

ORDINANCE No.: ~~1791~~

**AN ORDINANCE OF THE CITY OF HENRY, MARSHALL COUNTY, ILLINOIS,
AMENDING CHAPTER 5 OF THE HENRY CITY CODE TO ADD A NEW ARTICLE X
AND TO AMEND THE ZONING CODE REGULATING SOLAR ENERGY SYSTEMS**

WHEREAS, the City of Henry, Marshall County, Illinois (the "City") is an Illinois municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the City is authorized under the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*) and Illinois law to adopt ordinances pertaining to the public health, safety and welfare; and

WHEREAS, the City Council finds it is in the best interest of the City and its residents to adopt regulations regarding the construction and location of solar energy systems.

NOW, THEREFORE, be it ordained by the City Council of the City of Henry, Marshall County, Illinois, as follows:

Section 1. Chapter 5 of the Henry City Code is hereby amended by the addition of a new Article X as follows:

ARTICLE X. SOLAR ENERGY CODE

Sec. 5-160. Purpose.

The purpose of this Article is to facilitate the construction, installation, and operation of solar energy systems in the City in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts on adjoining property or on the environment. It is the intent of this ordinance to encourage the development of solar energy systems that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This Article is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances.

Sec. 5-161. Definitions.

The following words and terms, when used in this Article, shall have the following

Building Integrated Solar Energy System – a solar energy system that integrates photovoltaic modules into the building structure's roof and which does not alter the relief of or the outline of the roof.

Commercial/Large Scale Solar Farm – 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.

Community Solar Garden Project – a solar-electric (photovoltaic) array with a nameplate capacity not exceeding two (2) acres in size that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar electric array.

Director – the Director of Public Works for the City.

FAA – the Federal Aviation Administration.

Ground Mount Solar Energy System – a solar energy system that is directly installed onto the ground and is not attached or affixed to an existing structure. Ground mount solar energy systems shall be deemed an accessory building or structure as defined in Section 17-6 of this Code.

Net Metering – A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Photovoltaic System – a solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.

Qualified Solar Installer – 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.

Roof Mount Solar Energy System – 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, and that does not materially alter the relief of or outline of the roof.

Solar Access – Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Installer – A trained, qualified, and licensed and bonded 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.

Solar Collector – a device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy – radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES) – the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term

applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.

Solar Storage Battery/Unit – a component of a solar energy device that is used to store solar generated electricity or heat for later use.

Solar Thermal Systems – solar thermal systems that directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Sec. 5-162. Roof Mount and Building Integrated Solar Energy Systems.

- (a) Building integrated solar energy systems shall be permitted in all Zoning Districts in the City without a special use but shall meet the requirements of all applicable provisions of the City Code including, without limitation, the City of Henry Building Code.
- (b) Roof mount solar energy systems designed to serve only the occupants of the parcel on which the system is located shall not require a special use if the system components do not exceed the roofline edges and profile. All other such systems shall require a special use.
- (c) The collector surface and mounting devices for roof mount systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar systems generating heated water may extend beyond the perimeter of the building on a side yard exposure.
- (d) Roof mount solar energy systems shall allow for adequate roof access for firefighting purposes to the roof upon which the panels are mounted.
- (e) An application shall be submitted to the Building Commissioner demonstrating compliance with all applicable provisions of the City Code and the following requirements:

Sec. 5-163. Ground Mount Solar Energy Systems.

- (a) All ground mount solar energy systems shall require a special use permit.
- (b) Ground mount solar energy systems, other than commercial solar farms or community solar garden projects, are accessory structures and are subject to regulations applicable to accessory structures as set forth in the City of Henry Zoning Code.
- (c) An application shall be submitted to the Building Commissioner demonstrating compliance with all applicable provisions of the City Code and with the following requirements:
 - (1) Height:
 - a. Ground mount solar energy systems shall not exceed the following height limits, when oriented at maximum tilt, per zoning designations:

Zoning Designation	Min Ground Clearance	Overall Height
R-1	30 inches	12 feet
R-2 4 units or less	30 inches	12 feet
R-2 >4 units (nursing home? Or is that a special use?)	30 inches	12 feet
B-1 & 2 Commercial abutting R1 or R2	30 inches	12 feet
B-1 & 2 Commercial	30 inches	16 feet
I-1 & 2 abutting R1 or R2	30 inches	12 feet
I-1 & 2	30 inches	16 feet

(2) Location and Setbacks.

- a. Ground mount systems are not allowed in any front yard.
- b. Ground mount solar energy systems shall meet the accessory structure setbacks for the zoning district in which the system is located, and shall not extend into any setback at any design tilt.
- c. Ground mount solar energy systems shall meet standard safety setbacks from all above and below grade utilities, both private and public.

(3) Screening.

- a. All ground mount solar energy systems shall be effectively screened from view by a decorative solid wall, fence, or dense evergreen planting of sufficient height to block the view of the system from any public street, park, or residential district.

5-165. Community Solar Projects.

Community solar projects are allowed by special use in all zoning districts subject to the following requirements

- (a) Community solar projects may be located on rooftops. Ground mount community solar projects must be less than two (2) acres in size. Ground mount solar projects covering more than two acres shall be considered a commercial solar farm.
- (b) An interconnection agreement must be completed with the electric utility in whose service the territory the solar energy system is located prior to the project being energized.
- (c) A Surety Bond, or cash deposited in an escrow account with an escrow agent equal to 10% of the construction cost or acceptable to the Building Commissioner for the decommissioning of the site.

- (d) All community solar projects related structures in newly platted and existing subdivisions shall comply with the principal structure setback, height, and coverage limitations for the district in which the solar energy system is located.
- (e) Other Standards.
 - (1) Ground mount community solar projects shall be surrounded by a perimeter fence of chain-link or similar see-through material, having a minimum height of six (6) feet. The fence shall contain appropriate warning signage that is posted in such a way to be clearly visible on the site. The fence shall be maintained in good condition.
 - (2) An acceptable weed/grass control plan for property inside and outside the fenced area for the entire property shall be submitted with the permit application. The applicant and any successor shall adhere to the weed/grass control plan during the operation of the community solar project.
 - (3) Ground mount systems shall comply with all required standards for structures in the district in which the system is located.

5-166. Commercial/Large Scale Solar Farm.

Commercial/large scale solar farms may be allowed by special use in the I-2 Light Industrial District, and I-2 Heavy Industrial District. The application for special use shall include the following:

- (a) A site plan with existing conditions showing the following:
 - (1) Existing property lines and property lines extending one hundred feet from the exterior boundaries including the names of adjacent property owners and the current use of those properties.
 - (2) All routes that will be used for construction and maintenance purposes, for either egress or ingress.
 - (3) Location and size of any abandoned wells or sewage treatment systems.
 - (4) Existing buildings and impervious surfaces.
 - (5) A contour map showing topography at two (2) foot intervals. A contour map of surrounding properties may also be required.
 - (6) Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.).
 - (7) Any delineated wetland boundaries.
 - (8) The one hundred year flood elevation and any regulated flood protection elevation, as reflected in the current FEMA FIRM maps, if available.
 - (9) Surface water drainage patterns.

- (10) Location of any subsurface drainage tiles.
- (11) Location and spacing of the solar collector.
- (12) Location of underground and overhead electric lines connecting the solar farm to a building, substation or other electric load.
- (13) New electrical equipment other than at the existing building or substations that is to be the connection point for the solar farm.
- (b) Fencing and Weed/Grass Control.
 - (1) An acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The applicant and any successor shall adhere to the weed/grass control plan during the operation of the solar farm.
 - (2) Perimeter fencing of chain-link, or similar see-through material, having a minimum height of six (6) feet shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.
 - (3) The applicant shall maintain the fence in good condition and adhere to the weed/grass control plan.
- (c) Manufacturer's Specifications
 - (1) The manufacturer's specifications and recommended installation methods for all major equipment, including solar collectors, mounting systems and foundations for poles and racks.
- (d) Connection and Interconnection
 - (1) A description of the method of connecting the solar array to a building or substation.
 - (2) Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- (e) Setbacks.
 - (1) A minimum of fifty (50) foot setbacks must be maintained from all property lines.
- (f) Fire Protection.
 - (1) A fire protection plan for the construction and the operation of the facility, and emergency access to the site.
- (g) Endangered Species and Wetlands.

- (1) Solar farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.
- (h) Decommissioning Plan.
- (1) The Developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event the facility is abandoned or has reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of six (6) months, it will be deemed nonoperational and decommissioning and removal of that facility shall commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. A restoration plan shall also be provided for the site with the application.
 - (2) The decommissioning plan shall provide for the removal of the following within three (3) months after the farm becomes non-operational:
 - a. All solar collectors and components, above ground improvements and outside storage.
 - b. Foundations, pads and underground electrical wires and reclaim site to a depth of four (4) feet below the surface of the ground.
 - c. Hazardous material from the property and disposal in accordance with Federal and State law.
 - (3) The decommissioning plan shall also include an agreement between the applicant and the City that:
 - a. The financial resources for decommissioning shall be secured by a surety bond or cash deposited in an escrow account with an escrow agent acceptable to the Director, in an amount equal to 10% of the construction costs.
 - b. The agreement shall establish conditions under which the funds will be disbursed.
 - c. The City shall have access to the escrow account for the purpose of completing decommissioning if decommissioning is not completed by the owner of the project within six (6) months of the end of project life or facility abandonment.

- d. The City shall have the right to enter the site, pursuant to reasonable notice, to effect or complete decommissioning.
- e. The City shall have the right to seek injunctive relief to effect or complete decommissioning, and to seek reimbursement from the owner for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

Sec. 5-167. Compliance with Building Codes.

All solar energy systems shall require a building permit from the Director and shall comply with any other applicable provisions of the City Code, State law or Federal law.

Sec. 5-168. Liability Insurance.

The owner and operator of a community solar project or commercial/large scale solar farm shall maintain a current general liability policy covering bodily injury and property damage and name the City as an additional insured with limits of at least one million dollars (\$1,000,000.00) per occurrence and five million dollars (\$5,000,000.00) in the aggregate with a deductible of no more than five thousand dollars (\$5,000.00).

Sec. 5-169. General Provisions.

- (a) Reflection Angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
- (b) Aviation Protection. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze 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 Federal Obligated Airports, or most recent version adopted by the FAA.
- (c) Visibility. Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the North while still providing adequate solar access for collectors.
- (d) Structural Integrity. All ground-mounted installations, regardless of parcel's zoning designation, shall be designed, reviewed, and stamped by an Illinois licensed structural engineer.
- (e) Installation. All solar energy systems shall be installed by a qualified solar installer.
- (f) Utility Connection. Any connection to the public utility grid shall be inspected and approved by the affected public utility.

- (g) Maintenance. All solar energy sites and their systems shall be maintained and kept in good working order, including, but not limited to, the adherence to City Codes related to weeds, lawn, and fences. If it is determined by the Director or the Building Commissioner 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 shall be given 30-day written notice to remedy or to remove the unit and all equipment.
- (h) Approved Solar Components. Electric solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.
- (i) Restrictions on Solar Energy Systems Limited. Consistent with 765 ILCS 165/1 et seq., no homeowner's agreement, covenant, common interest community or other contracts between multiple property owners within a subdivision shall prohibit or restrict homeowners from installing solar energy systems.

5-170. Administration and Enforcement.

The Director shall enforce the provisions of this Article through inspections on such schedule as he deems appropriate. The Director has the authority to enter upon the premises where a solar energy system is located at any time by coordinating a reasonable time with the operator/owner of the facility. Any person, firm or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this chapter shall be subject to the general penalty provisions of the City Code.

5-171. Fees Charged for Building Permits.

The fees for processing the applications for solar energy systems shall be as follows:

0-4 kilowatts (kW-dc)	\$75.00
5-10 kilowatts (kW-dc)	\$150.00
11-50 kilowatts (kW-dc)	\$300.00
51-100 kilowatts (kW-dc)	\$500.00
101-500 kilowatts (kW-dc)	\$1,000.00
501-1000 kilowatts (kW-dc)	\$3,000.00
1001-2000 kilowatts (kW-dc)	\$5,000.00

Section 2. This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

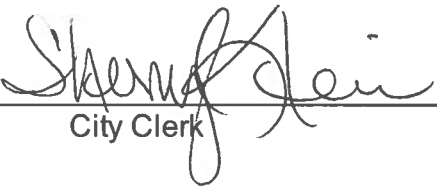
**PASSED BY THE COUNCIL OF THE CITY OF HENRY, MARSHALL COUNTY,
ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 17th DAY OF JUNE, 2024.**

APPROVED:



Mayor

ATTEST:



City Clerk