

**PUBLICATION OF:**

**ORDINANCE NO. 16-021**

**AN ORDINANCE GRANTING AN AMENDMENT TO MUNICIPAL CODE / TO  
UPDATE SOLAR ENERGY SYSTEMS TO REFLECT CURRENT INDUSTRY  
STANDARDS AND AESTHETICS**

**CASE NO. Z1601-03**

**ADOPTED: FEBRUARY 23, 2016**

**PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND  
DIRECTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE  
OF SCHAUMBURG ON FEBRUARY 24, 2016**

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**WHEREAS**, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the Village of Schaumburg desires to amend its Village Code and zoning code with regard to renewable energy systems; and

**WHEREAS**, a public hearing before the Zoning Board was held on February 3, 2016 with proper notice published in advance; and

**WHEREAS**, the Zoning Board has forwarded its recommendation to approve the proposed text amendments set forth herein; and

**WHEREAS**, the Village of Schaumburg finds it in the best interests of the public to amend the Village Code to provide for the same;

**NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:**

**SECTION ONE:** The recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

**SECTION TWO:** That Title 15, Chapter 154, Section 154.27 is hereby amended as follows:

“GLARE: The sensation of brightness within the visual field which causes annoyance, discomfort, or loss of visual performance and visibility.

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

RENEWABLE ENERGY EASEMENT, SOLAR ENERGY EASEMENT: An easement that limits the height or location, or both, of permissible development on

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the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

**SOLAR ACCESS:** A property owner's right to have unobstructed access to direct sunlight on a lot or building through the entire year including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**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 COLLECTOR SURFACE:** Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

**SOLAR ENERGY:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR ENERGY SYSTEM:** A system that uses the power of the sun to capture and store energy and reduce on site consumption of utility power.

**SOLAR ENERGY SYSTEM, ACTIVE:** A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**SOLAR ENERGY SYSTEMS, BUILDING-INTEGRATED:** An active solar energy system that is an integral part of a principal or accessory building, 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, and awnings.

**SOLAR ENERGY SYSTEM, BUILDING MOUNTED:** A solar energy system mounted on either the principal or accessory structure or facade.

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**SOLAR ENERGY SYSTEM, FREESTANDING:** A solar energy system that is not attached to another structure and is ground mounted on a rack or pole that is attached to the ground.

**SOLAR ENERGY SYSTEM, JOINT:** A solar energy collector or storage mechanism that supplies energy for structures or processes on more than one lot or in more than one dwelling unit or leasehold, but not to the general public and involves at least two (2) owners or users.

**SOLAR ENERGY SYSTEM, OFF GRID:** A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**SOLAR ENERGY SYSTEM, PASSIVE:** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**SOLAR ENERGY SYSTEM, ROOF MOUNTED:** A solar energy system mounted on a rack that is fastened to or ballasted on a building roof.

**SOLAR FARM:** A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

**SOLAR GARDEN:** A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system.

**SOLAR HEAT EXCHANGER:** A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

**SOLAR MOUNTING DEVICES:** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

**SOLAR RESOURCE:** A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four

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hours between the hours of 9:00 a.m. and 3:00 p.m. standard time on all days of the year.

**SOLAR SKYSPACE:** The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

(A) Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) a.m. and three o'clock (3:00) p.m. local apparent time from September 22 through March 22 of each year.

(B) Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) a.m. and four o'clock (4:00) p.m.. local apparent time from March 23 through September 21 of each year.

**SOLAR SKYSPACE EASEMENT:** A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

**SOLAR STORAGE MECHANISM:** Equipment or elements such as piping and transfer mechanisms, containers, heat exchangers or controls thereof and gases, solids, liquids or combinations thereof that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

**SOLAR THERMAL SYSTEM:** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.”

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**SECTION THREE:** That Title 15, Chapter 154, Section 154.56 is hereby repealed and deleted in its entirety.

**SECTION FOUR:** That Title 15, Chapter 154, Section 154.57 is hereby repealed and deleted in its entirety.

**SECTION FIVE:** That Title 15, Chapter 154, Section 154.58 is hereby repealed and deleted in its entirety.

**SECTION SIX:** That Title 15, Chapter 154, Section 154.59 is hereby repealed and deleted in its entirety.

**SECTION SEVEN:** That Title 15, Chapter 154 is hereby amended to add a new Section 154.70, to read in its entirety as follows:

#### **“§ 154.70 – RENEWABLE ENERGY**

##### **(A) - SOLAR ENERGY SYSTEMS.**

1. Intent: The intent of these standards is to allow for the safe and effective development of solar energy systems that reduce the on-site consumption of fossil fuels or utility supplied electric energy throughout the Village of Schaumburg. These regulations are intended to encourage the use of local renewable energy resources and promote sustainable building design and management practices in residential, commercial, and industrial buildings.
2. General Requirements:
  - a. Accessory Structure: Solar energy systems are permitted as accessory structures as detailed in this section.
  - b. On Site Use: Energy produced through the solar energy system shall be utilized on site; however, the energy output may be delivered to a power grid to offset the cost of energy on site.
  - c. Utility Provider Notification: Written evidence must be provided at the time a building permit is requested that the utility company has been notified of the customer's intent to install a solar energy system.
  - d. Glare: Installation of the solar collection system shall not adversely impact adjacent properties. A solar collection device or combination of devices shall be designed and located to avoid glare or reflection onto adjacent properties,

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businesses, residential homes and adjacent roadways and shall not interfere with traffic or create a safety hazard. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that impacts adjacent or nearby properties.

- e. Emergency Disconnect: An external disconnect switch, readily accessible by emergency responders, and which is clearly identifiable and unobstructed, shall be provided to disconnect power at the solar panel.
  - f. Tree Removal: Tree removal shall be minimized.
  - g. Special Use: Additional height may be requested through the special use process outlined in section 154.44 of this chapter.
    - i. In reviewing the request for additional height, such factors as height of the system in relationship to existing and potential structures, manmade or natural, and their impact on the system's efficacy shall be considered.
  - h. Arrangement: Where feasible, solar collector units shall be consolidated into array groupings located toward the center of the roof, rather than situated in a disjointed manner.
3. Freestanding Systems: Freestanding systems shall be developed according to the following parameters. Refer to section 154.70(D), figure 1 of this chapter.
- a. Yard Location:
    - i. Residential: Permitted in the rear yard only.
    - ii. Non Residential: Permitted in the interior side and rear yard.
  - b. Setback: All parts of the freestanding system shall be set back ten feet (10') from the interior side and rear property lines when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems, and shall not be located in a public utility easement.
  - c. Height: Shall be a maximum of fifteen feet (15') in height, measured from the average grade at the base of the pole to the highest edge of the system when oriented at maximum tilt.
  - d. Quantity: Single-family residential lots are limited to a total of one hundred (100) square feet in area of panels.
  - e. Coverage: Freestanding systems on non-residential lots shall not exceed half the building footprint of the principal structure.

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- f. **Visibility:** Active solar energy systems shall be screened from routine view from public right-of-ways provided that screening shall not affect the operation of the system. Any power transmission lines connecting a free standing system to any other structure on the property shall be buried underground.
  - g. **Impervious Surface:** Freestanding systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and is maintained in vegetation.
  - h. **Abandonment:** If a freestanding system is inoperable or abandoned for a period of twelve (12) consecutive months; the owner may be notified by the village that the energy system must either be repaired and made operable or removed within ninety (90) days.
4. **Building Mounted Systems:** Building mounted systems shall be developed according to the following parameters. Refer to section 154.70(D), figures 2 through 4 of this chapter.
- a. **Residential**
    - i. **Location:** Building mounted systems are permitted in the following locations:
      - 1. **Principal and accessory structures.** Solar collection panels shall be allowed on the roof of only the principal structure of the property and must be mounted flush with the slope of the roof. Solar shingles are integral to the roof of the structure on which they are installed, and may be installed on any roof face of accessory structures. Solar collection devices shall not be constructed on any part of the vertical portion of a mansard roof.
    - ii. **Orientation:** Panels shall be oriented to maximize solar access.
    - iii. **Height:** Height is measured from the roof surface, on which the solar collection device is mounted, to the highest edge of the system. Refer to section 154.70(D), figure 2 of this chapter.
      - 1. **Sloping Roof:** Solar energy systems shall be mounted flush with the roof, shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and the surface of the collector shall not extend any further than twelve (12) inches from the roof surface at any point. No portion of the solar collectors shall extend beyond the ridgeline of the roof at any point. The



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total height of the building including the solar collection devices shall comply with the height regulations of the zoning district.

2. Flat Roof: Solar collection devices mounted on a flat roof may be oriented to achieve maximum sun exposure but shall not exceed 2 feet in overall height, or extend above the building parapet whichever results in less height. No such mounted panel shall be visible from adjacent properties or exceed the height regulations of the zoning district.
- iv. Projection: The collector surface and mounting devices for roof mounted solar energy systems shall extend beyond the roof edge or the exterior perimeter of the principal structure.
- v. Roof Access: Roof mounted solar energy systems shall allow for adequate roof access for fire-fighting purposes.

#### **b. Non Residential**

- i. Location: Building mounted systems are permitted in the following locations:
  1. Principal and accessory structures.
  2. Any roof face.
  3. Side and rear building facades.
  4. Front or corner building facades, if the following conditions are met:
    - a. Solar access is optimized on the front and corner facades.
    - b. Systems are simultaneously used to shade the structure's windows. Refer to section 154.70(D), figures 3 and 4 of this chapter.
- ii. Orientation: Panels shall be oriented to maximize solar access.
- iii. Height: Height is measured from the roof surface, on which the system is mounted, to the highest edge of the system. Refer to section 154.70(D), figure 2 of this chapter.
  1. Sloping Roof: Solar collection devices mounted on a sloping roof shall be mounted parallel to the roof whenever possible, and shall not exceed a height of 15 inches above the ridge of the roof. No

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such mounted panel shall exceed the maximum permitted height of the structure.

2. Flat Roof: Solar collection devices mounted on a flat roof may be angled to achieve maximum sun exposure but shall not exceed eight feet (8') in overall height, or extend above the building parapet whichever results in less height. Solar collection devices shall be consolidated into array groupings located toward the center of the roof, rather than situated in a disjointed manner. No such mounted panel shall exceed the maximum permitted height of the structure.
- iv. Projection: The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the roof edge or building facade as follows. Refer to section 154.70(D), figure 3 of this chapter on how to measure projection.
  1. May project up to four feet (4') from a building facade or roof edge provided the systems are simultaneously used to shade the structure's windows.
  2. May project into a side or rear setback, but shall be no closer than five feet (5') to the side or rear property line.
- v. Roof Access: Roof mounted solar energy systems shall allow for adequate roof access for fire-fighting purpose.
5. Historic Buildings: Solar energy systems on buildings within the Olde Schaumburg Centre District or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the Olde Schaumburg Centre Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.
6. Solar Access Protection:
  - a. Creation Of Easements: Solar access easements across contiguous or nearby lots, tracts, or land may be created to establish a window of exposure to the sun so as to protect an existing or intended solar collector's exposure to the sun from obstruction of buildings and trees.
    - i. Such easements may be purchased, reserved, granted, or otherwise obtained.

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- ii. Adverse possession cannot create such an easement.
    - iii. An easement infringed upon is a compensable property right through private remedy.
  - b. Recording Of Easements: Solar access easements shall be recorded with the Cook County Recorder of Deeds or DuPage County Recorder of Deeds and filed with the community development department.
  - c. Construction In Easement Areas: Any person seeking a building permit to construct or modify any structure or building so as to increase the consumption of airspace over that lot shall certify in writing that no solar access easement exists over that lot.
  - d. Denial Of Permit: Should the community development department determine that the proposed construction would intrude upon the easement, no building permit shall be granted.
7. Requirements:
- a. Approved Solar Components: Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) rating.
  - b. Compliance with Building Code: All solar energy systems shall meet approval of local building code officials, consistent with Village of Schaumburg's current adopted codes; and solar thermal systems shall comply with HVAC-related requirements of the current edition of the International Energy Conservation Code as adopted by the State of Illinois.
  - c. Compliance with National Electrical Code (NEC): All photovoltaic systems shall comply with the current edition of the National Electrical Code (NEC).
  - d. Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable State of Illinois Plumbing Code requirements.

#### **(B) SMALL WIND ENERGY SYSTEMS.**

1. Intent: The intent of these standards is to allow for the safe, effective, and efficient development use of small wind energy systems in the Village of Schaumburg.

##### **General Requirements:**

- a. Accessory Structure: Small wind energy systems are permitted as accessory structures as detailed in this section.

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- b. Codes: All Federal Aviation Administration (FAA) regulations shall be adhered.
  - c. On Site Use: Energy produced through the wind energy system shall be utilized on site.
  - d. Signage: No signs shall be attached except for a manufacturer and/or installer identification and those required for safety provided that they do not measure more than two (2) square feet.
  - e. Abandonment: If a small wind energy system is inoperable or abandoned for a period of twelve (12) consecutive months; the owner may be notified by the village that the energy system must either be repaired or removed within ninety (90) days.
  - f. Sound: Measured at the property line, the energy system shall not exceed fifty five (55) dBA in residential (R) districts and sixty (60) dBA in all business (B) and manufacturing (M) districts; except during such short-term events as utility outage or a severe windstorm.
  - g. Clearance: Minimum clearance between the lowest tip of the rotor or blade and the ground shall be fifteen feet (15').
  - h. Utility Provider Notification: Written evidence must be provided at the time a building permit is requested that the utility company has been notified of the customer's intent to install a small wind energy system.
  - i. Additional Height: Additional height may be requested through the special use permit process. Refer to section 154.44 of this chapter.
    - i. In reviewing the request for additional height, such factors as height of the system in relationship to existing and potential structures, manmade or natural, and their impact on the systems efficacy shall be considered.
3. Freestanding Systems: Freestanding systems shall be developed according to the following parameters:
- a. Special Use Permit: All freestanding systems require a special use permit. Refer to section 154.44 of this chapter.
  - b. Zoning Districts: Permitted in all districts, except in the R-6, R-6C, and R-7 districts when the lots are utilized for a residential use.
  - c. Yard Location: Permitted in the interior side and rear yards; front and corner yards may be permitted in nonresidential districts with a special use permit. Refer to section 154.44 of this chapter.

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- d. Setback: All parts of the freestanding system (tower, rotor blades, etc.), shall be located a minimum of ten feet (10') from all property lines and not in a public utility easement.
  - e. Height: Height is measured from the average grade at the base of the tower to the highest edge of the system. Refer to section 154.59, figure 5 of this chapter.
    - i. Maximum height of seventy feet (70') is permitted in R-1 and R-4 districts and for nonresidential uses in R-6, R-6C, and R-7.
    - ii. A maximum tower height of ninety feet (90') is permitted in all business (B) and manufacturing (M) districts.
  - f. Distance Between Systems: Freestanding systems on adjacent lots shall be at least five (5) rotor lengths apart, unless written proof of no interference can be provided at the time a building permit is requested.
  - g. Quantity: One (1) per lot is permitted; a special use permit (refer to section 154.44 of this chapter) may be requested for additional systems in nonresidential districts.
  - h. Tower Access: Climbing access (rungs or foot pegs) to the tower shall not start until twelve feet (12') above grade to prevent unauthorized access.
  - i. Lighting: Freestanding system shall not be illuminated, except as required by the FAA.
4. Building Mounted Systems: Building mounted systems shall be developed according to the following parameters:
- a. Location: Building mounted systems are permitted in the following locations:
    - i. Principal and accessory structures.
    - ii. Any roof face.
  - b. Height: Height is measured from the roof surface on which the system is mounted to the highest edge of the wind turbine. Refer to section 154.59, figure 6 of this chapter.
    - i. Shall have a maximum height of fifteen feet (15').
    - ii. Shall not extend more than ten feet (10') above the highest peak of a pitched roof.
5. Wind Access Protection:
- a. Creation Of Easements: Wind access easements across contiguous or nearby lots, tracts, or land may be created to establish a window of exposure to the wind so as

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to protect an existing or intended wind turbine's ability to harness the wind from obstruction of buildings and trees.

- i. Such easements may be purchased, reserved, granted, or otherwise obtained.
  - ii. Adverse possession cannot create such an easement.
  - iii. An easement infringed upon is a compensable property right through private remedy.
- b. Recording Of Easements: Wind access easements shall be recorded with the Cook County Recorder of Deeds or DuPage County Recorder of Deeds and filed with the community development department.
- c. Construction In Easement Areas: Any person seeking a building permit to construct or modify any structure or building so as to increase the consumption of airspace over that lot shall certify in writing that no wind access easement exists over that lot.
- d. Denial Of Permit: Should the community development department determine that the proposed construction would intrude upon the easement, no building permit shall be granted.

#### **(C) GEOTHERMAL AND DISTRICT ENERGY SYSTEMS.**

1. Intent: The intent of these standards is to allow for the safe, effective, and efficient development of geothermal and district energy systems.

Geothermal General Requirements:

- a. Setback: Geothermal well sites shall be set back a minimum of ten feet (10') from all property lines and not located in a public utility easement.
  - b. Additional Regulations: Refer to this title for additional construction and maintenance requirements, in addition to all other applicable codes and ordinances.
3. District Energy General Requirements:
  - a. Use: District energy is a permitted use in all village zoning districts.
  - b. Appearance: The structure housing the district energy source shall be designed with similar characteristics of the surrounding buildings, including, but not limited to, roof type (pitched or flat), setback, and transparency (windows) on the street facing facades.

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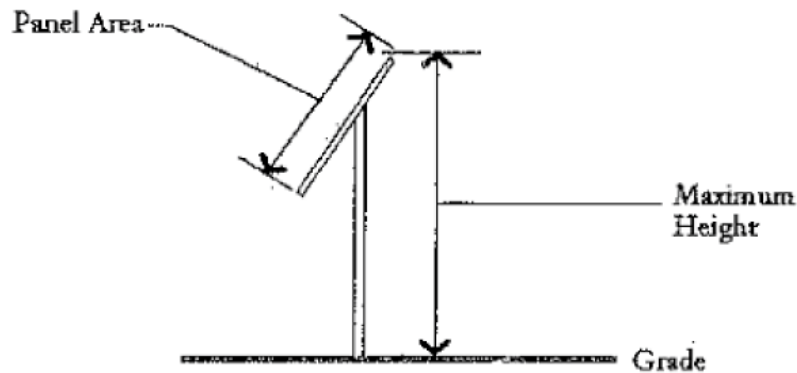
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- c. Utilities In Right-of-way: Conduit piping from the central energy plant to participating structures shall be located in easements on lots or within the vehicular rights-of-way. Refer to chapter 151, "Subdivision And Land Development", of this title for more information on utilities and public rights-of-way.

**(D) SOLAR AND WIND ENERGY SYSTEM FIGURES.**

**FIGURE 1**



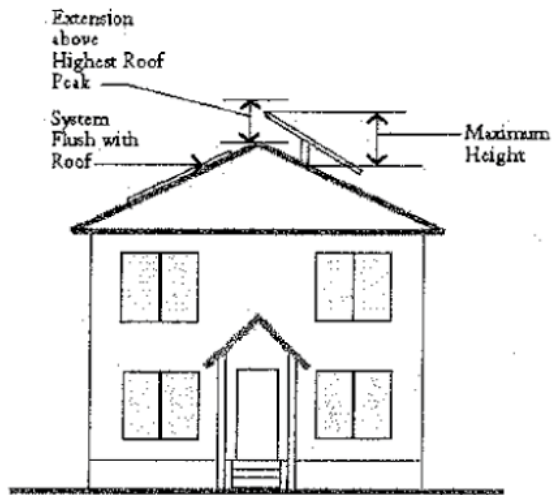
*Freestanding solar energy system.*

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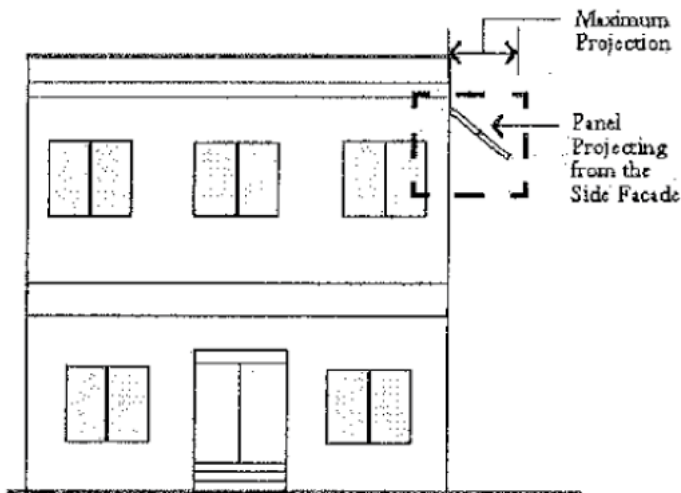
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FIGURE 2



*Measuring height of a building mounted solar energy system.*

FIGURE 3



*Permitted projection of a building mounted solar energy system.*

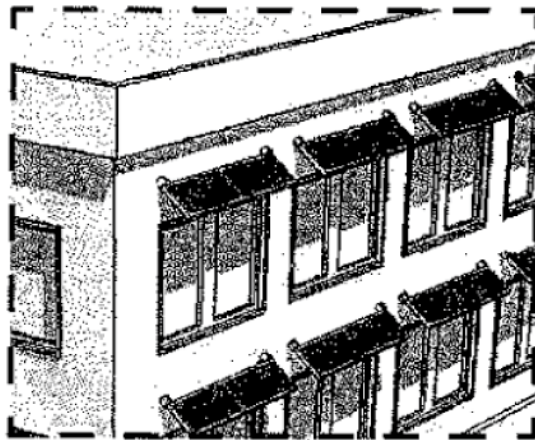


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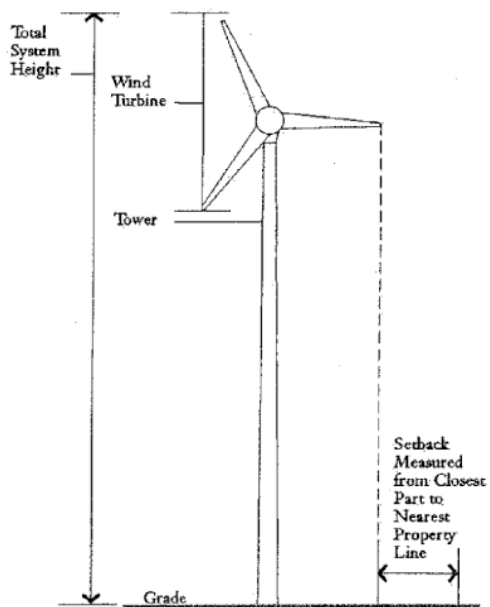
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FIGURE 4



*Dual purpose. Example of facade mounted panels that are serving to also shade the windows.*

FIGURE 5



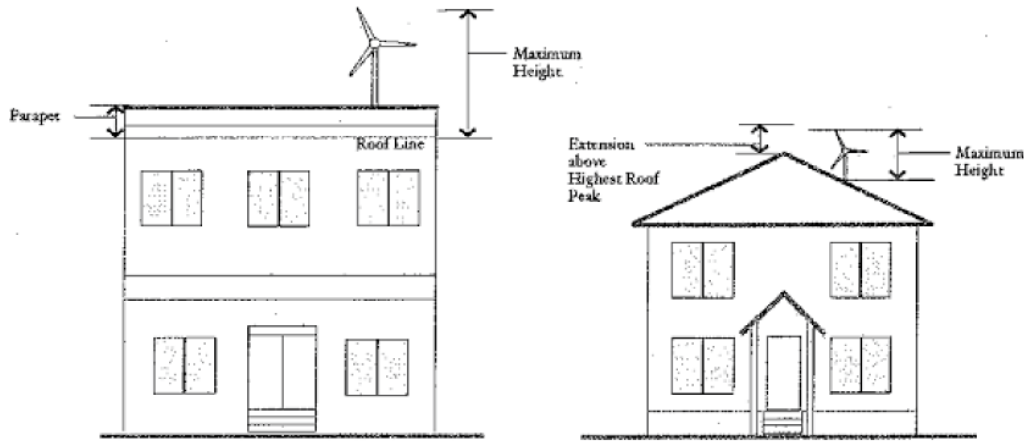
*Freestanding wind energy system.*

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FIGURE 6



*Measuring height of a building mounted wind energy system.*

**SECTION EIGHT:** That Title 15, Chapter 154, Section 154.90.02 is hereby repealed and deleted in its entirety.

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STANDARDS AND AESTHETICS**

**CASE NO. Z1601-03**

**SECTION NINE:** This Ordinance shall be in full force and effect, after passage, approval and publication as required by law.

AYES:

NAYS:

ABSENT:

ADOPTED this 23rd day of February, 2016.

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Village President

ATTEST:

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Village Clerk

APPROVED AS TO FORM:

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Assistant Village Attorney