



ORDINANCE NO. 995

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW  
MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE  
OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS  
RELATING TO ZONING CODE REGARDING SOLAR SYTEMS**

Published in pamphlet form by authority of the Village President and  
Board of Trustees of the Village of Mackinaw.

July 13, 2020

STATE OF ILLINOIS )  
COUNTY OF TAZEWELL ) SS  
VILLAGE OF MACKINAW )

**CERTIFICATE OF ORDINANCE**

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *13TH day of July 2020*, insofar as same relates to the adoption of *Ordinance No. 995*, entitled:

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL TO PROVIDE AMENDMENTS RELATING TO ZONING CODE REGARDING SOLAR SYSTEMS**

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No.995*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *July 14, 2020* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by **five** members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this **24th day of July 2020**.



\_\_\_\_\_  
Village Clerk

ORDINANCE NO. 995

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO ZONING CODE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW:

SECTION 1: Chapter 153: Zoning Code of the Village Code of the Village of Mackinaw is hereby amended by adding §153.039 Solar Energy Systems:

**§153.039**

**Solar Energy Systems**

**A. Personal Solar Energy System (PSES)**

1. 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. The provisions of this ordinance shall not be deemed to nullify any provisions of state or federal law.
2. Personal Solar Energy Systems shall be considered an accessory use to a principal permitted use in any zoning district.
3. Personal Solar Energy Systems shall be subject to the requirements included in the Village Zoning Code unless otherwise stated herein:
  - i. All applicable laws, statutes, regulations and ordinances shall be followed.
  - ii. 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.
  - iii. Approved Solar Components. Electric solar system components must have an Underwriters Laboratory (UL) listing or approved equivalent.
  - iv. Reflection Angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
  - v. Visibility. Solar energy systems shall be located in a manner to reasonable 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.
  - vi. 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.

- vii. Placement. No building of any structure will be allowed over a utility or within a utility easement.

**B. Ground Mounted PSES**

Ground mounted PSES shall be subject to the following requirements:

1. Height. Shall not be greater than ten (10) feet at maximum tilt of the solar panel(s) in any zoning district.
2. Lot size. The lot on which the SES is to be installed must be no smaller than 1 acre.
3. Setbacks. The PSES shall maintain perimeter setbacks of no less than thirty (30) feet. No PSES shall be permitted to be located in the required front yard.
4. 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.
5. Prohibited. Ground mounts systems will not be allowed in any residential area.

**C. Roof Mounted PSES**

Roof mounted PSES shall be subject to the following requirements:

1. Height.
  - i. Shall not project more than 12 inches above the roof; and
  - ii. 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.
2. In addition to building setbacks the mounting devices for roof mounted systems shall not extend beyond the exterior perimeter of the building on which the systems is mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar thermal systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
3. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
4. 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.
5. 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. Panels should allow for a minimum of a three (3) foot perimeter around panels.
6. Roof Coverage. Roof mount solar energy systems shall not occupy more than eighty percent (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. Community Garden Energy Systems (CGES)**

1. **Purpose and Intent.** The purpose of the regulations is to provide a uniform and comprehensive set of standards for the installation and use of CGESs designed for multiple households or businesses to reduce the on-site consumption of utility power. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting development of CDESs.
2. **Prohibited in all Residential districts.**
3. **Special Use.** Community Garden Energy Systems shall require a Special Use Permit within all zoning districts except Residential which is prohibited and shall be subject to the procedures and standards included in Special Uses unless otherwise stated in this Chapter.
4. **Special Requirements.** Community Solar Energy Systems shall be subject to the requirements included in the Village Zoning Code unless otherwise stated herein:
  - i. Community Solar Gardens may be located on rooftops. Roof mounted CGES shall be subject to the same requirements as roof mounted PSES.
  - ii. **Ground Mount Gardens:** Ground mount community solar energy systems must be less than one (1) acre in total size, and require a special use permit in all districts. Ground mount solar developments covering more than one (1) acre shall be considered a solar farm.
  - iii. An interconnection agreement must be completed with the electric utility in whose service the territory the system is located.
  - iv. **Dimensional Standards:** All solar garden 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 system is located.
  - v. Ground Mount Systems shall comply with all required standards for structures in the zoning district in which the system is located.
  - vi. The Zoning Board of Appeals may require a decommissioning plan for ground mount community solar energy systems as a condition precedent to the granting of a Special Use permit. Decommissioning of solar panels must occur in the event they are not in use for six (6) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The Zoning Board of Appeals may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. In the event that the State of Illinois enacts a law with regarding to the decommissioning of a Solar Energy Systems, the strictest requirements shall prevail.

**E. Solar Farm Energy System (SFES).**

1. Prohibited. Solar Farm Energy Systems will not be permitted within the corporate limits of the Village of Mackinaw

**F. Approval and Building Permits**

1. All requests for solar energy systems will require a permit from the Village of Mackinaw at the cost of \$50.00.

**G. Non-Conforming Systems**

1. Any system existing at the time of the adoption of this ordinance that does not conform to the requirements of this ordinance shall be considered a nonconforming structure, and shall be subject to the regulations pertaining to nonconforming structures in the Village of Mackinaw Zoning Code.
2. All solar energy systems shall be maintained and kept in good working order. If it is determined that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform its intended use for six (6) consecutive months, the property owner shall be given thirty (30) day notice for removal or repair of the unit and all equipment. If the solar energy system is not removed or repaired within thirty (30) days, then a notice of violation and a notice to appear before the Zoning Board of Appeals as an ordinance violation.

**H. Penalties**

1. A failure to obtain applicable permit(s) for the construction of a solar energy system or failure to comply with the requirements of a permit or the provisions of this chapter shall be deemed a violation of §153.09. The Village of Mackinaw may bring an action to enforce compliance of the requirements of this section in accordance with the General Provisions set forth in the Village Municipal Code. Penalty §156.99

SECTION 2: § 153.005 of the Village Code of the Village of Mackinaw is hereby amended by interlineation to insert new definitions which shall be as follows:

**Community Garden Energy System (CGES).** A community solar-electric (photovoltaic) array, of no more than fifteen (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.

**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 is not attached or affixed to an existing structure.

**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.

**Personal Solar Water System.** Solar water systems may be allowed as roof or wall mounts as long as they are not on the side of the structure facing the street. If it is a room mount, it cannot project above the ridge height or be visible from the street facing side.

**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.

**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 on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity in excess of one(1) acre.

**Structure Mount Solar Energy System.** A Solar energy system in which solar panels are mounted on a structure.

**Solar Panel.** A device for the direct conversion of solar energy into electricity or heat.

SECTION 3: § 153.142 of the Village Code of the Village of Mackinaw is hereby amended by adding and deleting wordage (additions shown in underlined font and deletions shown in ~~striketrough font~~):

~~(T) Community Garden Energy Systems Those uses permitted in Residential and Commercial Districts in the Industrial District, however if the special use is granted those uses shall be subject to the standards and regulations applicable to Residential District or Commercial District respectively even though the property lies in the Industrial District.~~

(U) Those uses permitted in Residential and Commercial Districts in the Industrial District, however if the special use is granted those uses shall be subject to the standards and regulations applicable to Residential District or Commercial District respectively even though the property lies in the Industrial District. Those uses permitted in the Residential and Commercial Districts subject to the yard requirements of the Residential District and further subject to the provision of §153.150.

(V) Those uses permitted in the Residential and Commercial Districts subject to the yard requirements of the Residential District and further subject to the provision of §153.150.

SECTION 4: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 5: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 6: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 13<sup>th</sup> day of July, 2020.

APPROVED:



President of the Board of Trustees of  
The Village of Mackinaw

ATTEST:

  
Village Clerk

AYES: 5  
NAYES: 0  
ABSENT: 1