

ORDINANCE NO. 18 - 31

**AN ORDINANCE AMENDING TITLE 16 OF THE "CARPENTERSVILLE MUNICIPAL CODE,"
REGARDING ACCESSORY SOLAR ENERGY SYSTEMS**

WHEREAS, the "Zoning Ordinance of the Village of Carpentersville," as amended ("**Zoning Ordinance**"), sets forth zoning and land use regulations applicable in the Village of Carpentersville; and

WHEREAS, Subsection 16.18.020.A.8 of the Zoning Ordinance regulates the location, installation, operation, and maintenance of Accessory Solar Energy Systems ("**ASES**") in the Village; and

WHEREAS, pursuant to Subsection 16.18.020.A.8.b.iii.(D) of the Zoning Ordinance, all ASES shall be designed and installed to prevent sun reflection toward vehicular traffic and any habitable portion of any nearby structure; and

WHEREAS, pursuant to Subsection 16.18.020.A.8.c.ii.(C) of the Zoning Ordinance, 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; and

WHEREAS, pursuant to Subsection 16.18.020.A.8.c.ii.(D) of the Zoning Ordinance, on pitched roofs, an ASES must be installed at locations that are not visible from any street or sidewalk and shall not be mounted on any portion of the roof facing any street or sidewalk; and

WHEREAS, pursuant to Subsection 16.18.020.A.8.c.iii.(B) of the Zoning Ordinance, no ASES shall occupy more than 50 percent of the roof area of the exterior roof surface on which the ASES is installed, and if an ASES is installed on multiple roof surfaces on a single structure, the ASES shall occupy not more than 30 percent of the roof area of each exterior roof surface on which the ASES is installed; and

WHEREAS, GRNE Solar ("**Applicant**"), a solar panel installing contractor, has submitted an application to amend Subsection 16.18.020.A.8 of the Zoning Ordinance to eliminate the glare regulations for ASES, to clarify the screening requirements for ASES on flat roofs, to allow ASES to be installed at locations that are visible from a street or sidewalk, to allow ASES to be mounted on any portion of a roof facing a street or sidewalk, and to eliminate the maximum percentage of roof surface area that may be occupied by an ASES (collectively the "**Proposed Amendments**"); and,

WHEREAS, pursuant to Sections 2.52.040.G of the Village Code, a public hearing of the Planning and Zoning Commission of the Village of Carpentersville ("**PZC**") to consider approval of the Proposed Amendments was duly advertised in the Daily Herald on August 1, 2018, and was held on August 16, 2018; and

WHEREAS, on August 16, 2018, the PZC voted (4 aye, 0 nay, 3 absent) to approve a recommendation to the President and Board of Trustees in support of the Proposed Amendments; and

WHEREAS, the President and Board of Trustees have considered the Proposed Amendments and the recommendation of the PZC, and have determined that adoption of the

Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

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

SECTION 1: RECITALS.

The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: ACCESSORY BUILDINGS, STRUCTURES AND USES.

Portions of Section 16.18.020, titled "Accessory buildings, structures and uses," of Chapter 16.18, titled "Other Use Regulations," of the Zoning Ordinance are hereby amended to read as follows (**Additions are bold and double underlined**; deletions are struck through):

"16.18.020 - Accessory buildings, structures and uses.

Accessory buildings, structures and uses are permitted in accordance with the following:

- A. In the residential zoning districts, accessory buildings, structures and uses are limited to:

* * *

8. Accessory solar energy systems (ASES) shall be allowed only in conformance with the following standards:

* * *

- b. All ASES shall comply with the following standards:

* * *

- iii. Visual Appearance.

* * *

- (D) ~~All ASES shall be designed and installed to prevent sun reflection toward vehicular traffic and any habitable portion of any nearby structure. Sun reflection onto an adjacent roof is acceptable.~~

- (E) No trees or vegetation shall be removed or pruned to reduce or eliminate shading of an ASES from the sun, unless warranted for good forestry practices, as determined by the director of public works or his or her designee.

* * *

- c. ASES shall comply with the following additional standards:

* * *

ii. Location.

* * *

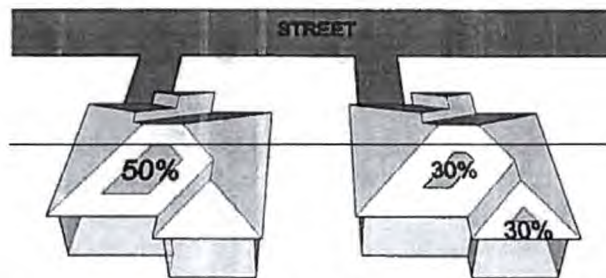
- (C) An ASES may be installed at any location and angle on a flat roof provided that the entire ASES is completely screened from view from any street, sidewalk, or adjacent property by the building parapet walls **or other screening approved by the Zoning Administrator.**
- (D) On pitched roofs, an ASES ~~must be installed at locations that are not visible from any street or sidewalk and shall not be mounted on any portion of the roof facing any street or sidewalk.~~ 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:

* * *

- (B) ~~No ASES shall occupy more than fifty (50) percent of the roof area of the exterior roof surface on which the ASES is installed. If an ASES is installed on multiple roof surfaces on a single structure, the ASES shall occupy not more than thirty (30) percent of the roof area of each exterior roof surface on which the ASES is installed. (See Figure 1. below)~~

FIGURE 1



- (G) 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.
- (DC) 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.

* * *

SECTION 3: SEVERABILITY.

If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 4: EFFECTIVE DATE.

The provisions of this Ordinance will be in full force and effect upon its passage, approval and publication, in accordance with law.

Motion made by Trustee Humpfer, seconded by Trustee O'Sullivan, that the Ordinance be passed.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Carpentersville, Illinois at a regular meeting thereof held on the 4th day of September, 2018, pursuant to a roll call vote as follows:

AYES: 6 (Humpfer, O'Sullivan, Rehberg, Frost, Vela, and President Skillman)

NAYS: 1 (Lawrence)

ABSENT: 0

APPROVED by me this 4th day of September, 2018.



Kelly Mastera
Kelly Mastera, Village Clerk

John Skillman
John Skillman, Village President



CERTIFICATION


I, Kelly Mastera, 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 4th day of September, 2018, the foregoing Ordinance entitled, **AN ORDINANCE AMENDING TITLE 16 OF THE "CARPENTERSVILLE MUNICIPAL CODE," REGARDING ACCESSORY SOLAR ENERGY SYSTEMS**, as duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 18- 31, including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 11th day of September, 2018, 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 11th day of September, 2018.


Kelly Mastera, Village Clerk
Village of Carpentersville,
Kane County, Illinois



