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CITY OF TROY

ORDINANCE NO. 2025-47

**AN ORDINANCE OF THE CITY OF TROY, ILLINOIS ESTABLISHING
XV LAND USE, CHAPTER 154, SECTION 154.071: COMMERCIAL
SOLAR/WIIND SYSTEMS OF THE CODE OF ORDINANCES**

**ADOPTED BY THE CITY COUNCILOF THE CITY OF TROY THIS 17TH
DAY OF NOVEMBER 2025**

ORDINANCE NO. 2025-47

AN ORDINANCE OF THE CITY OF TROY, ILLINOIS ESTABLISHING XV LAND USE, CHAPTER 154, SECTION 154.071 COMMERCIAL SOLAR/WIND SYSTEMS OF THE CODE OF ORDINANCES

WHEREAS, the City of Troy officials have been made aware of the ever-growing search for properties suitable to establish Commercial Solar/Wind systems;

WHEREAS, rural agricultural properties within Troy and Madison County have been found to be compatible for Solar/Wind System operations;

WHEREAS, it has been determined that reasonable restrictions should be implemented in order to govern the installation and operation of any potential Solar/Wind Systems;

WHEREAS, said regulations are aimed to protect the public health and safety of Troy residents and to ensure an orderly installation process;

WHEREAS, Madison County Code § 93.106 (“Community Solar”) establishes minimum lot sizes, setbacks, and fencing standards for community solar/wind installations in unincorporated areas of the County, and the City of Troy seeks to adopt similar requirements applicable within a 1.5-mile extra-territorial zoning jurisdiction surrounding the City of Troy.

WHEREAS, the City of Troy exercises its zoning and land use authority pursuant to Title XV of the Troy Code of Ordinances, which empowers the City Council to regulate land use for the protection of health, safety, and general welfare;

WHEREAS, this ordinance is intended to be consistent with the goals and policies of the City of Troy Comprehensive Plan, which promotes balanced growth, the protection of agricultural resources, and the responsible integration of renewable energy facilities;

WHEREAS, pursuant to Illinois law and Public Act 102-1123, the City of Troy exercises zoning and land use authority not only within its corporate limits, but also within the 1.5-mile extra-territorial zoning jurisdiction surrounding the City, and it is the intent of this ordinance that its standards apply equally within that 1.5-mile jurisdiction for Commercial Solar/Wind Systems or as proposed in parcels attached in Exhibit A.

WHEREAS, in *Hickory Wind, LLC v. Village of Cedar Point*, 2025 IL App (3d) 240513, the appellate court held that non-home-rule municipalities may regulate solar/wind or wind facilities but may not enact prohibitions that effectively preclude lawful renewable energy development—this ordinance is therefore crafted to reasonably regulate and not prohibit solar/wind system development within the City of Troy or its 1.5-mile extra-territorial jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS AS FOLLOWS:

Section 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct hereby adopted as part of this Ordinance.

Section 2: The Troy Municipal Code, Title XV: Land Usage, Chapter 154: Zoning Ordinance Section 154.071 Commercial Solar and Wind Systems shall be added to read in its entirety, as follows:

§ 154.070 DEFINITIONS

COMMERCIAL SOLAR SYSTEM

Commercial Solar System is defined as any device or assembly of devices that is ground installed and uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.

COMMERCIAL WIND SYSTEM

Commercial Wind System is defined as a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. Commercial Wind System is a wind energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before the effective date of Act of the 102nd General Assembly.

§ 154.071 COMMERCIAL SOLAR AND WIND SYSTEMS

(A) Purpose and Applicability-Commercial Solar and Wind Systems utilize Sunlight/wind to renewable energy that is turned into electricity that powers electrical loads

(1) Special use permits. Commercial Solar and Wind Systems, as defined herein, require a special use permit in the respective district in which they are allowed and comply with § 154.141 Special Use Permits.

(2) In determining compliance- with § 154.141 Special Use Permits, the following components of the Commercial and Solar and Wind System shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the property:

(a) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

(b) Anticipated utility demand and confirmation by the provider that facilities are adequate.

- (c) Noise study to demonstrate environmental impact on surrounding properties.
- (d) Site design.
- (e) Compliance with all requirements as provided in the Design Guidelines section below.
- (f) Other criteria determined to be necessary to assess compliance with § 154.141 Special Use Permits.
- (g) These regulations apply within the corporate limits of the City of Troy and within the 1.5-mile extra-territorial zoning jurisdiction.

(B) Design Guidelines. The following design guidelines are the basis for reviewing and approving special use permits. They illustrate key elements and design strategies for planning approval, design, and construction, of the development.

(1) Commercial Solar and Wind Systems are permitted in the designated parcels and with a special use permit under § 154.141 Special Use Permits.

(a) Lot and dimensional standards shall be as required by the zoning district except as amended herein:

1. Setbacks: Buildings and structures must comply with City of Troy's setbacks.
2. Ground-mounted systems, excluding fences, must observe
 - (a) Fifty feet (50) from any public right-of-way;
 - (b) Fifty feet (50) from all property boundaries;
 - (c) One hundred and fifty feet (150) from the outside wall of any dwelling or occupied residential building

(b) Height and Design standards shall be screened consistent with a plan approved by the City Council.

1. Systems may not exceed twenty feet (20) in height at maximum tilt.
2. Design: All panels shall be similar in design and color.
3. Glare: All Commercial Solar and Wind Systems, regardless of whether ground or roof mounted, must be designed, constructed,

and sited to minimize glare or reflections on adjacent properties and roadways and to not interfere with traffic, including air traffic, or otherwise create a safety hazard. All photovoltaic elements of the system shall have a non-reflective finish. A Glare Study is required and shall be submitted at the time of site plan application. The study must evaluate potential glare impacts on adjacent properties, public roadways, and nearby structures, and shall include mitigation measures where applicable.

4. Soil and Ground Cover:

- (a) Topsoil shall not be removed unless expressly approved to accommodate a rock, paved or approved erosion-controlled surface under the solar or wind field. If the Commercial Solar and Wind System is adjacent to a residential parcel, maintaining and mowing must be added to the Conservation Plan.
 - (b) Perennial vegetative ground cover shall be maintained or established on all ground-mounted system areas.
 - (c) Vegetation or crops shall be maintained in setbacks to prevent erosion and manage runoff.
 - (d) Compliance with storm water detention and drainage ordinances is required.
 - (e) A landscaped berm (minimum three feet (3' high) covering 75% of frontage along public rights-of-way shall be installed with staggered coniferous plantings, with detailed design conceptually approved by Building and Zoning.
- (c) Security Barrier and Screening standards shall be screened consistent with a plan approved by the City Council.
- 1. Ground-mounted systems must be enclosed by a six (6) foot minimum security fence or approved barrier.
 - 2. Posted warning signs and a Knox Box are required at all gates.
- (d) Approved Components: All electrical components must be UL-listed or equivalent.
- (e) Lighting: Permanent lighting is prohibited, except where required by FAA or other authorities.

(f) On-Site Utilities: All power lines and connections must be underground unless otherwise approved.

(e) Provide the City with a letter of credit or other sufficient financial surety, in a form and amount acceptable to the City, to ensure the ultimate decommissioning of the Solar and Wind System upon (i) termination or discontinuance of its operation or (ii) the estimated end of life of said system's various components (if not replaced).

(C) Conservation Plan: Before and as a condition of the conduct of any hearing and/or the issuance of any site development and/or building permits in connection with a proposed Commercial Solar and Wind System, the facility owner/operator shall submit a conservation plan, which shall include, but not be limited to, site grading, erosion control, tree/vegetation preservation, drainage and storm water management in conformance with the:

1. Agricultural Impact Mitigation Agreement (AIMA) then in effect, pertaining to inspection schedule, soils, plantings/vegetation, drainage, and maintenance, and shall further grant the City, in writing, a right of access to the site, at reasonable times and upon reasonable written notice, to conduct visual inspections and assess the condition of the native planting areas and soil erosion and sediment controls. The Conservation Plan shall further address:

(a) Maintenance of any creeks and waterways that cross or adjoin the subject property (creek cutting is strictly prohibited) and

(b) Maintenance and Mowing Plan for any system adjacent to a residential parcel and

(c) A Commercial Solar and Wind System Plan for the relocation or replacement (on the subject property or elsewhere in the City) of any trees that will be cleared from the subject property in connection with the Commercial Solar and Wind System.

(D) Monitoring and Maintenance: The owner and/or operator of the Commercial Solar and Wind System shall be jointly and severally responsible and liable for:

1. Maintaining the system, the property on which the system is located (including all property leased in connection therewith, even if more extensive than the system itself),

2. Maintaining all associated buildings, structures, and improvements in a safe, sound, and well-maintained condition according to the highest-applicable industry standards. This specifically includes, without limitation, painting, grounds keeping (both inside and outside the fence or security barrier).

3. Maintaining structural repairs,

4. Maintenance and grounds keeping shall include mowing, reseeding, and weed management practices.

5. A written maintenance plan must be submitted and approved.

(E) Public Infrastructure:

1. Roads – owners/operators are responsible for repair and restoration of roads used during construction.

2. Roadway dedication – permanent access roads may be required to be dedicated.

3. Drainage systems – damage to tiles or subsurface drainage must be promptly repaired in compliance with the AIMA.

(F) Submittal Requirements: Applications must include, at a minimum:

1. Completed special use permit application.

2. Copy of recorded deed (s) showing ownership of the subject property.

3. Electronic copy of the legal description that is editable.

4. Plat of survey (to scale) from a professional land surveyor. Survey must include scale, north arrow and dimensions of the subject property.

5. Affidavit of owner's consent (if applicable).

6. Disclosure of beneficiaries (if applicable).

7. Application fee of \$750 per megawatt.

8. The results and recommendations from the consultation with the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool

9. FAA Notice of No Flight Hazard and/or application to the FAA for Notice of Criteria Tool.

10. The results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable tool.

11. Evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts if any state-registered historic sites under the Illinois State Agency Historic Resources Preservation Act are present on-site or in the vicinity (if applicable).

12. Proof of compliance with noise regulations of the Illinois Pollution Control Board (if applicable).

13. Preliminary site plan identifying the following:

(a) Subject property including the property lines, setback lines, and right-of-way lines.

(b) Physical features, including but not limited to roads, floodplain (s) with baseline flood elevations (if applicable), wetland (s) (if applicable), existing and proposed building (s) (if applicable), solar panels and equipment (number, location, and spacing of solar panels/arrays). Proposed locations of underground or overhead electric lines and utility poles, landscaping, and detention fencing.

(c) Identification of proposed construction and ongoing maintenance routes from the nearest arterial road as detailed on a map.

(d). Visual screening report that includes the following:

(1) A map of homes within five hundred feet (500') of the facility.

(2) Locations and type of existing vegetation that provides screening of views of the facility.

(3) Topographic features that provide screening of the facility.

(e). Glare Study Requirement. A copy of the Glare Study shall be submitted at the time of site plan application. The study must evaluate potential glare impacts on adjacent properties, public roadways, and nearby structures, and shall include mitigation measures where applicable.

14. Interconnection service agreement or evidence of filing required interconnection service applications with the electric utility.

15. A Road Maintenance Agreement shall be executed between the Developer and any affected Township or Road District prior to construction. The agreement shall outline responsibilities for maintaining, repairing, and restoring all public roadways used for equipment delivery, construction traffic, and ongoing operations associated with the project. The agreement must include provisions for: Pre- and post-construction road condition assessments, required repairs or upgrades to accommodate construction traffic, ongoing maintenance during the construction period, and financial security to guarantee roadway restoration and compliance with the terms of the agreement.

16. Operation and maintenance plan for the Commercial Solar and Wind System, including measures for maintaining safe access to the installation, storm water controls,

landscaping maintenance, as well as general procedures for operation and maintenance of the installation.

17. Proof of liability insurance.

18. Preliminary emergency services plan, including but not limited to the project summary, electrical schematic and means of shutting down energy systems throughout the life of the installation, and fire protection and response plan.

19. Copies of all leases for the subject property (if applicable) (the parties to and amount(s) of rent in any such lease may be redacted).

20. Executed copy of the owner/operator's Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture.

21. Demonstrate compliance with applicable Federal and State safety standards, including but not limited to those administered by OSHA, NFPA, UL, and the Illinois Commerce Commission.

22. Abandonment: A decommissioning plan shall be approved by the City Council during the special use permit process. A Letter of Credit, Decommissioning Bond, Escrow Account, or other financial surety instrument approved by the City Council, in the amount of the estimated cost of decommission, as approved by the City's Engineer, shall be submitted to the City. If the Commercial Solar and Wind System is abandoned and not properly decommissioned, the City shall utilize the funds to restore the property to its original or an improved condition. This financial assurance shall remain in effect for the full duration of the project and shall be renewed or replaced as necessary to ensure continuous coverage. The bond or escrow shall be maintained for a minimum of thirty (30) years, or until the Commercial Solar and/or Wind System has been fully decommissioned and the site restored to a condition consistent with surrounding land uses.

(G.) Prohibited Systems:

1. Concentrated Solar and Wind Systems. Concentrated solar power systems and concentrated wind power systems are prohibited within the City of Troy zoning jurisdiction.
2. Battery Energy Storage Systems (BESS). No Battery Energy Storage System (BESS) shall be permitted as part of any Commercial Solar and Wind System. Battery storage presents distinct safety, environmental, and operational concerns, including but not limited to fire hazards, thermal runaway, chemical contamination, and emergency response challenges. Accordingly, battery energy storage shall not be installed or operated on-site in connection with any such facility.

Section 3: Adoption.

The City of Troy hereby establishes and adopts Section 154.071, entitled “Commercial and Solar Wind Systems,” of Chapter 154, Land Use, of the Code of Ordinances, as set forth in Exhibit A attached hereto and incorporated herein by reference.

Section 4: Severability.

If any provision, clause, sentence, paragraph, or part of this ordinance or its application to any person or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the remainder of this ordinance.

Section 5: Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 17th day of November, 2025.

Aldermen Vote:

Dan Dawson	_____	Sam Italiano	_____	Ayes:	_____
Tim Flint	_____	Debbie Knoll	_____	Nays:	_____
Elizabeth Hellrung	_____	Heather Stirling	_____	Absent:	_____
Nathan Henderson	_____	Troy Turner	_____	Abstain:	_____

APPROVED:

DAVID NONN, Mayor
City of Troy, Illinois

(SEAL)

ATTEST:

KIMBERLY THOMAS, Clerk
City of Troy, Illinois