

LOCAL REGULATIONS FOR WIND AND SOLAR DEVELOPMENTS



[Public Act \(P.A.\) 102-1123](#), an energy omnibus law, establishes uniform standards for the development and construction of commercial wind and solar energy facilities. The Act became effective on January 27, 2023. The Act preserves municipal zoning authority as it relates to commercial wind and solar energy development.

P.A. 102-1123 allows counties to regulate the siting of commercial wind and solar energy facilities with standards that are not more restrictive than the requirements in the Act. These standards apply to unincorporated areas of a county that are outside of municipal zoning jurisdiction and the 1.5-mile extraterritorial zoning jurisdiction surrounding a municipality's corporate limits.

The Act includes a list of standards for siting regulations related to setbacks, height, vegetative screening, shadow flicker, sound, deconstruction, road use agreements and drainage districts. It further requires counties with existing ordinances regulating wind and solar developments to amend their ordinances to be no more restrictive than the provisions of the Act.

P.A. 102-1123 does not apply to an application for siting approval or for a special use permit for commercial wind or solar energy facilities if the application was submitted to a unit of local government before the effective date of the Act.

More information about P.A. 102-1123 can be found in an Issue Brief ([available via this link](#)) from the Illinois State Association of Counties.

On August 1, 2025, the Illinois Appellate Court for the Third District (Appellate Court) provided further clarification for municipalities and developers alike concerning zoning that is exclusionary versus limitations imposed by local ordinance. In *Hickory Wind, LLC v. Village of Cedar Point*, the Appellate Court ruled against the defendant village and opined “reasonable limitations on things like height, blade length, tower density, and the like might have constituted perfectly acceptable methods of regulation. However, an ordinance that restricts energy generation in such a way that it renders commercial wind power economically impossible is both a violation of public policy and is also, in effect, an unauthorized ban.”¹

¹ [Hickory Wind, LLC v. Village of Cedar Point, 2025 IL App \(3d\) 240513, ¶ 20](#)

CLEAN AND RELIABLE GRID AFFORDABILITY ACT

On June 1, 2026, [P.A. 104-0458](#), also known as the Clean and Reliable Grid Affordability Act, takes effect and preempts non-home rule municipal authority to adopt ordinances prohibiting or effectively prohibiting solar energy systems within a municipality. Municipalities may continue to enforce zoning regulations and land use policies that do not prohibit or effectively prohibit solar energy systems, even after P.A. 104-0458 takes effect on June 1, 2026.



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