

2/11/2008

35-O-08

AN ORDINANCE

**Amending Chapters 4 and 18 of the Zoning Ordinance
to Provide for the Regulation of Solar Collectors**

WHEREAS, the Plan Commission held public hearings on March 8, 2006, April 5, 2006, May 10, 2006, and June 14, 2006, pursuant to proper notice in case no. ZPC 06-02-T, to amend the text of the Zoning Ordinance to create specific regulations for the location and appearance of solar collectors; and

WHEREAS, at its June 14, 2006, meeting, the Plan Commission received testimony, made a *verbatim* transcript and written findings that the amendments met the standards for text amendments indicated in Section 6-3-4-5 of the Zoning Ordinance, and recommended City Council approval thereof; and

WHEREAS, at its August 14, 2006, meeting, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. ZPC 06-02-T and recommended City Council approval of the amendments for regulation of solar panels; and

WHEREAS, at its August 14, 2006, meeting, the City Council considered the respective records and recommendations of the Plan Commission and the Planning and Development Committee; and

WHEREAS, at its September 11, 2006, meeting, the City Council referred the matter back to the Planning and Development Committee; and

WHEREAS, at its November 13, 2006, meeting, the Planning and Development Committee heard comments from the City's Environment Board regarding the proposed amendments and referred the matter back to the Plan Commission for further consideration of the Environment Board's input; and

WHEREAS, at its October 3, 2007, meeting, the Zoning Committee of the Plan Commission revised the proposed amendments to the Zoning Ordinance; and

WHEREAS, the Plan Commission held a public hearing on January 9, 2008, pursuant to proper notice in case no. ZPC 06-02-T, received testimony, made a *verbatim* transcript and written findings that the amendments, as revised, met the standards for text amendments indicated in Section 6-3-4-5 of the Zoning Ordinance, and recommended City Council approval thereof; and

WHEREAS, at its April 28, 2008, meeting, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission, as revised, in case no. ZPC 06-02-T and recommended City Council approval thereof; and

WHEREAS, at its May 12, 2008, meeting, the City Council considered and adopted the respective records and recommendations of the Plan Commission and the Planning and Development Committee,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Section 6-4-6-3 of the Evanston City Code of 1979, as amended, is hereby further amended, to read as follows:

**6-4-6-3: ALLOWABLE ACCESSORY USES AND STRUCTURES
(DETACHED FROM PRINCIPAL STRUCTURE):**

(A) Detached Accessory Buildings, Structures And Uses: Accessory buildings, structures or uses shall be permitted as provided in table 4-A of this Section and detached accessory buildings, structures, or uses in a residential district shall:

1. Cover no more than forty percent (40%) of a rear yard when located in a rear yard. However, in no case shall the maximum lot coverage requirement for the zoning district be exceeded.
2. Not be located in a side yard abutting a street or interior side yard between the principal structure and the side lot line.
3. Not be located between the building line and the principal structure (except as permitted in front yards).

(B) Table 4-A - Permitted Accessory Buildings, Structures And Uses:

Table 4-A includes yard obstructions (see Subsection 6-4-1-9(B) of this Chapter) attached to the principal or a secondary structure as well as freestanding accessory buildings, structures, and uses.

KEY

Required Yards:

Front and side yards abutting a street	F
Side yards	S
Rear yards	R

Districts:

Residential district	Rsd
Nonresidential district	N-Rsd
Residential and nonresidential districts	Both

		Yard	District
1.	Accessory dwelling units to single-family detached homes	S R	Both
2.	Air-conditioning equipment (shall not be permitted within 10 feet of any lot line except window unit air conditioners that shall be no closer than 5 feet)	S R	Both
3.	Antennas greater than one meter (1 m) (3 feet 3 1/4 inches) in diameter, or such other dimensions as may be established by 47 CFR 1.4000, as it may be amended (subject to the conditions of section 6-4-6-6 of this Chapter)	R F S R	Rsd N-Rsd
4.	Arbors and trellises	F S R	Both
5.	Awnings and canopies (projecting no more than 5 feet from an exterior wall)	F R	Both
6.	Balconies (projecting no more than 3 feet from an exterior wall)	F R	Both
7.	Basketball backboard hoops, backboards and supporting posts	R	Both
8.	Bay windows (projecting no more than 2 feet from an exterior wall)	F S R	Both
9.	Compost pile/structures	R	Both
10.	Decks, patios and outdoor facilities	R	Both
11.	Doghouses	R	Both
12.	Driveway pavement (see the manual of design guidelines for required percentage of front yard in live ground cover)	F S R	Both
13.	Fences subject to section 6-4-6-7 of this chapter (fence regulations)	F S R	Both
14.	Fire escapes (open) and fire towers	S R	Both
15.	Flag poles	F R	Both
16.	Garages (detached), coach houses, and carports (subject to garage regulations, section 6-4-6-4 of this chapter)	S R	Both
17.	Gazebos	R	Rsd

		Yard	District
18.	Open off-street parking (however, in a residential district open off -street parking shall be within 30 feet of the rear lot line or alley)	F S R	Both
19.	Laundry drying equipment	R	Rsd
20.	Ornamental light standards	F R	Both
21.	Solar Collectors (active and passive) subject to section 6-4-6-8 of this chapter	F S R	Both
22.	Permanently anchored lawn furniture (garden furniture and decorations such as benches, sundials, birdbaths, statues, sculpture and artwork)	F R	Both
23.	Playground equipment and playhouses (provided they are no closer than 5 feet from any property line)	R	R
24.	Porte-cochere (projecting no more than 10 feet from an exterior wall in a residential district and no more than 15 feet in a nonresidential district)	F S R	N-Rsd
25.	Sheds and storage structures for garden equipment (sheds for propagation or keeping of birds, poultry or livestock are prohibited)	R	Rsd
26.	Steps, open (shall not be less than 1 foot from a lot line)	F S R	Both
27.	Storage of any vehicles (provided they are no closer than 10 feet from any property line)	R	N-Rsd
28.	Storage of boats and recreational vehicles (In residential, RE, transitional, and university districts, not more than 1 truck with a gross weight of 8,000 pounds or less, or 1 trailer with a gross weight of 5,000 pounds or less, and not more than 1 motorized mobile camping unit, boat, and/or boat trailer may be parked within a building or in a rear yard, but not in a front or side yard or in any court area that opens toward a public street.)	R	Rsd
29.	Swimming pools (provided they are no closer than 10 feet from any property line)	R	Rsd

		Yard	District
30.	Tennis courts (provided they are no closer than 10 feet from any property line)	R	Both
31.	Terraces at grade	F S R	Both
32.	Transformers	R	Rsd
		S R	N-Rsd

SECTION 2: That Section 6-4-6 of the Zoning Ordinance is hereby amended by adding a new subsection 8, "Special Regulations Applicable to Solar Collectors", to read as follows:

6-4-6-8: SPECIAL REGULATIONS APPLICABLE TO SOLAR COLLECTORS:

- (A) **Purpose And Applicability:** The purpose of this Section is to ensure that solar collectors, whether accessory to principal uses, or integrated with principal uses, are compatible in character and appearance with the principal structure and surrounding neighborhood or area of the zoning districts in which they are located.

The provisions of this Section apply to solar collectors installed or modified after the effective date hereof. Solar collectors are permitted as an accessory use to any principal permitted or special use subject to the following development standards.

- (B) **Appearance and Materials:** Solar collectors should be neutral in color and generally matching the roof color of the principal structure. All such devices shall have the following characteristics:

1. Not be plastic or other non-UV stable material;
2. Include frames, where applicable, of anodized aluminum or painted steel; and
3. Where devices are encased with glass, the glass shall be non-reflective tempered glass.

- (C) Yards: Solar collectors shall be subject to the following yard requirements:
1. Solar collectors are an allowed encroachment in front, side, and rear, yards so long as they do not project more than five feet (5') from an exterior wall.
 2. Solar collectors may be located flush with the exterior wall of the principal and street-facing façades.
 3. In side wall installations, solar collectors must be set back a minimum of three feet (3') from the property line.
 4. In rear wall installations, solar collectors must be set back a minimum of three feet (3') from the rear property line.
- (D) Height: Solar collectors shall be subject to the following height requirements:
1. Solar collectors may not exceed the maximum building height requirements for the district in which they are located;
 2. Solar collectors located on sloped roof buildings may extend up to five feet (5') above the roof ridge; and
 3. Solar collectors located on flat roofed buildings may extend up to ten feet (10') above the roof height.
- (E) Solar collectors integrated into the structure or building cladding shall be subject to the bulk requirements of the zoning district in which they are located.
- (F) Ground mounted separate or adjacent to the principal structure: Solar collectors mounted on the ground shall not:
1. be more than ten feet (10') high;
 2. have a footprint (as determined by a horizontal plane at the ground generated by extending all parts of the structure vertically down) greater than twenty-five percent (25%) of the principal building footprint; or
 3. be located in front or street facing yards.

- (G) Accessory structures: Solar collectors mounted to accessory structures:
1. shall comply with all yard requirements for accessory structures; and
 2. may extend up to four feet (4') above the roof ridge for sloped-roof structures and up to five feet (5') above the roof height for flat-roofed structures.
- (H) Solar collectors which meet the minimum standards and maximum size limits as determined by Section 6-4-6-8, shall not be counted in lot coverage or impervious surface area.

SECTION 3: That Section 6-18-3, "Definitions", is hereby amended by revising the definition of "building height, mean" and adding a definition of "solar collector" in appropriate alphabetical order, to read as follows:

6-18-3: DEFINITIONS:

BUILDING HEIGHT, MEAN:

- (A) The perpendicular distance measured from the established grade to the high point of the roof for a flat roof, the deck line of a mansard roof, and to the mean height level for gable, hip or gambrel roofs. Mean height level is computed as the average of the height of the high point of the roof and the highest level where the plane of the main roof, excluding dormers, intersects the plane of an outside wall below the main roof. Chimneys and spires shall not be included in calculating the height nor shall mechanical penthouses or solar collectors, provided the penthouses and collectors cannot be seen from the street. The highest point of the following structures or structure features is used as the high point of the roof in computing mean height level when said structure or feature is: 1) the highest point of the structure and 2) has an outer perimeter enclosing an area of sixteen (16) square feet or more regardless of the presence of floor. Said structure or feature is treated as a spire when having an outer perimeter enclosing an area of less than sixteen (16) square feet. Said structures or features include: turrets, towers, belfries, cupolas, lanterns, widow's walks or similar structures.
- (B) The height of any story of a structure shall be excluded from the calculation of its height when seventy five percent (75%) or more of the gross floor area of such story consists of parking required for the structure

(excluding mechanical penthouse). This exclusion of required parking from the calculation of building height shall be applicable to all permitted and special uses in the B3, D2, D3, and D4 zoning districts including planned developments, with the exception of planned developments in the D3 zoning district. Where the required parking exclusion is applicable, it shall in no case be greater than four (4) stories or forty feet (40'), whichever is less.

- (C) Anywhere in this zoning ordinance where the words building height are indicated without designation of mean building height or absolute building height the reference is to mean building height.

SOLAR COLLECTOR: A silent device, structure, or part of a device or structure, which is used primarily to transform solar energy into thermal, chemical, or electrical energy. The solar collector shall be used as part of a system which makes use of such energy for the purposes of water heating, space heating or cooling, or power generation.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: April 28, 2008

Approved:

Adopted: May 12, 2008

May 13, 2008

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Approved as to form:

Mary P. Morris
Mary P. Morris, City Clerk

Elke Tober-Purze
Elke Tober-Purze, Interim
First Assistant Corporation Counsel

