

**ORDINANCE NO. 12-23-24  
SOLAR ENERGY SYSTEMS**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE VILLAGE OF CLAYTON  
BY REGULATING THE LOCATION, CONSTRUCTION AND USE OF SOLAR ENERGY  
SYSTEMS WITHIN THE VILLAGE OF CLAYTON AND WITHIN A MILE AND A HALF OF  
THE VILLAGE LIMITS OF THE VILLAGE OF CLAYTON**

**WHEREAS**, the Village of Clayton, Illinois has adopted in December of 1987 an Ordinance establishing a Zoning Ordinance for the Village of Clayton, which has been amended from time to time.

**WHEREAS**, the Village of Clayton Planning/Zoning Commission, after public hearing held and conducted in accordance with said Zoning Ordinance, has recommended to the Board of Trustees of the Village of Clayton, that said Zoning Ordinance be amended as hereinafter provided.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Trustees of the Village of Clayton, Adams County, Illinois, as follows:

**SECTION 1. AMENDMENT:** That the Village of Clayton Zoning Ordinance be amended to include a new and additional Article, being Article 15A, entitled Solar Energy Systems which shall read as follows:

**ARTICLE 15A  
SOLAR ENERGY SYSTEMS**

Section 1. Purpose and Intent. This Ordinance is intended to promote the safe and efficient construction, installation, and operation of solar energy systems as an alternative means of renewable energy production within the Village of Clayton, and where applicable to those areas within a mile and a half of the corporate limits of the Village. This Ordinance also seeks to protect the public health and well-being of those residing or working in close proximity to solar energy systems.

This Ordinance applies to newly constructed, installed, substantially modified, or relocated solar energy systems after the effective date of this Ordinance.

Section 2. Definitions.

- a. Solar Energy System (SES): A solar energy system is a structure or device designed to collect the sun's radiant energy (solar radiation) for conversion into electrical or thermal energy for practical purposes. For purposes of this Ordinance, there are two major types of SESs defined below.
  1. Photovoltaic System: A Photovoltaic System is one that converts solar radiation in electrical energy using photovoltaic cells.
  2. Solar Thermal System: A Solar Thermal System is one that heats water or other liquids directly or indirectly using solar radiation. This type of system is often used for space heating as well as to heat water or generate electricity.

- b. Commercial solar energy facility shall include the definition of a Solar Energy System above and in addition shall have the meaning as set forth in 55 ILCS 5/5-12020.

### Section 3. Permits.

- a. It shall be unlawful to install, substantially modify, relocate, or operate a SES within the Village of Clayton, or within a mile and a half of the corporate limits of the Village of Clayton, without a valid permit. Permits may be granted within all zoning districts of the Village.
- b. Upon application for a permit, the applicant shall provide the Village with detailed plans for the construction, installation, operation, or substantial modification or relocation of the proposed or existing SES. The plans shall clearly show the major components of the system and their intended or existing locations. A sketch detailing all other structures and property lines within a 200-hundred-foot radius of the proposed SES shall also be provided. If the owner/leaseholder of the SES intends to connect the system to a utility's grid, written confirmation and approval from the utility is required.
- c. Permits shall be reviewed by and if appropriate issued by the Zoning Officer.

### Section 4. Design Requirements.

- a. All solar energy systems shall be manufactured and designed to comply with applicable industry standard. In addition, all SESs shall comply with applicable Village codes, including height and location requirements for buildings and structures. An SES shall be considered a building or structure. Where Village height or location requirements for buildings or other structures in a given zoning district are more restrictive than those covered in this Ordinance, the former requirements shall apply.
- b. Solar energy systems shall be constructed, installed, operated, and located to minimize potentially adverse impacts on nearby properties or individuals. A SES shall not present a significant nuisance due to solar glare, bright colors, or protrusion onto another property. Building mounted systems that blend into the structural design of buildings or other structures and ground-mounted systems that can be partially or completely obscured from outside view (e.g., by use of fencing trees, or other vegetation) are highly encouraged. Advertising is strictly prohibited on SESs except for unobtrusive manufacturer labeling.
- c. All solar energy systems shall be incidental and subordinate to the principal use and or structure and shall meet the following additional requirements:
  - 1. Only one free standing unit shall be allowed per property and shall only be allowed in a rear yard location and shall meet all rear yard set back requirements, shall not occupy more than 15% of the rear yard area and shall not exceed more than 1,000 square feet.
  - 2. Maximum height for free standing units shall be 20 feet.
  - 3. Roof mounted system panels, other than flat solar panels, shall only be located on the rear side of a roof facing and shall be no more in height than the peak of the roof and/or shall not exceed total height of structures or buildings within the zoning district.
  - 4. Flat roof system panels shall be allowed on a front and/or side roof facing only if they are mounted flat against the roof surface or incorporated into roofing surface material.
  - 5. The SES shall be secured from climbing or unauthorized access.

6. If a SES is nonfunctional or inoperative for a continuous one-year time period it shall be deemed abandoned and shall be required to be removed within 90 days.
7. The SES shall have non-reflective and neutral color with no advertising or logos on system panels and/or supporting structures other than a small identification of the manufacturer.
8. All electric circuits shall be underground or in conduits attached to structures.
9. All SESs shall comply with adopted building and fire codes and all other applicable state and federal regulations.
10. An SES shall not be located in a front yard.
11. No SES shall be constructed on a lot until the construction of the main building has actually commenced.
12. On corner lots in residential districts an SES may be built no closer than 30 feet to the street right of way.

Section 5. Additional Requirements for Commercial Solar Energy Facilities

In addition to any other requirements of this Ordinance any Commercial Solar Energy Facility shall comply with the following requirements:

- a. No Commercial Solar Energy Facility shall be located in area zoned R-1, R-2, R-3, B-1, B-2, or M-1.
- b. No component of the Commercial Solar Energy Facility shall be located within 150' of the outside wall of any structure located on a non-participating property or an occupied community building, and shall not be located within 50' on any public right of way, and shall not be located within 50' of a property line of a non-participating property.
- c. As determined by the Building Inspector or as the case may be the Zoning Board of Appeals or the Trustees of the Village upon appeal, the Commercial Solar Energy Facility may be required to surround the facility with fencing not less than 6' nor more than 25'.
- d. As determined by the Building Inspector or as the case may be the Zoning Board of Appeal or the Trustees of the Village upon appeal, the Commercial Solar Energy Facility may be required to plant vegetative screening around the facility and may be required to plant and maintain vegetative ground cover.
- e. No Commercial Solar Energy Facility shall be permitted until a public hearing is held after advertising notice within a newspaper of general circulation in compliance with other provisions of the Zoning Ordinance allowing for public comment on the proposed Commercial Solar Energy Facility.
- f. Every application for a Commercial Solar Energy Facility shall be accompanied by an application fee of \$500.00 to defray the cost of publication, notice to property owners, the conduct of the hearing and consideration of the application.

Section 6. Violations and Penalties. It shall be unlawful for any person or entity to construct, install, operate, or substantially modify a SES or a Commercial Solar Energy Facility that is not in compliance with provisions of this Ordinance or with any condition contained in a permit issued pursuant to this Ordinance.

Anyone who fails to comply with any applicable provision of this Ordinance or a permit issue pursuant to this Ordinance shall be subject to enforcement, including but not limited to injunctive relief and nuisance abatement and/or fine, as provided by the Village Code in general or the penalties and enforcement provisions of the Clayton Zoning Ordinance. Fines shall include any fine provided by Section 1 of Article 23 of the Zoning Ordinance. Every day a violation exists shall be considered a new and separate offense.

**SECTION 2. SEPARABILITY:** The provisions of this Ordinance shall be deemed separable, and the invalidity of any portion hereof shall not affect the validity of the remainder thereof.

**SECTION 3. SAVINGS CLAUSE:** Nothing in this Ordinance shall be construed to affect any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or amended: nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 6. REPEAL:** To the extent provided herein, all ordinances and parts of ordinances in conflict with the provisions of this Ordinance, shall be, and the same are, to the extent of such conflict, hereby repealed.

**SECTION 7. EFFECTIVE DATE:** This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

ADOPTED: 12/12/2023

*Loretta Carroll*

Village Clerk

APPROVED: 12/12/2023

*Samuel Miller*

President

Officially published in pamphlet form this 30th day of January 2024.

**APPLICATION FOR RESIDENTIAL SOLAR PERMIT**  
**VILLAGE OF CLAYTON, ILLINOIS**

The following information and documents are required before a solar permit can be issued. This application must be filed with the Village Clerk forty-five (45) days prior to the anticipated start of construction. Construction may not be commenced until the required fee of \$25.00 is paid and the solar permit has been approved.

1. Applicant's name & address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Contact Phone #: \_\_\_\_\_

3. Street Address of construction site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Owner of construction site: \_\_\_\_\_

(If applicant is not the owner or owner's agent, an affidavit of the owner authorizing the construction must accompany this application.)

5. Legal description of construction site, can get this from deed, survey, or tax bill: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Type of work, addition, or new construction? & description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Estimate of total cost of project: \_\_\_\_\_

8. Projected start date of project: \_\_\_\_\_

9. Name, address, & phone # of the general contractor doing the project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. A drawing of the proposed construction, drawn to scale, including floor plans, sections, elevations, and structural details must be submitted with the application. (can get this from the contractor)

11. A plat diagram or sketch drawn to scale, with exact location of property lines and all dimensions figured, showing accurately the size and exact location of all proposed new construction, and of the existing buildings and structures that are to remain.

**Put drawing below or attach a separate sheet.**

I hereby certify that all the construction done pursuant to this permit will comply with the information submitted in this application and that all construction shall comply with all existing federal, state, and local laws and regulations. I further agree I will be liable for and shall pay full compensation to the village for any damage to village utilities, streets, culverts, or property done during or because of the construction; and further shall be liable for the village's reasonable expense in the collection of the compensation for damages including their reasonable attorney fees.

Applicant signature \_\_\_\_\_ Date \_\_\_\_\_

Approved \_\_\_\_\_ Rejected \_\_\_\_\_ Date \_\_\_\_\_