

# **COUNTY OF MONROE**

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**ORDINANCE NO. 2021-02**

**AN ORDINANCE AMENDING  
CHAPTER 40 "ZONING CODE"  
OF THE REVISED CODE OF ORDINANCES  
FOR THE  
COUNTY OF MONROE**

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**ADOPTED BY THE  
COUNTY COMMISSIONERS  
OF  
MONROE COUNTY**

**THIS 19TH DAY OF JANUARY, 2021**

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**Published in pamphlet form by authority of the County Board of  
Monroe County, Illinois this 19th day of January, 2021.**

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**UNDER THE SUPERVISION OF STATE'S ATTORNEY**

**ORDINANCE NO. 2021-02**

**AN ORDINANCE AMENDING CHAPTER 40 OF THE REVISED CODE OF ORDINANCES OF THE COUNTY OF MONROE, ILLINOIS.**

**WHEREAS**, the County Board of Commissioners of Monroe County, Illinois has the authority to adopt ordinances pursuant to statutory authority in 55 ILCS 5/5-1113; and

**WHEREAS**, Monroe County Board of Commissioners has the power to regulate land uses through the establishment of a Zoning Code pursuant to Section 55 ILCS 5/5-12001; and

**WHEREAS**, the Zoning Board of Appeals of Monroe County held a public hearing on December 2, 2020 and has recommended approval of the amendment to the Zoning Code regulating "Solar Energy Conversion Systems".

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, ILLINOIS THAT:**

**SECTION 1: Amendment.** The Monroe County Zoning Code, Division VI, Section 4-4-111 et seq. be amended as follows:

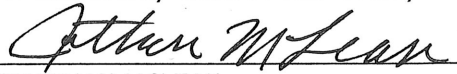
**[SEE EXHIBIT "A" FOLLOWING]**

**SECTION 2: Severability of Provisions.** Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 3: Conflicting Ordinances.** Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

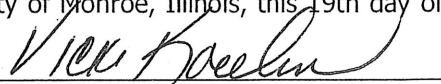
**SECTION 4: Effective.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**SECTION 5:** Passed this 19<sup>th</sup> day of January, 2021 by the County Board of the County of Monroe, Illinois, and deposited and filed in the office of the County Clerk in said County on that date.

  
JONATHAN MCLEAN  
MONROE COUNTY CLERK

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Vicki Koerber, Chairman	✓				
Dennis Knobloch	✓				
George Green	✓				

Signed by the County Board Chairman of the County of Monroe, Illinois, this 19th day of January, 2021.

  
VICKI KOERBER  
MONROE COUNTY CHAIRMAN

ATTEST:  
  
JONATHAN MCLEAN  
MONROE COUNTY CLERK

**(SEAL)**

**COUNTY CLERK'S CERTIFICATE**

**STATE OF ILLINOIS** )  
 ) **ss. COUNTY CLERK'S OFFICE**  
**COUNTY OF MONROE** )

I, Jonathan McLean, County Clerk of the County of Monroe, Illinois, do hereby certify that the following Ordinance of the County of Monroe, Illinois, published by authority of the County Board was duly passed by the County Board of the County of Monroe, Illinois, approved by the Chairman, and published in pamphlet form according to law on this date, and that this ordinance is a true and perfect copy of the ordinance, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the Corporate Seal of the County of Monroe, Illinois, this 19<sup>th</sup> day of January, 2021.



JONATHAN MCLEAN  
COUNTY CLERK  
MONROE COUNTY, ILLINOIS

**(SEAL)**

## EXHIBIT "A"

### DIVISION VI – SOLAR ENERGY CONVERSION SYSTEMS

#### 40-4-111 DEFINITIONS.

**Applicant:** The entity or person who has submitted an application for a Special Use permit for a solar project.

**Array:** Multiple solar panels designed to work together to generate more power than a single panel.

**Financial Assurance:** Means reasonable assurance from a credit worthy party, examples of which include surety bond, cash escrow, or irrevocable letter of credit.

**Ground-Mount:** A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

**Landowner:** A person/persons or entity holding title to a tract of land.

**Large Solar Project:** A utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

**Operator:** The entity responsible for the day-to-day operation and maintenance of the solar project, including any third-party subcontractors.

**Owner:** The entity or entities with an equity interest in the solar project, including their successors and assigns. Owner does not mean the landowner from whom land is leased for locating the solar project, unless the property owner has an equity interest in the solar project.

**Panel:** A panel containing photovoltaic cells for generating electricity.

**Participating Parcel:** A tax parcel on which the landowner has entered into a financial or easement agreement with the Owner, Operator or Applicant of a solar project.

**Primary Structure:** A structure that one or more person(s) occupy the majority of the time for either business or personal reasons. Primary structure includes structures such as a residence, commercial building, hospital, and day care facility. Primary structure excludes structures such as hunting shed, storage shed, pool house, unattached garage and barn.

**Professional Engineer:** A qualified individual who is licensed as a professional engineer in the required area of expertise.

**Roof-Mount:** A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

**Setback:** The distance from the closest point of a solar project feature to a property line. Feature shall include any overhanging projections.

**Small Solar Project:** Any solar energy system that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite use with primary purpose for electrical generation of property that it is located on.

**Solar Energy System:** A system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.



**Solar Project Site:** All parcels of land making up a solar project.

**Solar Project:** All solar project features, substations and ancillary facilities, underground cable installations, and third-party transmission lines associated with the project up to the point of connection with a utility company power line or private home electrical wiring.

**Substation:** The apparatus that connects with the electrical collection system of the solar project and increases the voltage for connection with a utility's transmission line or high voltage electric transmission grid.

**40-4-112      LARGE SOLAR ENERGY PROJECT.**

(A)      **Procedure.** To obtain a special use permit and siting approval, the applicant must first submit a special use application to the County. The special use application must contain or be accompanied by the following information:

- (1) Solar energy project summary, including a general description of the project, including approximate name plate generation capacity, potential equipment manufacturer, number of panels, total system capacity, general location of the project.
- (2) A description of the applicant, owner and operator, including the respective financial structures and financial statement.
- (3) The name, address, and phone number of the applicant, owner, and operator and all property owners within the solar energy project site.
- (4) A site plan for installation of the solar energy project showing the boundaries of the project, plus the location or planned location of each solar energy panel, guy wires and anchor bases (if any), primary structures, property lines (including identification of adjoining properties), setback lines, public access roads, substation, electrical cabling from panels to the substation, ancillary equipment, third party transmission lines, private access roads, wells, septic fields, existing easements, floodplain location and elevation (if applicable), wetland locations (if applicable), layout of all structures within the geographic boundaries of any applicable setback.
- (5) Distances from any fence, solar energy panels or substation to all property lines.
- (6) A topographic map of the proposed site including **two (2) feet** contour lines across the site and extending **one hundred (100) feet** in all directions from the limits of the site.
- (7) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Division, federal and state laws, and administrative provisions including, but not limited to, consultation report with the Illinois Department of Natural Resources, emergency plan, and evaluation of the geotechnical stability of the site for supporting all the necessary structures.
- (8) Any other information required by the County Zoning Code.
- (9) Copies of all necessary access easements and necessary utility easements, copies of which shall be submitted to the Zoning Office.
- (10) Legal description for the planned location of the solar energy project.

The applicant shall notify the County of any changes to the information provided in the lists above that occurs while the special use application is pending.

(B)      **Change of Ownership.** Any change of ownership or lease control will require a new special use application and permit.

(C)      **Used Equipment.** Used equipment is permitted only if recertified to factory specification or better by the factory or an appropriate professional engineer.

(D)      **Weed and Grass Control.** Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operator during the operation of

the solar energy project must maintain the fence and screening system and adhere to the weed and grass control program. If the operator does not do so, there can be a fine of up to **Five Hundred Dollars (\$500.00)** per incident if the fence is not secure or the weed and grass control program is not followed.

- (E) **Setbacks.** The following setbacks shall apply:
- (1) Fences shall be a minimum of **twenty (20) feet** from any property line.
  - (2) Panels and their support structures shall be a minimum of **fifty (50) feet** from any property line.
  - (3) Panels and their support structures shall be a minimum of **one hundred (100) feet** from any primary structure.
  - (4) Substations shall be a minimum of **fifty (50) feet** from any property line.
  - (5) Substations shall be a minimum of **one hundred (100) feet** from any primary structure.
  - (6) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent roads or properties.

New primary structures shall maintain the same setback from the fences, panels, and support structures as the site is required to observe.

(F) **Prohibition.** No solar energy project governed by this Division shall be constructed, erected, installed, or located within Monroe County unless prior Special Use Permit application has been approved for each individual solar energy project pursuant to this Division. Upon special use approval, a construction permit shall be obtained from the Zoning Department prior to the commencement of construction of any solar energy project or any part thereof.

(G) **Appearance.** All solar energy project structure surfaces shall be a non-reflective, unobtrusive color. No advertising signs or graphic designs shall be permitted on the solar energy project structures. The manufacturer's identification and specifications shall be permitted.

(H) **Use of Public Road.** Prior to a Special Use Permit being granted, an agreement shall be entered into between the applicant/owner/contractor, the County Engineer, and any other affected road authority. Such agreement shall detail the use of public roads for construction/maintenance of said solar energy project to include but not limited to:

- (1) Access routes identified.
- (2) Overweight/Oversize loads presented.
- (3) Pre-construction survey of roads for potential damage including site photos and documentation of existing condition.
- (4) Schedule of construction operations.
- (5) Setting up an escrow fund, letter of credit, or surety bond to cover future road repairs.
- (6) Approval of Monroe County, Illinois Utility Petition and Permit if applicable.

Payment for County costs to retain a consultant, if necessary, to make a study of any structure or road on the proposed route that the County Engineer determines may not carry the loads and weight and use during the solar energy project construction.

(I) **Certification.** All solar energy projects shall conform to applicable industry standards, including Monroe County, State and National construction, electrical, and fire codes.

(J) **Power Lines.** All new power lines used between panels and from the panels to the substation and all communication lines shall be underground. In instances where they cross public roads, they shall be bored as required in the County Road Agreements and located underground at a depth the National Electric Safety Code requires. In certain instances, the County may authorize the location of utilities in public right of ways. The applicant shall install marker tape in any cable trench.

(K) **Utility Location.** The applicant shall become a member of the Illinois statewide one-call notice system (otherwise known as the joint utility locating information for excavators or "JULIE" and provide "JULIE" with all of the information necessary to update its records with respect to the solar energy project.

(L) **Warnings.** A visible warning sign stating "High Voltage" must be placed at all points of ingress and egress to the solar energy project site. The sign must have at a minimum **six (6) inch** letters. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of any guy wires and along the guy wires up to a height of **fifteen (15) feet** vertically from the ground. The sign at the entrance to the facility shall include a **twenty-four (24) hour** emergency contact number.

(M) **Height.** Ground or pole-mounted solar energy systems shall not exceed **sixteen (16) feet** in height when oriented at maximum tilt.

(N) **Lighting.** If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

(O) **Aviation Protection.** For solar energy projects located within **five hundred (500) feet** of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

(P) **Screening and Fencing.** Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of **six (6) feet**. The planning board and zoning board of appeals shall have the discretion to recommend a **thirty (30) foot** wide vegetative buffer consisting of a compact evergreen hedge or other type of evergreen foliage which shall be recommended along the entire perimeter of the facility, or an alternative buffer may also be considered. The buffer shall be planted at a minimum of **three (3) feet** tall and with the expectation that this hedge shall reach the height of at least **eight (8) feet** within **three (3) years** and shall be maintained in good condition. If a vegetative buffer is to be part of the solar farm development, a landscape plan should be submitted for review and approval. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the planting, along with an evaluation of the soils. An alternative buffer may also be considered. Earth berms, other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements, if they conceal the use from public view and are maintained.

(Q) **Study Reviews – Use of Third-Party Consultant.** The County may desire to retain experts in the areas of engineering, planning, environmental, and legal in order to properly and efficiently review the documentation submitted by the applicant. In such instances the applicant will be advised of the required service and be provided an estimate of the expert's fees. Since such fees are beyond the customary fees associated with smaller and less complex matters, the applicant will be required to pay for the expert services as part of the review process and such payments shall occur regardless of the findings of the expert or the action ultimately taken by the County on the application. After notice to the applicant of the cost of such required experts, the applicant will be required to escrow all fees into a County account. The applicant will be provided with duplicate copies of consultant invoices and may comment on each invoice. A monthly statement of the manner in which the escrowed funds in the account are utilized will be made available to the applicant and if required the applicant shall replenish the account.

(R) **Emergency Providers.** The applicant shall submit to the local fire protection district(s), the Sheriff's Department, other relevant police authorities and the ambulance service a complete copy of the application for the solar energy project along with an analysis of the anticipated emergency needs.

The applicant shall cooperate with the emergency providers and develop emergency response plans that describe the potential emergency services that may be required and an analysis of the capabilities in terms of equipment and manpower to respond to potential emergency conditions. The applicant, owner, or operator shall work with local rescue authorities to provide training (at the applicant, owner, or operator's expense) to handle various situations. Level of training to be determined by the emergency service provider.

A copy of the approved emergency response plan will be required prior to approval.

Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(S) **Material Handling, Storage, and Disposal.** All solid waste related to the construction, operation and maintenance of the solar energy project shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal procedures.

All hazardous materials related to the construction, operation, and maintenance of the solar energy project shall be handled, stored, transported, and disposed of in accordance with all applicable local, state and federal procedures.

(T) **Wildlife.** A qualified professional shall conduct a pre-construction site risk assessment study to estimate the impacts of the construction and operation of the proposed solar energy project on wildlife. The pre-construction site risk assessment shall be submitted with the application and shall include the following minimum information:

- (1) A literature review of existing information on species and potential habitats and results of agency database queries for records of rare, threatened, and endangered species and important habitats such as Illinois Natural Areas Inventory sites and registered/dedicated nature preserves, land and water

reserves, and wetland reserves within **two (2) miles** of the proposed solar energy project.

- (2) A general mapping of the significant vegetation and land cover types, wildlife habitat and quality, and physical characteristics of the proposed solar energy project.
- (3) A field examination that verifies results of the literature review and agency queries and that documents general site habitat conditions.

The applicant shall apply for consultation with the endangered species program of the Illinois Department of Natural Resources. The application shall include a copy of the agency action report from the endangered species program of the Illinois Department of Natural Resources.

(U) **Wetland Mitigation.** Any mitigation of wetlands shall be done within Monroe County.

(V) **Invasive Plants.** Any clearing of woods for the purpose of a solar energy project shall require the control of invasive plants in the cleared area for the length of the project.

(W) **Stormwater and Drainage.** All solar energy project sites must comply with the Monroe County "Stormwater Drainage and Detention, Soil Erosion and Sediment Control for Commercial and Industrial Developments" ordinance. All solar energy projects must comply with USEPA and IEPA groundwater drainage standards.

(X) **Energy Deliverability.** At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the County.

(Y) **Installation Certification.** A professional Engineer shall certify that the construction and installation of the solar energy project meets or exceeds the manufacturer's construction and installation standards.

(Z) **Maintenance.** Each applicant, operator, or successor in interest, shall have the solar energy project facility inspected annually by qualified professionals, approved by the Zoning Department, and shall submit a certificate from said professionals reciting the annual maintenance done on the facility and stating that the facility is in good working condition and not a hazard to the public. Failure to submit annual certificate shall be grounds for revocation of the Special Use Permit by the Zoning Department.

(AA) **Compliance with Regulations.** Nothing in this Division is intended to preempt other federal, state or local laws and regulations.

(BB) **Decommissioning and Site Reclamation Plan.** A decommissioning and site reclamation plan must be submitted with the special use application to ensure that the solar energy project is properly decommissioned, and the site properly reclaimed. The decommissioning and reclamation plan shall, at a minimum, include:

- (1) Provisions describing the triggering events for decommissioning the solar energy project.
- (2) An estimate of the decommissioning costs certified by a Professional Engineer. The manner in which salvage value will be considered must be considered and documented. All costs will be itemized.
- (3) Provision for anticipated repairs to any public roads of facilities used for the purpose of reclamation of the solar energy project and all costs related to removal of structural materials and access roads.
- (4) Provisions for the removal of structures, concrete, debris and cabling, including those below the soil surface to a depth of **five (5) feet**.
- (5) Provisions for the disconnecting of all cabling from the utilities power lines.
- (6) Provisions for the restoration of the soil and vegetation.
- (7) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs by way of sale, gift and assignment in fact or at law or any other such transfer of financial interest of ownership in the solar energy project. Any successor or assignee shall assume the terms, covenants, and obligations of this plan and must agree to assume all reclamation liability and responsibility for the solar energy project.

- (8) A provision that this plan is governed by Illinois law.
- (9) A provision that indemnifies the County with respect to any and all liability arising out of the decommissioning and site reclamation plan.
- (10) A provision that the County shall have access to the site, pursuant to reasonable notice, to effect, inspect or complete decommissioning if necessary.
- (11) A provision that the applicant, owner and operator shall notify the County Zoning Administrator by certified mail of the commencement of a voluntary or involuntary bankruptcy proceeding, naming the applicant, owner or operator as debtor, within **thirty (30) days** of the beginning of the proceeding.
- (12) Financial assurance, in the form of an irrevocable letter of credit, secured by the owner or operator, for the purpose of adequately performing decommissioning and site reclamation, in an amount equal to **one hundred fifty percent (150%)** the professional engineer's certified estimate of the decommissioning and site reclamation costs.
- (13) Every **five (5) years** a professional engineer's certified estimate of decommissioning and site reclamation costs will be submitted and an adjustment to the financial assurance will be required.

(CC)

**Financial Assurance for Decommissioning and Site Reclamation.**

- (1) At time of approval of the special use permit the amount of the irrevocable letter of credit shall be **one hundred fifty percent (150%)** of an independent engineer's cost estimate to complete the work of decommissioning and site reclamation.
- (2) It is recognized that there may be a salvage that will result from the reclamation process; however, the County may limit the amount that can be used for determining the amount of the irrevocable letter of credit.
- (3) The owner, operator, applicant or legally responsible party shall gradually pay down the value of the irrevocable letter of credit by placing cash deposits in an escrow account over the first **seven (7) years** of the solar energy project as follows, and replacement letters of credit shall be simultaneously issued in the reduce amount.
  - (a) the owner of the solar energy project and the County shall agree upon a mutually acceptable financial institution in excellent financial standing at which an escrow account shall be established.
  - (b) The County shall be the beneficiary of the escrow account for the purpose of the reclamation of the solar energy project in the event that the solar energy project owner is unwilling to or incapable of decommissioning the solar energy project.
  - (c) The owner of the solar energy project shall grant perfected security in the escrow account by use of a control agreement establishing the County as an owner of record.
  - (d) At all times the total combined value of the irrevocable letter of credit and the escrow account shall be increased annually as necessary to reflect actual rate of inflation over the life span of the solar energy project and the amount shall be equal to or exceed the following.
    - (i) The amount of the engineer's cost estimate as increased by known and documented rates of inflation since the solar energy project was approved; plus
    - (ii) An amount for any future years left in the anticipated life span of the solar energy project at an assumed rate of inflation of **three percent (3%)** per year.
    - (iii) Interest accrued on the escrow account that is over and above the total initial valuation value required shall go to the solar energy project owner, subject to the terms of the decommissioning and site reclamation agreement.



- (iv) In order to provide funding for the decommissioning at the time of decommissioning, the owner may exchange a new irrevocable letter of credit in an amount equal to the amount in the escrow account in exchange for the County agreeing to a release of the full amount of the escrow account.
- (4) The County may draw down on the funds in the escrow account in the event of the following situations and when the owner shall determine not to take any action to remedy the conditions. The terms under which such action may be taken should be defined in the decommissioning agreement but generally be limited to the following examples:
  - (a) In the event that any individual panel or component thereof ceases to function and becomes mechanically or electrically inoperative for more than **six (6) consecutive months** and the owner is not diligently repairing such panel or component thereof.
  - (b) In the event that the owner declares any individual or group of panels or components to be functionally obsolete for tax purposes.
- (5) The decommissioning and site reclamation provision shall be included as part of the project special use application. The irrevocable letter of credit and evidence of the escrow account must be submitted to the County prior to any construction permit being issued.
- (6) The County reserves the right to require additional information or components to the plan as the County deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

(DD) **Cessation of Operation.** If any solar panel(s) provided for in this Section has not been in operation and producing electricity for at least **two hundred seventy (270) consecutive days**, it shall be removed. The Monroe County Zoning Department shall notify the owner to remove the panel(s). Within **thirty (30) days**, the owner shall either submit evidence showing that the system has been operating and producing electricity or under repair or remove it. If the owner fails to or refuses to remove the solar panel(s), the violation shall be referred to the Monroe County States Attorney for enforcement.

(EE) **Penalties.** The applicant's, owner's or operator's failure to materially comply with any of the above provisions shall constitute a default under this Division.

Prior to implementation of the existing County procedures for the resolution of such default, the appropriate County body shall first provide written notice to the owner and operator, setting forth the alleged default. Such written notice shall provide the owner and operator a reasonable time period, not to exceed **thirty (30) calendar days**, for good faith negotiations to resolve the alleged default. If the County determines in its discretion that the parties cannot resolve the alleged default within the good faith negotiation period, the existing County ordinance provision addressing the resolution of such default shall govern, including but not limited to, the right to obtain an injunction of, for or against any violation from a court of competent jurisdiction.

**40-4-113 SMALL SOLAR ENERGY PROJECTS.** This Section shall apply to small solar energy projects as defined above.

To receive a building permit for a small solar energy project, the following conditions must be met:

(A) The applicant shall submit to the local fire protection district a copy of plans for the solar energy project and shall provide any information that the fire district requests for the protection of emergency personnel in case of fire. The applicant shall furnish the Zoning Department a letter from the local fire department that they have been notified.

(B) The applicant shall submit to the local electric utility a copy of plans for the solar energy project and shall provide any information that the utility requests. The applicant shall follow all interconnection requirements and guidelines of the utility for the protection of personnel with the utility. The applicant shall furnish the Zoning Department a letter from the local electric utility that they have been notified and that the applicant is complying with their requirements.

(C) For any solar energy project or panel that will be mounted on a roof, the applicant shall furnish the Zoning Department a letter from a structural engineer that the roof construction is sufficient for the solar energy project or panel load.

(D) All small energy projects shall conform to applicable industry standards, including Monroe County, State and National construction, electrical and fire codes.

(E) Reflection angles for solar collectors shall be oriented such that they do not project flare onto adjacent roads or properties.

Setback will be the same as for any accessory building.

No special use permit will be required.

**40-4-114 COMMUNITY RESTRICTIONS.**

(A) **Restrictions on Solar Energy Systems Limited.** Consistent with **765 ILCS 165/**, no homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of unincorporated Monroe County shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than Monroe County's solar energy standards.