

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE URBANA ZONING ORDINANCE

(Solar Energy System Text Amendment / Plan Case 2425-T-21)

WHEREAS, the City Council passed Ordinance No. 9293-124 on June 21, 1993, which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana (City), which is also known as the Urbana Zoning Ordinance (Zoning Ordinance); and

WHEREAS, the Zoning Administrator has submitted a petition to amend the Zoning Ordinance to add definitions and establish use provisions for principal use solar farms and accessory use solar arrays to more accurately reflect the nature of solar energy systems and their operation and regulate them based on their construction and location; and

WHEREAS, said petition was presented to the Plan Commission as Plan Case No. 2425-T-21; and

WHEREAS, after due publication in accordance with Section XI-7 of the Zoning Ordinance and Section 11-13-14 of the Illinois Municipal Code (65 ILCS 5/11-13-14), the Plan Commission held a public hearing on the petition on April 21, 2022; and

WHEREAS, the Plan Commission voted five ayes and zero nays on April 21, 2022, to forward Plan Case No. 2425-T-21 to the City Council with a recommendation for approval of the proposed amendments as presented; and

WHEREAS, the amendments described herein conform to the goals, objectives, and policies of the 2005 Comprehensive Plan as amended from time to time; and

WHEREAS, after due and proper consideration, the City Council finds that amending the Zoning Ordinance as herein provided is in the best interests of the residents of the City and is desirable for the welfare of the City's government and affairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

The following provisions of the Urbana Zoning Ordinance are hereby amended and as amended shall read as set forth in Ordinance Attachment A, which is attached hereto and incorporated herein by reference:

- A. Article II, “Definitions,” Section II-1, “General Provisions,”
- B. Article V, “Use Regulations,” Table V-1, “Table of Uses,”
- C. Article VI, “Development Regulations,” Section VI-5, “Yards” and Section VI-6 “Screening,”
and
- D. Article XIII, “Special Development Provisions,” New Section XIII-9 “Solar Energy Systems.”

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2022.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2022.

Diane Wolfe Marlin, Mayor

Ordinance Attachment A – Clean Text

Section II-1. General Provisions

For the purposes of this Ordinance, the following words and phrases shall have the meaning specified herein. Any word or phrase not a part of this listing shall be construed to have its usual definition. Definitions relating to telecommunication facilities, mobile home parks, planned unit developments, wind energy systems, and solar energy systems are located in Article XIII and definitions relating to historic preservation are located in Article XII.

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Table V-1. Table of Uses

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
<i>Industrial</i>																				
Solar Farm				S	S	S			S			S		S	S		S		S	S

P – Permitted, C – Conditional Use Permit Required, S – Special Use Permit Required, D – Planned Unit Development

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Section VI-5. Yards

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- B. Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure, or portion thereof, mechanical equipment, or swimming pool shall be erected in, occupy, or obstruct a required yard, except as follows (see Section VIII-4 for regulations regarding parking in required yards):

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- 13. Signs, as permitted in Article IX of this Zoning Ordinance.
- 14. Ramps or other structures for accessibility may encroach into required yards.

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Section VI-6. Screening

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- D. Screening of Mechanical Equipment

Ground-mounted mechanical equipment for all non-residential uses shall be screened from view at ground level from public rights of way and adjacent residential districts.¹ Screening may consist of a wall, opaque fence, earthen berms, landscaping, or any combination thereof.

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¹ Screening of solar energy systems is regulated by Article XIII-9.

Ordinance Attachment A – Clean Text

Section XIII-9 Solar Energy Systems

A. Purpose

The City of Urbana finds that it is in the public interest to encourage the use and development of solar energy systems as a clean, renewable energy source and to help promote local, clean jobs. The purpose of this section is to facilitate the effective and efficient use of solar energy systems while protecting the public health, safety, and welfare of residents and the general public.

B. Definitions

Solar Energy System: A collection of photovoltaic (PV) panels or other devices that convert sunlight into electricity.

Solar Array: An accessory use solar energy system.²

Solar Farm: A principal use solar energy system.²

C. Applicability

This section applies to new solar energy systems. Pre-existing solar energy systems are not required to meet the requirements of this section.

D. Permits Required

Solar energy systems require all applicable permits.

E. Solar Energy Systems Permitted by Right and by Special Use

1. *Use Determination.* The Zoning Administrator shall determine if a system is a Solar Farm or a Solar Array based on its intended purpose and on the criteria for Accessory Uses outlined in Section V-2.
2. *Building-Mounted Solar Energy Systems.* Building-mounted solar energy systems are permitted by right within all zoning districts and are exempt from further regulation of this Section.
3. *Ground-Mounted Solar Energy Systems.*
 - a) *Solar Farms*
 - i. Solar farms are permitted as a special use in the following zoning districts:
 - AG Agricultural Zoning District
 - R-4, R-5, and R-6 Residential zoning districts
 - B-3, B-4, and B-4E Business zoning districts
 - IN-1 and IN-2 Industrial zoning districts
 - CRE conservation/recreation/education zoning district
 - ii. Site plans for solar farms shall include the following: the number and location of inverters, solar panels, access drives, grid interconnection, and any other information required by the Zoning Administrator. Inverters shall be located at least 150' from property lines.

² See “Principal Use” and “Accessory Use” definitions in Section II-3.

Ordinance Attachment A – Clean Text

- iii. Solar farms located within 500 feet of a residential use must provide a landscape buffer meeting the requirements of Section VI-A.2.b.3, 4, 5, and 8. Existing landscaping may satisfy this requirement, subject to approval by the Zoning Administrator.
 - iv. Solar farms must comply with applicable state and local regulations, including the City of Urbana Code of Ordinances, Chapter 16 Noise and Vibrations.
- b) *Solar Arrays*
- i. Solar arrays are permitted in all zoning districts.
 - ii. Solar arrays must:
 - meet all criteria for accessory structures outlined in Section V-2.C; and
 - comply with all other sections of this ordinance governing accessory structures.
 - iii. Solar arrays are excluded from Gross Floor Area calculations.
 - iv. The area beneath a solar array is considered open space if the following criteria outlined in Section VI-4.C.3 subitem 3 apply:
 1. it comprises no more than 50% of the lot area when combined with areas covered by paving for sidewalks, leisure, and recreational areas such as patios, tennis courts, and swimming pools; and
 2. it does not comprise more than 25% of the total open space; and
 3. there is a minimum clearance of seven feet six inches between the ground level and the underside of the solar panel assembly.
 - v. Solar arrays located in a residential district must be located behind the front face of the principal structure.

Table XIII-3. Summary of Solar Energy Systems Allowed

MOUNTING STYLE	USE STANDARD		MINIMUM SETBACK	MAXIMUM SYSTEM HEIGHT
	<i>Permitted Use</i>	<i>Special Use</i>		
Building-Mounted	All Zoning Districts	--	Not applicable	Not applicable
Solar Array	All Zoning Districts	--	Must comply with minimum yard requirements for accessory structures in the zoning district it is located in.	Must comply with height requirements for accessory structures in the district it is located in. ³
Solar Farm	--	AG, R-4, R-5, R-6, B-3, B-4, B-4E, IN-1, IN-2 CRE Zoning Districts	Must comply with yard requirements for principal structures in the zoning district it is located in. ⁴ Inverters must be at least 150' from all property lines.	Must comply with height requirements for principal structures in the district it is located in. ³

³ See Section VI-2. Height

⁴ See Table VI-3. Development Regulations by District