

CITY OF HIGHLAND PARK

ORDINANCE NO. 056-2021

AN ORDINANCE AMENDING ARTICLES II AND IV OF "THE CITY OF HIGHLAND PARK ZONING ORDINANCE OF 1997," AS AMENDED, REGARDING SOLAR ENERGY SYSTEMS

WHEREAS, the City Council desires to amend Articles II, IV, and VIII of the "City of Highland Park Zoning Ordinance of 1997," as amended ("**Zoning Code**"), concerning solar energy systems (collectively, the "**Proposed Amendments**"); and

WHEREAS, a public hearing of the Plan and Design Commission to consider the Proposed Amendments to the Zoning Code was duly advertised in the Lake County News Sun, on July 19, 2021, opened on August 3, 2021, and concluded on August 17, 2021; and

WHEREAS, on August 17, 2021, the Plan and Design Commission approved findings of fact in support of the Proposed Amendments to the Zoning Code (Public Hearing No. 2021-ZTA-004) in accordance with and pursuant to Section 150.1506 of the Zoning Code; and

WHEREAS, the City Council has considered the Proposed Amendments and the recommendation of the Plan and Design Commission, and has determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the City and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND PARK, LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: **RECITALS.** The foregoing recitals are incorporated into, and made a part of, this Ordinance as findings of the City Council.

SECTION TWO: **DEFINITIONS.** Section 150.202, titled "Definitions," of Article II, titled "Interpretation and Definitions," of the Zoning Code is hereby amended further to add or amend the following entries:

"Sec. 150.202. - Definitions.

Whenever in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Section, except when the context otherwise clearly indicates. Whenever in this Chapter other words are used, those other words shall have the meanings normally ascribed to them.

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Building-integrated Solar Energy System: An active solar energy system that is an integral part of a principal or accessory structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, or awnings.

Concentrated Solar Thermal Technology: A solar energy technology that uses lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area.

Ground-mounted Solar Energy System: A solar energy system mounted on a rack or pole that is attached to or ballasted on the ground. Ground-mounted systems can be either accessory or principal uses.

Operable Condition: For any WES **or solar energy system**, the condition of being capable of operating at full capacity while meeting all sound, shadow flicker and other applicable conditions set forth in this Chapter.

Roof-mounted Solar Energy System: A solar energy system that is fastened to or ballasted on a building roof. Roof-mounted systems are accessory to the principal use.

Solar Array: A solar array is a group of solar panels wired together. An array consists of multiple solar modules (solar panels).

Solar Energy System: A device or structural design feature to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Large-Scale: A ground-mounted solar energy system that occupies more than 40,000 square feet of surface area

Solar Energy System, Medium-Scale: A ground-mounted solar energy system that occupies more than 1,750 but less than 40,000 square

feet of surface area.

Solar Energy System, Small-Scale: A ground-mounted solar energy system that occupies 1,750 square feet of surface area or less.

Solar Panel: A device that is used to convert radiant solar energy into electrical current."

SECTION THREE: SOLAR ENERGY SYSTEM REGULATIONS. Article IV, titled "Regulations for Permitted and Conditional Land Uses," of the Zoning Code is hereby amended further to add a new Section 150.415, which Section 150.415 hereafter reads as follows:

"Section 150.415. - Solar Energy System Regulations.

(A) General Regulations. Solar energy systems are permitted as accessory structures and uses in all zoning districts, and as principal structures and uses to the extent designated in Section 150.490 of this Chapter, but only in compliance with the provisions of this Section 150.415.

(B) Location and Bulk Regulations.

(1) General. Solar energy systems are only allowed to be mounted on the roof of a structure, or installed on the ground.

(2) Maximum Area.

(a) No accessory ground-mounted solar energy system may exceed 500 square feet in area, except upon issuance of a special use permit therefor (for which notice need not be provided in accordance with Section 150.1403 of this Code, but must be provided in accordance with Section 150.1203 of this Chapter). In no event may a ground-mounted solar energy system in any single-family residential district exceed 1,750 square feet in area.

(b) No portion of any roof-mounted solar energy system may be installed beyond the footprint of the roof to which it is mounted.

(3) Setbacks.

(a) Principal ground-mounted solar energy

systems may only be installed in compliance with the applicable setback regulations for the underlying zoning district, as set forth in Article VII of this Chapter.

(b) No portion of any accessory ground-mounted solar energy system may be installed within any required front yard or side yard, or less than three feet from any rear lot line.

(c) Roof-mounted solar energy systems may only encroach within a required setback if the roof is legally non-conforming as to that setback.

(4) Height.

(a) Principal ground-mounted solar energy systems may not be installed at a height greater than 15 feet in height above grade.

(b) Accessory ground-mounted solar energy systems may not be installed at a height greater than 10 feet in height above grade.

(c) Roof-mounted solar energy systems may not be installed at a height greater than 10% higher than the applicable maximum height limitation for principal structures in the underlying zoning district, as set forth in Article VII of this Chapter.

(5) Lot Coverage. Ground-mounted solar energy systems do not count toward any lot coverage or impervious surface coverage restrictions set forth in this Chapter.

(6) Reduction of Glare. To the extent practicable, solar energy systems should be designed and installed to minimize glare emanating from the system.

(C) Screening. All supporting structures for ground-mounted solar energy systems must be screened from view from the adjoining property line by a dense buffer of evergreen shrubs and trees.

(D) Utility Connections. No solar energy system may be used as the principal use on a lot prior to submission to the Zoning Administrator of written authorization from ComEd, acknowledging

and approving the connection of the solar energy system to the electricity grid.

(E) Concentrated Solar Technology. No solar energy system may utilize concentrated solar thermal technology.

(F) Signage. All principal use ground-mounted solar energy systems must include a sign installed within 25 feet of the solar energy system, with an area not to exceed two square feet and with a height not to exceed six feet above grade, identifying the owner of the system and a 24-hour emergency contact telephone number.

(G) Decommissioning and Abandonment.

(1) A solar energy system that is not in Operable Condition for a period exceeding 12 consecutive months shall be deemed abandoned. The owner of an abandoned solar energy system and the owner of the property on which the solar energy system is located shall cause the decommissioning and removal of all solar energy system structures and facilities within 90 days after receipt of a notice of abandonment from the City. Decommissioning and removal must include, without limitation:

(a) Physical removal of all solar energy systems, structures, equipment, security barriers and electrical wiring lines from the site.

(b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and

(c) Stabilization or re-vegetation of the site as necessary to minimize erosion, except to the extent that the Zoning Administrator permits the owner or operator to leave landscaping or designated below-grade foundations or electrical wiring in order to minimize erosion and disruption to vegetation.

(2) Any abandoned solar energy system that is not decommissioned and removed within 90 days after receipt of a notice of abandonment shall be deemed a public nuisance, which nuisance the City shall have the right, but not the obligation, to summarily abate by decommissioning and removing the solar energy system at the joint and several expense of the owners of the

solar energy system and of the property on which the solar energy system is located. In the case of such decommissioning and removal, the City shall have the right, but not the obligation, to file a lien for reimbursement of any and all expenses incurred by the City in connection with the removal, including, without limitation, attorney fees and accrued interest."

SECTION FOUR: TABLE OF ALLOWABLE USES. The "Table of Allowable Uses," set forth in Article IV, titled "Regulations for Permitted and Conditional Land Uses," of the Zoning Code is hereby amended further to read as follows:

"TABLE OF ALLOWABLE USES

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(O) COMMUNICATIONS AND PUBLIC UTILITY USES

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R1	*	*	*	RO	P = PERMITTED USES C = CONDITIONAL USES	HC	B1	B1A	B2	B2 RW	B3	B4- BG	B4- 4	B4- 5	B4- 6	B5	POSO	I	PA	CDRO
* * *																				
					<u>Solar Energy Systems</u>													<u>P</u>		

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SECTION FIVE: TABLE OF PARKING AND LOADING REQUIREMENTS. The "Table of Parking and Loading Requirements," set forth in Article VIII, titled "Off-Street Parking and Loading," of the Zoning Code is hereby amended further to read as follows:

"TABLE OF PARKING AND LOADING REQUIREMENTS

In the following table, GFA is an abbreviation for Gross Floor Area and GLA is an abbreviation for Gross Leaseable Area. Loading spaces are calculated on the basis of gross floor area.

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(O). COMMUNICATION AND PUBLIC UTILITY USES

	PARKING SPACES	LOADING SPACES
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*	*	*
<u>Solar Energy Systems</u>	<u>1 space</u>	<u>1 space</u>

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SECTION SIX: PUBLICATION. The City Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION SEVEN: EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage, approval, and publication in the manner provided by law.

AYES: Mayor Rotering, Councilmembers Tapia, Stolberg, Stone, Holleman, Lidawer

NAYS: None

ABSENT: Councilmember Blumberg

PASSED: August 23, 2021

ADOPTED: August 23, 2021

PUBLISHED IN PAMPHLET FORM: August 24, 2021

ORDINANCE NO. O56-2021

Nancy R. Rotering, Mayor

ATTEST:

Ghida S. Neukirch, City Clerk