

Zoning Board of Appeals
Date: September 17, 2020
Time: 5:00 P.M.

Call to Order / Roll Call:

Zoning Board chairman VERNON JOHNSON called for roll call were the following Zoning Board members answered present:

VERNON JOHNSON, LLOYD FORD, HUGH BROWN, BRIAN GERBER, NICK BLASER and DON KARCH. DEAN McCREIGHT was excused.

Also present were, JUSTIN BLASER, Director of Public Works & Utilities; and JAROD DALE, City Clerk.

An attendance sheet has been marked Exhibit "A", attached hereto and made a part of these minutes.

Minutes: Motion made by HUGH BROWN and seconded by BRIAN GERBER to approve the ZBA Minutes of 01/16/20 as presented. A Unanimous voice vote followed in agreement.

The following was discussed:

New Business:

- A. **Public Hearing: Case No. 2020-02** (Proposed Text Amendment to Zoning Ordinance Regulating Solar Energy Systems). The hearing was opened at 5:02 p.m.

Petitioner: City of Aledo, 120 N College Avenue, Aledo, IL., 61231.

Application: The City Council of the City of Aledo has initiated a Text Amendment Application to amend Title 10 by the addition of a new Chapter 22 providing zoning regulations for Solar Energy Systems.

PART B. ISSUES:

The City does not presently regulate the location of composition of Solar Energy Systems within City Limits. The City Council believes it is in the best interest of the City,

it's residents, and users of such systems to provide regulations to allow for the uniform and unobtrusive installation of such equipment within the City.

PART C. ANALYSIS:

The purpose of the addition of Chapter 22 is to facilitate the construction, installation, and operation of Solar Energy Systems (“**SES**”) in the City of Aledo in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, and 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. The ordinance reads as follows:

10-22-1: PURPOSE:

*The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (“**SES**”) in the City of Aledo in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts. It is the intent of this ordinance to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, and 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.*

10-22-2: 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.*

BUILDING INTEGRATED 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.*

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 calls 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 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*

10-22-3: ROOF MOUNT SESs:

Roof Mount SESs shall be permitted with a building permit in all zoning districts where there is a principal structure. The building permit application shall be submitted and shall demonstrate compliance with all applicable zoning requirements. Building or Roof Mount SESs shall not exceed the maximum allowed height for principal structures in any zoning district, and the collector surface and mounting devices shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

10-22-4: GROUND MOUNT SESs:

Ground Mount solar energy systems shall be permitted in all zoning districts only with a Special Use permit, subject to the following conditions:

- A. *Height. Ground Mount SESs shall not exceed eight (8) feet in height when oriented at maximum tilt.*
- B. *Residential Zoning Districts. SESs shall not be allowed as the primary use or the principal structure in any residential zoning district. Ground Mount SESs shall not be allowed in a front yard of any residential zoning district.*
- C. *Setbacks.*
 - 1. *Ground Mount SESs shall meet the accessory structure setbacks for the zoning district in which the unit is located, but in no event shall the setback be less than five feet (5’).*
 - 2. *Ground Mount SESs shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.*
 - 3. *Ground Mount SES installations shall not be located within fifty feet (50’) of any principal structure that is used for residential purposes unless the owner of*

the property with the residential structure joins in the application for special use for the Ground Mount SES.

- D. *Screening. All Ground Mount SES installations shall be appropriately screened as reasonably determined during the Special Use permit process set forth in section 10-22-7 of this chapter.*

10-22-5: REQUIREMENTS FOR ALL SESs:

- A. *Reflection Angles. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.*
- B. *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.*
- C. *Safety. Roof Mount SESs, 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.*
- D. *Building Code. All SESs shall meet the requirements of the applicable City building and property maintenance codes.*
- E. *Installation. All SES installations shall be performed by a qualified solar installer.*
- F. *Any connection of an SES to the public utility grid shall be inspected by the appropriate public utility.*
- G. *Approved Solar Components: Electric SES system components shall have a UL listing or approved equivalent.*
- H. *Appearance. Brand labels that are visible from the lot boundary of the subject property shall be removed.*

10-22-6: BUILDING INTEGRATED SYSTEMS:

Building Integrated Systems shall be permitted in all zoning districts but shall meet the requirements of the applicable City building and property maintenance codes.

10-22-7: SPECIAL USE REQUIREMENTS:

All Ground Mount solar energy systems, including those that are the primary use of the lot or are designed for providing energy to off-site uses or export to the wholesale market, require a Special Use permit. The Special Use permit application shall include, in addition to all information generally required for Special Use applications, all of the following:

- A. *Existing property lines.*
- B. *Existing buildings and impervious surfaces.*

- C. *A Site Plan of proposed conditions showing the following:*
1. *Location and spacing of the solar panels.*
 2. *New electrical equipment other than at the existing building or substation that is to be the connection point for the SES.*
 3. *Perimeter fencing having a maximum height of eight (8) feet shall be installed around the boundary of the SES. The fence shall contain appropriate warning signage that is posted such that it is clearly visible on the site.*
- D. *Manufacturer Specifications. The manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.*
- E. *Connection and Interconnection. A description of the method of connecting the solar array to a building or substation, and utility interconnection details with a copy of written notification to the utility company requesting the proposed interconnection.*
- F. *Setbacks. Information establishing that the SES is located a minimum of fifty (50) feet from any principal residential dwelling that is not part the Special Use permit.*

10-22-8: ADMINISTRATION:

Any person or business entity who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section shall face fines of not less than twenty-five (\$25.00) nor more than five hundred (\$500.00) for each offense.

Motion was made by LLOYD FORD and seconded by BRIAN GERBER to close the public hearing. A Unanimous voice vote followed in agreement. The public hearing was closed at 5:11 p.m.

LLOYD FORD noted the average life of solar would be around 25 years and concerns were voiced regarding blight. DPW Blaser reported if the solar system was no longer functional the City could initiate the property maintenance code. FORD voiced concern related to ground mounts during discussion.

VERNON JOHNSON inquired if any residents had stopped into City Hall voicing concerns or complaints related to the text amendment. DPW Blaser reported no calls were received or individuals coming into City Hall to voice complaints as well. JOHNSON inquired if the solar system(s) could become taxable by County of Mercer. DPW Blaser reported he was unaware.

NICK BLASER suggested the definition of screening be addressed and voiced concern related to ascetics. DPW Blaser to get an answer related to screening.

Finding & Final Order: Motion was made by NICK BLASER and seconded by BRIAN GERBER to approve the finding of fact as presented. A Roll call vote was recorded as follows:

YES: Johnson, Ford, Brown, Gerber, Blaser, and Karch. NO: None. Motion carried.
6 yeas, 0 nays.

Motion was made by LLOYD FORD and seconded by DON KARCH that the Zoning Board of Appeals Case No. 2020-02 has been approved by the Zoning Board of Appeals and to be send to the Aledo City Council for final approval. A Roll call vote was recorded as follows:

YES: Ford, Brown, Gerber, Blaser, Karch, and Johnson. NO: None. Motion carried.
6 yeas, 0 nays.

Adjournment: There being no further business, motion was made by NICK BLASER and seconded by BRIAN GERBER to adjourn the Zoning Board of Appeals meeting. Unanimous voice vote followed in agreement and Motion carried.

Adjournment followed at 5:19 P.M.