

VILLAGE OF BRADLEY

ORDINANCE NO. 0-05-24-07

AN ORDINANCE APPROVING MULTIPLE AMENDMENTS TO THE VILLAGE OF
BRADLEY ZONING ORDINANCE

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13th DAY OF May, 2024

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 13th day of May, 2024.

ORDINANCE NO. 0-05-24-07

**AN ORDINANCE APPROVING MULTIPLE AMENDMENTS TO THE VILLAGE OF
BRADLEY ZONING ORDINANCE**

WHEREAS, the Corporate Authorities of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Article 11, Division 13 of the Illinois Municipal Code (65 ILCS 11-13-1, *et seq.*) the Corporate Authorities of the Village have authority to enact zoning ordinances that regulate land use within the Village; and

WHEREAS, the Corporate Authorities of the Village previously exercised this authority, enacting Chapter 60 (Zoning) of the Bradley Village Code (the “Bradley Zoning Ordinance”); and

WHEREAS, the Village previously proposed amendments to the Bradley Zoning Ordinance that would: (i) define the terms “Battery Energy Storage Facility”, “Battery Energy Storage System”, “Battery Management System”, “Commercial Solar Farm”, “Concentrated Solar Power System”, and “Solar Energy System”, (ii) authorize commercial solar farms as a special use in the Village’s M (Industrial) district, (iii) modify Section 60-21 of the Bradley zoning ordinance, (iv) create Article XI. – Commercial Solar Farms, and (v) create Article XII. – Battery Energy Storage Facilities (collectively the “Proposed Amendments”); and

WHEREAS, the Proposed Amendments were submitted to the Planning and Zoning Commission (the “Plan Commission”) for its review and consideration and for the purposes of holding a public hearing thereon; and

WHEREAS, the Plan Commission held a public hearing to consider the Proposed Amendments on May 7, 2024, with notice having been properly given for the same, and at that time made all findings of fact required by and pursuant to the Village Code; and

WHEREAS, the Plan Commission has recommended that the President and Board of Trustees amend the Bradley Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, the Plan Commission has supported its recommendation by setting forth its findings of fact in accordance with the requirements of the Village Code (a copy of the Plan Commission’s findings of fact and recommendation of approval is attached hereto as Exhibit A and fully incorporated herein); and

WHEREAS, the President and Board of Trustees of the Village hereby approve and adopt the Plan Commission’s findings of fact; and

WHEREAS, the President and Board of Trustees of the Village have determined that amending the Bradley Zoning Ordinance as set forth in this Ordinance is in the best interests of the Village and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2: Chapter 60 (Zoning), Article I (In General), Section 60-4, of the Bradley Zoning Ordinance is hereby amended in part to add the underlined text:

Sec. 60-4. – Definitions

* * *

Battery Energy Storage Facility means one or more battery cells for storing electrical energy in a battery energy storage system (“BESS”) with a battery management system (“BMS”).

Battery Energy Storage System means a physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Battery Management System means an electronic regulator that manages a battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access, and capable of automatically shutting down the system if necessary to prevent operation outside safe parameters.

* * *

Commercial Solar Farm means a solar panel or array composed of multiple solar panels on ground-mounted rack or poles which are one of the primary use(s) for the parcel of land on which it is located, or any solar energy system that has a primary purpose for wholesale or retail sales of generated electricity.

* * *

Concentrated Solar Power System means a solar energy system that uses mirrors to reflect and concentrate sunlight onto receivers that collect solar energy and convert it to heat. The thermal energy is then used to produce electricity via a steam turbine or heat engine that drives a generator.

* * *

Solar Energy System means any combination of solar panels or solar arrays, including mounting structures, inverters, and other accessory equipment, used for the generation and storage of electricity.

* * *

SECTION 3. Chapter 60 (Zoning), Article I (In General), Section 60-21, of the Bradley Zoning Ordinance is hereby amended in part to remove the stricken text:

Sec. 60-21. – Uses not specifically permitted in district.

When a use is not specifically listed in the sections devoted to permitted uses, it shall be assumed that such uses are hereby expressly prohibited, ~~unless by a written recommendation of the planning and zoning commission and approved by the village board it is determined that said use is similar to and not more objectionable than uses listed. Such uses may then be permitted.~~

SECTION 4. Chapter 60 (Zoning), Article VI (Industrial District), Section 60-179, of the Bradley Zoning Ordinance is hereby amended in part to add the underlined text:

Sec. 60-179. – M industrial district uses; requirements.

The M industrial district is intended to provide an environment suitable for and limited to light manufacturing that will not have an adverse effect upon the environmental quality of the community.

* * *

(2) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of article VIII of this chapter:

* * *

- w. Commercial Solar Farm
- x. Battery Energy Storage System

* * *

SECTION 5. A new Article XI (Commercial Solar Farms) is hereby created within Chapter 60 (Zoning) of the Village of Bradley Code of Ordinances, as follows:

ARTICLE XI. – COMMERCIAL SOLAR FARMS

Sec. 60-540. – Height

Any and all buildings and structures constructed in connection with a solar energy system are subject to the height limits of the subject zoning district. No part of any ground-mounted solar energy system may exceed twenty (20) feet in height when oriented at maximum tilt.

Sec. 60-541. – Setbacks

1. Any and all buildings and structures constructed in connection with a solar energy system are subject to the setback regulations of the subject zoning district.
2. Solar energy systems, excluding fences, are subject to the following setbacks:
 - i. At least fifty (50) feet from the nearest edge of public right-of-way; and
 - ii. At least fifty (50) feet from every boundary of the parcel(s) of property on which the solar energy system is constructed, all as depicted on an approved site plan; and
 - iii. At least one hundred fifty (150) feet from the nearest point of the outside wall of any dwelling unit or occupied residential building, unless waived by the written consent by each affected property owner; and

Sec. 60-542. – Glare

Solar energy systems must be designed, constructed and sited to minimize flare of 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 nonreflective finish.

Sec. 60-543. – Soil and Ground Cover

1. Topsoils shall not be removed from the site during development unless the removal is expressly approved as part of the conditional use permit.
2. Perennial vegetative ground cover must be maintained or established in all areas where a solar energy system is located. The seed mix selections for both temporary and long-term mixes shall be determined and approved as part of the conditional use permit for the facility.
3. Perennial vegetative ground cover or farm crops must be maintained or established in required setbacks to prevent erosion and manage run-off.
4. All solar energy systems must comply with all applicable County storm water detention and drainage ordinances, as well as all corresponding Village ordinances. All new impervious surfaces shall be analyzed on a parcel-by-parcel basis.
5. A maintenance plan shall be approved by the Village Board at the time of conditional use permit approval and shall be implemented during the term of the conditional use permit. Any revisions to said plan must be in writing and approved by the Village Board.

Sec. 60-544. – Security Barrier

All solar energy systems must be enclosed by perimeter security fencing or another village-approved barrier within a minimum height of at least six (6) feet and no more than eight (8) feet. This security barrier may, but is not required to, be incorporated into any screening requirement of this Chapter.

Sec. 60-545. – Screening

All solar energy systems shall be adequately screened to the satisfaction of the Village in substantial conformance with a screening plan approved by the Village Board.

Sec. 60-546. – Approved Solar Components

Electric system components must have a UL (Underwriters Laboratories Inc.), or similar nationally recognized testing laboratory listing.

Sec. 60-547. – Lighting

Solar energy systems may not be permanently illuminated, unless required by the FAA or other applicable government agency or authority.

Sec. 60-548. – On-Site Utilities

On-site power lines and utility connections must be placed underground unless otherwise expressly approved as part of the conditional use permit.

Sec. 60-549. – Agricultural Impact Mitigation Agreement (AIMA)

Prior to and as a condition on the conduct of any public hearing or the issuance of any site development and/or building permits in connection with a proposed solar energy system, the facility owner/operator shall:

1. Execute an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture and file a copy thereof with the Village; and
2. Provide the Village with a letter of credit or other sufficient financial surety, in a form and amount acceptable to the Village, to insure the ultimate decommissioning of the solar energy 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).

Sec. 60-550. – Conservation Plan

Prior to 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 solar energy system, the facility owner/operator shall submit a conservation plan addressing conformance with the Agricultural Impact Mitigation Agreement (AIMA) then in effect, inspection schedule, soils, plantings/vegetation, drainage, and maintenance, and shall further grant the Village, 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 (1) maintenance of any creeks and waterways that cross or adjoin the subject property (creek cutting is strictly prohibited) and (2) a plan for the relocation or replacement (on the subject property or elsewhere in the Village) of any trees that will be cleared from the subject property in connection with the solar energy system.

Sec. 60-551. - Monitoring and Maintenance

The owner and/or operator of the solar energy system shall be jointly and severally responsible and liable for 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), and 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), structural repairs, maintaining internal access drives, and maintaining the integrity of security measures. Maintenance and grounds keeping shall include mowing, reseeding, and weed management practices. A written maintenance plan shall be approved for the area located inside the fence and the area located outside of the fence is subject to the Village's existing weed ordinance.

Sec. 60-552. – Avoidance and Mitigation of Damages to Public Infrastructure

1. Roads. If the owner and/or operator of a solar energy system enters into a road use agreement with the Illinois Department of Transportation, a county, a road district, or any other unit of local government relating to a solar energy system, the road use agreement shall require the facility owner and/or operator to be jointly and severally responsible and liable for:
 - i. The reasonable cost of improving roads used by the facility owner to construct the solar energy system, and
 - ii. The reasonable cost of repairing roads used by the facility owner and/or operator during construction of the solar energy system so that those roads are in a condition that is safe for the driving public after the completion of the facility's construction.

Roadways improved in preparation for and during the construction of the solar energy system shall be repaired and restored to the improved condition at the sole and exclusive cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

The road use agreement shall not require the facility owner to pay costs, fees, or charges for road work that is not specifically and uniquely attributable to the construction of the solar energy system. Road-related fees, permit fees, or other charges imposed by the Illinois Department of Transportation, a road district, or other unit of local government under a road use agreement with the facility owner shall be deemed to be reasonably related to the cost of administration of the road use agreement.

2. Roadway Dedication. Temporary access roads or drives utilized during the construction of a solar energy system shall not be required to be dedicated to the

Village or any other governmental agency with jurisdiction, but the Village may, in its discretion, require dedication of any permanent roads or drives used for access and maintenance of the solar energy system.

3. Existing road conditions. Prior to construction, the owner/operator must conduct a pre-construction survey, in coordination with the applicable highway authority to determine existing road conditions. The owner/operator is responsible for on-going road maintenance and dust-control measures resulting from the construction and installation of the solar energy system as identified by the applicable road authority during all phases of construction and installation.
4. Drainage system. Prior to construction, the owner/operator is responsible for identifying the location of all subsurface drainage systems. The owner and/or operator are jointly and severally responsible and liable for promptly repairing damage to drain tiles and other drainage systems that result from construction, operation, or maintenance of the solar energy system that negatively impact properties outside the subject property. Repair of subsurface drainage systems shall, at a minimum, be in compliance with the Agricultural Impact Mitigation Agreement (AIMA) then in effect.

Sec. 60-553. – Submittal Requirements

All applications for conditional use permit approval for a solar energy system must include the following information, in addition to any other information required by this Title. An applicant may submit a single application for the entire property to be used in connection with the project.

1. Completed conditional use permit application, on the Village's standard form.
2. Copy of recorded deed(s) showing ownership of the subject property.
3. Electronic copy of legal description that is editable.
4. Plat of survey (to scale) from a professional land surveyor. Survey must include a 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.
8. The results and recommendations from 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 successor 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:

- i. Subject property including the property lines, setback lines, and right-of-way lines.
- ii. Physical features including but not limited to roads, floodplain(s) (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 fencing.
- iii. Identification of proposed construction and ongoing maintenance routes from the nearest arterial road as detailed on a map.

14. A certified letter with return receipt requested, evidencing a good faith effort to contact the applicable road authority or affidavit evidencing that contact has been made with the applicable road authority.

15. Proposed product cut-sheets.

16. Glare study report (if applicable).

17. Visual screening report that includes the following:

- i. A map of homes within three hundred (300) feet of the facility; and
- ii. Locations and type of existing vegetation that provides screening of views of the facility; and
- iii. Topographic features that provide screening of the facility.

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

19. Operation and maintenance plan for the solar energy system, including measures for maintaining safe access to the installation, stormwater controls, landscaping maintenance, as well as general procedures for operation and maintenance of the installation.

20. Proof of liability insurance.

21. 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 a fire protection and response plan.

22. 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).

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

Sec. 60-554. – Prohibited Systems

Concentrated solar power systems are prohibited.

Sec. 60-555 – 60-564. – Reserved

SECTION 6. A new Article XII (Battery Energy Storage Facilities) is hereby created within Chapter 60 (Zoning) of the Village of Bradley Code of Ordinances, as follows:

ARTICLE XII. – BATTERY ENERGY STORAGE FACILITIES

Sec. 60-565. – Utility Lines and Electrical Circuitry

All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

Sec. 60-566. – Lot and Building Standards

All buildings and structures are subject to all lot, building, and other standards of the underlying zoning district.

Sec. 60-567. – Security Barrier

Battery energy storage facilities must be enclosed by perimeter security fencing or other village-approved barrier with a minimum height of at least six (6) feet and not more than eight (8) feet, unless housed in a secure, fully-enclosed, dedicated-use building. This security barrier may, but is not required to, be incorporated into any screening requirements of this Chapter.

Sec. 60-568. – Screening

All battery energy storage facilities shall be adequately screened to the satisfaction of the Village in substantial conformance with a screening plan approved by the Village Board.

Sec. 60-569. – Submittal Requirements for Battery Energy Storage Facilities that are Subject to a Conditional Use Permit

All applications for conditional use permit approval for a battery energy storage facility must include the following information, in addition to any other information required by this Title. An applicant may submit a single application for the entire property to be used in connection with the project.

1. Preliminary site plan identifying the following:
 - i. Subject property including the property lines, setback lines, and right-of-way lines.
 - ii. Physical features including but not limited to roads, floodplain(s) (if applicable), wetland(s) (if applicable), existing and proposed building(s), 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 fencing.
2. Identification of proposed construction and ongoing maintenance routes from the nearest arterial road as detailed on a map.
3. A certified letter with return receipt requested, evidencing a good faith effort to contact the applicable road authority or affidavit evidencing that contact has been made with the applicable road authority.
4. Proposed product cut-sheets.
5. Visual screening report that includes the following:
 - i. A map of homes within three hundred (300) feet of the facility; and
 - ii. Locations and type of existing vegetation that provides screening of views of the facility; and
 - iii. Topographic features that provide screening of the facility.
6. Interconnection service agreement or evidence of filing required interconnection service applications with the electric utility.
7. Preliminary operation and maintenance plan of the battery energy storage facility, including measures for maintaining safe access to the facility, stormwater controls, landscaping maintenance, as well as general procedures for operation and maintenance of the facility.
8. Proof of liability insurance.
9. Preliminary emergency services plan, including but not limited to the project summary, electrical schematic and means of shutting down the battery energy storage facility throughout the life of the installation, and a fire protection and response plan.
10. 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).

SECTION 7. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any

of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 8. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 9. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 10. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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PASSED by the Board of Trustees on a roll call vote on the 13th day of May, 2024.

TRUSTEES:

RYAN LEBRAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN BILLINGSLEY	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
DARREN WESTPHAL	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
BRIAN TIERI	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>
GRANT D. VANDENHOUT	Aye - <input type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input checked="" type="checkbox"/>
GENE JORDAN	Aye - <input checked="" type="checkbox"/>	Nay - <input type="checkbox"/>	Absent - <input type="checkbox"/>

VILLAGE PRESIDENT:

MICHAEL WATSON Aye - Nay - Absent -

TOTALS: Aye - 5 Nay - 0 Absent - 1

ATTEST:



KELLI BRZA, VILLAGE CLERK

APPROVED this 13th day of May, 2024.



MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:



KELLI BRZA, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) §§

I, Kelli Brza, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0-05-24-07 "AN ORDINANCE APPROVING MULTIPLE AMENDMENTS TO THE VILLAGE OF BRADLEY ZONING ORDINANCE," which was adopted by the Village Corporate Authorities at a meeting held on the 13th day of May, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 13th day of May, 2024.



KELLI BRZA, VILLAGE CLERK

(SEAL)

Exhibit A