

ORDINANCE NO. 2026 - 34

AN ORDINANCE ACCEPTING FINDINGS OF FACT AND RECOMMENDATIONS OF THE ZONING & PLANNING COMMISSION TO APPROVE AN APPLICATION FOR A ZONING TEXT AMENDMENT SUBMITTED BY THE CITY OF MT. VERNON, ILLINOIS

WHEREAS, the City of Mt. Vernon ("the City") is an Illinois Home Rule Municipal Corporation, duly existing under the laws of the State of Illinois, and embodied as a Home Rule entity with certain rights and powers pursuant to the Illinois Constitution, Article VII, Section 6, and hereby makes an express declaration as to the use of its Home Rule Authority in the enacting and adopting of this Ordinance; and

WHEREAS, the City has adopted a comprehensive Zoning Code, codified as Chapter 161 of the Revised Code of Ordinances of the City of Mt. Vernon, Illinois; and

WHEREAS, the modernization and stabilization of energy infrastructure increasingly rely on battery energy storage systems, which are capable of storing electrical energy for supply to a building, facility, or the electric grid at a future time; and

WHEREAS, battery energy storage systems present unique considerations relating to appearance, size, noise, and safety, and a number of communities have adopted zoning regulations specific to such systems; and

WHEREAS, a public hearing was held at City Hall, 1100 Main Street, Mt. Vernon Illinois, on October 12, 2026, before the Mt. Vernon Zoning & Planning Commission and notice of said hearing was duly given to all individuals entitled to notice, as well as by publication of the hearing in a local newspaper and posting of the notice of hearing at the Mt. Vernon City Hall; and

WHEREAS, an application was presented by the City of Mt. Vernon, on behalf of the City Council, to make certain zoning text amendments to the Zoning Code of the City of Mt. Vernon to update the existing zoning code as more fully set forth in the Village's text amendment application; and

WHEREAS, at the conclusion of the hearing on the above request for zoning text amendment, the Zoning & Planning Commission issued findings of fact and a recommendation that the zoning text amendment be granted, as noted in the findings of fact and accompanying memorandum attached hereto and fully incorporated herein as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MT. VERNON, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are true and material and are adopted herein as express findings of legislative fact, intent, and discretion of the City of Mt. Vernon, Illinois.

SECTION 2: That the request for a zoning text amendment is granted, with the following changes to be made to the Zoning Code as more fully set forth below.

SECTION 3: That Section 161.210 (Definitions) of Chapter 161, Title XV of the Revised Code of Ordinances is hereby amended by adding the following defined terms in their appropriate alphabetical order, to read as follows:

“BATTERY ENERGY STORAGE SYSTEM. A stationary system consisting of one or more batteries or battery modules, together with associated battery management equipment, power-conversion equipment, thermal-management equipment, safety and fire-suppression equipment, controls, enclosures, and other appurtenant equipment, that is designed to store electrical energy for later use and to supply electrical energy to a building, facility, electric grid, or other load. A battery storage system does not include batteries or battery packs that are integral to a motor vehicle, electric vehicle, hybrid vehicle, electric bicycle, golf cart, forklift, tool, appliance, consumer electronic device, or similar mobile or end-use product, nor a battery used solely for starting or operating such product.

BATTERY ENERGY STORAGE SYSTEM, INDOOR. A battery energy storage system located entirely within one or more fully enclosed buildings.

BATTERY ENERGY STORAGE SYSTEM, OUTDOOR. A battery energy storage system in which any battery module, cabinet, container, enclosure, or similar equipment is located outside a fully enclosed building.”

SECTION 4: That subsection (C)(3) (Conditional Uses) of Section 161.312 (A-G General Agriculture) of Chapter 161, Title XV is hereby amended to read as follows:

- (3) “*Conditional Uses:* After notice & appropriate safeguards, the City Council may permit as Conditional Uses:
- (a) Sale of Greenhouse products grown on premises.
 - (b) Riding Stables. See Note (1).
 - (c) Raising, breeding and boarding of non-farm fowl and animals. See Note (1).
 - (d) Seasonal fishing, hunting lodge, gun club or related operation.
 - (e) Railroad.
 - (f) Stadium or coliseum, horse or auto race track. See Notes (1), (4).
 - (g) Penal or Correctional Institution. See Note (2).
 - (h) Airport or Heliport. See Note (5).
 - (i) Commercial agricultural storage operations.
 - (j) Public utility substation; Energy Park; Wind Farm, Park or Plant; for Commercial Solar Energy Facility - see Chapter 160 of the Revised Code of Ordinances.
 - (k) Public sewage disposal plant or public water plant. See Note (4).
 - (l) Freestanding Wireless Communication Facility as described within §§ 161.365 through 161.378.
 - (m) Sanitary landfill or other qualified disposal system. See Note (7).
 - (n) Commercial Radio or Television Station.

- (o) Mineral extractive operations outside corporate limits, including but not limited to: coal, oil, rock, gravel, sand and the related processing operations, storing and sale of such materials. (4)
- (p) Travel Trailer Park.
- (q) Truck Terminal or Equipment Terminal, but only as an accessory use to a Permitted Use.
- (r) Cannabis Cultivation Center or Cannabis Craft Grower (must be 1500 feet distance between each use as measured from each property line).
- (s) Battery Energy Storage System, subject to §§ 161.400 through 161.409.”

SECTION 5: That subsection (C)(2) (Conditional Uses) of Section 161.323 (I-1 Light Industrial) of Chapter 161, Title XV is hereby amended to read as follows:

- (2) “*Conditional Uses.* After notice & appropriate safeguards, the City Council may permit as Conditional Uses:
 - (a) Wireless Communication Freestanding Wireless Communication Facility as described within §§ 161.365 through 161.378;
 - (b) Cannabis Craft Grower or Cannabis Cultivation Center (must be 1500 feet distance between each use as measured from each property line);
 - (c) Cannabis Infuser Organization or Infuser; Cannabis Processing Organization or Processor; Cannabis Transporting Organization or Transporter;
 - (d) Truck Terminal or Equipment Terminal, but only as an accessory use to a Permitted Use.
 - (e) Battery Energy Storage System, subject to §§ 161.400 through 161.409.”

SECTION 6: That subsection (C)(2) (Conditional Uses) of Section 161.324 (I-2 General Industrial) of Chapter 161, Title XV is hereby amended to read as follows:

- (3) “*Conditional Uses.* After notice & appropriate safeguards, the City Council may permit as Conditional Uses:
 - (a) Automobile Wrecking & Storage Yards. See Note (3).
 - (b) Mineral extractive operations outside corporate limits, including but not limited to: coal, oil, rock, gravel, sand, and the related processing operations, storing, and sale of such materials.
 - (c) Wireless Communication Freestanding Wireless Communication Facility as described within §§ 161.365 through 161.378.
 - (d) Truck Terminal or Equipment Terminal, but only as an accessory use to a Permitted Use.
 - (e) Cannabis Craft Grower or Cannabis Cultivation Center (must be 1500 feet distance between each use as measured from each property line).

- (f) Cannabis Infuser Organization or Infuser; Cannabis Processing Organization or Processor; Cannabis Transporting Organization or Transporter.
- (g) Battery Energy Storage System, subject to §§ 161.400 through 161.409.”

SECTION 7: That subsection (C)(3) (Conditional Uses) of Section 161.325 (I-A Industrial - Agriculture Land) of Chapter 161, Title XV is hereby amended to read as follows:

- (4) “*Conditional Uses.* After notice & appropriate safeguards, the City Council may permit as Conditional Uses:
 - (a) Sales of greenhouse products grown on premises.
 - (b) Riding Stables. See Note (2).
 - (c) Raising, breeding & boarding of non-farm fowl and animals. See Note (2).
 - (d) Seasonal fishing, hunting lodge, gun club or related operation.
 - (e) Stadium or coliseum, horse or auto race track. See Notes (2), (5).
 - (f) Penal or correctional institution. See Note (3).
 - (g) Airport or heliport. See Note (6).
 - (h) Sanitation Transfer Station.
 - (i) Freestanding Wireless Communication Facility as described within §§ 161.365 through 161.378.
 - (j) Commercial radio or television station.
 - (k) Commercial radio or television towers are exempted from height regulations.
 - (l) Schools.
 - (m) Churches.
 - (n) Hospitals.
 - (o) Mineral extractive operations outside corporate limits, including but not limited to: coal, oil, rock, gravel, sand and the related processing operations, storing and sale of such materials (5).
 - (p) Energy Park; Wind Farm, Park, or Plant; for Commercial Solar Energy Facility - see Chapter 160 of the Revised Code of Ordinances.
 - (q) Truck Terminal or Equipment Terminal, but only as an accessory use to a Permitted Use.
 - (r) Cannabis Craft Grower or Cannabis Cultivation Center (must be 1500 feet distance between each use as measured from each property line).
 - (s) Cannabis Infuser Organization or Infuser; Cannabis Processing Organization or Processor; Cannabis Transporting Organization or Transporter.
 - (t) Battery Energy Storage System, subject to §§ 161.400 through 161.409.”

SECTION 8: That Title XV, Chapter 161 of the Revised Code of Ordinances is hereby amended by creating the following Sections, to be captioned “Battery Energy Storage Systems,” to read as follows:

“BATTERY ENERGY STORAGE SYSTEMS

§ 161.400 TITLE AND PURPOSE.

- (A) Title. Sections 161.400 through 161.404 may be cited as the Battery Energy Storage System Regulations.
- (B) Purpose. The purpose of these sections is to facilitate the construction, installation, and operation of battery energy storage systems in the City of Mt. Vernon, Illinois, in a manner that promotes economic development and ensures the health, safety, and welfare of the public while avoiding adverse impacts on adjoining property owners and the environment.

§ 161.401 APPLICABILITY.

These sections apply to all battery energy storage systems located within the corporate limits of the City and within the territory subject to the jurisdiction of this Ordinance.

§ 161.402 DISTRICTS AND CONDITIONAL USE PERMIT REQUIRED.

- (A) Conditional use only. A battery energy storage system, whether indoor or outdoor, is allowed only as a Conditional Use, and only in the following zoning districts:
 - (1) A-G, General Agriculture (§ 161.312);
 - (2) I-1, Light Industrial (§ 161.323);
 - (3) I-2, General Industrial (§ 161.324); and
 - (4) I-A, Industrial - Agriculture Land (§ 161.325).
- (B) Conditional Use Permit. No battery energy storage system shall be established, constructed, installed, or operated except pursuant to a Conditional Use Permit granted by the City Council after notice and hearing and in accordance with §§ 161.135 through 161.138 of this Ordinance. The applicant shall submit, as part of the Conditional Use Permit application, all information required under these sections for the type of system proposed, and the City Council may impose such additional conditions and safeguards as it deems necessary to protect the public health, safety, and welfare.
- (C) Compliance with all standards. Every battery energy storage system approved as a Conditional Use shall comply with the applicable requirements of § 161.404 and with all other applicable provisions of this Ordinance, the Revised Code of Ordinances, and State and Federal laws.

§ 161.403 PROHIBITED INSTALLATIONS.

Any battery energy storage system that is not allowed as a Conditional Use under § 161.402 is prohibited.

§ 161.404 REQUIREMENTS FOR ALL BATTERY ENERGY STORAGE SYSTEMS.

- (A) Regulatory compliance. Each battery energy storage system must comply with all federal, state, and local laws, rules, and regulations, including, without limitation, all building codes, electrical codes, fire protection codes, health and safety rules and regulations, current National Fire Protection Association standards, and environmental rules and regulations.

- (B) Noise control. Noise levels originating from any Battery Energy Storage System Property shall at all times be in full compliance with applicable Illinois Pollution Control Board regulations, (35 Illinois Administrative Code, Subtitle H: Noise, Parts 900, 901, 910). Applicants must submit manufacturer's sound power level data and a noise analysis by a qualified professional, to include identification of pre-development 24-hour ambient background sound levels at representative locations, computer modeling of anticipated sound levels within 1,500 feet of the system, clear results statements of the ambient background sound level monitoring and a map of the modeled noise contours within 1500 feet of the system. The application shall further clearly state the assumptions of the computer model's construction and algorithms so that a competent and objective third party can as simply as possible verify the anticipated sound data and noise levels. Updated analysis is required for proposed equipment or location changes or expansions. The Zoning Board shall maintain authority to enforce a baseline separation distance from existing dwellings, with additional separation distance potentially required by the Zoning Board to guarantee the noise limits mandated by IPCB regulations are successfully maintained. The Battery Energy Storage System shall maintain compliance throughout the entire operational period. The system owner shall solely be responsible for all testing costs. If noise levels are found to be non-compliant, the system operator shall have fourteen (14) days from notice of non-compliance to remedy the noise defect, and in the absence of which remedy, the system must be immediately shut off until the City approves a solution following a hearing before the Zoning Board.
- (C) Installation. A qualified installer must install all battery energy storage systems.
- (1) Foundations, pads, and underground electrical wires at the reclaim site to a depth of four feet below the ground surface.
 - (2) Hazardous material from the property, with disposal in accordance with federal and state law."

SECTION 9: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10: This Ordinance is hereby declared to be an exercise of the City's home rule authority pursuant to Illinois law.

SECTION 11: This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Mt. Vernon, Illinois, on the 19th day of October 2026.


City Clerk – Rebecca Barbour

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
<i>Gliosci</i>	X				
<i>Moore</i>	X				
<i>Tate</i>	X				
<i>Young</i>	X				
<i>Lewis</i>	X				

APPROVED by the Mayor of the City of Mt. Vernon, Illinois on the 20th day of October 2026

APPROVED: *John C. Lewis*
Mayor - John Lewis

ATTEST: *Rebecca Barbour*
City Clerk - Rebecca Barbour

(SEAL)