

VILLAGE OF CARPENTERSVILLE

1200 L. W. Besinger Drive
Carpentersville, Illinois 60110
847-426-3439

Village President
John Skillman

Village Clerk
Diane Cernekee

Village Manager
John O'Sullivan _____ *Concur*

Village Trustees

Dickie Abbott
Jeff Frost
Jim Malone
Humberto Garcia
Brenda Sandoval

BOARD REPORT

TO: Village President, Board of Trustees, Manager, and Attorney

FROM: Tim Brinkmann, Asst. Community Development Director

DATE: May 2, 2023

SUBJECT: An Ordinance Amending Title 16 of the "Carpentersville Municipal Code," Regarding Ground-Mounted Solar Energy Systems.

BACKGROUND

On January 6, 2015 the Village Board amended the accessory structure regulations in Section 16.18.020 of the Zoning Code to allow the installation of Accessory Solar Energy Systems (ASES). Solar panels were new to the Village at that time, and the original solar regulations were drafted conservatively in order to protect the rights of residents who owned property adjacent to solar panel installations. Specifically, in 2015, solar panels were only allowed to be mounted on the roof of the principal structure on the property (i.e. the house), were only allowed on portions of the roof that were completely screened from view from any street or sidewalk, and were only allowed to cover a maximum percentage of each individual roof surface.

In the first 3½ years after the original code amendment the Village issued only four building permits for solar panels, and three of those permits required the approval of a zoning variation. Specifically, the approved variations allowed the installation of solar panels that are visible from a street or sidewalk and that cover a larger percentage of the roof. As part of those approved variations, the Planning and Zoning Commission found that the solar panels were relatively visually unobtrusive, and that a larger number of visible solar panels did not alter the character of residential neighborhoods.

Therefore, on September 4, 2018 the Village Board amended the ASSES regulations to allow solar panels to be mounted on every roof surface of the principal structure on the property, and to eliminate the maximum roof coverage percentage. In the next four years after the 2018 amendment, the Village issued over 230 building permits for the installation of solar panels.

In early 2023, the Village was approached by Otto Engineering, Inc. with the proposal of adding ground-mounted solar arrays on the eastern part of their property at 17 Cleveland Avenue. Also in early 2023, the Village's Public Works Department received an inquiry from a third-party solar consultant firm about installing ground-mounted solar arrays at its' main building at 1070 Tamarac Drive. Currently, the Zoning Code does not allow ground-mounted solar arrays as a permitted use. However, staff finds that ground-mounted solar panels, when installed on lots in Industrially-zoned parcels, will most likely not cause a nuisance to neighboring properties. Therefore, rather than have industrial and manufacturing companies in the Village of Carpentersville apply for zoning variations for ground-mounted solar panels, staff has proposed amendments to the Zoning Code to make ground-mounted solar arrays permitted by the Zoning Code. Specifically, Village staff has proposed a few amendments to Section 16.18.020.A.8 of the Zoning Code.

ANALYSIS

The proposed amendments to the regulations of the Zoning Ordinance that were considered by the PZC include the following:

1. A change to allow Accessory Solar Energy Systems (ASSES) to be mounted on the ground in industrially zoned districts.
2. The creation of additional requirements for when an ASSES is mounted on the ground; specifically, to require the ground-mounted solar system to be enclosed within a metal or masonry wall and be adequately landscaped.

The PZC reviewed the text amendments request according to the criteria listed in the Municipal Code, and finds the request in compliance with the Municipal Code. Therefore, The PZC voted (6 aye, 0 nay, 1 absent) on a motion to recommend to the Village Board the approval of the requested text amendments.

FISCAL IMPACT

Staff finds that the approval or disapproval of the proposed amendments to the text of the Zoning Ordinance would have no specific or direct fiscal impact upon the Village. However, approval of the proposed amendments would make it easier for industrial property owners to install ground-mounted solar systems on their properties.

DEPARTMENT RECOMMENDATIONS

Staff recommends that the Village Board of Trustees uphold the recommendation of the Planning and Zoning Commission and approve the proposed text amendments.

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BOARD REPORT

TO: Village President, Board of Trustees, Manager, and Attorney
FROM: Tim Brinkmann, Asst. Community Development Director
DATE: May 2, 2023
SUBJECT: An Ordinance Amending Title 16 of the "Carpentersville Municipal Code," Regarding Landings, Ramps, Stairs, and Steps.

BACKGROUND

On March 1st, 2023, a building permit was submitted to the Community Development Department for a deck replacement and extension at 2406 Woodside Drive in the Winchester Glen subdivision. While reviewing the proposed project, staff noted that the staircase and landing of the existing deck did not conform with the zoning code; specifically, the setbacks described in Section 16.12.040 Setback Requirements for the R-3 zoning district. The homeowner of 2406 Woodside Drive noted that multiple properties in the Winchester Glen subdivision have decks constructed very similarly to their own and upon review, staff determined that the homeowner is correct. Multiple decks were constructed throughout the Winchester Glen subdivision between 2008 and 2009, when the subdivision was first developed. These decks usually have a landing and staircase off the rear corner of the deck which encroaches into the rear yard setback. Staff researched properties in the Winchester Glen subdivision built between 2008 and 2009 and discovered that during the permit approval process, multiple house permits were approved which also included inspections for piers in the rear yard, which were for the aforementioned decks. The inspectors did not appear to consider the rear yard zoning setback when approving the deck piers, and thus none of them meet the current zoning code. Furthermore, when the Winchester Glen subdivision was annexed

into the Village in 2005, the setbacks that were approved at that time were less than what was required by the current zoning code. Code reductions from the annexation agreement expire after 20 years, which means in 2025, all non-compliant structures, such as the aforementioned decks, will become legally non-conforming structures.

Section 16.18.020.F of the Zoning Code states that *"Accessory buildings, structures and uses may encroach upon certain yards as set forth in the following table of permitted yard obstructions. All accessory buildings, structures and uses not listed in this table or this section shall be considered as prohibited yard obstructions. Accessory buildings, structures and uses listed in this table shall conform to the bulk regulations in this title unless otherwise specified in this table."* Per the Table of Permitted Yard Obstructions in Section 16.18.020.F, steps are allowed to encroach into all required yard setbacks.

Staff also noted that the table does mention "handicapped ramp" but does not list a specific length or width for said ramp. Staff researched standard widths for ADA approved ramps and discovered that the minimum width is 36 inches or 3 feet. Per discussion with the Community Development Department and Building Department, staff proposes the maximum encroachment into setbacks be increased to a depth of 48 inches or 4 feet which will cover most if not all proposed ADA ramps, deck and porch landings, staircases and steps in the Village.

ANALYSIS

The proposed amendments to the regulations of the Zoning Ordinance that were considered by the PZC include the following:

1. A change to allow landings, ramps, stairs, and steps to encroach up to four (4) feet into the front, side, and rear yard setbacks but not into utility easements without the homeowner first obtaining an easement encroachment letter from utility providers.

The PZC reviewed the text amendments request according to the criteria listed in the Municipal Code, and finds the request in compliance with the Municipal Code. Therefore, The PZC voted (6 aye, 0 nay, 1 absent) on a motion to recommend to the Village Board the approval of the requested text amendments.

FISCAL IMPACT

Staff finds that the approval or disapproval of the proposed amendments to the text of the Zoning Ordinance would have no specific or direct fiscal impact upon the Village. However, approval of the proposed amendments would make it easier for property owners to install landings, ramps, stairs, and steps on their properties.

DEPARTMENT RECOMMENDATIONS

Staff recommends that the Village Board of Trustees uphold the recommendation of the Planning and Zoning Commission and approve the proposed text amendments.

ORDINANCE NO. 23-19

AN ORDINANCE AMENDING CHAPTER 16.04, DEFINITIONS,
AND CHAPTER 16.18, OTHER USE REGULATIONS, OF TITLE 16, ZONING,
OF THE CARPENTERSVILLE MUNICIPAL CODE

WHEREAS, the Village of Carpentersville, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Illinois as follows:

SECTION 1: The preambles of this Ordinance are incorporated, as if fully restated herein.

SECTION 2: Section 16.04.020, Definitions, specific, of Chapter 16.04 of the Carpentersville Municipal Code, shall be amended to add the following new definition:

"Accessory solar energy system, ground-mounted" means an ASES (as defined in this section) that is not attached to another structure and is affixed to the ground.

SECTION 3: Paragraph c. of Subsection 16.18.020.A.8 of Chapter 16.18, Other Use Regulations, of the Carpentersville Municipal Code shall be amended to read as follows (underlined text being added, stricken through text being deleted), without impacting the other provisions:

- c. ASES shall comply with the following additional standards:
 - i. Height Limit. The height of any roof-mounted ASES shall not exceed the lesser of: (a) the height of the peak of that portion of the roof of the structure on which the ASES is mounted; or (b) the height restrictions generally applicable to structures within the zoning district in which the ASES is located. Ground-mounted solar systems shall not exceed the maximum accessory structure height within the underlying zoning district.
 - ii. Location.
 - (A) An ASES may be mounted on the roof of the principal building on a lot, or on the ground in approved zoning districts. In a residential zoning district, an ASES may also be mounted on the roof of an accessory detached garage. An ASES shall not be mounted upon any other portion of any principal structure or garage or on any portion of any other accessory structure. In M-1, M-1-A and M-2 zoned districts, ground-

mounted solar systems shall be located only in the side and rear yards of the lot within the zoning district setbacks.

(B) An ASES must either be:

(1) An integral part of the structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the structure where the photovoltaic or hot water system is contained within roofing materials, windows, skylights, shading devices, or similar architectural components; or

(2) Mounted to a finished roof surface; or.

(3) Mounted to the ground in approved zoning districts.

(C) An ASES may be installed at any location and angle on a flat roof provided that the entire ASES is completely screened from view from any street, sidewalk, or adjacent property by the building parapet walls.

(D) On pitched roofs, all ASES shall be mounted flush with, parallel to, and no more than six inches above the finished surface of the roof.

iii. Other Requirements:

(A) No component of any ASES, including mounting racks, shall be permitted to tilt or rotate at a slope greater or less than the roof to which the device is attached when attached to a sloped roof.

(B) With the exception of solar panels, mounting racks, pipe runs, and electrical wire connections, no portion of any ASES shall be installed on any exterior roof surface.

(C) If solar panels are proposed to be installed on more than one exterior roof surface on the same structure, the fire department shall, prior to the issuance of a permit for the ASES, review and comment on the installation of the solar panels to verify that adequate roof access is provided to emergency personnel in the case of an emergency.

(D) If an ASES is proposed to include solar panels mounted on the roof of the principal building on a lot and on the roof of an accessory structure on the same lot, all components of the ASES on the accessory structure must be electrically connected to the same system as on the principal structure, and the installation shall conform to all requirements of the currently adopted electrical code and local amendments. The electrical connection between the two buildings must be located underground.

(E) ASES shall not be illuminated by artificial means, except where the illumination is specifically required by federal, state, or local regulation. ASES shall be designed with panels constructed in dark colored materials and covered with antireflective coatings, and be

located and configured in a manner so as not to produce a concentrated reflection on surrounding properties.

(F) Ground-mounted solar systems shall be enclosed within a wrought iron/metal/PVC/or aluminum fence possessing similar aesthetic characteristics to wrought iron or a masonry wall no less than four feet (4') high that completely surrounds the system. All openings in the fence or wall (with the exception of those openings which allow direct access to the principal and accessory buildings on the premises) must have a self-closing, self-latching gate. The latch must be located at least four feet (4') above grade or be inoperable from the outside. The fence or wall must be constructed so that a four-inch (4") sphere cannot pass through at any point. The ground-mounted solar system shall also be landscaped with evergreens, berms, or other vertical landscaping so as to screen the system from streets and neighboring properties.

(G) The proposed location and design of ground-mounted solar systems shall be subject to review and approval by the Village's Community Development Department and Village Engineer.

SECTION 4: The following permitted yard obstruction in the Table of Permitted Yard Obstructions in Subsection 16.18.020.F of Section 16.18.020, Chapter 16.18 of the Carpentersville Municipal Code shall be amended to read as follows (underlined text being added, stricken through text being deleted), without impacting the other provisions:

| | | | | |
|---|---|---|---|---|
| <u>Landings, Ramps, Stairs and/or Steps, at, above or below the first-floor level, may encroach up to four (4) feet into the front, side, and rear yard setbacks but not into utility easements without the homeowner first obtaining an easement encroachment letter from utility providers.</u> | P | P | P | P |
|---|---|---|---|---|

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Passed this 2nd day of May, 2023, by roll call vote as follows:

| | Ayes | Nays | Absent | Abstain |
|-------------------------|----------|------|--------|---------|
| Trustee [Vacant] | | | | |
| Trustee Jeff Frost | <u>✓</u> | | | |
| Trustee Dickie Abbott | <u>✓</u> | | | |
| Trustee Jim Malone | <u>✓</u> | | | |
| Trustee Humberto Garcia | <u>✓</u> | | | |
| Trustee Brenda Sandoval | <u>✓</u> | | | |
| President John Skillman | <u>✓</u> | | | |

APPROVED THIS 2nd DAY OF May, 2023

(SEAL)

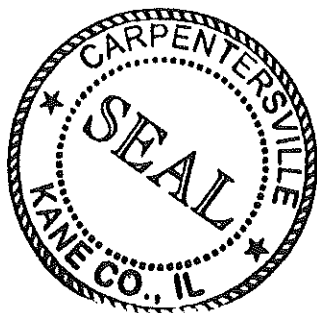

Village President, John Skillman

ATTEST:

Diane Cernekee
Village Clerk, Diane Cernekee

Published:

May 2nd 2023



CERTIFICATION

I, Diane Cernekee, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 2nd day of May, 2023, the foregoing Ordinance entitled, ***AN ORDINANCE AMENDING CHAPTER 16.04, DEFINITIONS, AND CHAPTER 16.18, OTHER USE REGULATIONS, OF TITLE 16, ZONING, OF THE CARPENTERSVILLE MUNICIPAL CODE***, as duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 2023-19, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 2nd day of May, 2023, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 2nd day of May, 2023.

Diane Cernekee

Diane Cernekee, Village Clerk
Village of Carpentersville,
Kane County, Illinois

(SEAL)

