

CITY OF MARSHALL

ORDINANCE NO. 2020-0 02

AN ORDINANCE AMENDING APPENDIX A- ZONING. ARTICLE III. ACCESSORY  
STRUCTURE AND USES OF THE CITY OF MARSHALL CITY CODE BY ADDING  
SECTION 12.7. SOLAR RENEWABLE ENERGY SYSTEMS.

ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall,  
Clark County, Illinois, this 13 day of Jan, 2020.

ORDINANCE NO. 2020-0- 02

AN ORDINANCE AMENDING APPENDIX A- ZONING. ARTICLE III. ACCESSORY STRUCTURE AND USES OF THE CITY OF MARSHALL CITY CODE BY ADDING SECTION 12.7. SOLAR RENEWABLE ENERGY SYSTEMS.

BE IT ORDAINED by the City Council of the City of Marshall, Illinois:

**Section 1.** That Appendix A- Zoning. Article III. Accessory Structure and Uses of the City of Marshall City Code by Adding the following Section 12.7. Solar Renewable Energy Systems:

**WHEREAS**, the City of Marshall, Clark County, State of Illinois, is a duly organized and existing City created under the provisions of the laws of the State of Illinois; and,

**WHEREAS**, 65 ILCS 5/11-13-14 provides that a municipality may amend its Zoning ordinances provided that a hearing be held before the City Planning and Zoning Commission with notice being published not more than 30 nor less than 15 days before the hearing; and,

**WHEREAS**, Appendix A- Zoning of the City of Marshall Code of Ordinances contains the zoning regulations applicable throughout the City; and,

**WHEREAS**, the City wishes to amend its code to provide for and regulate the installation and operation of solar renewable energy systems to be used primarily on site and to accommodate sustainable energy production from renewable energy sources; and,

**WHEREAS**, a public hearing was noticed by publication in the Marshall Advocate on \_\_\_\_\_, December 17, 2019, and was

duly held by the City of Marshall Planning and Zoning Commission on \_\_\_\_\_ January 6, 2020 and was continued for additional hearing to \_\_\_\_\_; and,

WHEREAS, the Planning and Zoning Commission met on \_\_\_\_\_, January 6, 2020, and again on \_\_\_\_\_, and unanimously recommended the City Council approve an amendment to the Zoning Code; and,

WHEREAS, the City Council of the City of Marshall believe it is in the best interests of the City of Marshall to amend the City Zoning Code to allow for solar renewable energy systems as follows.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marshall, County of Clark, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section I.

Section 2. Amendment to Appendix A- Zoning. Article XII. Accessory Structure and Uses of the City of Marshall Code of Ordinances is hereby amended by adding the following sections and definitions.

**12.7 Solar Renewable Energy Systems.**

**INTENT AND PURPOSE.**

- (a) Providing zoning regulations to guide the installation and operation of Solar Renewable Energy Systems to be used primarily on site and to accommodate sustainable energy production from renewable energy sources.

(b) DEFINITIONS,

(1) RENEWABLE ENERGY SYSTEM: A system that generates energy from natural resources such as sunlight, wind, and geothermal heat as used herein, the term "Renewable Energy System" refers to Solar Energy Systems only.

(2) SOLAR ENERGY SYSTEM: A system that uses the power of the sun to capture, distribute and/or store energy for on-site consumption of utility power.

(3) SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of a building.

(4) SOLAR ENERGY SYSTEM, BUILDING-MOUNTED: A Solar Energy System affixed to either the principal or accessory structure.

(5) SOLAR ENERGY SYSTEM, GROUND-MOUNTED: A Solar Energy System that is not attached to another structure and is affixed to the ground, or that is attached to an antenna, light pole or other utility facility.

(6) SOLAR FARM ENERGY SYSTEM: A Commercial Solar Energy System that is used to convert sunlight to electricity for on-site or off-site use with the primary purpose being to provide or sell wholesale or retail electricity.

(c) SOLAR RENEWABLE ENERGY SYSTEMS.

(1) General Requirements: The requirements set forth in this Section shall govern the construction and/or installation of all Renewable Energy Systems governed by this Article.

(a) Applicability: The provisions of this ordinance are intended to establish parameters by which Solar Energy Systems may be installed in the City of Marshall. Solar Farm Energy Systems are **not** permitted. Additional renewable energy installations not addressed explicitly herein may be authorized, subject to compliance with the applicable building codes and standards of the City of Marshall.

(b) Use: Except as authorized by the ~~Board of Trustees~~ Superintendent of Public Works for public utility purposes, a Renewable Energy System shall be accessory to the principal permitted use of a site.

(c) Approvals: Approval granted to an individual property owner for a Renewable Energy System under the provisions of this ordinance shall not be construed to bar owners or tenants of any adjacent property from ordinary or permitted building, landscaping or other accessory improvements, even if such improvements may diminish the function of said Renewable Energy System.

(d) Permitting and Installation:

(i) A City of Marshall building permit is required prior to the installation of any Renewable Energy System. Before a building permit is issued, the following shall be submitted to the City of Marshall for review:

a) A site plan showing:

- a) Name, address and phone number of the property owner;
- b) Property lines;
- c) All structures;
- d) Septic field;
- e) Setback lines;
- f) Location of all solar panels and associated equipment; and,
- g) Location of the electrical disconnect for the Solar Energy System.

b) Evidence that the local electric utility has been informed of the customer's intent to install a customer-owned solar energy system.

~~e) Evidence that the site plan has been submitted to the local fire protection district.~~

~~dc)~~ Evidence that proper warning signage has been located to inform utilities of solar panels that are present on site.

i) The owner of a Renewable Energy System shall ensure that it is installed and maintained in compliance with applicable building and safety codes adopted by the ~~Village~~ City of Marshall and any other State or Federal agency of applicable jurisdiction.

ii) All wiring associated with a Renewable Energy System shall be underground or contained within a raceway that complements the building materials of the principal structure.

(e) Interconnection with Public Utilities - Electric

(i) Energy produced by a Renewable Energy System shall be utilized on site, except for Net Metering as authorized by the ~~Village of Rochester~~ City of Marshall and other applicable regulatory agencies required by law.

(ii) The interconnection of any Renewable Energy System to the electric distribution grid shall be in accordance with applicable regulatory agencies required by law.

~~(ed)~~ Illumination of a Renewable Energy System shall be prohibited.

~~(fe)~~ No signage or attention-getting device is permitted on any Renewable Energy System.

~~(ef)~~ Screening: There shall be no required physical screening for Renewable Energy Systems installed on roofs.

~~(hg)~~ Screening: There shall be required physical screening for Renewable Energy Systems installed on grade. Screening shall comply with privacy fence ordinance Sec. 12-3.

## 12.8 Solar Energy Systems.

### (1) Authorization of Use

(a) Building-Integrated, Building-Mounted Solar Energy Systems may be authorized administratively in all zoning districts in accordance with the requirements of this Chapter and subject to approval by the City of Marshall or their designees.

(b) Ground Mounted Energy Systems shall only be allowed in the industrial districts (i) and (ii) as described in Article 7 b (ii) Industrial Districts in Appendix A- zoning of the Marshall Code of Ordinances.

### (2) Height

- (a) Building-Mounted Solar Energy System: A Building-Mounted Solar Energy System may not extend above the peak roof height of the building to which the Solar Energy Systems is affixed.
- (b) Ground-Mounted Solar Energy System: The maximum height of a Ground-Mounted Solar Energy System shall be six feet (6') as measured from the average grade at the base of the pole to the highest edge of the system.

(3) Location

- (a) Ground-Mounted Solar Energy Systems shall not be located within the required front yard or corner side yard or in any utility, water, sewer, or other type of public easement.
- (b) All parts of any Ground-Mounted Solar Energy System shall be set back at least ten feet (25') from all property lines.
- (c) Ground-Mounted Solar Energy Systems shall not exceed twenty (20) percent of the required rear or backyard.

(4) Maintenance and Removal of Renewable Energy Systems

- (1) Renewable Energy Systems must be maintained in good repair and operable condition at all times, including compliance with all standards in applicable building and technical codes to ensure structural and technical integrity of such facilities, except for maintenance and repair outages. If a system becomes inoperable or damaged, operations must cease and be promptly remedied.
- (2) If the City determines that a Renewable Energy System fails to comply with the applicable provisions of this Code, the City shall provide written notification to the property owner. The property owner shall have a period of ninety (90) days from the date of notification to either restore the Renewable Energy System to operation or remove the system.
- (3) In the event such Renewable Energy System is not brought into compliance with this Code within the specified time period, the City may remove or cause the removal of said facility at the property owner's expense.
- (4) The City may pursue any and all available legal remedies to ensure that a Renewable Energy System which fails to comply with this Code.

(5) Any delay by the City in taking enforcement action against the owner of a Renewable Energy System and the owner of the property if such owner is different from the owner of such facility, shall not waive the City's right to take any action at a later time.

~~(6) The City may seek to have the Renewable Energy System removed regardless of the owner's or operator's intent for said facility, and regardless of any permits that may have been issued or granted.~~

(7)(6) \_\_\_\_\_ After the Renewable Energy System is removed, the owner of the Subject Property shall promptly restore the Subject Property to a condition consistent with the property's condition prior to the installation of the system. Installation shall comply subject to current codes.

**Section 3. Severability.** In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Section 4. Repeal and Savings Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the City of Marshall prior to the effective date of this ordinance.

**Section 5. Effective Date.** This Ordinance shall take effect ten (10) days after its passage and approval as provided by law.

**Section 6.** If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without



the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Wendy Tharp	✓		
John Hasten	✓		
Vickie Wallace	✓		
Michael Smitley	✓		
Jarod Green	✓		
Warren J. Le Fever	✓		
Joshua Sanders	✓		
Ed Pearce	✓		

PASSED this 13 day of Jan, 2020.

APPROVED this 13 day of Jan, 2020.

John C. Tharp  
MAYOR

ATTESTED, filed in my office,  
and published in pamphlet form  
this 13 day of Jan, 2020.

Nancy C Smitley  
CITY CLERK

(SEAL)