

**A Local Law Amending the Land Use and Development Code Amending Section 372 and
Adding New Definitions to Article 2 Relating to Renewable Energy
Local Law #13 of 2026**

Section I: Purpose

A local law to amend Section 372 of the Land Use and Development Code to reorganize and clarify regulations governing solar power facilities and wind energy facilities, and to add new definitions to Article 2 to support consistent interpretation and administration of the code.

Section II: Amendment to Land Use and Development Code

Section 372 is hereby repealed in its entirety and replaced with the following:

372.01 Purpose: The purpose of this section is to promote the effective and efficient use of the Village's renewable, non-polluting energy resources through solar power facilities and wind energy facilities, subject to reasonable conditions that protect the environment and the health, safety, and welfare of the public. The Village recognizes it is in the public interest to produce electricity in a manner that serves community needs while minimizing negative impacts.

372.02 Applicability: This code applies to all solar power facilities and wind energy facilities proposed, constructed, modified, or operated after the most recent filing of this section with the state. Existing facilities are exempt unless modified or altered, in which case full compliance is required. Ground-mounted solar power facilities are considered accessory structures and are governed by accessory structure regulations (§354).

372.03 Intent for Wind Energy Facilities: The following sections regulate wind energy facilities and establish standards to encourage wind energy development while protecting public health, safety, and community welfare.

372.04 Permitted Areas: Small-scale wind energy facilities are permitted in all zones as accessory uses on lots with adequate setbacks. They must be located on side or rear lots in residential zones. Medium- and large-scale wind energy facilities are permitted only in agricultural zones and are prohibited in Critical Environmental Areas and Unique Natural Areas. Extensive forest clearing requires an environmental impact statement.

372.05 Setback Requirements: Setbacks are measured from the turbine base to the property line or nearest occupied building.

1. Small-scale facilities= Turbine height+10 feet
2. Medium-scale facilities: Turbine height+50%
 - a. Must be set back twice the turbine height from buildings on neighboring properties.
3. Large Scale facilities: Turbine height+50%
 - a. Must be set back twice the turbine height from buildings on neighboring properties.
 - b. Must be set back one turbine height from buildings on the same site.

372.06 Height Requirements: Wind energy facilities are exempt from accessory structure height limits if they meet setback and FAA requirements. Rotor blades must maintain at least 30 feet of clearance above surrounding trees within a radius equal to three times the blade length.

372.07 Installation and Design Standards: The following regulations must be maintained when developing a wind energy facility:

- A. All design components must comply with applicable codes and include signed engineering drawings supported by a soil study.
- B. Safety requirements include restricted climbing access, warning signage, enclosed electrical equipment, underground wiring, fencing for lattice towers, and over-speed controls.
- C. Guy wire anchors must be on the same property and protected.
- D. Appearance must be non-reflective, unobtrusive colors, no lighting except what is FAA-required, no advertising.
- E. Must comply with Village sound limits.
- F. Utility notification is required for grid-tied systems.
- G. Antennas are allowed only if structural requirements are met.
- H. Must minimize artificial habitat for raptors.
- I. Liability insurance required for the life of the facility.
- J. Bonding is required for decommissioning and amounts will vary by facility size.
- K. Large facilities must be at least one thousand (1,000) feet from Important Bird Areas and listed wetlands.

372.08 Special Site Plan Requirements: The following materials are required submissions for special site plan reviews:

- A. Aerial photograph showing setbacks (with measurements).
- B. Engineering drawing with soil study (requirements vary by scale).
- C. Stormwater management plan for large-scale facilities.
- D. Decommissioning plan with cost estimate.

372.09 Site Plan Considerations: When choosing a site plan for a wind energy facility, applicants must consider the noise and safety impacts on neighbors and visual impacts. For large-scale facilities, applicants must also consider impacts on agriculture, wetlands, wildlife, birds/bats, and blade flicker.

372.10 Abandonment and Decommissioning: A facility left unused for 12 consecutive months is deemed abandoned and must be removed within 6 months of notice. Requirements for removal vary by facility size. Failure to comply may result in permit revocation and forfeiture of the bond.

372.11 Intent for Solar Power Facilities: The following sections regulate solar energy facilities and establish standards to encourage wind energy development while protecting public health, safety, and community welfare.

372.12 Permitted Areas: Small-scale facilities are permitted in all zones. Large-scale solar facilities are permitted only in agricultural zones and are prohibited in Critical Environmental Areas, Unique Natural Areas, floodplains, and wetlands. Extensive forest clearing requires an environmental impact statement.

372.13 Setback Requirements: Building-mounted systems must meet building standards. Ground-mounted systems must meet accessory structure setbacks and be located on side or rear lots.

372.14 Installation and Design Standards: The following regulations must be maintained when developing a solar power facility:

- A. Large-scale facilities must create glare hazards for drivers on state roads.
- B. Structures must be non-reflective, unobtrusive structures.
- C. No exterior lighting is permitted.
- D. Electrical wiring must be underground except for utility tie-ins.
- E. Large-scale facilities must be fenced at least six feet high with warning signage.

372.15 Special Site Plan Requirements: The following materials are required submissions for special site plan reviews:

- A. Aerial photograph showing facility location.
- B. Engineering drawings by a licensed professional.
- C. Stormwater management plan.
- D. Decommissioning plan with cost estimate.

372.16 Site Plan Considerations: When choosing a site for a solar power facility, applicants must consider agricultural resources, stormwater and runoff impact, wildlife, roadway safety (glare), and visual impacts on neighbors.

372.10 Abandonment and Decommissioning: A facility left unused for 12 consecutive months is deemed abandoned and must be removed within 6 months of notice. Requirements for removal vary by facility size. Failure to comply may result in permit revocation and forfeiture of the bond.

Section III: Amendment to Article 2 Definitions

Article 2 of the Land Use and Development Code is amended to add the following definitions:

205.09: Unused Facility: shall mean any building, structure, installation, or site improvement that has ceased activity for a continuous period of 12 consecutive months. A facility meeting this condition shall be deemed abandoned, regardless of ownership status or intent to resume use.

207.15 Village Sound Limits: shall mean the maximum permissible sound level measured at the property line of the receiving property. Unless otherwise specified, the following limits apply:

Section 208: Renewable Energy Definitions

208.01 Rated Power Output: The power output of a wind turbine at a constant Hub Height wind speed of 11m/s (25mph).

208.02 Solar Power Facility: an electric-generating facility consisting of 1 or more solar panels under common ownership or operating control.

208.03 Solar Power Facility, Building Mounted: A solar power facility located on the exterior of any

legally permitted building or structure or integrated into a building envelope.

208.04: Solar Power Facility, Large Scale: A solar power facility that feed electricity directly into the grid, is primarily for the purpose of onsite or offsite sale or electricity consumption, and is larger than two thousand (2,000) square feet in area of solar collectors per lot.

208.05: Solar Power Facility, Small Scale: A solar energy system that has the primary function of serving the building(s) with which it is associated on the same lot, but also may have the ability to sell small quantities of energy back to the electric utility provider and does not exceed two thousand (2,000) square feet in area of solar collectors per lot.

208.06 Wind Energy Facility: An electric-generating facility consisting of one or more wind turbines under common ownership or operating control. The facility may include substations, meteorological towers, access roads, control buildings, electrical interconnection equipment, and other ancillary equipment.

208.07 Wind Energy Facility, Small Scale: A wind energy facility consisting of a wind turbine, tower, and associated control or conversion electronics with rated power output of twenty five kilowatts (23 kW) or less.

208.08: Wind Energy Facility, Medium Scale: A wind energy facility with a rated power output of more than 25 kW up to and including 500kW.

208.09 Wind Energy Facility, Large Scale: A wind energy facility with a rated power output of greater than 500kW.

208.10 Wind Measurement Tower: A tower equipped with weather measurement instrumentation to provide data collection and recording for the purpose of assessing the wind resource at a site. Wind measurement towers are temporary towers allowed as part of a wind energy facility application, where the requested tower meets all requirements as outlined in this code and in village local laws. Permits are valid for a period of thirty six (36) months and renewable for an additional twenty four (24) months.

208.11 Wind Turbine Height: The distance measured from grade at the center of the tower to the highest point of a wind turbine, including the rotor blade tip when it reaches its highest elevation.

208.12: Extensive Forest Clearing: shall mean the removal of trees or forest vegetation on a parcel in a manner that significantly alters the existing tree canopy, forest character, or ecological function of the site.

Section IV: Severability

If any clause, sentence, paragraph, subdivision, or part of this local law is adjudged invalid, such judgment shall not affect the remainder of this local law.

Section V: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.