of promoting solar development while protecting public safety and neighborhood compatibility. This applies to new systems constructed after the ordinance's effective date; significant modifications to existing systems may also be subject to the new standards.
- Allowed Installations
 - "Private solar energy systems, and solar carports" (roof-mounted, ground-mounted, building-integrated) would be permitted accessory uses in all zoning districts.
 - "Commercial and Community Solar Energy Systems" will require Special Use approval through the Planning and Zoning Commission in the (AG) Agricultural, (I) Institutional, (O) Office, (B-1) Neighborhood Business, (B-2) General Business, (B-3) Central Business, (M-1) Light Industrial, (M-2) Heavy Industrial and (CPD) Comprehensive Planned Development.
 - Agrivoltaic systems allowed only in districts where agriculture is permitted which includes (AG) Agricultural, (ER) Estate Residential, (R1-A) Single Family and in situations where a property may be a legal non-conforming use ("grandfathered").
- Prohibited Installations
 - Systems not permitted as accessory or special use are prohibited.
- Design and Operational Requirements applies to all systems, including:
 - Permit requirements and regulatory compliance.
 - Glare and visibility controls.
 - Concealed wiring and roof integrity evaluations.
 - Maintenance obligations, including removal of non-functioning systems.
- Standards for Private Systems
 - Height limits (roof and ground-mounted).
 - Setbacks, size limits (100 sq. ft. for ground-mounted systems in residential zones).
 - Rear yard-only placement for ground-mounted systems in residential districts.
- Standards for Commercial/Community Systems
 - Site plan review required, addressing drainage, electric connections, spacing, and equipment layout.
 - Manufacturer specifications, utility interconnection documentation, and fire protection plans required.
 - Landscape plan and maintenance obligations
 - Application must include a Decommissioning Plan for the anticipated service life or if it becomes non-operational for a period of 12 months with a cost estimate



from a professional engineer or contractor with expertise in decommissioning. A surety bond, letter of credit, or cash bond must also be provided.

- Liability insurance of at least \$1 million per occurrence and \$5 million in the aggregate shall be maintained and name the City as additional insured with 30 days notice prior to any change.

It is anticipated this item will go to the City Council on first reading at their July 7th meeting and then on final reading at their July 21st meeting for consideration.

SUPPORTING DOCUMENTS:

1. Proposed Ordinance Solar Energy Systems

cc: File Copy

WHEREAS, the City of Galesburg, Illinois is a home rule unit of government pursuant to Section 6, Article VII of the Constitution of the State of Illinois; and

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution grants a home rule unit authority to exercise any power and perform any function pertaining to its government and affairs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALESBURG, ILLINOIS, A MUNICIPAL CORPORATION, AS FOLLOWS:

SECTION ONE: Chapter 152, the Development Ordinance Chapter of the Galesburg Municipal Code shall be, and the same hereby is, amended as follows:

1. That Section 152.005 be, and the same hereby is, amended by inserting therein the following definitions in alphabetical order:

SOLAR CARPORT. A solar energy system that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities for use in electric vehicle charging.

SOLAR ENERGY SYSTEM. A solar energy device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

SOLAR ENERGY SYSTEM, AGRIVOLTAIC. A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

SOLAR ENERGY SYSTEM, COMMERCIAL. A solar energy system that is not a private solar energy system.

SOLAR ENERGY SYSTEM, COMMUNITY. A commercial solar energy system that is eligible for community solar incentives as administered by the Illinois Power Agency, credits the value of electricity generated by the facility to the subscribers of the facility; and is limited in capacity to less than or equal to 5 megawatts.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED: A solar energy system mounted on a rack or pole that rests or is attached to the ground, and is not attached or affixed to any existing structure.

SOLAR ENERGY SYSTEM, PRIVATE. A solar energy system that is an accessory structure and that is designed to serve through the electric meter only the occupants of the parcel on which it is located, and not for selling generated electricity.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED: A solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. Roof-mounted systems are accessory to the principal use.

SOLAR INSTALLER, QUALIFIED. A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations, and has received safety training on the hazards involved. This may include an organization, institution or individual certified by the Illinois Commerce Commission as a Distributed Generation Installer professional.

SOLAR MOUNTING DEVICES. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

2. That Section 152.030 (A) (2) be, and the same hereby is, amended by deleting therefrom the following language:

“solar energy devices,”

3. That Section 152.065 (D) be, and the same hereby is, amended by adding thereto the following:

(11) Commercial and Community Solar Energy Systems, subject to the provisions outlined in Section 152.123.

4. That Section 152.073 (D) be, and the same hereby is, amended by adding thereto the following:

(13) Commercial and Community Solar Energy Systems, subject to the provisions outlined in Section 152.123.

5. That Section 152.074 (D) be, and the same hereby is, amended by adding thereto the following:

(4) Commercial and Community Solar Energy Systems, subject to the provisions outlined in Section 152.123.

6. That Section 152.075 (D) be, and the same hereby is, amended by adding thereto the following:

(20) Commercial and Community Solar Energy Systems, subject to the provisions outlined in Section 152.123.

7. That Section 152.077 (D) be, and the same hereby is, amended by adding thereto the following:

(15) Commercial and Community Solar Energy Systems, subject to the provisions outlined in Section 152.123.

8. That Section 152.078 (D) be, and the same hereby is, amended by adding thereto the following:

(6) Commercial and Community Solar Energy Systems, subject to the provisions outlined in Section 152.123.

9. That Section 152.079 (D) be, and the same hereby is, amended by adding thereto the following:

(8) Commercial and Community Solar Energy Systems, subject to the provisions outlined in Section 152.123.

10. That Section 152.080 (D) be, and the same hereby is, amended by adding thereto the following:

(1) A Special Use Permit shall be required for Commercial and Community Solar Energy Systems, subject to the provisions outlined in Section 152.123.

11. That Section 152.111 (B) (3) be, and the same hereby is, amended so that it shall read as follows:

“Private solar energy systems, and solar carports;”

SECTION TWO: Chapter 152, the Development Ordinance Chapter of the Galesburg Municipal Code shall be, and the same hereby is, amended by adding thereto the following section:

152.123 Solar Energy Systems

1. Purpose. The purpose of this section is to facilitate the construction, installation, and operation of solar energy systems in the City of Galesburg in a manner that promotes economic development and ensures the health, safety, and welfare of the public while also avoiding adverse impacts on adjoining property owners or the environment.
2. Applicability. This section applies to all solar energy systems proposed to be constructed after the effective date of this amendatory ordinance. Solar energy systems constructed before the effective date of this amendatory ordinance will not be required to meet the requirements of this section. But any physical modification to an existing solar energy system that materially alters the size, type, and number of solar panels and other equipment will be required to meet the requirements of this section.
3. Installations Allowed as an Accessory Use.
 - a. Private solar energy systems that are ground-mounted, roof-mounted, or building-integrated are allowed as permitted accessory use in all zoning districts.
 - i. Systems on buildings within local historic preservation districts or on locally designated landmarks must be approved by the Landmark Commission, consistent with the procedures outlined in Chapter 151, the Historic Preservation Chapter of the Galesburg Municipal Ordinance.
4. Installations that Require a Special Use Permit. A commercial or community solar energy system shall apply for a special use permit in the following zoning districts:
 - a. AG – Agriculture District;
 - b. I – Institutional;
 - c. O – Office;
 - d. B-1 – Neighborhood Business District;

- e. B-2 – General Business District;
 - f. B-3 – Central Business District;
 - g. M-1 – Light Industrial District;
 - h. M-2 – Heavy Industrial District; and
 - i. CPD – Comprehensive Planned Development District.
5. Agrivoltaics Installations. Solar energy systems with an agrivoltaics component are only allowed in zoning districts that permit agricultural activity.
 6. Prohibited Installations. Any solar energy system that is not allowed as an accessory use under Section 152.123 (3) or as a special use under Section 152.123 (4) is prohibited.
 7. No Restriction on Other Properties. The allowance of a solar energy system under this section will not be construed to restrict the use or improvement of any adjoining or other property owner from any allowed building, landscaping, or other accessory improvements, even if such improvements may diminish the function of said solar energy system.
 8. Requirements for All Solar Energy Systems.
 - a. Regulatory Compliance. Each solar energy system requires a permit from the Inspections Division. Each solar energy system must comply with all federal, state, and local laws, rules, and regulations, including, without limitation, all building codes, electrical codes, health and safety rules and regulations, environmental rules and regulations, and aviation rules and regulations.
 - b. Reflection Angles. Reflection angles for solar collectors must be oriented in such a manner that they do not project glare onto adjacent properties or roadways.
 - c. Visibility. Solar energy systems must be located in a manner to reasonably minimize view blockage to surrounding properties and to minimize shading of property to the north while still providing adequate solar access for collectors.
 - d. Wiring Concealment. All wiring associated with the system must be underground, within the structure, or contained within a raceway that complements the site or the building materials of the principal structure.
 - e. Structural Integrity. For roof-mounted solar energy systems, an Illinois licensed structural engineer is required to investigate the structural integrity of the roof and estimate existing loading capacity. A report detailing the findings of the investigation and estimated loading capacity must be submitted with the permit application to the Inspections Division.

- f. Installation. All solar energy systems must be installed by a qualified solar installer.
 - g. Maintenance. All solar energy systems must be maintained and kept in good working order. If it is determined by the Inspections Division that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended purpose for 6 consecutive months, the property owner will be given 90-day written notice to remedy or to remove the unit and all equipment.
- 9. Requirements for Private Solar Energy Systems.
 - a. Height Requirements for Roof-Mounted Solar Energy Systems.
 - i. The height of a roof-mounted solar energy system is measured from the roof surface on which the system is mounted to the highest edge of the system.
 - ii. A roof-mounted solar energy system may not cause a building to exceed the maximum allowed building height for the zoning district in which the system is located.
 - iii. Solar energy systems mounted on a pitched roof may not extend beyond 6 inches parallel to the roof surface of the pitched roof.
 - iv. In R-1 and R-2 zoning districts, solar energy systems mounted on a flat roof must be concealed by a parapet. In all other districts, solar energy systems mounted on a flat roof may not exceed 4 feet in height above the flat roof surface.
 - b. Height Requirements for Ground-Mounted Solar Energy Systems.
 - i. The height of a ground-mounted solar energy system is measured from the grade at the base of the pole or other mounting structure to the highest edge of the system at maximum tilt.
 - ii. Ground-mounted systems may not exceed 15 feet.
 - c. Size and Setback Requirements.
 - i. Roof-mounted solar energy systems must be set back at least 3 feet from the roof edge.
 - ii. System panels mounted on the sides of building and serving as awnings are considered to be building-integrated systems and will be regulated as awnings.
 - iii. The aggregate size of the solar panels of any ground-mounted solar energy systems in any residential zoning district may not exceed 100 square feet.
 - iv. Ground-mounted solar energy systems must meet the setbacks for the zoning district in which the system is located.

- v. Ground-mounted solar energy systems may not extend into a setback at any design tilt.
- vi. Ground-mounted solar energy systems in any residential district may be located in a rear yard only.

10. Requirements for Community and Commercial Solar Energy Systems.

- a. Site Plan Required. A permit application for a community or commercial solar energy system must include a site plan with existing conditions showing all of the following:
 - i. All provisions as required by site plan review procedures contained in Sections 152.130 through 152.138.
 - ii. Surface water drainage patterns and the location of any subsurface drainage tiles.
 - iii. Location and spacing of the solar collector.
 - iv. Location of underground and overhead electric lines connecting the solar system to a building, substation or other electric load.
 - v. New electrical equipment other than at the existing building or substations that is to be the connection point for the solar system.
- b. Manufacturers' Specifications. A building permit application for a community or commercial solar energy system must include all manufacturer's specifications and recommended installation methods for all major equipment, including solar collectors, mounting systems and foundations for poles and racks.
- c. Connection and Interconnection. A permit application for a community or commercial solar energy system must include all of the following:
 - i. A description of the method of connecting the solar energy system to a building or substation.
 - ii. Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- d. A permit application for a community or commercial solar energy system must include a fire-protection plan for the construction and the operation of the facility, and emergency access to the site.
- e. Landscape Maintenance Plan; Fencing Requirements.
 - i. The Landscape Regulations, as set forth in Section 152.165 through Section 152.168 of the Development Ordinance, apply to all community and commercial solar energy systems.
 - ii. A permit application for a community or commercial solar energy system must include a landscape maintenance plan

setting forth a plan for controlling weeds and grass on property inside and outside the fenced area for the entire property. This provision shall not prohibit pollinator-friendly projects with an appropriate maintenance plan.

- iii. If perimeter fencing is installed around the boundary of the solar energy system site, then the fence may not exceed a maximum height set forth in Section 152.033.
- iv. The applicant shall maintain the fence in good condition and adhere to the landscape maintenance plan.
- f. Setbacks. A community or commercial solar energy system must meet the setbacks for the zoning district in which the system is located.
 - i. A variance of setbacks may be requested by submitting an application following the filing procedures for a variance request as outlined in 152.019.
- g. Height. Community and commercial solar energy systems may not exceed a height of 20 feet. Roof-mounted community and commercial solar energy systems are exempt from this requirement and must instead abide by the provisions of Section 152.123 (9) (a) and (c) (i).
 - i. The height of a ground-mounted solar energy system is measured from the grade at the base of the pole or other mounting structure to the highest edge of the system at maximum tilt.

11. Decommissioning a Community or Commercial Solar Energy System.

- a. If a solar energy system is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational. A nonoperational community or commercial solar energy system is hereby deemed to be a public nuisance.
- b. A permit application for a community or commercial solar energy system must include a decommissioning plan for the anticipated service life of the community or commercial solar energy system or in the event the system is abandoned or has reached its life expectancy. If the system is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational, and the decommissioning and removal of that system will commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the system must be prepared by a professional engineer or contractor who has expertise in the removal of the solar energy system. The decommissioning cost estimate must explicitly detail the

cost before considering any projected salvage value of the out of service solar farm. A restoration plan must also be provided for the site with the application. The decommissioning plan must include the removal of the following within 6 months after the system became non-operational:

- i. All solar collectors and components, above ground improvements and outside storage.
 - ii. Foundations, pads and underground electrical wires at reclaim site to a depth of 4 feet below ground surface.
 - iii. Hazardous material from the property and dispose in accordance with federal and state law.
- c. Prior to any installation, the owner shall provide to the City a surety instrument in the amount of the cost estimate set forth under Section 152.123 (10) (B). The surety instrument must be in the form of a surety bond, letter of credit, or cash bond and be in a form and manner acceptable to the director. The surety instrument must provide the security to the City if the owner fails to decommission the system in accordance with the decommissioning plan.
 - d. If the owner fails to decommission the system as required under the decommissioning plan, then, upon reasonable notice, the City or its agents may enter the property to complete the decommissioning.

12. Liability Insurance.

- a. The owner of a community or commercial solar energy system shall, at all times the system is located at the site, maintain a general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$5 million in the aggregate.
- b. All policies, except policies for professional liability, must be written on an occurrence basis. All policies must be written with insurance carriers who are qualified to do business in the State of Illinois and who are rated A-VII or better in the latest Best's Key Rating Guide. All policies must be written on the most current Insurance Service Office (ISO) or National Council on Compensation Insurance (NCCI) form or a manuscript form if coverage is broader than the ISO or NCCI form.
- c. The City of Galesburg and its officers and employees must be named as an additional insured party on the general-liability policy. The City's interest as an additional insured party must be on a primary and non-contributory basis on all policies and be noted as such on the insurance certificates.
- d. The policy must give the City at least 30 days' notice prior to any change, cancellation, or non-renewal except in the case of cancellation for non-payment of premium, in which case the notice

must be made 10 days before the cancellation. Any renewal certificate of insurance must be automatically provided to the City at least 30 days prior to the policy expiration. If a self-insured retention or a deductible is maintained on any of the policies, then the amount of the retention or deductible is subject to approval by the City; the City may not unreasonably withhold the approval.

- e. Prior to any work at the site, the owner shall provide the City with certificates of insurance showing evidence that the insurance policies required under this section are in full force and effect.
13. Exemptions. The provisions of this section shall not be applicable to any premises or lands containing a solar energy system maintained by the United States of America, this state, or any unit of local government, primary school, secondary school, or college.

SECTION THREE: All ordinances, or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION FOUR: This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved this _____ day of _____, 2025, by roll call vote as follows:

Roll Call #:

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Peter Schwartzman, Mayor

ATTEST:

Kelli R. Bennewitz, City Clerk



Planning and Zoning Commission Meeting

Agenda Item Overview

June 17, 2025

AGENDA ITEM: PZ-25-0602 Ordinance amendment for Wind Energy Systems

SUMMARY RECOMMENDATION: The Development Review Committee members reviewed the Ordinance amendment during their June 4, 2025 meeting and recommend approval. The amendment establishes standards for the permitting, design, installation, operation, and decommissioning of large wind energy systems to ensure public safety, minimize negative impacts on surrounding properties, and encourage renewable energy development in a responsible manner.

BACKGROUND: For your consideration are amendments to the text of Chapter 152 of the Galesburg Development Ordinance, relating to the regulation and development of wind energy systems within the city limits. The amendment includes new definitions, revised use permissions across zoning districts, and a complete rewrite of Section 152.117 to regulate both small and large wind energy systems.

Summary of proposed amendments:

1. Definitions (Section 152.005)

- Nine new definitions related to wind energy systems to establish clarity are proposed to be added, including:
 - Hub Height, Non-participating property, Shadow Flicker, Turbine Height, Upwind Turbine, Wind Energy System, Wind Energy System-Large, Wind Energy System-Small, Wind Turbine

2. Removal of Redundant Language

- The term "Small Wind Energy Systems (SWES)" is proposed to be removed from Section 152.005, as it will be addressed more comprehensively in new and revised provisions.

3. Revised Section 152.123 – Wind Energy Systems, provides a regulatory framework for wind energy systems, structured as follows:

- Purpose and Applicability. Establishes a framework to ensure safe, effective, and well-sited wind energy systems while minimizing adverse impacts. This applies to new



systems constructed after the ordinance's effective date; significant modifications to existing systems may also be subject to the new standards.

- Allowed Installations
 - "Small wind energy systems" would be permitted accessory uses in all zoning districts with specific limits on height, capacity, setbacks, non-reflective, noise, and vibration.
 - "Large Wind Energy Systems" will require Special Use approval through the Planning and Zoning Commission in the (AG) Agricultural, (I) Institutional, (M-1) Light Industrial, (M-2) Heavy Industrial and (CPD) Comprehensive Planned Development.
- Standards for Small Wind Energy Systems
 - Requires a construction permit, scaled site plan, product specific technical information, evidence the local utility has been informed, narrative describing maintenance and testing for noise and vibration.
 - Must be non-reflective and a non-obtrusive color such as white, gray or black
 - Appearance must be maintained throughout the life of the unit
 - Lowest extension of blade must be at least 15 feet above grade
 - Guy wires or similar apparatus are prohibited
 - Height limits. Roof mounted shall not exceed the lesser of 10 feet above adjacent roof or permitted height of zoning district. Tower mounted shall not exceed 120 feet in manufacturing district or 60 feet in any other zoning district.
 - Setbacks. Roof mounted must be at least 15 feet from any property line. Tower mounted must be setback 1.1 times the system height from the base to all property lines and other tower mounted wind energy system.
 - Any systems connected to a public utility must be inspected and approved by the utility
 - If a small wind energy system is out of service for a period of 12 months it is deemed non-operational and the city may abate the nuisance in any manner as provided by law.
- Standards for Large Wind Energy Systems
 - Provide a narrative overview of the project
 - Systems must meet ANSI and UL design safety certifications. All systems must comply with local, state, and federal regulations, including FAA requirements.
 - No guy wires permitted; turbines must be non-obtrusive in color with minimal signage.
 - A maximum of 1 turbine per 75 acres.
 - Setbacks. From occupied buildings: minimum of 1.5 times turbine height, and 5 times hub height from non-participating properties.

CITY OF
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ILLINOIS

- Affidavit between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy system
- Site plan review required, addressing setbacks, equipment layout, buildings, structures, transmission lines.
- Application must include a Decommissioning Plan for the anticipated service life or if it becomes non-operational for a period of 12 months with a cost estimate from a professional engineer or contractor with expertise in decommissioning. A surety bond, letter of credit, or cash bond must also be provided.
- Liability insurance of at least \$1 million per occurrence and \$5 million in the aggregate shall be maintained and name the City as additional insured with 30 days notice prior to any change.

It is anticipated this item will go to the City Council on first reading at their July 7th meeting and then on final reading at their July 21st meeting for consideration.

SUPPORTING DOCUMENTS:

1. Proposed Ordinance Wind Energy Systems

cc: File Copy

WHEREAS, the City of Galesburg, Illinois is a home rule unit of government pursuant to Section 6, Article VII of the Constitution of the State of Illinois; and

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution grants a home rule unit authority to exercise any power and perform any function pertaining to its government and affairs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALESBURG, ILLINOIS, A MUNICIPAL CORPORATION, AS FOLLOWS:

SECTION ONE: Chapter 152, the Development Ordinance Chapter of the Galesburg Municipal Code shall be, and the same hereby is, amended as follows:

1. That Section 152.005 be, and the same hereby is, amended by deleting therefrom the following definition:

SMALL WIND ENERGY SYSTEM (SWES). Equipment that converts and then stores or transfers energy from the wind into useable forms of energy. This equipment includes any base, blade, foundation, generator, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system. The systems shall have a nameplate capacity of 100 kilowatts or less.

2. That Section 152.005 be, and the same hereby is, amended by inserting therein the following definitions in alphabetical order:

HUB HEIGHT. The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

NON-PARTICIPATING PROPERTY. Any property except those on which all or a portion of a wind energy system is located under an agreement with the system owner or operator.

SHADOW FLICKER. The moving shadow created by the sun shining through the rotating blades of a wind energy system. The amount of Shadow Flicker created by a wind energy system is calculated by a computer model that measures wind energy system location, elevation, tree cover, location of adjacent structures, wind activity and sunlight angle.

TURBINE HEIGHT. The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

UPWIND TURBINE. A turbine that has the rotor blades facing into the wind-source direction.

WIND ENERGY SYSTEM. An electric-generating facility, the purpose of which is to supply electricity, that consists of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

WIND ENERGY SYSTEM, LARGE. A wind energy system that includes one or more wind turbines with a turbine height of greater than 120 feet but not exceeding 510 feet.

WIND ENERGY SYSTEM, SMALL. A wind energy system that includes a wind turbine with a turbine height of 120 feet or less. A small wind energy system can either be roof-mounted or tower-mounted.

WIND TURBINE. A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer.

3. That Section 152.065 (D) be, and the same hereby is, amended by adding thereto the following:

(12) Large Wind Energy Systems, subject to the provisions outlined in Section 152.117.
4. That Section 152.073 (D) be, and the same hereby is, amended by adding thereto the following:

(14) Large Wind Energy Systems, subject to the provisions outlined in Section 152.117.
5. That Section 152.078 (D) be, and the same hereby is, amended by adding thereto the following:

(7) Large Wind Energy Systems, subject to the provisions outlined in Section 152.117.

6. That Section 152.079 (D) be, and the same hereby is, amended by adding thereto the following:

(9) Large Wind Energy Systems, subject to the provisions outlined in Section 152.117.

7. That Section 152.080 (D) be, and the same hereby is, amended by adding thereto the following:

(2) A Special Use Permit shall be required for Large Wind Energy Systems, subject to the provisions outlined in Section 152.117.

SECTION TWO: Chapter 152, the Development Ordinance Chapter of the Galesburg Municipal Code shall be, and the same hereby is, amended by deleting therefrom Section 152.117 and inserting in place thereof the following section:

152.117 Wind Energy Systems.

1. Purpose. The purpose of this code is to establish regulations for the location, installation, and operation of wind energy systems. Among other goals, the regulations in this section are intended: to promote the safe, effective, and efficient use of wind energy systems to produce electricity; to preserve and protect public health, safety, welfare and quality of life by minimizing the potential adverse impacts of wind energy systems; to establish standards and quantifiable procedures to direct the site location, engineering, installation, maintenance, and decommissioning of wind energy systems; and to define and delineate between various types of wind energy systems in order to properly regulate the different wind energy systems technologies.
2. Applicability. This section applies to all wind energy systems proposed to be constructed after the effective date of this amendatory ordinance. Wind energy systems constructed before the effective date of this amendatory ordinance will not be required to meet the requirements of this section. But any physical modification to an existing wind energy system that materially alters the size, type, and number of wind turbines and other equipment will be required to meet the requirements of this section.
3. Small Wind Energy Systems.
 - a. Installations Allowed as a Permitted Use. Subject to the requirements of this section, small wind energy systems are allowed as a permitted accessory use in the all zoning districts.

- i. Nothing in this section will be deemed to relieve any obligation for obtaining site plan review as required under the Development Ordinance.
- b. Capacity Restrictions.
 - i. A small tower-mounted wind energy system may not have a nameplate capacity that exceeds 30 kilowatts.
 - ii. A small roof-mounted wind energy system may not have a nameplate capacity that exceeds 10 kilowatts.
- c. Building Permit Required; Site Plan.
 - i. No person may construct, install, modify, or relocate a small wind energy system without first obtaining a building permit.
 - ii. In addition to any other requirement under this section, any person constructing a small wind energy system with a turbine located within 500 feet of the property line of a residential district must first obtain site plan approval in accordance with the procedures set forth in Sections 152.130 through 152.138.
- d. Upwind Turbines Required. Upwind turbines are required unless otherwise approved by the Inspections Division, based on technical specifications and site-specific information.
- e. Visual Appearance. All of the following minimum requirements apply:
 - i. Each small wind energy system, including accessory buildings and related structures, must be a non-reflective, non-obtrusive color, such as white, gray, or black.
 - ii. The appearance of the small wind energy system and all accessory structures must be maintained throughout the life of the unit.
 - iii. Exterior lighting of a tower, rotor blades, and nacelle of a small wind energy system will be allowed only if required to meet Federal Aviation Administration mandatory requirements.
 - iv. A small wind energy system may not contain commercial signage, banners, flags, or advertising logos, except for the identification of the turbine manufacturer and unit specifications for regulatory purposes.
- f. Ground Clearance. The lowest extension of any rotor blade or other exposed moving component of a small wind energy system must be at least 15 feet above the ground, as measured from the highest point of grade within 30 feet of the base of the wind energy system. In addition, the lowest extension of any rotor blade or other exposed moving component of a small wind energy system must be at least 15 feet above any outdoor areas intended for human use that are

located below the wind energy system, including balconies, roof gardens, and similar structures.

g. Noise Control.

- i. If an adjacent parcel contains a residential use, then the noise produced by a small wind energy system may not exceed the lowest ambient sound level that exists between the hours of 9 p.m. and 9 a.m. along any adjacent property line used for residential purposes.
- ii. If no adjacent parcel contains a residential use, then the noise produced by a small wind energy system may not exceed the lowest ambient sound level that exists between the hours of 9 p.m. and 9 a.m. on the parcel, plus 5 decibels dB(A).

h. Vibration. A small wind energy system may not produce vibrations that are perceptible to humans beyond any property line upon which the wind energy system is located.

i. Signal Interference. A small wind energy system must not create an interference issue with communication systems, such as (but not limited to) radio, telephone, television, satellite, or emergency services communication systems, unless the issue is able to be resolved with the consent of the impacted property owner.

j. Wire Supports. Guy wires or similar apparatus are prohibited as part of a small wind energy system installation.

k. Height Requirements.

- i. A small roof-mounted wind energy system may not exceed the lesser of (i) 10 feet above the highest point of the adjacent roof or structure and (ii) 10 feet above the maximum permitted height of the zoning district.
- ii. A small tower-mounted wind energy system may not exceed 120 feet in a manufacturing district or 60 feet in any other zoning district permitted under Section 152.117 (3) (a). The distance is measured from the grade at the base of the tower to the highest edge of the system.

l. Setbacks, Location, and Separation Requirements.

- i. A small roof-mounted wind energy system must be affixed to the roof deck of a flat roof or to the ridge or slope of a fixed roof, and it may not be affixed to the parapet or chimney of any structure.
- ii. For a small roof-mounted wind energy system, no more than one turbine is allowed for every 750 square feet of the combined roof area of all structures on the parcel. For a pitched roof, each surface of the roof will be included in the

roof-area calculation. A distance equal to the mounted height of the adjacent wind energy system must be maintained between the bases of each small roof-mounted wind energy system.

- iii. A small roof-mounted wind energy system must be set back a minimum of 15 feet from any property line, public right-of-way, public easement, or overhead utility line.
 - iv. A small tower-mounted wind energy system may not be located in any public right-of-way or public easement and must be set back a distance equal to at least 1.1 times the system height from the base to all property lines, public rights-of-way, public easements, or overhead utility lines.
 - v. A small tower-mounted wind energy system must be set back a minimum of 20 feet from all Occupied Buildings on the subject property, measured from the base of the tower.
 - vi. If more than one small tower-mounted wind energy system is installed on a property, then a distance equal to the height of the tallest wind energy system must be maintained between the bases of each wind energy system.
- m. Safety Requirements.
- i. If the small wind energy system is connected to a public utility system, then it must meet the requirements for interconnection and operation as set forth in the public utility's current service regulations that meet federal, state and industry standards applicable to wind power generation facilities. Any such connection must be inspected and approved by the appropriate utility company.
 - ii. The small wind energy system must be equipped with an automatic braking, governing, or feathering system in order to prevent uncontrolled rotation, over-speeding, or excessive pressure on the wind-energy facility clearly visible warning sign regarding voltage must be placed at the base of the wind energy system.
 - iii. The structural integrity of the small wind energy system must conform to the design standards of the International Electrical Commission (IEC); specifically, IEC 61400-1 "Wind Turbine Safety and Design," IEC 61400-2 "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," as amended or succeeded.

- n. Building Permit Application. An application for a building permit under Section 152.117 (3) must be accompanied by at least all of the following:
 - i. A scaled site plan drawing, clearly illustrating the proposed wind energy system and all accessory structures and equipment in relation to all onsite and adjacent buildings, property lines, rights-of-way, public easements, and overhead utility lines. Setbacks as required in this section must be shown to scale on the site plan.
 - ii. A scaled site plan that clearly displays property dimensions, existing buildings on the subject property and on adjacent properties, sidewalks, non-motorized pathways, and streets.
 - iii. A scaled site plan that includes existing and proposed on-site grading/topography at 2-foot contour intervals.
 - iv. Product-specific technical information from the wind energy system manufacturer, including the proposed total height and type of wind energy system, maximum noise output in decibels, total rated generating capacity, product dimensions, rotor-blade diameter, and a detail of accessory structures.
 - v. Documented compliance with applicable local, state, and federal regulations, including public safety, construction, environmental, electrical, communications, and Federal Aviation Administration requirements.
 - vi. Documented evidence that the utility company has been informed of and approved the installation of the interconnected, customer-owned generator. Off-grid systems are exempt from this requirement.
 - vii. A narrative explaining the proposed methods that will be used to perform maintenance on the wind energy system in compliance with the manufacturer's recommendations and requirements.
 - viii. A narrative that explains how the wind energy system will be tested after installation for compliance with the noise and vibration requirements of Section 152.117 (3).
- o. Decommissioning.
 - i. If a wind turbine is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be non-operational.
 - ii. The system owner shall complete the decommissioning of a small wind energy system within 3 months of it becoming non-operational. The Director of the Community Development

Department may grant an extension for the decommissioning. Any extension may not exceed 6 months.

- iii. A wind energy system for which the decommissioning as required under this section has not been completed is hereby declared to be a public nuisance. The City of Galesburg may abate the nuisance in any manner as provided by law.

4. Large Wind Energy Systems.

- a. Special Use. A large wind energy system may be permitted as a special use in the following zoning districts:
 - i. AG – Agriculture District;
 - ii. I – Institutional;
 - iii. M-1 – Light Industrial District;
 - iv. M-2 – Heavy Industrial District; and
 - v. CPD – Comprehensive Planned Development District.
- b. An application for a special use permit for a large wind energy system must be accompanied by all of the following:
 - i. All characteristics required by Section 152.018.
 - ii. A narrative describing the proposed wind energy system, including an overview of the project; the project location; the approximate generating capacity of the wind energy system; the approximate number of representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions, and respective manufactures; and a description of ancillary facilities.
 - iii. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy system.
 - iv. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substations, ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and the layout of all structures within the geographical boundaries of any applicable setback.
- c. Design and Installation.
 - i. Design Safety Certification. The design of the large wind energy system must conform to applicable industry standards, including those of the American National Standards Institute.

The applicant must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

- ii. Regulatory Compliance. Each large wind energy system must comply with all federal, state, and local laws, rules, and regulations, including all building codes, electrical codes, health and safety rules and regulations, environmental rules and regulations, and aviation rules and regulations.
- iii. Quantity of Wind Turbines. No more than one wind turbine may be installed for every 75 acres of land included in the subject parcel. The number of wind turbines authorized on the subject parcel will be determined based on the setbacks and separation distance as required in this section.
- iv. Controls and Brakes. All wind energy systems must be equipped with a redundant braking system. This requirement includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation will not be considered to be a sufficient braking system for overspeed protection.
- v. Electrical Components. All electrical components of the large wind energy system must conform to relevant and applicable local, state, and national codes.
- vi. Wire Supports. Guy wires or similar apparatus are not allowed as part of a large wind energy system installation.
- vii. Visual Appearance. Wind turbines must be a non-obtrusive color, such as white, off-white, or gray. Large wind energy systems may not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority regulating air safety. Wind turbines may not display advertising, except for reasonable identification of the turbine manufacturer, system owner, and operator. This identification may not exceed 2 square feet in total and may not be visible on the blades or tower. On-site transmission and power lines must, to the extent practical, be placed underground.
- viii. Warnings. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

- ix. Crime Prevention Locks. Wind turbines may not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by nonauthorized individuals.
- d. Setbacks.
 - i. Occupied Buildings. Wind turbines must be set back from the nearest occupied building a distance of not less than the normal setback requirements for that zoning classification or 1.5 times the turbine height, whichever is greater. Wind turbines must be set back from the nearest occupied building located on a nonparticipating property a distance of no less than 5 times the hub height. The setback distance will be measured from the center of the wind turbine base to the nearest point on the foundation of the occupied building.
 - ii. Property Lines. All wind turbines must be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or 1.1 times the turbine height, whichever is greater.
 - iii. Public Roads. All wind turbines must be set back from the nearest public road a distance of not less than 1.1 times the turbine height. The setback distance will be measured from the center of the wind turbine base to the right-of-way line.
 - iv. Tower Separation. Wind turbine separation must comply with industry standards and manufacturer's recommendations.
 - a. A variance of setbacks may be requested by submitting an application following the filing procedures for a variance request as outlined in 152.019, but in no event may the wind turbine be located closer to an occupied building than 1.1 times the turbine height.
- e. Use of Public Roads.
 - i. Prior to initiating construction or transporting materials to a proposed site, a road assessment shall be performed documenting existing road conditions, establishing structure and pavement weight limits, and verifying roadway and intersection geometry for all movements of equipment and materials. The road assessment shall be performed by an Illinois Licensed Professional Engineer meeting the approval of the City. The final road assessment shall be reviewed and approved by the City prior to construction. All roads utilized to transport equipment and materials shall be subject to approval by the City and no load which exceeds the weight or

size limits established by the approved road assessment shall be allowed. The system owner shall be responsible for the costs of the road assessment, any pavement, structure or geometric upgrades required by the road assessment prior to construction, and all damages to publicly owned roads caused by the transport of equipment and materials to a proposed site regardless of the weight limits or parameters established by the road assessment. The City shall make the final determination of any required road repairs and shall approve all repair work for final acceptance. All road work shall be subject to City approval, including but not limited to the construction limits, repair methods, and contractors.

- ii. Each large wind energy system must be accessible from an access road in order to offer an adequate means by which public safety vehicles may readily access the site in the event of an emergency. All access roads must be constructed to standards approved by the City Engineer, Police Chief and Fire Chief.
- f. Noise, Vibration, and Shadow Flicker.
 - i. Audible sound from a large wind energy system must comply with Illinois Pollution Control Board regulations.
 - ii. A large wind energy system may not produce vibrations that are perceptible to humans beyond any property line upon which the wind energy system is located.
 - iii. The system owner shall conduct an analysis of potential shadow flicker onto any occupied building of a nonparticipating property with direct line-of-sight to the wind turbine. The analysis must identify the locations of shadow flicker that may be caused by the wind turbine and the expected durations of the shadow flicker at these locations from sunrise to sunset over the course of a year. The analysis must identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year and describe measures that will be taken to eliminate or mitigate the problems. Shadow flicker on an occupied building a nonparticipating property may not exceed 30 hours per year.
- g. Signal Interference. A large wind energy system must not create an interference issue with communication systems, such as (but not limited to) radio, telephone, television, satellite, or emergency services communication systems, unless the issue is able to be resolved with the consent of the impacted property owner.

h. Decommissioning.

- i. If a wind turbine is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational. A nonoperational wind turbine is hereby declared to be a public nuisance.
- ii. A permit application for a large wind energy system must include a decommissioning plan for the decommissioning of nonoperational anticipated service life of the wind turbine or in the event the wind turbine is abandoned or has reached its life expectancy. If the system is out of service or not producing electrical energy for a period of 12 months, then it will be deemed to be nonoperational, and the decommissioning and removal of that system will commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the system must be prepared by a professional engineer or contractor who has expertise in the removal of the wind turbine. The decommissioning cost estimate must explicitly detail the cost before considering any projected salvage value of the out of service wind turbine. A restoration plan must also be provided for the site with the application. The decommissioning plan must include the following within 6 months after the wind turbine becomes non-operational:
 1. The removal and disposal of the wind turbine and all accessory structures, electrical components, and all foundations to a minimum depth of 60 inches.
 2. All access drives to the wind turbine must be removed, cleared, and graded by the system owner, unless the landowner requests in writing a desire to maintain the access drives. All such maintained access drives will remain private, and the City will have no duty to undertake any maintenance or repair of those drives.
 3. The wind turbine site and any disturbed earth must be stabilized, graded, and cleared of any debris. If the site is not to be used for agricultural purposes, then the site must be seeded to prevent soil erosion.
 4. Hazardous material must be removed from the site and dispose in accordance with federal and state law.
- iii. Prior to any installation, the owner shall provide to the City a surety instrument in the amount of the cost estimate set forth under Section 152.117 (4) (i) (ii). The surety instrument must

be in the form of a surety bond or letter of credit and be in a form and manner acceptable to the director. The surety instrument must provide the security to the City if the owner fails to decommission the wind turbine in accordance with the decommissioning plan.

- iv. If the owner fails to decommission the wind turbine as required under the decommissioning plan, then, upon reasonable notice, the City or its agents may enter the property to complete the decommissioning. The owner will be responsible for all costs incurred by the City to complete the decommissioning.
- v. The City Engineer may grant an extension of the decommission period based upon a reasonable and explanatory request by the owner. Any such extension period may not exceed one calendar year.
- i. Liability Insurance.
 - i. The owner shall, at all times the system is located at the site, maintain a general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$5 million in the aggregate.
 - ii. All policies, except policies for professional liability, must be written on an occurrence basis. All policies must be written with insurance carriers who are qualified to do business in the State of Illinois and who are rated A-VII or better in the latest Best's Key Rating Guide. All policies must be written on the most current Insurance Service Office (ISO) or National Council on Compensation Insurance (NCCI) form or a manuscript form if coverage is broader than the ISO or NCCI form.
 - iii. The policy must give the City at least 30 days' notice prior to any change, cancellation, or non-renewal except in the case of cancellation for nonpayment of premium, in which case the notice must be made 10 days before the cancellation. Any renewal certificate of insurance must be automatically provided to the City at least 30 days prior to the policy expiration. If a self-insured retention or a deductible is maintained on any of the policies, then the amount of the retention or deductible is subject to approval by the City; the City may not unreasonably withhold the approval.
 - iv. Prior to any work at the site, the owner shall provide the City with certificates of insurance showing evidence that the

insurance policies required under Section 152.117 (4) (j) are in full force and effect.

j. Certification and Compliance.

- i. The owner shall notify the City of a change in ownership of the wind energy system or a change in ownership of the property on which the wind energy system is located within 60 days after the transfer.
- ii. The City reserves the right to inspect any wind energy system, in order to ensure compliance with this section.
- iii. A sound pressure level analysis must be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any wind turbines to demonstrate compliance with the requirements of this section. Proof of compliance with the noise standards is required within 90 days after the date the wind turbine becomes operational. Sound must be measured by a third-party, qualified professional, with the associated fees being paid by the owner.

5. Public Complaints.

- a. Noise. If any aggrieved person alleges that a wind turbine is not in compliance with the noise requirements of Section 152.117 (3) (g) or Section 152.117 (4) (g), then the administrative procedure will be as follows:
 - i. The complainant must notify the Director of the Community Development Department in writing of the alleged noise violation.
 - ii. The Director of the Community Development Department shall coordinate with the Police Department to test the decibel level for compliance with the standards of this section.
 - iii. If the test under Section 152.117 (5) (a) (ii) indicates that the noise levels are in compliance with this section, and the complainant is dissatisfied with the results of that test, then the complainant may request a noise-level test by a certified acoustic technician. The complainant must submit a cash deposit with the City in an amount sufficient to pay for the noise level test. If the noise-level test indicates that the noise level complies with the standards of this section, then the City will use the deposit to pay for the test. If the noise-level test indicates that the noise levels are not in compliance with the standards of this division, then the City will reimburse the

deposit to the complainant, and the owner shall reimburse the City for the cost of the test.

- iv. If a test under Section 152.117 (5) (a) (ii) or Section 152.117 (5) (a) (iii) indicates that the noise levels are not in compliance with this section, then the owner shall take immediate action to bring the wind turbine into compliance. The City may require that the wind turbine be shut down until compliance can be achieved.
- b. Shadow Flicker. If any aggrieved person alleges that a wind turbine is not in compliance with the shadow flicker requirements of Section 152.117 (4) (g), then the administrative procedure will be as follows:
 - i. The complainant must notify the Director of the Community Development Department in writing of the alleged shadow flicker violation.
 - ii. The Director of the Community Development Department or their designee shall examine the shadow flicker complaint on the site.
 - iii. If the examination under Section 152.117 (5) (b) (ii) indicates that the shadow flicker levels are in compliance with this section, and the complainant may request a shadow flicker level test by a certified technician. The complainant must submit a cash deposit with the City in an amount sufficient to pay for the test. If the test indicates that the shadow flicker level complies with the standards of this section, then the City will use the deposit to pay for the test. If the test indicates that the shadow flicker levels are not in compliance with the standards of this section, then the City will reimburse the deposit to the complainant, and the owner shall reimburse the City for the cost of the test.
 - iv. If the examination under Section 152.117 (5) (b) (ii) or the test under Section 152.117 (5) (b) (iii) indicates that the shadow flicker levels are not in compliance with this section, then the owner shall take immediate action to bring the wind turbine into compliance. The City may require that the wind turbine be shut down until compliance can be achieved.
- 6. Exemptions. The provisions of this section shall not be applicable to any premises or lands containing a wind energy system maintained by the United States of America, this state, or any unit of local government, primary school, secondary school, or college.

SECTION THREE: All ordinances, or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

SECTION FOUR: This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved this _____ day of _____, 2025, by roll call vote as follows:

Roll Call #:

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Peter Schwartzman, Mayor

ATTEST:

Kelli R. Bennewitz, City Clerk