

CITY OF SHELBYVILLE

ORDINANCE NO. 23-05

AN ORDINANCE AMENDING TITLE 9 CHAPTER 2 OF THE CITY CODE OF THE CITY  
OF SHELBYVILLE REGARDING SOLAR ENERGY CONVERSION SYSTEMS

ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF SHELBYVILLE

Published in pamphlet form by authority of the City Council of the City of Shelbyville, Shelby County, Illinois, this 17<sup>th</sup> day of  
May, 2023

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SHELBY COUNTY, ILLINOIS

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CITY OF SHELBYVILLE, SHELBY COUNTY, ILLINOIS  
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## ORDINANCE 23-05

### AN ORDINANCE AMENDING TITLE 9 CHAPTER 2 OF THE CITY CODE OF THE CITY OF SHELBYVILLE REGARDING SOLAR ENERGY CONVERSION SYSTEMS

**WHEREAS**, section 65 ILCS 5/11-13-1 of the Illinois Municipal Code affords Illinois municipalities certain zoning powers to the end adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; and

**WHEREAS**, the City of Shelbyville is a duly organized municipality subject to the Illinois Municipal Code; and

**WHEREAS**, the City Council of the City of Shelbyville has determined that it is in the best interests of the public to establish certain regulations regarding solar energy conversion systems within the City of Shelbyville.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Shelbyville, County of Shelby, State of Illinois, as follows:

SECTION 1: The above recitals are incorporated herein and made a part of this Ordinance.

SECTION 2: That Title 9 Chapter 2 of the City Code of the City of Shelbyville be, and is hereby amended to add Section 11 as follows:

**9-2-11: Solar Energy Systems Standards, Special Exemption, Requirements and Procedures:**

**(A) Purpose.**

The purpose of this chapter 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 chapter 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 chapter is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances.

**(B) Definitions.**

**ACCESSORY** — As applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

**DISTRIBUTED GENERATION INSTALLER** — A person who has completed all requirements to be certified by the State of Illinois and the Illinois Commerce Commission in order to install renewable energy appliances and equipment.

**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.

**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.

**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.

- A. **PERSONAL SOLAR ENERGY SYSTEM (PSES)** — Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site.
- B. **COMMUNITY GARDEN ENERGY SYSTEM (CGES)** — A community solar-electric (photovoltaic) array, of no more than 15 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.
- C. **SOLAR FARM ENERGY SYSTEM (SFES)** — A commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or off-site use with the primary purpose of selling wholesale or retail generated electricity in excess of 15 acres.

**SOLAR PANEL** — A device for the direct conversion of solar energy into electricity or heat.

**STRUCTURE-MOUNT SOLAR ENERGY SYSTEM** — A solar energy system in which solar panels are mounted  
On a structure.

**(C) Personal solar energy system (PSES).**

A. Purpose and intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of PSESs.

B. Permitted use. Personal solar energy systems shall be considered an accessory use to a principal permitted use in any zoning district.

C. Special requirements. Personal solar energy systems shall be subject to the requirements included in the City Zoning Code unless otherwise stated herein:

(1) Generally:

(a) All applicable laws, statutes, regulations and ordinances shall be followed.

(b) Use. The PSES shall provide electricity or heat for on-site use by the owner. This does not prohibit an owner from making excess power available for net metering.

(c) Approved solar components. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent.

(d) Reflection angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

(e) 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. They shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way, provided that the screening shall not affect the operation of the system.

(f) Utility notification. All grid-integrated solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(2) Ground-mounted PSES. Ground-mounted PSESs shall be subject to the following requirements:

(a) Height. Shall not be greater than 10 feet at maximum tilt of the solar panel(s) in any zoning district.

(b) Lot size. The lot on which the SES is to be installed must be no smaller than one acre.

(c) Setbacks. The PSES shall maintain perimeter setbacks of no less than 30 feet. No PSES shall be permitted to be located in the front yard.

(d) Coverage. Ground-mount systems shall not exceed half the building footprint of the principal structure and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

(e) Variance. If any of these specifications cannot be met, a variance must be applied for and obtained prior to installation.

(3) Roof-mounted PSES. Roof-mounted PSESs shall be subject to the following requirements:

(a) Height.

[1] Shall not project more than 12 inches above the roof; and

[2] Shall not be greater than the allowable height of any structure within the zoning district in which the PSES is to be installed, except that if an existing roof is within 12 inches of the maximum allowable height, then the PSES may project no more than 12 inches above the roof, even if it exceeds the maximum allowable height.

(b) Safety. Roof-mount solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted.

(c) Roof coverage. Roof-mount solar energy systems shall not occupy more than 80% of the aggregate square footage of the roof area. The roof shall be considered a part of a building completely covering and permanently attached to such building and can be flat or pitched.

(d) Variance. If any of these specifications cannot be met, a variance must be applied for and obtained prior to installation.

**(D) Solar farm energy system (SFES).**

A. Purpose and intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of SFESs designed for commercial energy production. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of solar energy resources for commercial purposes.

B. Special use. Solar farm energy systems shall require a special exception and shall only be considered in the general industrial district (M2) and shall be subject to the procedures and standards included in special uses unless otherwise stated in this chapter.

C. Special requirements. SFESs are subject to the following requirements:

- (1) Height. Shall not exceed 20 feet at maximum tilt of the solar panel(s).
- (2) Property size. The property on which the SES is to be installed shall be in excess of 15 acres.
- (3) Setbacks. The front, side and rear yard setbacks shall be a minimum of 50 feet from the property lines which form the outside perimeter of an SFES project area, and solar panels will be kept at least 500 feet from the property line of a residential parcel that is not part of the parcel on which the facility is located.
- (4) Fencing. A fence of at least six feet in height but no greater than eight feet shall enclose the SFES.
- (5) Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- (6) Installation and design. The SFES shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent highways.
- (7) Outdoor storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.
- (8) Proof an Agriculture Impact Mitigation Agreement (AIMA) has been executed with the Illinois Department of Agriculture, or a similar agreement has been executed with the City.
- (9) In all undeveloped areas, the SFES project owner/operator will be required to complete a consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat program. The cost of this consultation shall be at the owner/operator's expense. The final certificate from the EcoCat shall be provided to the City of Shelbyville before a permit will be issued.
- (10) Variance. If any of the specifications described in Subsection C(1), (2) and (3) of these special requirements cannot be met, a variance must be applied for and obtained prior to installation.

D. Certification.

- (1) SFESs shall conform to applicable industry standards, including those from the UL and Federal Aviation Administration (FAA).



(2) All applicable City, state, and national construction and electric codes and regulations shall be followed.

(3) Stormwater and NPDES. Solar farms are subject to the City's stormwater management, erosion, and sediment control provisions and NPDES permit requirements.

E. Safety. All SFESs shall provide the following at all locked entrances:

(1) A visible "High Voltage" warning sign;

(2) Name(s) and phone number(s) for the electric utility provider

(3) Name(s) and phone number(s) for the site operator;

(4) The facility's 911 address, GPS coordinates;

(5) A Knox-Box® with keys; and

(6) The company shall become a member of the Illinois State- Wide 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 as soon as JULIE allows such membership and provide the City with proof of membership.

F. Petition. The petition for a special exception permit for a solar farm energy system shall include:

(1) A written summary of the project, including a general description of the project, including its approximate generating capacity.

(2) The name(s), address(s), and phone number(s) of the owner and/or SFES operator.

(3) The site plans required to be submitted with the building permit application, as described in § 244-5M.

(4) All other information contained in the City Zoning Code may be required to file a petition.

G. Decommissioning plan. Prior to applying for a building permit, the SFES project owner/operator shall submit a decommissioning plan to the City of Shelbyville. The City Clerk review the plan for completeness and refer it to the Shelbyville Planning and Zoning Board, or any successor committee(s) designated to oversee zoning issues. The plan shall include:

(1) A description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life;

(2) Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five feet below the surface, and the sequence in which removal is expected to occur;

(3) Provisions for the restoration of the soil and vegetation;

(4) An estimate of the decommissioning costs certified by an independent professional engineer, approved by the City, in current dollars. The engineer providing this estimate shall be engaged under contract by the City of Shelbyville, and all costs associated with this engagement shall be borne by the applicant;

(5) No consideration of the scrap value shall be included in the decommissioning costs;

(6) A written financial plan approved to ensure that funds will be available for decommissioning and land restoration;

(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;

(8) Upon review of the decommissioning plan, the Shelbyville City Council shall set an amount to be held in surety bond in the amount of 110% of the estimated cost. The plan shall state that the City of Shelbyville shall have access to the project and to the funds to effect or complete decommissioning one year after cessation of operations.

H. Reimbursement for City expenses. If during the term of the special use and decommissioning period for the project, the City, in its reasonable discretion retains outside engineers, consultants, contractors, attorneys or other parties, in order for the City to enforce, determine compliance or obtain compliance with applicable laws, ordinances, regulations, and these conditions, the SFES project owner/operator shall promptly reimburse the City for all such expenses.

I. Litigation. Any legal action shall be brought only in the Circuit Court of the State of Illinois in Shelby County, and the owner/operator further accepts for itself, himself or herself and in respect of its, his or her property, generally and unconditionally, the exclusive jurisdiction of that court with respect to any such legal action and irrevocably waives any objection, including, without limitation, any objection to the laying of venue or based on the grounds of forum non conveniens, which it, he or she may now or hereafter have to the bringing of any such legal action in that jurisdiction and venue.

J. Road agreements. The SFES project owner/operator shall comply with all the provisions of the road usage agreement entered into between the SFES project owner/operator and the City of Shelbyville. The SFES project owner/operator shall also comply with any road usage agreement entered into between the SFES project owner/operator and any other governmental entity. Any material breach of any such road usage agreements by the SFES project owner/operator shall constitute a material breach of these conditions.

K. Maintenance. The SFES project owner/operator shall operate the project in a safe, well-maintained, attractive, and continuous manner, making all necessary repairs in a timely fashion, including, without limitation, the vegetation on the entire project site.

L. Signage. In addition to the required safety signs, one sign, not to exceed 32 square feet, identifying the SFES project owner/operator may be erected on the perimeter fence.

M. Building permit. Before a building permit is issued, the following shall be submitted to the City of Shelbyville for review:

(1) A site plan with existing conditions showing the following:

(a) Existing property lines and property lines extending 100 feet from the exterior boundaries, including the names of adjacent property owners and the current use of those properties.

(b) The front, side and rear yard setbacks shall be a minimum of 50 feet from the property lines which form the outside perimeter of an SFES project area, and solar panels will be kept at least 500 feet from the property line of a residential parcel that is not part of the parcel on which the facility is located.

(c) All routes that will be used for construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress shall be shown.

(d) Location and size of any abandoned wells, sewage treatment systems. (e) Existing buildings and impervious surfaces.

(f) A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required.

(g) Existing vegetation (list type and percent of coverage; i.e., cropland/plowed fields, grassland, wooded areas, etc.).

(h) Any delineated wetland boundaries.

(i) A copy of the current FEMA FIRM maps that show the subject property, including the 100-year flood elevation and any regulated flood protection elevation, if available.

(j) Surface water drainage patterns.

(k) The location of any subsurface drainage tiles.

(l) Location and spacing of the solar collector.

(m) Location of underground and overhead electric lines connecting the solar farm to a building substation or other electric load.

(n) New electrical equipment other than at the existing building or substations that is to be the connection point for the solar farm.

(2) A site plan with proposed conditions showing the following:

(a) Location, height, and spacing of the solar panels.

(b) Location of access roads.

(c) Location of underground or overhead electric lines connecting the solar farm to a building, substation, or other electric load.

(d) New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.

(e) Compliance with all of the requirements herein for SFES.

(3) Emergency plan. The site emergency plan shall be submitted to the local fire protection district(s) and/ or department(s) whose jurisdiction is included in whole or in part within the SFES project area. Specialized training shall be provided at the operator's expense for all City, county, fire protection district, and other applicable jurisdictions' first responders biennially. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this chapter shall be submitted to the City.

(4) The decommissioning plan required herein.

(5) The surety bond approved by the City Council.

#### **(E) Indemnification and liability.**

A. The applicant, owner, and/or operator of the SFES project shall defend, indemnify, and hold harmless the City of Shelbyville and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/ or operation of the SFES project.

B. The applicant, owner, and/or operator of the SFES project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$2,000,000 per occurrence and \$2,000,000 in the aggregate. Evidence of liability coverage must be reported to the City of Shelbyville on an annual basis, and any loss of coverage

must be reported within three working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

**(F) Cessation of operations.**

If any SFES provided for in this chapter has not been in operation and producing electricity for at least 180 consecutive days, it shall be removed. The City of Shelbyville shall notify the owner to remove the system. Within 30 days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the City may pursue all applicable remedies, including, without limitation, those described in section (D)(G) and exercising its rights in the decommissioning plan, including using the surety bond proceeds.

**(G) Penalties.**

- A. A failure to obtain applicable building permit(s) for the construction of a solar energy system or failure to comply with the requirements of a building permit or the provisions of this chapter shall be deemed a violation of this chapter. The City may bring an action to enforce compliance with the requirements of this chapter by filing an action in the Circuit Court for an injunction requiring conformance with this chapter or seek such other order as the court deems necessary to secure compliance with this chapter.
- B. In addition, any person who violates this chapter shall be fined not less than \$25 or more than \$500. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- C. Nothing herein shall prevent the City from seeking such other legal remedies available to prevent or remedy any violations of this chapter.

**(H) Building permits.** All solar energy systems shall require a permit from the City of Shelbyville and shall comply with any other applicable provisions of the City Code, state law, or federal law. In addition to all required documents, the applicable building permit fee shall be paid to the City at the time of issuance. If additional inspections or costs are necessary, there will be a fee assessed to reimburse the City.

**(I) Nonconforming systems.** Any system existing at the time of the adoption of this chapter that does not conform to the requirements of this chapter shall be considered a nonconforming structure, and shall be subject to the regulations pertaining to nonconforming structures in the City Zoning Code.

**(J) Administration and enforcement.** The City shall enforce the provisions of this chapter through inspections on such schedule as deemed appropriate. The City 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 penalties set forth herein and all other available remedies afforded by local and state law.

**(K) Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision or application of this Ordinance, which can be given effect without the invalid or unconstitutional provision or application.

**(L) Publication.** The City Clerk is hereby directed to publish this ordinance in pamphlet form.

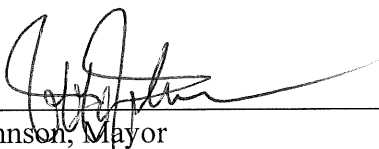
**(M) Effective Date:** This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF SHELBYVILLE, ILLINOIS, AT A REGULAR MEETING THIS 15<sup>th</sup> DAY OF May, 2023.


Commissioners:

Blackwell	<u>yea</u>
Gray:	<u>yea</u>
Shanks	<u>absent</u>
Shull:	<u>yea</u>
Mayor:	<u>yea</u>

Yeas:	<u>4</u>
Nays:	<u>0</u>
Absent:	<u>1</u>

  
\_\_\_\_\_  
Jeff Johnson, Mayor

Attest:

  
\_\_\_\_\_  
Rachel Wallace, City Clerk

STATE OF ILLINOIS)

)ss.

COUNTY OF SHELBY)

### CERTIFICATE

I, RACHEL WALLACE, certify that I am the duly appointed and acting municipal clerk of the City of Shelbyville, Shelby County, Illinois.

I further certify that on May 15, 2023, the Corporate Authorities of such municipality passed, and approved Ordinance No. 23-05 entitled:

### AN ORDINANCE AMENDING TITLE 9 CHAPTER 2 OF THE CITY CODE OF THE CITY OF SHELBYVILLE REGARDING SOLAR ENERGY CONVERSION SYSTEMS

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No.23-05, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 17, 2023 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Shelbyville, Illinois, this 1<sup>st</sup> day of May, 2023.

(SEAL)

A handwritten signature in black ink, appearing to read "Rachel Wallace", is written over a horizontal line.

RACHEL WALLACE CITY CLERK