

VILLAGE OF SAN JOSE

**ORDINANCE# 24-005 AMENDING TITLE 10, CHAPTER 11, SECTION 10 OF THE SAN JOSE
VILLAGE CODE TO PROVIDE AMENENTS REGARDING SOLAR ENERGY SYSTMMS FOR THE VILLAGE
OF SAN JOSE MASON AND LOGAN COUNTY, ILLINOIS**

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE VILLAGE BOARD OF THE VILLAGE OF
SAN JOSE, MASON AND LOGAN COUNTIES, ILLINOIS THIS 18TH AY OF March 2024

PASSE BY THE BOARD OF TRUSTEES

THE VILLAGE OF SAN JOSE

April 15, 2024

EFFECTIVE April 25, 2024

PASSED THIS 15th day of April 2024.

AYES: 6

NAYS: 0

ABSENT: 0

APPROVED THIS 15th day of April 2024



Village President

ATTEST:



Village Clerk

10-11-10: SOLAR ENERGY SYSTEMS:

A Definitions: The following terms and phrases shall have the definitions set forth below, except where context clearly requires otherwise:

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.

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.

B. Personal Solar Energy System (PSES) and/or Commercial Solar Farms Within Village Limits:

1. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of PSESs and/or Commercial Solar Farms Within Village Limits designed for on-site home and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect public health, safety, and community welfare without unduly restricting the development

of PSESs and/or Commercial Solar Farms Within Village Limits. The provisions of this section shall not be deemed to nullify any provisions of state or federal law.

2. Personal Solar Energy Systems shall be subject to the requirements included in the Village Zoning Code unless otherwise stated herein:

- 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 system components must have an Underwriters Laboratory (UL) listing or approved equivalent.
- d. Reflection: PSES systems or Commercial Solar Farms Within Village Limits must have reflective/anti-glare coating that was part of manufacturing process.
- e. 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.
- f. Placement: No building of any structure will be allowed over a utility or within a utility easement.
- g. All PSES systems and Commercial Solar Farms Within Village Limits must follow manufacturers installation instructions.
- h. Framework for PSES and Commercial Solar Farms Within Village Limits shall not extend more than six inches (6") beyond the width of the installed solar panels.
- i. Prior Existing PSES: Any nonconforming building, structure, or use which exists lawfully at the effective date hereof may be continued in accordance with the grandfathering regulations of this Code.

C. Ground Mounted PSES and Commercial Solar Farms Within Village Limits: Ground mounted PSES and Commercial Solar Farms Within Village Limits shall be subject to the following requirements:

1. Ground Mount Personal Solar Energy Systems and Commercial Solar Farms Within Village Limits shall be considered an accessory structure and require a permit. All requirements imposed by this Code upon accessory structures shall apply to ground mount personal solar energy systems and Commercial Solar Farms Within Village Limits to the extent those requirements do not conflict with the provisions of this Section, except however the ground mount personal solar energy system or Commercial Solar Farms Within Village Limits shall not be required to be of a color which matches the primary structure.
2. Height: Shall not be greater than twelve feet (12') at maximum tilt of the solar panel(s) in any zoning district.

3. Setbacks: No PSES or Commercial Solar Farms Within Village Limits shall be permitted to be in the required front or side yard.

4. Coverage: Ground mount systems shall not exceed seven hundred (700) square feet of solar panel surface area.

5. Prohibited: There shall not be more than one PSES per lot.

6. Measurement: Measurements for setbacks are to be based on the maximum vertical dimensions of the PSES (full horizontal tilt).

7. Screening: Ground mount PSES and Commercial Solar Farms Within Village Limits shall be screened from view from existing dwellings with decorative landscaping or fencing. Landscaping or fencing must be six feet (6') tall and ¾ of the fence must be complete before installing ground mounted solar panels. The fence must be completed within 30 days of solar completion.

D. Roof Mounted PSES: Roof mounted PSES shall be subject to the following requirements:

1. Roof Mount Personal Solar Energy Systems shall be considered a building Improvement and requires a permit.

2. Height:

a. Shall not project more than twelve inches (12") above the roof; and

b. 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 twelve inches (12") of the maximum allowable height, then the PSES may project no more than twelve inches (12") above the roof, even if it exceeds the maximum allowable height.

3. 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 are 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.

4. 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-foot (3') perimeter around panels.

5. 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.

E. Approval And Building Permits:

1. All requests for solar energy systems will require a permit from the Village of San Jose.

F. Non-Conforming Systems:

1. 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. It shall be an unlawful for any person owning or occupying any real estate located within the Village of San Jose to fail to remove or repair a solar energy system within thirty (30) days of receipt of the notice for removal or repair.

G. 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. The Village of San Jose 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.

(Ord. 23-001, 5-29-2023; Ord 24-004 03-01-2024)