

ORDINANCE 2019- 21

AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS OF THE MUNICIPAL CODE ADDRESSING SOLAR REGULATIONS

WHEREAS, The Village of West Dundee, Kane County, Illinois (the "Village"), is a home rule municipality pursuant to Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970 and, as such, may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, the President and Board of Trustees have contemplated the issue of regulating solar energy panels and considered certain amendments to the West Dundee Municipal Code to address such issues; and

WHEREAS, the President and Board of Trustees have carefully considered the information presented and the potential impact such text amendment would have on individual properties and the community as a whole and have determined that the benefits provided by these changes will outweigh any potential adverse impacts and therefore would be in the best interest of the Village; and

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

SECTION 1: Title 10, Chapter 2, Section 10-2-1 of the West Dundee Municipal Code is hereby amended by adding the following definitions:

"PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity."

"RENEWABLE ENERGY SYSTEM: A system that generates energy from natural resources such as sunlight, wind, and geothermal heat."

"ROOF-MOUNTED SYSTEM: A solar photovoltaic system attached to any part or type of roof on a building or structure that is either the principal structure or an accessory structure."

"SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy."

"SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating."

SECTION 2: That Title 10, Chapter 3 of the West Dundee Municipal Code is hereby amended by adding the following new Section 10-3-16:

"10-3-16: SOLAR REGULATIONS

A. General Regulations

Solar energy systems are permitted as an accessory use to all structures within all residential zoning classifications subject to the requirements as set forth below.

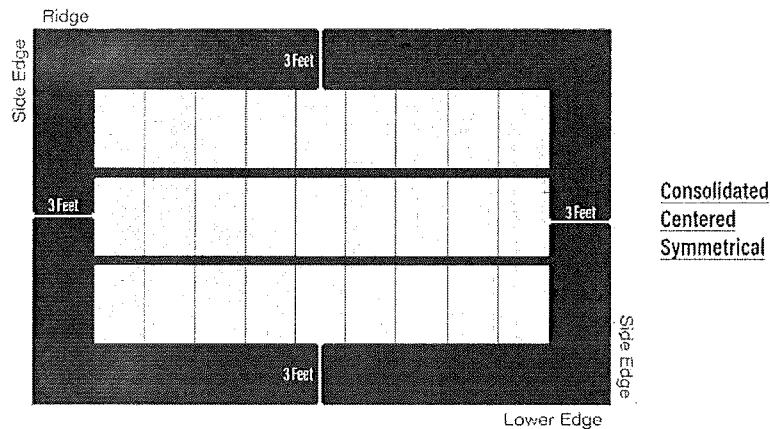
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1. Setbacks/Distance to Roof Edges

No part of a solar energy system may extend beyond the exterior perimeter of a principal or accessory structure. Solar collectors shall maintain a minimum distance of three feet (3') from the sides of the roof, three feet (3') from the ridge of the roof, and three feet (3') from the eave/gutter line of the roof. See figure 10-3-16A.

2. Solar Collector Arrangements/Placement

Solar collectors shall lie between visually dominant lines of the roof. Solar collectors shall create arrays and be grouped in a consolidated, centered, and symmetrical manner to the degree practical. See figure 10-3-16A.



3. Equipment Location

Equipment (including but not limited to the inverter) shall be located in the rear or side of the structure and near the existing electric service.

4. Maximum Height

Solar collectors may be mounted on a principal and/or accessory structure so long as the height shall neither exceed the maximum height allowed in the zoning district nor the maximum height permitted for the structure.

5. Solar Collector Positioning

On a pitched, roof solar collectors shall be installed parallel to the roof plane and shall not extend more than one foot (1') from the roof surface at any point. For a flat roof, solar collectors may be oriented to achieve solar gain but shall not extend more than two feet (2') in overall height from the roof surface, or where applicable, extend beyond/above the parapet.

6. Screening and Visibility

To the degree practical, a solar energy system should face or be oriented to the rear lot line or interior side lot line(s) and street (unless required to achieve effectiveness) in order to minimize visibility from the front of the house or a street and adjacent properties.

Where the effectiveness of a solar energy system requires that it be located on a roof surface facing a street, the solar energy system shall not occupy more than fifty percent (50%) of each roof plane directly facing the front lot line. Coverage may be increased to 100% of the street-facing roof if the solar energy system is comprised of solar shingles.

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7. Glare

A solar energy system shall have exterior surfaces that possess a non-reflective finish, and the system shall be designed so that its installation avoids or minimizes glare or reflection onto adjacent properties and streets.

8. Appearance

A solar energy system shall be designed to blend into the architecture of the building and have components that are color-coordinated to harmonize with the roof, walls, and other dominant colors of the structure.

9. Trees

The location of a solar energy system may require extensive pruning or removal of trees but only to the degree deemed necessary. If removal of a tree is specified, information demonstrating need shall be provided.

B. Permit Requirements and Performance Standards

1. Plan Review Required Documents

- a. The shortest distance between solar collectors and all edges of the roof.
- b. The distance between solar collectors and any other existing rooftop features such as chimneys, spires, access points, vents, etc.
- c. The height of solar collectors both from finished grade and, where applicable, from the finished surface of the roof.
- d. Information on the roof and its structure and the major components of the solar energy system including but potentially not limited to photovoltaic panels, mounting system, and inverter in order to perform structural and electrical reviews.
- e. The contact information for the installer of the proposed system
- f. Written approval of the proposed solar energy system from the Homeowners Association, if applicable.

2. Decommissioning and Restoration

- a. The property owner where a solar energy system is located is responsible for continuing maintenance and repair. The solar energy system must be removed at the end of its useful life, when abandoned or non-operational, or when in a state of disrepair.
- b. The decommissioning of a solar energy system shall be accompanied by the restoration of the property to the condition it was in prior to the installation of the solar energy system.
- c. The Village shall have the right but not the obligation to file a lien against the property where located for reimbursement of any and all expenses incurred by the Village to pay for the costs of removal or disposal of a solar energy system, roof or wall repair, legal fees and accrued interest.

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C. Special Considerations: Historic District

1. For West Dundee Property located within the Dundee Township National Register Historic District, the location, design and installation of a solar energy system shall be reviewed and considered by the Appearance Review Commission (ARC) prior to consideration of a building permit.
2. Installation of a solar energy system shall not significantly alter an original historic structure and no historic feature of the structure shall be removed as part of the installation of a solar energy system.
3. Removal of a solar energy system shall not alter or damage an original historic structure, and any historic feature of the structure affected by the system's removal shall be repaired or restored to its condition prior to the installation of the solar energy system.

D. Building Code Conformance

A solar energy system shall comply with all applicable building codes, including, but not limited to, the International Residential Code and the National Electric Code provided however the terms of this Chapter shall supersede any conflicting provisions."

SECTION 3: If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged in any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair, invalidate or nullify the remainder thereof, which remainder shall remain in full force and effect.

SECTION 4: This ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form which publications is hereby authorized as provided by law.

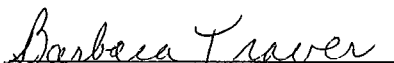
PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 19th day of August, 2019.

AYES: Trustees Wilbrandt, Kembitzky, Price, Hanley, Yuscka and Anderley


NAYES: None

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ATTEST:



Barbara Traver
Village Clerk



Christopher Nelson
Village President

PASSED: August 19, 2019

PUBLISHED: August 19, 2019

Prepared by:

Village of West Dundee
Community Development Department
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