

VILLAGE OF LOMBARD
INTER-DEPARTMENTAL REVIEW GROUP REPORT

TO: Lombard Plan Commission

HEARING DATE: June 21, 2010

FROM: Department of Community
Development

PREPARED BY: Michael S. Toth
Planner I

TITLE

PC 10-08; Text Amendments to the Zoning Ordinance: The Village of Lombard is proposing text amendments to the Lombard Zoning Ordinance, amending Section 155.200 to establish provisions for geothermal systems, rain barrels, cisterns, Small Scale Wind Energy Systems and solar panels, Section 155.212 to establish geothermal systems, rain barrels, cisterns and solar panels as permitted obstructions in certain required yards and Section 155.800 establishing definitions for Small Scale Energy Systems while amending the definition of “Rooftop Mechanical Equipment”.

DESCRIPTION

The Zoning Ordinance does not specifically address alternative energy structures. However, one can place such structures on their property as they are considered “accessory structures” to principal uses and regulated as such. Due to increased energy costs and the demand for alternative energy solutions, the Village wishes to take a proactive stance and update the Zoning Ordinance to allow these structures to be placed in their niche locations. Through text amendments to the Zoning Ordinance, solar panels, wind turbines, rain barrels and cisterns would all been given special consideration in order to encourage residents to utilize their beneficial attributes.

INTER-DEPARTMENTAL REVIEW COMMENTS

ENGINEERING

The Private Engineering Services Division of Community Development has no comments.

PUBLIC WORKS

The Public Works Engineering has no comments.

BUILDING

The Building Division has no comments

FIRE

The Fire Department has no comments relative to these proposed text amendments.

PLANNING

As part of the Goals and Objectives section of the FYE 2011 Proposed Budget for the Community Development Department, the Board directed staff to pursue actions relative to residential energy enhancements, Building Code updates and green initiatives. As a result of the Board's directive, staff is working to complete the Green Building Handbook, which will provide information to the public on new trends in preserving energy, the natural environment and other vital resources. One section of the Green Building Handbook includes Zoning Ordinance provisions, relative to alternative energy structures. Those structures include: geothermal systems, rain barrels, cisterns, Small Scale Wind Energy Systems and solar panels. The Zoning Ordinance does not specifically address alternative energy structures; however, one can place such structures on their property as they are considered "accessory structures". In order properly to insert provisions relative to alternative energy structures into the Zoning Ordinance, staff first solicited the thoughts of the Plan Commission during a workshop session held at their April 19, 2010 meeting.

Workshop Findings

During the April 19, 2010 workshop session, the Plan Commission raised a number of issues relative to the proposed text amendments. While the Plan Commission did raise any issues with geothermal systems, rain barrels and cisterns, there were a number of issues raised pertaining to solar panels and wind turbines (Small Scale Wind Energy Systems). More specifically, the Plan Commission was concerned of the impact that solar panels and wind turbines could have on residential neighborhoods. With regard to solar panels, it was the Plan Commission's opinion that ground mounted solar panels could produce excessive bulk on a property and roof mounted solar panels could also become an aesthetic issue - if placed too high above the principal structure. The Plan Commission felt that wind turbines could produce unwanted noise, which could have a detrimental impact on surrounding properties. The Plan Commission also instructed staff to look into placing a cap on the permitted number of these devices.

The Plan Commission also recommended that staff research the topic based upon findings of surrounding communities. The proposed text amendments are a result of the Plan Commission comments and findings from surrounding communities. Those communities include: Oswego, IL; Lincolnshire, IL; and, the Wind Energy Task Force of Lake County Communities. Please note, staff did originally propose text amendments relative to *ground mounted* Small Scale Wind Energy Systems; however, those amendments are no longer being proposed. Text amendments particularly relating to ground mounted Small Scale Wind Energy Systems may come at a later date, when more information is available on the structures and when there is an increased demand for such structures.

Proposed Text Amendments

The proposed text amendments to the accessory structure and definitions sections of the Zoning Ordinance are noted below. The Standards for Text Amendments are also included below.

SECTION 2: GENERAL PROVISIONS

SOLAR PANELS

Roof mounted:

Single Family Dwellings, Attached Dwellings, Two-Family Dwellings:

Roof mounted solar panels shall not project more than five (5) feet from the structure upon which they are located.

All others:

Roof mounted solar panels shall not project more than ten (10) feet from the structure upon which they are located.

Ground mounted:

See 'Permitted Obstruction Table'

SMALL SCALE WIND ENERGY SYSTEMS

Roof Mounted:

Roof-mounted Small Scale Wind Energy Systems shall be permitted in all zoning districts as accessory structures, subject to the following regulations:

- a. Location. Roof Mounted Small Scale Wind Energy Systems shall not project into any requisite yard.
- b. Size. The maximum rotor diameter of any Small Scale Wind Energy System shall not exceed ten feet (10').
- c. Number. Each property shall be limited to one (1) roof mounted Small Scale Wind Energy System.
- d. Height. The height of a Roof Mounted Small Scale Wind Energy System shall be measured to the blade extended at its highest point. No Roof Mounted Small Wind Energy Systems shall project higher than ten (10) feet above the maximum allowable roof height of the underlying zoning district.
- e. Appearance. Roof Mounted Small Scale Wind Energy Systems, and their accompanying support structures; shall be neutral in color or of a color and material which matches the exterior of the building or structure on which they are mounted. No advertising shall be allowed on any Roof Mounted Small Scale Wind Energy Systems.
- f. Lighting. No signals or lights or illumination shall be permitted on Roof Mounted Small Scale Wind Energy Systems unless required by the Federal Communications Commission, the Federal Aviation Administration or the Village.

g. Sound levels. The average sound level from a Small Scale Wind Energy System abutting any residential properties shall not exceed fifty-five (55) dB(A) during daytime hours or forty-five (45) dB(A) during nighttime hours, as measured at a height of five feet (5') directly above the adjoining property lines during operation. For properties abutting industrial properties on all sides, the sound level limit is sixty-five (65) dB(A) and for properties abutting nonresidential properties on all sides, the sound level limit is sixty (60) dB(A) at any time of the day, as measured at a height of five feet (5') directly above the adjoining property lines during operation. These sounds levels can be exceeded during short-term events such as utility outages or severe windstorms.

h. Access. Access to Small Scale Wind Energy Systems shall be controlled in a manner consistent with local Building Codes.

155.212 “Permitted Obstructions In Required Yards”

Types of Structure or Use Obstruction X = Permitted Obstruction	Front & Corner Side Yard	Interior Side Yards	Rear Yard
<u>Geothermal Systems, provided that the system does not encroach into any easement area.</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Rain Barrels and Cisterns</u>		<u>Must meet footnote G</u>	<u>X</u>
<u>Solar Panels, ground-mounted - area determined by the total surface area of the panel(s).</u>			<u>X</u>

G. The structure shall not encroach more than two (2) feet into the side yard.

SECTION 8: DEFINITIONS

SMALL SCALE ENERGY SYSTEMS shall be defined as equipment and appurtenances used in the production of energy through the transfer of natural energy which includes, but is not limited to, solar panels and wind turbines.

ROOFTOP MECHANICAL EQUIPMENT shall be defined as equipment and appurtenances used in the operation or maintenance of a building including, but not limited to, heating, ventilation and air conditioning equipment, elevator equipment, and utilities. Small Scale Energy Systems shall be specifically excluded from this definition.

Standards for Text Amendments

1. *The degree to which the proposed amendment has general applicability within the Village at large and not intended to benefit specific property;*

The proposed amendments would be uniformly applied to all properties in the Village.

2. *The consistency of the proposed amendment with the objectives of this ordinance and the intent of the applicable zoning district regulations;*

The proposed text amendments would be applied to all zoning districts. The overall objective is to give special consideration to the alternative energy solutions in order to encourage residents to utilize their beneficial attributes. The Zoning Ordinance already allows such structures, but they are considered “accessory structures” and regulated as such.

3. *The degree to which the proposed amendment would create nonconformity;*

As the Zoning Ordinance already allows alternative energy structures (as accessory structures), the proposed amendments would not create additional nonconformities.

4. *The degree to which the proposed amendment would make this ordinance more permissive;*

Alternative energy structures are currently permitted as accessory structures. The proposed text amendments would actually provide greater flexibility for the placement of such structures as special consideration will be given to the size, height and location.

5. *The consistency of the proposed amendment with the Comprehensive Plan;*

The Comprehensive Plan offers a number of recommendations pertaining to property maintenance as well as the protection/enhancement of identity and character of residential neighborhoods. Careful consideration was given to property aesthetics and the impact that these alternative energy structures could have on surrounding properties.

6. *The degree to which the proposed amendment is consistent with Village policy as established in previous rulings on petitions involving similar circumstances.*

As part of the Goals and Objectives section of the FYE 2011 Proposed Budget for the Community Development Department, the Board directed staff to pursue actions relative to residential energy enhancements, Building Code updates and green initiatives. The proposed text amendments are a product of such directive.

RECOMMENDATION

The Inter-Departmental Review Report includes a response to the standards for text amendments and finds that the petition meets the standards. Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending **approval** of the request as proposed:

Plan Commission

Re: PC 10-08

Page 6

Based on the submitted petition and the testimony presented, the proposed text amendments comply with the standards required by the Lombard Zoning Ordinance; and, therefore, I move that the Plan Commission find that the findings included as part of the Inter-department Review Report be the findings of the Plan Commission and therefore, I recommend to the Corporate Authorities **approval** of the text amendments described in PC 10-08.

Inter-Departmental Review Group Report Approved By:

William J. Heniff, AICP
Director of Community Development

h:\cd\worduser\pccases\2010\pc 10-08\report 10-08.doc