

ORDINANCE NO. _____
AN ORDINANCE CREATING 7-6 OF THE ATHENS CITY CODE
TITLED “SOLAR REGULATIONS”

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF ATHENS, MENARD COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the _____ day of _____, 2024, WITNESSETH:

WHEREAS, the CITY OF ATHENS is a municipal corporation located in Menard County, Illinois; and

WHEREAS, the CITY OF ATHENS desires to update its code to provide for ground mounted solar arrays, rooftop solar, community solar arrays, and commercial solar farms/arrays; and

WHEREAS, the City of Athens believes that if solar arrays of this nature are to be installed within the City of Athens then there should be reasonable regulations on said solar arrays/farms; and

WHEREAS, the City of Athens will create Chapter 7-6 of the Athens City Code titled “solar regulations”;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the CITY COUNCIL OF THE CITY OF ATHENS, as follows:

1. That Title 7 Chapter 6 titled of the Athens City Code is hereby created. (See Exhibit A).
2. Effective Date. That this Ordinance is effective immediately upon its passage.

The vote on the adoption of this Ordinance was as follows:

Alderman Hoffman	_____	Alderman Puma	_____
Alderman Tobias	_____	Alderman Thompson	_____
Alderman Chernowsky	_____	Alderman Lantz	_____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Passed and approved this ____ day of _____, 2024.

CITY OF ATHENS,

BY: _____
Chris Reichert, Mayor
City of Athens, Menard County, Illinois

ATTEST: _____ (SEAL)
City Clerk, City of Athens,
Menard County, Illinois

EXHIBIT A

7-6: Solar Regulations

7-6-1 Purpose and Intent

Purpose: The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in the City of Athens in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

7-6-2 Definitions

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEMS: A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

COLLECTIVE SOLAR: Solar installations owned collectively through subdivision homeowner associations or other similar arrangements.

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: A community solar-electric (photovoltaic) array, of no more than 5 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 energy system.

GROUND MOUNT SOLAR ENERGY SYSTEM: A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

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: 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 optical angle.

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. The use of neighboring parcel air rights does not prevent normal use of adjacent properties and associated air rights by its owner(s).

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 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.

7-6-3 Permitted Ground Mount and Roof Mount SES

Ground Mount SES shall be permitted as an accessory use in all zoning districts where there is a principal structure and the array footprint is comprised of less than ½ acre. Square footage of over ½ acre will be treated as a Community Solar Garden. Roof Mount SES shall be permitted in all zoning districts and may be located on a principal or an accessory structure. A building permit shall be required to construct a ground mount or roof mount SES. The following additional information shall be provided with the building permit application to demonstrate compliance with the following restrictions:

A. Height:

1. Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning district.
2. Ground solar energy systems shall not exceed the maximum permitted height for an accessory structure when oriented at maximum tilt.
3. Ground mounted solar energy systems may not be placed in the front yard.

B. Setbacks:

1. Ground mounted solar energy systems shall meet the applicable setbacks for the zoning district in which the unit is located.
2. Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt (most footprint consuming).
3. In addition to building setbacks the collector surface and mounting devices for roof mounted systems shall not extend beyond the allowable footages as allowed in the International Fire Code (IFC) Section 605.11.3.1 to provide for proper fire access.

C. Reflection Angles: Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties or property contained assets.

D. 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.

E. Safety:

1. Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to sloped or flat roof upon which the panels are mounted per IFC 605.11.3.1.
2. Roof mounted solar energy systems shall adhere to national safety standards for said systems.
3. Any connection to the public utility grid shall be inspected by the appropriate public utility.
4. All solar energy systems shall be maintained and kept in good working order. If it is determined that a solar energy system and associated grounds are not being maintained, kept in good working order, or no longer being utilized to perform its intended use for 6 consecutive months, the property owner shall be given 30-day notice for removal or repair of the unit and all equipment. It shall be a violation of this ordinance if the solar energy system is not removed or repaired within thirty (30) days. Failure to do so will result in monetary fines as indicated in Section 3-1-8 of the Athens Municipal Code.

- F. 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.
- G. 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 of incorporated City of Athens shall prohibit or restrict homeowners from installing solar energy systems.

7-6-4 Building Integrated Systems

Building Integrated Photovoltaic Systems shall be permitted in all Zoning Districts.

7-6-5 Community Solar Gardens

Community Solar Farms are not permitted within any zoning districts within the City of Athens.

7-6-6 Commercial/Large Scale Solar Farm

Commercial/Large Scale Solar Farms are not permitted within any zoning districts within the City of Athens.

7-6-7 Compliance with Building Code

All solar energy systems shall comply with the ordinances of the City of Athens as well as all Federal and State requirements.