

AGENDA
COMMITTEE OF THE WHOLE MEETING
Village Hall – Board Room
Monday, August 26, 2019
Following Regular Village Board Meeting

Reasonable accommodations / auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings of the Board. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need special accommodations to attend. The Committee of the Whole will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so. Citizens wishing to address the Board on agenda items may speak when the agenda item is open, prior to Board discussion.

CALL TO ORDER**1.0 ROLL CALL****2.0 APPROVAL OF MINUTES**

- 2.1 Acceptance of the August 12, 2019 Committee of the Whole Meeting Minutes

3.0 ITEMS OF GENERAL BUSINESS**3.1 Planning, Zoning and Land Use**

- 3.11 Consideration of Preliminary Evaluation Regarding an Amendment to an Existing Special Use for Sedgebrook Planned Unit Development to Allow Temporary Events (Sedgebrook Propco SL LLC – 800-890 and 960 Audubon Way)
- 3.12 Preliminary Evaluation Regarding Text Amendments to Single-Family Residential Bulk Regulations in Title 6, Chapter 5A (R1, R2 and R3 Single-Family Residence Districts) and 5B (R2A Single-Family Residence District) of the Lincolnshire Village Code (Village of Lincolnshire)
- 3.13 Consideration and Discussion of Lake County Solar Winds Task Force Participation and Potential SolSmart Application (Village of Lincolnshire)

3.2 Finance and Administration**3.3 Public Works****3.4 Public Safety****3.5 Parks and Recreation****3.6 Judiciary and Personnel****4.0 UNFINISHED BUSINESS****5.0 NEW BUSINESS****6.0 EXECUTIVE SESSION****7.0 ADJOURNMENT**



**MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, August 12, 2019**

Present:

Mayor Brandt	Trustee Harms Muth
Trustee Grujanac	Trustee Hancock
Trustee Leider	Trustee Pantelis
Trustee Raizin	Village Clerk Mastandrea
Village Attorney Asprooth	Village Manager Burke
Finance Director/Treasurer Peterson	Public Works Director Woodbury
Chief of Police Leonas	Assistant Village Manager/Community &
Assistant Public Works Director/Village Engineer Dittrich	Economic Development Director Gilbertson

ROLL CALL

Mayor Brandt called the meeting to order at 7:18 p.m., and Assistant Village Manager/Community & Economic Development (CED) Director Gilbertson called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of the July 22, 2019 Committee of the Whole Meeting Minutes

The minutes of the July 22, 2019 Committee of the Whole Meeting were approved as submitted.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

3.11 Consideration of an Ordinance Granting a Special Use Permit to Construct a 113-Room Hotel in the Office/Industrial (O/Ib) Zoning Sub district; Building Height Variation; Setback Variations; Wall Sign Variations; and a Related Text Amendment for Hotel Parking Requirements (Knight Bridge Pky, LLC – 350 Knightsbridge Parkway)

Assistant Village Manager/Community & Economic Development (CED) Director Gilbertson provided a summary including the petitioner's meetings with the Architectural Review Board (ARB) and the Zoning Board of the proposed Ordinance granting a special use permit to construct a 113 room hotel in the Office/Industrial (O/Ib) zoning sub district; building height variation; setback variations; wall sign variations; and a related text amendment for hotel parking requirements at 350 Knightsbridge Parkway. Assistant Village Manager/CED Director Gilbertson summarized the text amendment request, as well as the work the petitioner performed to satisfy the ARB's requests. Assistant

Village Manager/CED Director Gilbertson mentioned additional modifications to the landscape plan that would be forthcoming per the Lake County Stormwater Management Commission (SMC) request. A short video of drone aerial footage of the site was shown.

Trustee Grujanac inquired about the height of the current buildings to the front and east of the proposed hotel location. Assistant Village Manager/CED Director Gilbertson stated he did not know the height of these buildings offhand, but a survey was done for the Zoning Board portion of the review that compared the proposed hotel to buildings that surround or are immediately adjacent to the property. Other than the Nexis Pharmaceutical building, which is 2 stories, all other buildings are three stories or more. Other than the beacon feature of the hotel, the majority of the building complies with height restrictions.

Trustee Hancock inquired about the building materials, building color, and signage. Shilpa Purohit, Purohit Architects, provided additional detail on the overall building design. Discussion ensued regarding the street elevation, landscaping, and illumination of the beacon. Ms. Purohit stated they had adjusted illumination of the ground sign per the ARB's recommendation, and changed illumination of the beacon from internal to uplit based on feedback from Van Vlissingen.

Trustee Grujanac inquired about the landscaping maturity presented in the renderings. Jeff Torrens, Gary R. Weber Associates, provided additional detail on the landscaping. The renderings provided represent 2/3 growth. The evergreens being installed are 10' and all other trees will be 2 – 3" caliper inches when installed.

Assistant Village Manager/CED Director Gilbertson summarized the next stage of approval and recommended the Board conditional approval based on the revisions to the landscaping plans per direction from SMC, to which the Board consented.

It was the consensus of the Board to place this item on the Regular Village Board Agenda for discussion and approval at the next Regular Village Board Meeting, pending approval from SMC.

3.2 Finance and Administration

3.21 Consideration and Discussion of Approving Workers Compensation Insurance Coverage for the Period of January 1, 2020 to April 30, 2021 with the Municipal Insurance Cooperative (MICA) in the Amount of \$209,559.00 (Village of Lincolnshire)

Finance Director/Treasurer Peterson provided a summary of the proposed workers compensation insurance coverage for the period of January 1, 2020 to April 30, 2021 with the Municipal Insurance Cooperative (MICA) in the amount of \$209,559.00.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.3 Public Works

3.31 Consideration of a Contract for the 2019 Sanitary and Storm Sewer Lining Project with Hoerr Construction of Peoria, IL, in an Amount not to Exceed \$89,265.84 (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of the proposed contract for the 2019 sanitary and storm sewer lining project with Hoerr Construction in an amount not to exceed \$89,265.84.

Mayor Brandt asked what the budget number is for this project. Assistant Public Works Director/Village Engineer Dittrich stated the sanitary was budgeted at \$120,000 and the storm sewer was budgeted at \$20,000. This is under budget for the year.

Trustee Harms Muth asked how this project relates to the Village-wide drainage study being conducted by Christopher Burke Engineering. Assistant Public Works Director/Village Engineer Dittrich stated Christopher Burke Engineering is looking at capacity of the entire storm sewer system, and that this request is part of the Village's annual maintenance program. If the drainage study recommended additional capacity in this area of the system, staff would recommend adding capacity to the sewer system on the other side of the street.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.32 Consideration of Awarding a Contract to American Underground, Glenview, IL, for Sanitary and Storm Sewer Televising and Cleaning in the Amount of \$67,753.41 (Village of Lincolnshire)

Assistant Public Works Director/Village Engineer Dittrich provided a summary of the proposed contract to American Underground for sanitary and storm sewer televising and cleaning in the amount of \$67,753.41.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.4 Public Safety

3.5 Parks and Recreation

3.6 Judiciary and Personnel

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

5.1 Cul-de-sac Maintenance

Mayor Brandt briefed the Board on a conversation she had with a resident regarding cul-de-sac maintenance and landscaping for street signage. Assistant Public Works Director/Village Engineer Dittrich provided background on the Village's maintenance program. Discussion ensued regarding this program. Staff will provide additional information to the Board.

5.2 Route 22 and Riverwoods Road Signage

Mayor Brandt informed the Board about additional signage at Route 22 and Riverwoods Road to assist bicycle and pedestrian traffic.

5.3 Potholes

Trustee Hancock informed staff about potholes on Grenadier Court.

6.0 EXECUTIVE SESSION

7.0 ADJOURNMENT

Trustee Grujanac moved and Trustee Harms Muth seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Brandt declared the meeting adjourned at 8:02 p.m.

Respectfully submitted,
VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk

**REQUEST FOR BOARD ACTION
Committee of the Whole
August 26, 2019**

Subject: Sedgebrook Retirement Community Temporary Events –
800-890 and 960 Audubon Way

Action Requested: Preliminary Evaluation Regarding an Amendment to an Existing Special Use for a Sedgebrook Planned Unit Development to Allow Temporary Events

Petitioner: Sedgebrook Propco SL LLC

Originated By/Contact: Tonya Zozulya, Planning & Development Manager

Referred To: Village Board

Background:

- Sedgebrook Propco SL LLC (Sedgebrook) seeks a major amendment to the Sedgebrook Special Use for a Planned Unit Development (PUD) to add permissibility for temporary events on its property located at 800-890 and 960 Audubon Way, north of Aptakasic Road and east of Milwaukee Avenue, as shown in Figure 1 and attached location map.
- Sedgebrook is located in the R4 Single-Family Attached Residence zoning district. Surrounding uses and zoning districts include:
 - North: Camberley Club and Lincolnshire Trails townhomes, zoned R4 Single-Family Attached Residence and Rivershire single-family homes zoned R3 Single-Family Attached Residence.
 - South: Park King Skill Golf, zoned R1 Single-Family Residence.
 - East: Homestead and open space in unincorporated Lake County.
 - West: Lincolnshire Commons Center, zoned B2 General Business.
- In 2003, the Village Board approved plans for the 91-acre Sedgebrook Continuing Care Retirement Campus (Ordinance #03-1864-41). The ordinance also rezoned the property to R4 Single-Family Attached Residence and granted final PUD approvals for Neighborhood 1 and preliminary approvals for Neighborhoods 2 and 3 (note: Neighborhoods 2 and 3 have not been constructed to date).



- In 2004, the Village Board approved modifications to the overall campus design to allow integrated parking structures, and approved final plans for the construction of an extended care facility (Renaissance Gardens, which is now called Radford Green) (Ordinance #04-1899-15 and 04-1905-21).
- In 2014, the Village approved an amendment to the Sedgebrook Annexation Agreement (Ordinance #14-3321-47), Plat of Subdivision (Ordinance #14-3321-47A), and a Special Use amendment (Ordinance #14-3322-48) to subdivide the property into two lots and revise development plans. Lot 1 (totaling 70 acres) remained with Sedgebrook and Lot 2 (totaling 21 acres) was sold to Pulte Homes for the Camberley Club Subdivision. The Camberley Club Subdivision is governed by a separate Special Use for a PUD not tied to the Sedgebrook PUD.

Summary of Current Request & Staff Comments:

- Sedgebrook requests an amendment to their Planned Unit Development (PUD) to hold up to two temporary events on the Sedgebrook campus each year, such as car shows and summer concerts, for their residents, guests, and the general public (see Document 2). Guest parking for at least 100 cars would be accommodated within existing parking decks. Sedgebrook also requests a waiver of first reading to accommodate the car show event scheduled for September 28, 2019, should their request be referred to the Public Hearing stage.
- The Village Code defines temporary events as follows: “An organized occasion, activity, or gathering for public attendance on private property, which may be conditioned upon participant registration, for a fixed, short time period.” Temporary events are authorized by Code Section 6-3-6 in the R5 Mixed-Use General Residence, B Business, E Small Scale Office, O/I Office-Industrial and M Manufacturing zoning districts by Temporary Use permit, which requires administrative approval only. Properties zoned R4 Single-Family Attached Residence district (which include Sedgebrook) are currently not permitted to hold temporary events by code (see Document 3).
- Temporary events have the following code requirements:
 - Event hours shall be limited to 9 a.m. to 11 p.m.
 - The event may be held up to three consecutive days
 - No more than two temporary events per year
 - An event manager shall be designated for the event
 - Off-street parking accommodations shall be provided to attendees
 - Only code-compliant signage shall be permitted
- It should be noted mobile food vendors, mobile services, and farmer’s markets fall into a separate category of temporary uses regulated by code, and are not requested by Sedgebrook to be included in the current PUD amendment. Therefore, such uses will continue to be prohibited on the Sedgebrook property as well as all other R-4 properties.
- In consultation with the Village Attorney, an application for a PUD amendment is appropriate, rather than a text amendment, to limit this permissibility to the Sedgebrook property only. Other R-4 zoned properties (e.g., Camberley Club, Lincolnshire Trails) may not be suitable for temporary events due to their single-family nature and lack of parking for large groups.

- If the PUD amendment is approved, Sedgebrook would be required to apply for a Temporary Use permit and meet all code requirements for temporary events.

Approval Process:

If the Village Board is in favor of this request, the petitioner will prepare a submittal for a public hearing at the Village Board. The Zoning Board is not involved, as all PUD amendments are under the purview of the Village Board.

Recommendation:

Staff recommends this request be referred to the Village Board for a Public Hearing at its September 23, 2019 meeting with a waiver of first reading, as requested by the petitioner.

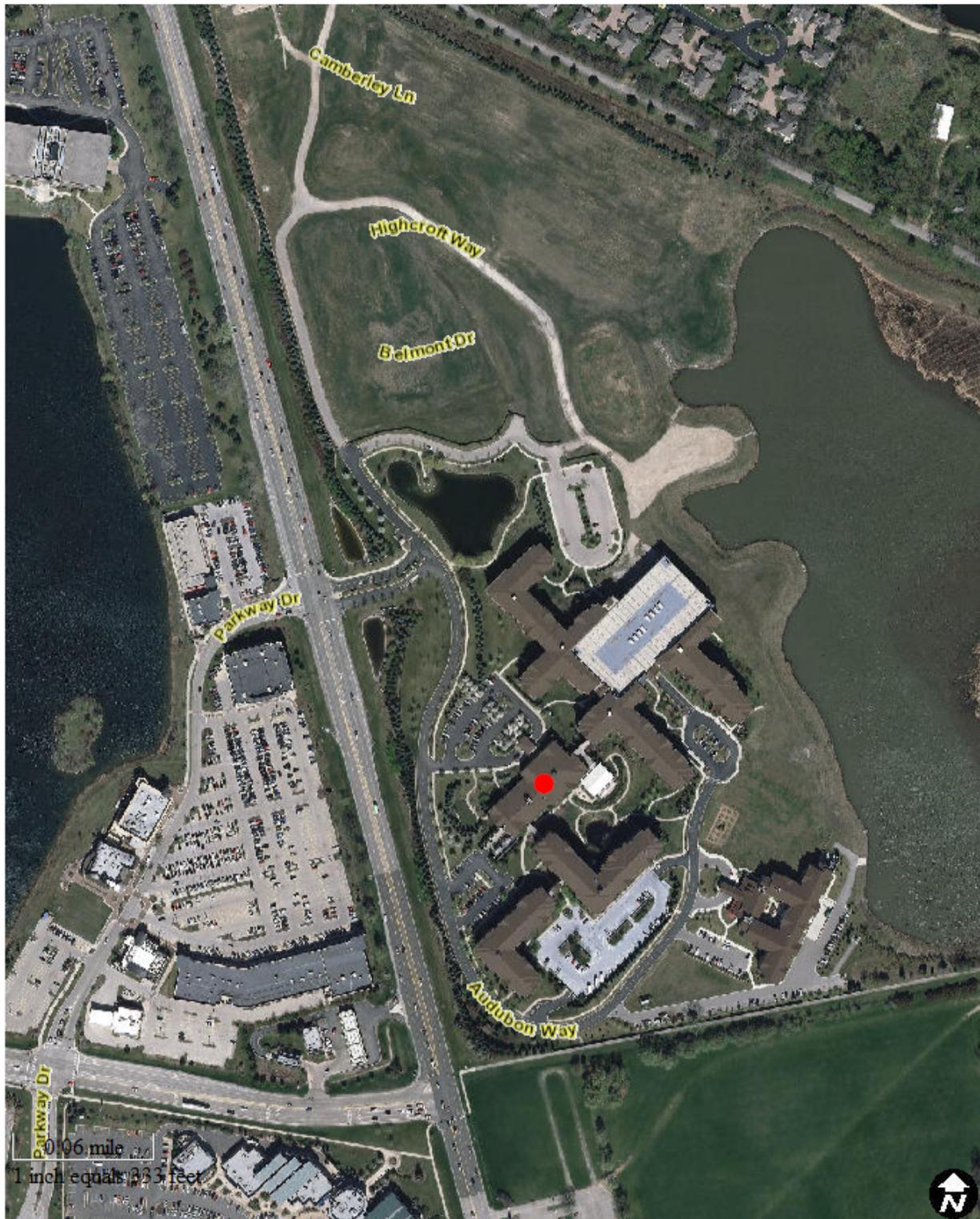
Reports and Documents Attached:

- Document 1: Location map.
- Document 2: Cover letter, prepared by Sedgebrook, dated August 9, 2019.
- Document 3: Village Code Section 6-3-6 regarding temporary events.

Meeting History	
Preliminary Evaluation (COW)	August 26, 2019



Sedgebrook Retirement Community



Map created on July 18, 2019.
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DOCUMENT 2

8/9/2019

Dear Mayor Brandt and Village Trustees,

Sedgebrook Retirement Community requests approval to amend the Sedgebrook PUD to allow temporary events/uses. We request approval so that we can host up to 2 temporary events throughout the year. These events would include: 1) A Summer Concert and 2) A Car Show.

Last Fall we hosted a Charity Car Show to benefit the 2018 Walk to End Alzheimer's and we are hoping to host the same event this September. We partnered with BVG Motorsports, a local Company that specializes in car shows. They put together a fantastic day for the Community at large. The Show included 74 cars on display and food for purchase (food catered by Real Urban BBQ), activities for kids and more. Each car on display paid a \$15 entrance fee all of which was donated to the Alzheimer's walk. Real Urban BBQ also donated 15% of profits to the cause. This event raised \$2,300 for the 2018 Walk to End Alzheimer's. We had a good turnout including Sedgebrook Residents, their families and many folks from the surrounding community. We hope that this year we attract more folks and raise more money for Alzheimer's

We do host these events to promote Sedgebrook to potential Residents and their families but we also know that they can build good rapport with our neighbors and are generally good for the Community at large whether it's for Charity or just for fun. The general public is always welcome. These events will take place on one of our outside parking decks and we open another (indoor) parking deck for our guests (parking is available there for 100+ cars). Both spots are indicated on the attached map.

We would also like to request a waiver of the first reading due to the Car Show being scheduled for September 28th, 2019.

We look forward to collaborating with the Village of Lincolnshire regarding these events.

Sincerely,

Dan Harrington

Dan Harrington
Executive Director



Map created on July 15, 2019
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* Event Location
+ Parking Deck for Guests

6-3-6: TEMPORARY STRUCTURES AND USES

No temporary structure or use shall be established or erected on a lot unless it is specifically permitted by the requirements of this Section.

A. General Requirements:

1. Authorization: Except as set forth in 6-3-6(B), a Temporary Use Permit shall be required from the Department of Community & Economic Development prior to the establishment of any temporary structure or use.
2. Location: All Temporary Structures shall meet the minimum required setbacks applicable to the Principal Structure on the lot, except as otherwise permitted in Section 6-3-6(B).
3. Temporary Use Permit: Application for a Temporary Use Permit shall be submitted to the Department of Community & Economic Development and shall be issued upon full compliance with the standards and submittal requirements set forth below:
 - a. An accurate site plan of the property to be used for the Temporary Use or Structure, including all information necessary to accurately locate and portray the Temporary Use or Structure on the premises. Sufficient information to determine compliance with yard requirements, availability of off-street parking, and adequate traffic circulation to service the proposed Temporary Use or Structure shall also be provided, as determined by the Department of Community & Economic Development.
 - b. A detailed written description of the proposed Temporary Use and/or depiction or illustration of building elevations for any proposed Temporary Structure.
 - c. Consent from the property owner or legal representative of the land owner shall be obtained in writing. A copy of such authorization shall be included with the Temporary Use Permit.
 - d. Such other data and/or certifications as may reasonably be required by the Director of Community & Economic Development for the purpose of enforcing the regulations set forth in this Title.
4. Conditions: A Temporary Use Permit may be subject to such special conditions and restrictions on the location and operation as deemed reasonably necessary by the Director of Community & Economic Development to protect the public health, safety and welfare in consideration of site specific conditions.
5. Revocation: A Temporary Use Permit shall be revoked if any of the standards and conditions imposed pursuant to this Section, or permit, are violated.
6. Length of Permit: A Temporary Use Permit is valid for one (1) year from the date of issuance and shall be renewed each year, except as further regulated by Section 6-3-6(B). A permit fee in the amount outlined in the Comprehensive Fee Schedule shall be collected for the permit.
7. Appeal: Any person or entity aggrieved by Staff determination regarding the application or interpretations of these requirements may submit a written appeal, as specified in Section 6-14-12 of the Lincolnshire Village Code, to the Zoning Board, for final decision by the Village Board of Trustees.

B Specific Requirements: The following Temporary Structures and Uses shall be permitted and are further subject to the specific regulations set forth below:

TEMPORARY STRUCTURES AND USES 6-3-6(B)										
TUP = Temporary Use Permit Required P = Permitted (No Permit Required) BP = Building Permit Required										
Construction/Contractor Trailer/Office	R1 BP	R2 BP	R2A BP	R3 BP	R4 BP	R5 BP	B BP	E BP	O/I BP	M BP
• Refer to Section 5-1-8(7), <i>Temporary Trailers</i> , for specific requirements.										
Farmers Market	R1	R2	R2A	R3	R4	R5	B	E	O/Ia	M

TUP	TUP	TUP	TUP
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- Permitted a maximum of one (1) day within a consecutive seven (7) day period. The hours of operation are limited to a maximum six (6) hour period, which includes vendor set-up and removal, subject to the approval of the Director of Community & Economic Development.
- All products sold by vendors must be home-grown or home-made, and sold by the producer(s), family member(s), employee(s), or designated representative(s). In the event a vendor is deemed not to meet these criteria, but is determined the vendor adds material value to the market, the Director of Community & Economic Development has authority to make exceptions to such criteria.
- Other related activities, special programs and events may be conducted on the premises subject to the review and approval of the Director of Community & Economic Development.
- A Market Manager shall be designated by the Applicant to serve as the principal person responsible for overseeing the operations of the market. The Market Manager shall ensure all waste, debris, or any other evidence of the market is removed from the premises no later than two (2) hours after closing time.
- All vendors shall have a valid Illinois State Sales Tax License, except when a temporary (daily) sale is assigned, and shall abide by all food, safety, and health regulations of the Village of Lincolnshire and the Lake County Department of Health and the State of Illinois at all times.

Garage Sales	R1 TUP	R2 TUP	R2A TUP	R3 TUP	R4 TUP	R5	B	E	O/I	M
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- Shall be permitted up to three (3) consecutive days between the hours of 8:00 a.m. and 5:00 p.m. each day. Not more than two (2) garage sales shall be conducted on the same premises within a calendar year with a minimum thirty (30) days between each sale. In the event of rain during the three (3) day sale period, such sale period may be extended one additional day within the subsequent seven (7) days for each day of rain.
- A Temporary Use Permit shall be obtained from the Department of Community & Economic Development not less than 48 hours prior to the start of any garage sale.
- Signage shall be in compliance with Section 12-13-1, *Temporary Signs*, of the Lincolnshire Sign Control.

Holiday Decoration Sales Lot	R1	R2	R2A	R3	R4	R5 TUP	B TUP	E	O/Ia TUP	M
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- Shall be permitted during the months of October, November and December.
- All items to be displayed and sold shall consist of natural materials (for example; pumpkins, holiday trees and wreaths, etc.).
- Adequate vehicular access and off-street parking provisions shall be provided on-premises of the operation, subject to the determination of the Director of Community & Economic Development.
- Daily operations shall conclude at 9:00 PM.
- One temporary structure shall be permitted for office, sales, or storage uses and shall comply with all yard requirements of this Title.
- Outdoor lighting as described in Section 6-3-15 shall apply, regardless of location.
- All vendors shall have a valid Illinois State Sales Tax License, except when a temporary (daily) sale is assigned, and shall abide by all food, safety, and health regulations of the Village of Lincolnshire Health Code, the Lake County Department of Health and the State of Illinois.

Mobile Services	R1	R2	R2A	R3	R4	R5	B TUP	E TUP	O/I TUP	M TUP
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- Shall be located entirely on private property and shall only provide service to the owner, tenants and their respective employees or customers with a scheduled appointment window of less than thirty (30) minutes. Consent from the property owner or legal representative of the property owner must be obtained in writing in advance, and a copy of such authorization shall remain on file with the Community & Economic Development Department.
- All services and product storage shall occur within a fully enclosed facility, which may include a mobile facility. All waste, including fluids, shall be contained within the facility and properly disposed pursuant to local, state, and federal guidelines/regulations. Minor services may be permitted outdoors, as authorized by the Department of Community & Economic Development.
- Permitted a maximum of three (3) days in a consecutive seven (7) day period.
- All signage, product and service information must be securely attached to the mobile facility. Directional signs may be permitted to ensure proper traffic circulation and access, as authorized by the Department of Community Economic Development.
- The location of the operation shall not interfere with vehicle ingress and egress to the premises, nor impede

traffic circulation in any way.

- Set-up and removal of the Mobile Services must occur within the same day of operation. Overnight storage and parking of equipment is prohibited.
- A separate Temporary Use Permit shall be required for each individual location of operation, regardless if all services are performed by the same owner/operator.
- All vendors shall have a valid Illinois State Sales Tax License, except when a temporary (daily) sale is assigned, and shall abide by all food, safety, and health regulations of the Village of Lincolnshire Health Code, the Lake County Department of Health and the State of Illinois.

Mobile Food Vendor	North Park, Spring Lake, Public Schools					R5	B	E	O/I	M
	TUP					TUP	TUP	TUP	TUP	TUP

- Shall possess a valid license for operation from the Lake County (IL) Health Department. A copy must be submitted to the Department of Community & Economic Development prior to operation.
- Parking or standing in any public right-of-way for the purpose of preparing, cooking, serving or selling products shall be prohibited, with the exception of ice cream vending.
- All of the proprietor’s activity associated with a Mobile Food Vendor must occur within the vehicle.
- Consent from the property owner or legal representative of the land owner, either written or verbal, must be obtained prior to operation.
- All signage, product and menu information must be securely attached to the mobile food vehicle.
- Operation shall be permitted for a maximum of four (4) hours at any single location.

Model Sales Office/Unit/Trailer	R1	R2	R2A	R3	R4	R5	B	E	O/I	M
	BP	BP	BP	BP	BP	BP				

- Shall be permitted upon the recording of a final plat of subdivision for sales or marketing of any residential development and shall not be used for general office purposes.
- Shall be located on the same premises as the development site and must be securely affixed to the ground and meet all applicable codes and regulations of the Village, including building setbacks, light, ventilation, egress, and space for the occupancy of a structure.
- Must be removed upon the sale of the last unit of the development.
- Shall not contain any sleeping or cooking accommodations, unless located in a model unit.

Seasonal Structure	R1	R2	R2A	R3	R4	R5	B	E	O/I	M
	P	P	P	P	P					

- Only one (1) Seasonal Structure shall be permitted at any one time.
- Shall be permitted for a portion of the year for seasonal use only, and shall not remain for an uninterrupted period longer than six (6) months within any consecutive twelve (12) month period.
- Shall not include a permanent foundation.
- Shall not exceed a height of fifteen feet (15') from the established grade.
- Shall have a maximum floor area ratio no greater than 10% of the gross square feet of the Principal Structure on the lot.
- Storage of materials is prohibited.
- Installation of natural gas, water supply or sanitary sewer service, plumbing fixtures or similar utilities is prohibited.
- May be located within the required side and rear yard setbacks, provided they are no closer than ten feet (10') from the side and rear property lines.



Temporary Event	R1	R2	R2A	R3	R4	R5	B	E	O/I	M
						TUP	TUP	TUP	TUP	TUP

- Event hours are limited between the hours of 9:00 a.m. and 11:00 p.m.
- Permitted a maximum of three (3) consecutive days.
- No more than two (2) temporary events shall be permitted on the same premises in any calendar year.
- An Event Manager shall be designated to serve as the principal person responsible for overseeing the operations of the event. The Event Manager shall ensure all waste, debris or any other evidence of the event is removed from the premises no later than two (2) hours after the closing time.
- Adequate off-street parking shall be provided on the premises of the temporary event, as determined by the Department of Community Development. Off-premises parking locations may be permitted, subject to the authority of the Department of Community Development.
- Signage shall be in compliance with Section 12-13-1, *Temporary Signs*, of the Lincolnshire Sign Control.

**REQUEST FOR BOARD ACTION
Committee of the Whole
August 26, 2019**

Subject: Single-Family Residential Bulk Regulations

Action Requested: Preliminary Evaluation regarding Text Amendments to Single-Family Residential Bulk Regulations in Title 6, Chapters 5A (R1, R2 and R3 Single-Family Residence Districts) and 5B (R2A Single-Family Residence District) of the Lincolnshire Village Code (Village of Lincolnshire)

Originated By/Contact: Ben Gilbertson, Assistant Village Manager/CED Director
Mike Jesse, Building Official
Tonya Zozulya, Planning & Development Manager

Referred to: Village Board

Background:

Over the course of four meetings in 2017, the Village Board (Board) considered a number of potential changes to the Lincolnshire Village Code (Village Code) to address bulk regulations for single-family homes in R1, R2, R2A, and R3 zoning districts. Potential changes included the following zoning considerations: building setbacks; impervious surface area; and floor area ratio (FAR). In addition, the following aesthetic considerations were discussed: landscaping, lighting, number of building materials, and front door orientation. At the August 7, 2017 Committee of the Whole meeting, the Board referred this matter to the Zoning Board (ZB) for a public hearing and to the Architectural Review Board (ARB) for design review and recommendations.

The majority of this memo addresses FAR and square footage regulations for single-family homes. However, staff will make a detailed presentation to the Village Board summarizing all bulk regulations currently provided in the Village Code at the August 26, 2019 Committee of the Whole meeting.

Zoning Board Discussion Summary and Next Steps:

The ZB met on three occasions (February 13, 2018, September 12, 2018, and January 8, 2019) to discuss single family bulk regulations and staff recommendations. Below is a summary of their concerns and/or recommendations.

1. Current bulk regulations are sufficient. FAR alone may not always control for “neighborhood character.”
2. The proposed FAR reductions would adversely impact property and resale values, ability to make property improvements, and would create many non-conforming properties and disproportionately impact R-3 district properties on smaller lots.
3. A house size cap in each zoning district may be beneficial as an additional tool while maintaining the current 25% FAR and other bulk controls.

At their January 8, 2019 meeting, the ZB made a non-favorable recommendation to the Village Board regarding staff’s previous recommendations. *In light of the ZB’s non-favorable recommendation, as well as further research and consideration by staff, staff proposes to amend the 0.25 FAR requirement in the R1 and R2 districts while adding the square footage*

caps across the R1, R2, R2A, and R3 zoning districts. Below is a summary of those recommendations (note: these recommendations were based on home and lot size data available via the Lake County Chief County Assessor's Office. The data capture all homes in Lincolnshire.)

EXISTING CONDITIONS IN LINCOLNSHIRE	R1	R2	R2A	R3
Maximum Home Size (sq. ft.)	8,652	11,712	7,012	6,206
Average Home Size (sq. ft.)	5,239	4,529	3,696	2,902
Minimum Home Size (sq. ft.)	1,492	2,236	1,902	1,013
Max FAR	0.11	0.13	0.30	0.29
Average FAR	0.07	0.09	0.15	0.14
Minimum FAR	0.04	0.04	0.02	0.04
Number of Homes	23	31	363	1,136
CURRENT CODE REQUIREMENTS	R1	R2	R2A	R3
Minimum Lot Size (sq. ft.)	80,000	40,000	20,000	20,000
Maximum FAR	0.25	0.25	0.25	0.25
Maximum Home Size per FAR (w/ minimum lot size - sq. ft.)	20,000	10,000	5,000	5,000
PROPOSED CODE REQUIREMENTS	R1	R2	R2A	R3
Minimum Lot Size (sq. ft.)	80,000	40,000	20,000	20,000
Maximum FAR ^A	0.15	0.15	0.25	0.25
Maximum Home Size per FAR (w/ minimum lot size – sq. ft.)	12,000	6,000	5,000	5,000
Maximum Home Size Cap (sq. ft.) ^A	13,000	8,000	7,000	5,500

^A Maximum home size based on the lesser value for FAR or square footage caps

- R1
 - Existing Conditions
 - Max FAR = 0.11; max square footage = 8,652; number of homes = 23
 - Proposed Code Requirements
 - Reduce FAR cap to 0.15; institute a new square footage cap of 13,000
 - Maximum home size based on the lesser value for FAR or square footage caps
 - No homes would become non-conforming based on either FAR or square footage
- R2
 - Existing Conditions
 - Max FAR = 0.13; max square footage = 11,712; number of homes = 31
 - Proposed Code Requirements
 - Reduce FAR cap to 0.15; institute a new square footage cap of 8,000
 - Maximum home size based on the lesser value for FAR or square footage caps
 - One home would become non-conforming based on either FAR or square footage
 - 308 Hamilton Court – square footage
- R2A
 - Existing Conditions
 - Max FAR = 0.31; max square footage = 7,012; number of homes = 363
 - Proposed Code Requirements
 - Keep FAR at 0.25; institute a new square footage cap of 7,000

- Maximum home size based on the lesser value for FAR or square footage caps
- Three homes would become non-conforming based on either FAR or square footage
 - 8 Briarwood – square footage
 - 250 Dover Circle – FAR
 - 6 Farrington – FAR
- R3
 - Existing Conditions
 - Max FAR = 0.30; max square footage = 6,206; number of homes = 1,136
 - Proposed Code Requirements
 - Keep FAR at 0.25; institute a new square footage cap of 5,500
 - Maximum home size based on the lesser value for FAR or square footage caps
 - 12 homes would become non-conforming based on either FAR or square footage
 - 7 Brittany Lane – FAR
 - 5 Cedar Lane – FAR
 - 25 Cedar Lane – FAR
 - 3 Elsinoor Drive – FAR
 - 4 Elsinoor Drive – FAR
 - 5 Plymouth Court – FAR
 - 66 Hickory Lane – FAR
 - 71 Hickory Lane – FAR and square footage
 - 10 Plymouth Court – FAR
 - 4 Thornfields – FAR
 - 30 Westwood – square footage
 - 8 Westwood – square footage

If the Board is amenable to these recommendations, staff will prepare formal notices for a public hearing with the ZB for their review and recommendation. Pending the ZB's recommendation, the text amendments would return to the Village Board for final approval. Staff is also conducting research regarding building side setback plane (aka "daylight plane") and will provide recommendations to the Zoning Board during the public hearing (note: this will be explained further during staff's presentation).

ARB Discussion Summary and Next Steps:

The ARB met on four occasions (November 8, 2017, November 21, 2017, January 16, 2018, and September 4, 2018) to discuss single family bulk regulations. Below is a summary of their concerns and/or preliminary recommendations.

1. Guidelines for developers, builders, and homeowners regarding landscaping, especially near the house foundation, may be the most appropriate method of reducing perceived residential bulk.
2. The Village should complete its branding initiative before the ARB resumes discussion, as the chosen brand might inform what constitutes "neighborhood character."

With the Village adopting a new logo earlier this year, staff feels it is appropriate for the ARB to resume discussion of bulk regulations and make a formal recommendation to the Village Board.

Staff Recommendation:

Staff will present a summary of "tools available" for regulating single-family residential bulk at the August 26, 2019 Committee of the Whole meeting. After that presentation, staff requests the Board's consideration and discussion of the proposed FAR and building square footage cap recommendations for homes in the R1, R2, R2A, and R3 zoning districts. If the Village Board is comfortable with staff's recommendations, below is the approval process:

1. Referral to the Zoning Board and Architectural Review Board.
2. Zoning Board Public Hearing, review, and recommendations regarding zoning regulations.
3. Architectural Review Board review and recommendations regarding aesthetic regulations.
4. Final review and potential approval by the Village Board regarding zoning and aesthetic regulations.

Reports and Documents Attached:

- Document 1: Agenda packet from the January 28, 2019 Committee of the Whole meeting.

Meeting History	
Committee of the Whole	January 9, 2017
Committee of the Whole	February 27, 2017
Committee of the Whole	May 8, 2017
Committee of the Whole	August 7, 2017
Architectural Review Board	November 8, 2017
Architectural Review Board	November 21, 2017
Architectural Review Board	January 16, 2018
Zoning Board	February 13, 2018
Architectural Review Board	September 4, 2018
Zoning Board	September 12, 2018
Zoning Board	January 8, 2019
Committee of the Whole	January 28, 2019
Committee of the Whole	August 26, 2019

**REQUEST FOR BOARD ACTION
Committee of the Whole
August 26, 2019**

Subject: Single-Family Residential Bulk Regulations

Action Requested: Preliminary Evaluation regarding Text Amendments to Single-Family Residential Bulk Regulations in Title 6, Chapters 5A (R1, R2 and R3 Single-Family Residence Districts) and 5B (R2A Single-Family Residence District) of the Lincolnshire Village Code (Village of Lincolnshire)

Originated By/Contact: Ben Gilbertson, Assistant Village Manager/CED Director
Mike Jesse, Building Official
Tonya Zozulya, Planning & Development Manager

Referred to: Village Board

Background:

Over the course of four meetings in 2017, the Village Board (Board) considered a number of potential changes to the Lincolnshire Village Code (Village Code) to address bulk regulations for single-family homes in R1, R2, R2A, and R3 zoning districts. Potential changes included the following zoning considerations: building setbacks; impervious surface area; and floor area ratio (FAR). In addition, the following aesthetic considerations were discussed: landscaping, lighting, number of building materials, and front door orientation. At the August 7, 2017 Committee of the Whole meeting, the Board referred this matter to the Zoning Board (ZB) for a public hearing and to the Architectural Review Board (ARB) for design review and recommendations.

The majority of this memo addresses FAR and square footage regulations for single-family homes. However, staff will make a detailed presentation to the Village Board summarizing all bulk regulations currently provided in the Village Code at the August 26, 2019 Committee of the Whole meeting.

Zoning Board Discussion Summary and Next Steps:

The ZB met on three occasions (February 13, 2018, September 12, 2018, and January 8, 2019) to discuss single family bulk regulations and staff recommendations. Below is a summary of their concerns and/or recommendations.

1. Current bulk regulations are sufficient. FAR alone may not always control for “neighborhood character.”
2. The proposed FAR reductions would adversely impact property and resale values, ability to make property improvements, and would create many non-conforming properties and disproportionately impact R-3 district properties on smaller lots.
3. A house size cap in each zoning district may be beneficial as an additional tool while maintaining the current 25% FAR and other bulk controls.

At their January 8, 2019 meeting, the ZB made a non-favorable recommendation to the Village Board regarding staff’s previous recommendations. *In light of the ZB’s non-favorable recommendation, as well as further research and consideration by staff, staff proposes to amend the 0.25 FAR requirement in the R1 and R2 districts while adding the square footage*

caps across the R1, R2, R2A, and R3 zoning districts. Below is a summary of those recommendations (note: these recommendations were based on home and lot size data available via the Lake County Chief County Assessor's Office. The data capture all homes in Lincolnshire.)

EXISTING CONDITIONS IN LINCOLNSHIRE	R1	R2	R2A	R3
Maximum Home Size (sq. ft.)	8,652	11,712	7,012	6,206
Average Home Size (sq. ft.)	5,239	4,529	3,696	2,902
Minimum Home Size (sq. ft.)	1,492	2,236	1,902	1,013
Max FAR	0.11	0.13	0.30	0.29
Average FAR	0.07	0.09	0.15	0.14
Minimum FAR	0.04	0.04	0.02	0.04
Number of Homes	23	31	363	1,136
CURRENT CODE REQUIREMENTS	R1	R2	R2A	R3
Minimum Lot Size (sq. ft.)	80,000	40,000	20,000	20,000
Maximum FAR	0.25	0.25	0.25	0.25
Maximum Home Size per FAR (w/ minimum lot size - sq. ft.)	20,000	10,000	5,000	5,000
PROPOSED CODE REQUIREMENTS	R1	R2	R2A	R3
Minimum Lot Size (sq. ft.)	80,000	40,000	20,000	20,000
Maximum FAR ^A	0.15	0.15	0.25	0.25
Maximum Home Size per FAR (w/ minimum lot size – sq. ft.)	12,000	6,000	5,000	5,000
Maximum Home Size Cap (sq. ft.) ^A	13,000	8,000	7,000	5,500

^A Maximum home size based on the lesser value for FAR or square footage caps

- R1
 - Existing Conditions
 - Max FAR = 0.11; max square footage = 8,652; number of homes = 23
 - Proposed Code Requirements
 - Reduce FAR cap to 0.15; institute a new square footage cap of 13,000
 - Maximum home size based on the lesser value for FAR or square footage caps
 - No homes would become non-conforming based on either FAR or square footage
- R2
 - Existing Conditions
 - Max FAR = 0.13; max square footage = 11,712; number of homes = 31
 - Proposed Code Requirements
 - Reduce FAR cap to 0.15; institute a new square footage cap of 8,000
 - Maximum home size based on the lesser value for FAR or square footage caps
 - One home would become non-conforming based on either FAR or square footage
 - 308 Hamilton Court – square footage
- R2A
 - Existing Conditions
 - Max FAR = 0.31; max square footage = 7,012; number of homes = 363
 - Proposed Code Requirements
 - Keep FAR at 0.25; institute a new square footage cap of 7,000

- Maximum home size based on the lesser value for FAR or square footage caps
- Three homes would become non-conforming based on either FAR or square footage
 - 8 Briarwood – square footage
 - 250 Dover Circle – FAR
 - 6 Farrington – FAR
- R3
 - Existing Conditions
 - Max FAR = 0.30; max square footage = 6,206; number of homes = 1,136
 - Proposed Code Requirements
 - Keep FAR at 0.25; institute a new square footage cap of 5,500
 - Maximum home size based on the lesser value for FAR or square footage caps
 - 12 homes would become non-conforming based on either FAR or square footage
 - 7 Brittany Lane – FAR
 - 5 Cedar Lane – FAR
 - 25 Cedar Lane – FAR
 - 3 Elsinoor Drive – FAR
 - 4 Elsinoor Drive – FAR
 - 5 Plymouth Court – FAR
 - 66 Hickory Lane – FAR
 - 71 Hickory Lane – FAR and square footage
 - 10 Plymouth Court – FAR
 - 4 Thornfields – FAR
 - 30 Westwood – square footage
 - 8 Westwood – square footage

If the Board is amenable to these recommendations, staff will prepare formal notices for a public hearing with the ZB for their review and recommendation. Pending the ZB's recommendation, the text amendments would return to the Village Board for final approval. Staff is also conducting research regarding building side setback plane (aka "daylight plane") and will provide recommendations to the Zoning Board during the public hearing (note: this will be explained further during staff's presentation).

ARB Discussion Summary and Next Steps:

The ARB met on four occasions (November 8, 2017, November 21, 2017, January 16, 2018, and September 4, 2018) to discuss single family bulk regulations. Below is a summary of their concerns and/or preliminary recommendations.

1. Guidelines for developers, builders, and homeowners regarding landscaping, especially near the house foundation, may be the most appropriate method of reducing perceived residential bulk.
2. The Village should complete its branding initiative before the ARB resumes discussion, as the chosen brand might inform what constitutes "neighborhood character."

With the Village adopting a new logo earlier this year, staff feels it is appropriate for the ARB to resume discussion of bulk regulations and make a formal recommendation to the Village Board.

Staff Recommendation:

Staff will present a summary of "tools available" for regulating single-family residential bulk at the August 26, 2019 Committee of the Whole meeting. After that presentation, staff requests the Board's consideration and discussion of the proposed FAR and building square footage cap recommendations for homes in the R1, R2, R2A, and R3 zoning districts. If the Village Board is comfortable with staff's recommendations, below is the approval process:

1. Referral to the Zoning Board and Architectural Review Board.
2. Zoning Board Public Hearing, review, and recommendations regarding zoning regulations.
3. Architectural Review Board review and recommendations regarding aesthetic regulations.
4. Final review and potential approval by the Village Board regarding zoning and aesthetic regulations.



REQUEST FOR BOARD ACTION
Committee of the Whole
January 28, 2019

Subject: Single-Family Residential Bulk Regulations

Action Requested: Consideration of Zoning Board Non-Recommendation Regarding Text Amendments to Single-Family Residential Bulk Regulations in Title 6, Chapters 5A (R1, R2 and R3 Single-Family Residence Districts) and 5B (R2A Single-Family Residence District) of the Lincolnshire Village Code (Village of Lincolnshire)

Originated By/Contact: Ben Gilbertson, Assistant Village Manager/CED Director

Referred to: Village Board

Background:

Over the course of four meetings in 2017, the Village Board (Board) considered a number of potential changes to Village code to address bulk regulations for single-family homes in all residential zoning districts. Potential changes included the following zoning considerations: building setbacks; impervious surface area; and floor area ratio (FAR). In addition, the following aesthetic considerations were discussed: landscaping, lighting, number of building materials, and front door orientation. At the August 7, 2017 Committee of the Whole meeting, the Board referred this matter to the Zoning Board (ZB) for a public hearing and to the Architectural Review Board (ARB) for design review and recommendations. Since referral, the ZB has discussed this matter on three occasions. Below are summaries of those meetings as well as ZB sentiment.

February 13, 2018 Zoning Board – Public Hearing and First Consideration of Bulk Regulations:

On February 13, 2018, the ZB held a public hearing to consider amendments to FAR measurements for single-family residential zoning districts. Based on a random sample of more than 600 homes across the R1, R2, R2A, and R3 zoning districts, as well as an analysis of lot size and floor area, staff presented the following recommendations for each residential zoning district. Lot and home size examples under current and proposed recommendations are shown in Document 1.

R1 Summary

- **Staff Recommendations - Proposed Amendments**
 - FAR: 0.13 (currently 0.25)
 - Maximum Lot Area: consolidated lots – 80,000 sq. ft. buildable lot allowance (no current cap for maximum lot area for single or consolidated lots)
- **Notes**
 - These recommendations ensure no homes larger than 10,400 square feet would be built in R1, approximately 700 square feet larger than the largest currently existing home in the R1 District.



R2 Summary

- **Staff Recommendations - Proposed Amendments**
 - FAR:
 - *Lots ≤ 32,000 sq. ft.:* 0.15 (currently 0.25)
 - *Lots ≥ 32,001 sq. ft. and ≤ 50,000 sq. ft.:* 0.14 (currently 0.25)
 - *Lots ≥ 50,001 sq. ft. and ≤ 55,000 sq. ft.:* 0.12 (currently 0.25)
 - Maximum Lot Area: 55,000 sq. ft. (no current cap for maximum lot area)
- **Notes**

These FAR restrictions will create three non-conforming homes in the R2 district, one on Storybook Lane and two on Hamilton Court. The 55,000 square foot lot cap causes four homes to become non-conforming lots and currently, only one of those existing homes is built to a FAR of over 10.5%. All other homes in R2 meet or fall below the suggested FAR and maximum lot size requirements currently, and no lots as large as 308 Hamilton Court remain available in Lincolnshire.

R2A Summary

- **Staff Recommendations - Proposed Amendments**
 - FAR:
 - *Lots ≤ 30,000 sq. ft.:* 0.20 (currently 0.25)
 - *Lots ≥ 30,001 sq. ft. and ≤ 50,000 sq. ft.:* 0.15 (currently 0.25)
 - Maximum Lot Area: 50,000 sq. ft.
- **Notes**
 - Staff recommended homes built through 2017 be allowed to meet current standards because these restrictions create nearly 25% non-conformity within the R2A district. These restrictions would then apply to R2A homes built in 2018 and later.

R3 Summary

- **Staff Recommendations - Proposed Amendments**
 - FAR:
 - *Lots ≤ 16,000 sq. ft.:* 0.21 (currently 0.25)
 - *Lots ≥ 16,001 sq. ft. and ≤ 25,000 sq. ft.:* 0.18 (currently 0.25)
 - *Lots ≥ 25,001 sq. ft. and ≤ 30,000 sq. ft.:* 0.16 (currently 0.25)
 - *Lots ≥ 30,001 sq. ft.:* 0.15 (currently 0.25)
 - *Consolidated Lots:* cap of 50,000 sq. ft. buildable allowance; requirements above apply to first lot; FAR of 0.06 for second lot up to 50,000 sq. ft. lot cap
 - Maximum Lot Area: 70,500 sq. ft. (consolidated lot)
- **Notes**
 - These requirements would allow older existing homes in Lincolnshire to have a second-car garage built along with a screened in porch without maximizing FAR and still controlling for bulk in the R3 District, ideally preserving neighborhood character in terms of home sizes and bulk. The proposed FAR schedule also addresses existing homes that would otherwise become existing non-conforming on smaller lots. Based on data analysis, making these requirements more restrictive would significantly affect hundreds of homes throughout the zoning district by either creating non-conformities or precluding home owners from being able to add a second car garage or a screened in porch.

Based on the analysis presented by staff, the ZB expressed the following concerns:

- 1) The construction of one home on a double lot motivated discussion of more stringent bulk regulations;
- 2) The use of one metric (FAR) was insufficient for bulk regulation; and



- 3) Reducing FAR thresholds in single-family residential zoning districts would preclude current homeowners from additions to their homes and thus hamper future marketability. Buyers may also be deterred from purchasing properties in Lincolnshire with no expansion potential.

The ZB closed the public hearing with the intent to continue discussion at their next meeting, as they were not ready to approve and recommend text amendments. The ZB also stated they were not ready for a joint meeting with the ARB, as was the original intent when the matter was first referred to both advisory boards.

September 12, 2018 Zoning Board – Second Consideration of Bulk Regulations:

At the September 12, 2018 ZB meeting, the ZB discussed staff's recommended text amendments once again. The general consensus of the ZB was they did not see a need for changes to bulk regulations based on the FAR information provided by staff. As such, the ZB did not want to discuss the matter again. Additionally, the ZB said they did not see a need for a joint meeting with the ARB. However, no motion was made for a non-favorable recommendation to the Village Board.

January 8, 2019 Zoning Board – Third Consideration of Bulk Regulations and Recommendation:

At the January 8, 2019 ZB meeting, the ZB reaffirmed their opposition to the recommended FAR reductions. Specifically, they stated:

- 1) The proposed regulations would disproportionately affect the R3 district.
- 2) The current regulations in place are sufficient to address bulk regulations.

A motion was made and seconded to approve the bulk regulation recommendations first presented at the February 2018 public hearing; however, the motion failed by a roll call vote with the ZB unanimously voting against the reduced FAR recommendations.

Points of Consideration and Staff Recommendation

Although the ZB originally committed to making a joint recommendation with the ARB to Village Board regarding bulk regulations, the timing of when the ARB would make their recommendations to the Board is unknown. Therefore, staff is presenting the zoning component of bulk regulations for the Village Board's consideration. The Village Board may elect to do one or more of the following:

- 1) Vote to overturn the ZB's non-recommendation and approve the FAR reductions;
- 2) Direct staff to conduct additional research on FAR or other zoning bulk regulations; or
- 3) Conclude consideration of zoning bulk regulations.

Per Section 2-6-5 of the Village Code, "An application which fails to receive an approval recommendation of the Zoning Board must include written findings based upon the items set forth in Chapter 14 of Title 6 and must receive a favorable vote of two-thirds (2/3) of all the elected members of the Village Board of Trustees to be approved." Specifically, the standards for text amendment findings of fact are as follows:

- 1) The request for an amendment shall serve the purpose of promoting the public health, safety, and general welfare.
- 2) The request for an amendment shall conserve the value of property throughout the community.



- 3) The request for an amendment shall lessen or avoid congestion in the public streets and highways.

Staff has prepared responses to these standards based on previous discussion and direction from the Village Board (see Document 2). These findings were presented to the Zoning Board at their January 8, 2019 meeting.

Reports and Documents Attached:

- Document 1: Home and lot size examples with proposed text amendments.
- Document 2: Findings of Fact – Text Amendment.
- Document 3: Unapproved minutes from the January 8, 2019 Zoning Board meeting.

Meeting History	
Committee of the Whole Discussion	January 9, 2017 February 27, 2017 May 8, 2017 August 7, 2017 January 28, 2019
Architectural Review Board	November 8, 2017 November 21, 2017 January 16, 2018 September 4, 2018
Zoning Board	February 13, 2018 September 12, 2018 January 8, 2019

R1 BULK REGULATIONS - CURRENT & PROPOSED		
	<i>Current</i>	<i>Proposed</i>
Lot Requirements		
<i>Minimum Area (sq. ft.)</i>	80,000	-
<i>Maximum Area (sq. ft.)</i>	-	80,000 sq. ft. (buildable allowance; no lot size cap)
<i>Minimum Width</i>	150'	-
<i>Maximum Impervious Area</i>	30% of gross lot area	-
Yard Requirements		
<i>Front</i>	≥ 50'	-
<i>Side</i>	≥ 30'	-
<i>Rear</i>	≥ 50'	-
<i>Corner Side</i>	≥ 20'	-
Structure Requirements		
<i>Maximum Height</i>	2.5 stories / 40'	-
<i>Floor Area Ratio</i>	0.25	0.13
<i>Building Side Setback Plane</i>	45° @ 10' above lot line	-

R1 HOME & LOT SIZE COMPARISONS				
Example				
<i>Lot Size (sq. ft.)</i>	<i>Current FAR</i>	<i>Proposed FAR</i>	<i>Maximum Home Size Current FAR (sq. ft.)</i>	<i>Maximum Home Size Proposed FAR (sq. ft.)</i>
80,000	0.25	0.13	20,000	10,400

R2 BULK REGULATIONS - CURRENT & PROPOSED		
	<i>Current</i>	<i>Proposed</i>
Lot Requirements		
<i>Minimum Area (sq. ft.)</i>	40,000 sq. ft.	-
<i>Maximum Area (sq. ft.)</i>	-	≤ 55,000 sq. ft.
<i>Minimum Width</i>	120'	-
<i>Maximum Impervious Area</i>	35% of gross lot area	-
Yard Requirements		
<i>Front</i>	≥ 40' and ≤ 80'	-
<i>Side</i>	≥ 20'	-
<i>Rear</i>	≥ 40'	-
<i>Corner Side</i>	≥ 20'	-
Structure Requirements		
<i>Maximum Height</i>	2.5 stories / 35'	-
<i>Floor Area Ratio</i>		
<i>Lots ≤ 32,000 sq. ft.</i>	0.25	0.15
<i>Lots ≥ 32,001 sq. ft. and ≤ 50,000 sq. ft.</i>	0.25	0.14
<i>Lots ≥ 50,001 sq. ft. and ≤ 55,000 sq. ft.</i>	0.25	0.12
<i>Building Side Setback Plane</i>	45° @ 10' above lot line	-

R2 HOME & LOT SIZE COMPARISONS					
Example					
<i>Lot Size (sq. ft.)</i>	<i>Current FAR</i>	<i>Proposed FAR</i>	<i>Existing Home Size Range (sq. ft.)</i>	<i>Maximum Home Size Current FAR (sq. ft.)</i>	<i>Maximum Home Size Proposed FAR (sq. ft.)</i>
32,000	0.25	0.15	1,288	8,000	4,800
50,000	0.25	0.14	1,950 - 6,807	12,500	7,000
65,000	0.25	0.12	1,306 - 6,834	16,250	7,800
98,324	0.25	0.12	22,425	24,581	11,799

R2A BULK REGULATIONS - CURRENT & PROPOSED		
	<i>Current</i>	<i>Proposed</i>
Lot Requirements		
<i>Minimum Area (sq. ft.)</i>	20,000 sq. ft.	-
<i>Maximum Area (sq. ft.)</i>	-	50,000
<i>Minimum Width</i>	100'	-
<i>Maximum Impervious Area</i>	40% gross lot area*	-
Yard Requirements		
<i>Front and Side abutting street</i>	20'	-
<i>Side</i>	10'	-
<i>Rear</i>	35'	-
<i>Corner Side</i>	20'	-
Structure Requirements		
<i>Maximum Height</i>	2.5 stories / 35'	-
<i>Floor Area Ratio</i>		
<i>Lots ≤ 30,000 sq. ft.</i>	0.25	0.20
<i>Lots ≥ 30,001 sq. ft. and ≤ 50,000 sq. ft.</i>	0.25	0.15
<i>Building Side Setback Plane</i>	45° @ 10' above lot line	-
*Impervious area not listed in Zoning Code. Recommendation of ≤ 40% gross lot area was part of staff's 2007 recommendation but was not included in the ordinance.		

R2A HOME & LOT SIZE COMPARISONS				
Example				
<i>Lot Size (sq. ft.)</i>	<i>Current FAR</i>	<i>Proposed FAR</i>	<i>Maximum Home Size Current FAR (sq. ft.)</i>	<i>Maximum Home Size Proposed FAR (sq. ft.)</i>
20,000	0.25	0.20	5,000	4,000
30,000	0.25	0.20	7,500	6,000
50,000	0.25	0.15	12,500	7,500

R3 BULK REGULATIONS - CURRENT & PROPOSED		
	<i>Current</i>	<i>Proposed</i>
Lot Requirements		
<i>Minimum Area (sq. ft.)</i>	20,000	-
<i>Maximum Area (sq. ft.)</i>	-	70,500 (consolidated lot)
<i>Minimum Width</i>	100'	-
<i>Maximum Impervious Area</i>	40% of gross lot area	-
Yard Requirements		
<i>Front</i>	≥ 30' and ≤ 80'	-
<i>Side</i>	≥ 10'	-
<i>Rear</i>	≥ 30'	-
<i>Corner Side</i>	≥ 20'	-
Structure Requirements		
<i>Maximum Height</i>	2 stories / 30'	-
<i>Floor Area Ratio</i>		
<i>Lots ≤ 16,000 sq. ft.</i>	0.25	0.21
<i>Lots ≥ 16,001 sq. ft. and ≤ 25,000 sq. ft.</i>	0.25	0.18
<i>Lots ≥ 25,001 sq. ft. and ≤ 30,000 sq. ft.</i>	0.25	0.16
<i>Lots ≥ 30,001 sq. ft.</i>	0.25	0.15
<i>Consolidated Lots</i>	0.25	<ul style="list-style-type: none"> • Maximum 50,000 sq. ft. buildable allowance • Requirements above apply to first lot • Maximum FAR of 0.06 for second lot up to 50,000 sq. ft.
<i>Building Side Setback Plane</i>	45° @ 10' above lot line	-

R3 HOME & LOT SIZE COMPARISONS				
Example				
<i>Lot Size (sq. ft.)</i>	<i>Current FAR</i>	<i>Proposed FAR</i>	<i>Maximum Home Size Current FAR (sq. ft.)</i>	<i>Maximum Home Size Proposed FAR (sq. ft.)</i>
16,000	0.25	0.21	4,000	3,360
25,000	0.25	0.18	6,250	4,500
30,000	0.25	0.16	7,500	4,800
35,000*	0.25	0.15	8,750	5,250
40,000**	0.25	0.18	10,000	4,800
70,500***	0.25	0.15	17,625	6,366
*Largest buildable lot				
**Typical consolidated lot				
***Large consolidated lot				

FINDINGS OF FACT TEXT AMENDMENT

Village of Lincolnshire – Bulk Regulations – Zoning

1. *The request for an amendment shall serve the purpose of promoting the public health, safety, and general welfare.*

The request is to codify single-family residential bulk regulations with respect to floor area ratio (FAR) requirements. Reductions in FAR across the R1, R2, R2A, and R3 zoning districts will reduce potential home sizes for replacement homes, or “teardowns,” and ensure cohesive “neighborhood character” within each zoning district. Analysis of single family residential lot and home square footage data reveal minimal impact to existing homes that would become non-conforming were the proposed text amendments approved. With approval of these proposed text amendments, the general welfare of Village residents would be promoted via cohesive “neighborhood character” by way of reduced FAR single-family zoning requirements.

2. *The request for an amendment shall conserve the value of property throughout the community.*

The proposed amendments to FAR requirements would conserve property values throughout the community by ensuring predictable, consistent home sizes that contribute to “neighborhood character” and deter the construction of new homes which are disproportionate to and inconsistent with such established character and which diminish the property values of adjoining homes which are negatively affected thereby. The proposed FAR requirements would allow existing homes and structures in the residential zoning districts to remain intact with the creation of few non-conforming uses. These amendments would promote consistency in home sizes and preservation of property values.

3. *The request for an amendment shall lessen or avoid congestion in the public streets and highways.*

The request will have no bearing on congestion in public streets and highways.

Prepared by:

Ben Gilbertson, Assistant Village Manager/CED Director, Village of Lincolnshire



UNAPPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, January 8, 2019 in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

PRESENT: Chair Bichkoff and Members Hashemi, Udoni, Kalina, and Hersh

STAFF PRESENT: Ben Gilbertson, Assistant Village Manager/Community & Economic Development Director
Tonya Zozulya, Planning and Development Manager

ABSENT: Trustee Liaison McDonough.

CALL TO ORDER: Chair Bichkoff called the meeting to order at 7:00 P.M.

1.0 ROLL CALL

The roll was called by **Ben Gilbertson, Assistant Village Manager/Community and Economic Development Director (AVM/CED)**; **Chair Bichkoff** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Regular Zoning Board Meeting Held on November 13, 2018.

Chair Bichkoff noted scrivener's errors and provided those to staff.

Member Udoni moved and **Member Hersh** seconded the motion to approve the minutes as noted and amended by Chair Bichkoff. Motion passed by voice vote.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Consideration of Text Amendments Regarding Single-Family Residential Bulk Regulations in Title 6, Chapters 5A (R1, R2 and R3 Single-Family Residence Districts) and 5B (R2A Single-Family Residence District) of the Lincolnshire Village Code (Village of Lincolnshire)

AVM/CED Gilbertson provided background and an overview of this agenda item, noting the most recent deliberation by the Zoning Board was September 2018. At that meeting, it was the consensus of the Zoning Board, having taken into consideration current Floor Area Ratio (F.A.R.) regulations, to recommend against additional text amendments to the Zoning Code for bulk regulations in residential districts; however, a formal motion from the Zoning Board to make a non-recommendation to the Village Board was not made.

Member Hashemi, noting the presence of an audience, requested staff to provide additional background on the item. **AVM/CED Gilbertson** provided history on bulk regulations, how the issue came to the Village Board's attention as well as how they saw a need to address bulk regulations through zoning and architectural requirements. He further described the Zoning Board's concerns of

the analysis presented at the February 2018 public hearing and the possible consequences of reducing FAR requirements, noting the reduction in F.A.R may preclude owners of older, smaller homes from constructing future additions. **Member Kalina** and **Chair Bichkoff** further articulated the Zoning Board's prior concern, stating F.A.R. revisions were not necessary and unsubstantiated, adding the consensus of the Zoning Board was current regulations are sufficient.

Member Hashemi stated she has had conversations with residents in which they indicated the decision to propose changes to the current regulations are not based on fact. She added concerns about perceived impacts on property values.

Tonya Zozulya, Planning and Development Manager (PDM) requested the Zoning Board provide details of their recommendation and outline their reasoning when they make their formal motion.

Member Hashemi drew attention to the number of meetings dedicated to zoning bulk regulations, staff time, and resources dedicated to this. She said the Village would have been better served looking for new business to come to the Village.

Member Hersh asked if there were other reasons for the Village Board's concerns. **AVM/CED Gilbertson** stated the Village Board also had concerns regarding teardowns in older areas of town and preservation of "neighborhood character."

Chair Bichkoff, noting the presence of an audience, elected to take Citizen Comments on this agenda item rather than wait until the end of the meeting.

Darek Zarnovski of 72 Cumberland stated he has lived in his home for 17 years. He expressed concern this was the first time he was aware of the proposed changes and noted the lack of notification to residents in Lincolnshire regarding these discussions. As an architect, he noted current design trends are not for larger homes, as they are expensive to build.

There was lengthy discussion amongst the Zoning Board that homes in the R3 District would be most impacted by the proposed F.A.R., making many existing homes non-compliant and not allowing for future additions. **PDM Zozulya**, in response to a question from **Mr. Zarnovski**, said there are many regulations beyond F.A.R. in the residential zoning code that currently control for bulk regulations. Members of the Zoning Board reaffirmed their position that current regulations are sufficient and there was no need to make the code more restrictive.

Member Udoni moved, seconded by **Member Hersh**, having conducted and concluded a Public Hearing on February 13, 2018 and considered the proposed amendments on September 12 and January 8, 2019, to approve and recommend amendments to the Village Code regarding bulk regulations in Title 6, Chapters 5A and 5B.

Roll Call Vote: **Ayes** - None

Nayes - Chair Bichkoff, Members Kalina, Udoni, Hersh and Hashemi.

Motion Failed.

Chair Bichkoff reaffirmed the Zoning Board's position based on consideration of the matter over several meetings and inability to find an argument in favor of the proposed amendments and noted the following concerns:

- Proposed regulations would disproportionately affect the R3 district.
- Current regulations in place are sufficient to address bulk.

3.2 Approval of 2019 Zoning Board Calendar and Meeting Schedule (Village of Lincolnshire)

AVM/CED Gilbertson stated the Illinois Open Meetings Act requires advisory boards to approve their meeting schedule and calendar prior to or at the first meeting of the year. **AVM/CED Gilbertson** reviewed the 2019 dates for the Zoning Board meeting schedule.

Member Udoni moved and **Member Kalina** seconded approval of the 2019 Zoning Board meeting dates as prepared by staff. The Motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS – None.

5.0 NEW BUSINESS – None.

6.0 CITIZENS COMMENTS

Sandra Saltiel, 26 Regent Lane, inquired about the 325 Marriot Drive building under construction, asking how the Village allowed the construction of a warehouse so close to Route 22. **Member Hashemi** stated the Zoning Board and Village Board approved a rezoning of this property, adding the office vacancy rate in the area was not conducive for another office building. She stated the Zoning Board, Architectural Review Board, and Village Board made sure that additional improvements to the building exterior and landscape were included to enhance the site. **Chair Bichkoff**, in response to **Sandra Saltiel's** comments about the appearance of the building, noted that this will be a corporate headquarters and having seen the renderings, it will look much different. He further noted this site has been on the market for over 30 years, and the Village believed this would be a productive use for the site. **AVM/CED Gilbertson** provided background on the review of the building and landscape design, including the requirement to add a landscape berm along the north elevation, screening of the docks along the east elevation, and a significant investment in the landscape plan. Staff stated they would provide residents with additional information via email.

Scott Mackenzie, 23 Londonderry Lane, inquired about the property referred to as the TSJ/Top Golf project, asking what happened to the Top Golf. **Chair Bichkoff** stated this proposal was never referred to the Zoning Board as it is under the purview of the Village Board, but that the Top Golf proposal was removed from the project. **Scott Mackenzie** said it would have been a good source of tax revenue for the Village. **AVM/CED Gilbertson** said there was much feedback from the community about Top Golf's plan, with residents indicating concerns for traffic and lighting. He added the Village Board retains review authority over the use of the property as it is zoned B-2 Planned Unit Development, with the only known user of the property at this time being The St. James.

REQUEST FOR BOARD ACTION
Committee of the Whole
August 26, 2019

Subject: Solar Energy Update

Action Requested: Consideration and Discussion of Lake County Solar Task Force Participation and Potential SolSmart Application

Originated By/Contact: Mike Jesse, Building Official

Referred To: Village Board

Summary/Background:

In June 2009, the Village Board approved a moratorium on the installation of alternative energy collection systems in response to small wind energy systems inquiries. The moratorium was extended twice, until the Village Board subsequently approved the Alternative Energy Collection Systems Code in January 2010 which included provisions for both small wind and solar energy collection systems. No permits for wind energy systems have been received to date. The new code section was comprehensive in scope and included a section on solar energy collection.

With the passage of Illinois' Future Energy Jobs Act in 2017, many incentives have been made available for residents to invest in alternative energy systems. This, combined with the increasing affordability of solar energy collection systems, has led to an increase in the sales, marketing, and installation of solar panels. Over the past 12 months, the Village of Lincolnshire has issued permits and inspected solar arrays for two residential properties and one commercial property.

Between April and June of 2019, staff participated in Lake County's Solar Energy Task Force. The purpose of the task force was to discuss best practices for regulation of solar installations, and to develop a model ordinance for communities to use in adopting their own solar zoning codes. Lake County led the drafting of the model ordinance, with input from municipal officials as well as representatives from SolSmart. SolSmart is a nationally-designated program funded by the U.S. Department of Energy, operating in partnership with the International City/County Management Association and the Solar Foundation. Lake County is encouraging municipalities to use the new model ordinance as a starting point for creating their own solar zoning code. Lincolnshire's existing Alternative Energy Code already addresses many of the details in the draft ordinance, and aligns with many of the SolSmart criteria.

Based on staff's participation in the Solar Energy Task Force, research of SolSmart, and recent review and installation of solar energy systems in the Village, staff does not believe additional changes to Village Code are warranted at this time. The SolSmart designation program awards ratings of bronze, silver, or gold to communities who demonstrate a commitment to be "open for solar business." Should the Mayor and Board of Trustees direct staff to pursue participation in the program, we believe a rating of bronze is achievable with our current codes and processes. There is no cost to participate. For reference, Winnetka, Glencoe, Highland Park, Lake Forest, and Libertyville are all designated at the SolSmart bronze levels. Highland Park responded to a

request for information, and states the process was not difficult, and provides great benefits for their sustainability initiatives.

Recommendation:

Staff does not recommend any building or zoning code changes at this time. Staff has the authority to review and approve solar energy systems of single-family detached residences. All other solar requests require review by the Architectural Review Board with approval from the Village Board prior to permit issuance. Staff requests feedback from the Mayor and Board of Trustees regarding a potential application for SolSmart designation.

Reports and Documents Attached:

- Document 1: SolSmart Information and Copy of the Application
- Document 2: Lake County Solar Energy Systems Model Ordinance
- Document 3: Title 6, Chapter 17 of the Lincolnshire Village Code (Alternative Energy Collection Systems)

Meeting History	
Committee of the Whole	August 26, 2019



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PROGRAM GUIDE

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WHAT IS SOLSMART?

SolSmart is a new national designation program, funded by the U.S. Department of Energy through the Solar Powering America by Recognizing Communities (SPARC) initiative, designed to recognize communities that have taken key steps to address local barriers to solar energy and foster the growth of mature local solar markets. The SolSmart program primarily seeks to address “solar soft costs,” or business process or administrative costs that can increase the time and money it takes to install a solar energy system — costs which are then passed on to solar customers. While only certain local government policies and processes (such as permitting, planning, and zoning) are the source of some soft costs, local governments are in a unique position to reduce soft costs and take action to promote the use of solar locally.

The SolSmart designation program will provide high-profile, national recognition for communities that have made it cheaper and easier for solar customers to invest in solar energy. In addition, achieving designation will send a signal to solar companies that a community is “open for business,” attracting new businesses and helping designees share in the economic development benefits attached to the solar industry.

Interested communities can apply for designation at www.solsmart.org using a simple online intake form (“application”). Upon receipt of this application, the Designation Program Administrator (led by the International City/County Management Association) will conduct a baseline assessment to determine which criteria the community currently meets based on previous efforts and which actions are still required before designation can be granted. Communities committed to pursuing SolSmart designation will be eligible for no-cost technical assistance (“TA”) from the Technical Assistance Provider (led by The Solar Foundation) and its team of national solar and local government experts to help communities meet the criteria for designation.

DESIGNATION PROGRAM ADMINISTRATOR	TECHNICAL ASSISTANCE PROVIDER
INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION	THE SOLAR FOUNDATION
National Civic League	National Renewable Energy Laboratory
Home Innovation Research Labs	Meister Consultants Group
Meister Consultants Group	National League of Cities
The Solar Foundation	National Association of Counties
	Solar Energy Industries Association
	Regulatory Assistance Project
	Electric Power Research Institute
	Brooks Engineering

BENEFITS OF PARTICIPATION

Benefits of Addressing Soft Costs

Addressing soft costs and other barriers can deliver a number of valuable benefits for key local stakeholders.

- Reducing soft costs can deliver an **increased return on investment for solar customers**. Complex or poorly-defined permitting processes can add significantly to the average cost of solar photovoltaic (PV) systems. For a typical five kilowatt (kW) system, onerous permitting processes can increase prices for solar customers by up to \$700. Combined with other local regulatory policies and processes, the total price impact of local government “red tape” surrounding solar can be as high as \$2,500 for a typical installation.¹
- Reducing red tape and more efficient approval processes can result in a **time and money savings for local governments**, representing a more productive use of constrained budgets and limited taxpayer resources. Improving access to information on technical and process requirements can decrease the volume of questions or requests for information from installers and the number of incomplete permit applications, reducing demands on staff time.²
- Improving the processes and policies giving rise to some soft costs can result in **improved business prospects for solar companies**. More than 33% of installers say there are at least three communities they avoid because of permitting difficulties.³ Those communities are missing out on local revenue and affordable solar. Addressing these and other local regulatory issues can open your community for solar business, resulting in **positive impacts on jobs and economic development**.
- Lowering soft costs encourages more residents to go solar and dramatically **reduces greenhouse gas emissions**. A five kW solar photovoltaic system can reduce carbon dioxide emissions equivalent to that produced from 500 gallons of gasoline (nearly as much consumed by a typical passenger vehicle in a single year) or the amount of carbon dioxide sequestered by nearly four acres of U.S. forests each year.

1. Burkhardt, J., Wiser, R., Darghouth, N., Dong, C.G., Huneycutt, J. (2014). *How Much Do Local Regulations Matter? Exploring the Impact of Permitting and Local Regulatory Processes on PV Prices in the United States*. Retrieved April 15, 2016 from https://emp.lbl.gov/sites/all/files/local_regulations_and_pv_report.pdf

2. Interstate Renewable Energy Council. (2012). *Sharing Success: Emerging Approaches to Efficient Rooftop Solar Permitting*. Retrieved April 15, 2016 from <http://www.irecusa.org/publications/sharing-success/>

3. Clean Power Finance. (2012). *Nationwide Analysis of Solar Permitting and the Implications for Soft Costs*. Retrieved April 15, 2016 from https://solarpermit.org/media/CPF-DOE_Permitting_Study_Dec2012_Final.pdf

BENEFITS OF PARTICIPATION

Benefits of Designation

Pursuing SolSmart designation through actions to reduce soft costs and foster a positive solar market environment can provide communities with a number of more specific benefits, including:

- **National recognition** on the SolSmart website, through media campaigns, and other means.
- An opportunity to **receive awards for exceeding basic program requirements** and further distinguish your community from its peers.
- The ability to apply to host a SolSmart Advisor, **fully-funded temporary staff** assigned to between 30 and 40 communities for up to six months to help communities achieve SolSmart designation.

What We Can Achieve Together

The U.S. Department of Energy SunShot Initiative has set a goal to reduce the installed cost of residential solar to \$1.50 per watt by the year 2020. Though costs have declined dramatically over the last decade (and by over 40% since 2010), the national average cost for residential solar is still around \$3.50 per watt — suggesting much still needs to be done to achieve the SunShot goal. Further complicating this issue is the fact that much of the observed reductions in installed costs over the last few years have come from declines in hardware costs. Soft costs have yet to experience the reductions required to maximize the affordability of solar.

Fortunately, local governments are in a prime position to address soft costs and enhance the affordability of solar for customers in their jurisdiction. While a single local government taking action may only have a local impact, the SolSmart goal of designating at least 300 U.S. communities by 2018 will allow these collective impacts to be felt across the nation.

APPLICATION PROCESS AND TIMELINE

Process

The SolSmart designation program is focused on recognizing communities that have worked to improve the solar friendliness of their community and encourage solar market development. The first step for communities pursuing SolSmart designation is to establish a vision and concrete goals for the adoption of solar within the community via a **formal letter of commitment** and commitment to tracking key metrics. Details on requirements for the letter of commitment can be found in the designation criteria document and the help sections of the online application.

Secondly, communities complete actions in two **Foundational Categories**: Permitting and Planning, Zoning and Development. These two categories are areas where local governments can have significant influence on the ease, time, and cost to go solar. Previous SunShot Initiative projects have confirmed that transparency and clarity in local regulations are building blocks that set the stage for subsequent progress on soft cost reductions.

There are two prerequisites in the Permitting and Planning, Zoning and Development categories which communities must complete to receive SolSmart Bronze (create a permit checklist and conduct a review and develop a memo on existing barriers to solar in the zoning code). To receive SolSmart Silver, there are additional prerequisites in the Planning, Zoning and Development category, and the Inspection category. In addition to completing the SolSmart Silver prerequisites, there is a prerequisite in Permitting for SolSmart Gold.

Communities can earn points by taking actions across **Special Focus Categories** of their choice, which also encourage solar cost reductions. These categories include: Inspection, Construction Codes, Solar Rights, Utility Engagement, Community Engagement, and Market Development and Finance. **Special Awards** are available for communities that demonstrate significant achievement in any of these categories. Communities can submit projects that are not listed under the pre-determined designation criteria to receive Innovation points. These programs or policies will be eligible for credit as determined by a panel of experts and can potentially be selected to be showcased on the SolSmart website.

APPLICATION PROCESS AND TIMELINE

Timeline

The SolSmart program will accept applications on a rolling basis. Upon receipt, applications will be sent to a designation review team. Within one week of submission, the team will provide a confirmation that a community's application is under review. This process of review may take up to two weeks. Upon completion, SolSmart will inform the community whether they have earned designation.

Following receipt of a community's application status, both designated and non-designated communities can proceed towards these next steps:

- If a community is deemed **not ready for designation**, the review team will inform the applicant and connect the program's TA lead with the community to help address areas of improvement based on the original application.
 - Upon completion of TA, communities that were deemed not ready for designation will be encouraged and better positioned to re-submit their application for review.
- If a community is deemed **ready for designation**, a final check-in process will include the review team's formalization of your designated status and an announcement that your community has satisfied all program requirements via press release, social media and website announcement.
 - Additionally, communities deemed ready for designation will receive a tiered designation and recognition at the annual SolSmart award ceremony.
 - All communities who are deemed ready for designation will also be given the opportunity to access TA through the program to continue improving local solar market conditions.

ACCESSING TECHNICAL ASSISTANCE

Each community committed to pursuing SolSmart designation will be eligible to receive no-cost TA from the Technical Assistance Provider and its team of national solar and local government experts. As the goal of this TA is to help communities achieve designation, any assistance provided must be directed toward attaining of one or more SolSmart designation criteria.

Communities can access TA in two distinct ways. First, communities that apply to the program but that do not meet the requirements for designation upon initial review will be able to access TA services to help them achieve SolSmart designation. Members of the Technical Assistance Provider team (see the full list of organizations on page 1) will work with communities to meet the program prerequisites and address any additional actions necessary to achieve the points required to earn designation. Alternatively, communities that have already satisfied enough criteria to achieve the Bronze or Silver level of designation may indicate during the application process whether TA in achieving a higher level of designation is desired. While communities seeking higher levels of designation are eligible for TA, communities that have yet to achieve any level of SolSmart designation will be prioritized for service.

Communities can receive TA on any of the following actions to help them achieve SolSmart designation:

- Overall program prerequisite actions
- SolSmart Bronze prerequisite actions listed in the Permitting and Planning, Zoning, and Development categories
- SolSmart Silver prerequisite actions
- SolSmart Gold prerequisite actions
- Additional actions within any of the eight criteria categories
- Approved innovation actions

ACCESSING TECHNICAL ASSISTANCE

SolSmart Advisors Program

In addition to the standard no-cost TA services offered through the SolSmart program, communities pursuing designation can also apply to host a SolSmart Advisor – temporary, fully-funded staff provided through SolSmart to help host communities achieve designation. Advisors will evaluate existing local government policies and processes, develop plans for guiding their host communities toward designation, and apply proven industry-leading best practices in the execution of these plans. SolSmart Advisors will assist communities through engagements lasting up to six months.

Host communities will be selected through a highly competitive process. Factors for selection include: level of community need (based on benchmarking results from the designation application process) balanced with the achievability of what the applicant hopes to accomplish through an Advisor; potential for impact (based on population served; smaller communities can apply as a group or through a regional organization such as a Council of Governments or Regional Planning Commission); a plan for efficient use of the Advisor; geographic and socioeconomic diversity; previous engagements with the SolSmart program (e.g., Early Adopter status), and; commitment to attaining SolSmart designation. Additional factors — including long-term opportunities for Advisors in the community and an ability and willingness to cost share — are not required but will help make the community a more competitive applicant.

Applications for the first round of host communities will be accepted through the end of June 2016.

HOW TO GET HELP

For questions about the designation program, please contact:

Phone: 202-962-3595

Email: admin@solsmart.org

For questions about technical assistance, please contact:

Phone: 202-866-0895

Email: zgreene@solarfound.org

SolSmart Application



There are three levels of SolSmart designation for communities – below are the requirements for each:

BRONZE:

- Provide a Solar Statement outlining your community’s solar goals and commit to tracking key metrics such as number and capacity of installed Photovoltaic (PV) systems.
- Fulfill required actions in both of the Foundational Categories:
 - Permitting
 - Planning, Zoning, and Development Regulations
- Earn at least 20 points in each of the two Foundational Categories (above).
- Earn a total of 20 points from actions across the six Special Focus Categories: Inspection; Construction Codes; Solar Rights; Utility Engagement; Community Engagement; and Market Development and Finance.

Note: Actions in any of the Special Focus Categories count toward the 20-point target.

SILVER:

- Fulfill the requirements to become a SolSmart Bronze Community.
- Complete the two Silver-required actions in the Planning, Zoning, and Development Regulations and Inspection categories.
- Earn 100 points overall from actions taken in any combination of categories.

GOLD:

- Fulfill the requirements to become a SolSmart Silver Community.
- Complete the two Gold-required actions in Permitting and Planning, Zoning, and Development Regulations.
- Earn 200 points overall from actions taken in any combination of categories.

SPECIAL AWARDS:

- Communities that earn 60% of the points in a given category are eligible for special recognition.

Community applying:

State:

Community website:

Population:

Other solar awards/recognition earned by community:

kW of installed solar or number of installations:

Local contact:

Contact title:

Organization:

Department:

Contact email:

Contact phone:

- I am authorized to apply for and seek recognition for my community.
I understand that community data submitted through this application will be shared online.



STEP 1: SOLAR STATEMENT

PR-1: Solar Statement – Required for Designation

Our Solar Statement: *(Cut and paste your Solar Statement in the box below)*

Communities interested in pursuing SolSmart designation must indicate their commitment to supporting solar development in their community. These letters should include:

- A commitment to participate in the SolSmart designation process*
- A statement of solar goals, areas of focus or community priorities (e.g. Encouraging solar PV development on vacant lots or supporting non-profit led initiatives)*
- Past achievements or programs related to solar PV and/or renewable energy*
- Commitment to tracking metrics related to solar PV and/or provide benchmark of available solar metrics (i.e. number of installed municipal systems or growth in residential installations)*
- A commitment of staff time and resources to improve the local environment for solar PV*

These letters do not need to be more than a page in length. An editable example can be found here: (<http://www.solsmart.org/resources/sample-solar-statement/>) The SolSmart team can assist communities in prioritizing and establishing goals.

Documentation: *(Please share a link to a public webpage where your Solar Statement is displayed or attach it as a document.)*



STEP 2: FOUNDATIONAL CATEGORIES: PERMITTING AND PLANNING, ZONING AND DEVELOPMENT

To earn SolSmart Bronze designation, communities must:

- Complete the required actions in both Foundational Categories – i.e., Permitting and Planning, Zoning and Development Regulations.
- Earn at least 20 points in each of the Foundational Categories.

Permitting

P-1: Post an online checklist detailing the required permit(s), submittals, and steps of your community's permitting process for small rooftop solar PV (Required).	0
P-2: Post an online statement confirming a three-business day turnaround time for small rooftop solar PV (Required for Gold).	20
P-3: Distinguish between solar PV systems qualifying for streamlined and standard permit review.	5
P-4: Require no more than one permit application form for a small rooftop solar PV.	5
P-5a: Review permit fees for residential and commercial solar PV. Compile findings in a memo.	5
 Earn additional points: P-5b: Demonstrate that residential permit fees for solar PV are \$400 or less.	5
 Earn additional points: P-5c: Demonstrate that commercial permit fees for solar PV are based on cost-recovery and capped at a reasonable level so fees do not become a net revenue source. (e.g. fees cover the cost of the staff time required to review and process the permit application).	5
P-6: Process small rooftop solar PV permits in 10 business days or fewer.	10
P-7: Adopt a standard solar PV permit application form aligned with best practices (e.g. Solar ABCs).	10
P-8: Train permitting staff on best practices for permitting solar PV and/or solar and storage systems. Training must have occurred in the past five years.	10
P-9: Train fire and safety staff on solar PV and/or solar and storage systems. Training must have occurred in the past five years.	10
P-10: Develop a regular communication schedule to solicit recommendations from solar PV installers regarding procedural changes.	10
P-11: Provide an online process for solar PV permit submission and approval.	20



P-12a: Share site specific solar PV and/or solar and storage permit data, including addresses, with first responders and their departments. (e.g. Through software that allows users to view searchable, filterable data about a specific site and system).	10
P-12b: Share site specific solar PV and/or solar and storage system permit data, including addresses, with other local government departments (Not including first responders and their departments). (e.g. Through software that allows users to view searchable, filterable data about a specific site and system).	10

Planning, Zoning and Development Regulations

<p>PZD-1a: Review zoning requirements and identify restrictions that intentionally or unintentionally prohibit solar PV development. Compile findings in a memo. (Required). Examples include: height restrictions; set-back requirements; allowing solar PV “by-right” in residential and commercial zones without requiring a conditional use permit.</p>	0
<p> Earn additional points: PZD-1b: Present PZD-1a memo findings to planning commission or relevant zoning body.</p>	5
<p> Earn additional points: PZD-1c: Draft proposed language for changes to zoning code based on PZD-1a memo and PZD-1b dialogue. Involve planners and/or local zoning experts in the creation of the draft language.</p>	5
<p>PZD-2a: Post an online document from the Planning/Zoning Department that states accessory use solar PV is allowed by-right in all major zones (e.g. via a zoning determination letter). (Required for Silver, if PZD-2b isn’t achieved)</p>	0
<p>PZD-2b: Codify in the zoning ordinance that accessory use solar PV is explicitly allowed by-right in all major zones. Zoning ordinance language should not include intentional or unintentional barriers to accessory use solar, such as limits to visibility from public rights-of-way, excessive restrictions to system size, glare studies, subjective design reviews, and neighbor consent requirements. (Required for Gold, PZD-2a is optional)</p>	20
<p>PZD-3a: Review existing planning documents and identify new opportunities (not already included) to integrate solar PV into planning goals. Compile findings in a memo.</p>	5
<p> Earn additional points: PZD-3b: Draft proposed language and a timeline for the inclusion of solar PV in existing and/or future plans. Involved planners in the creation of draft language.</p>	5
<p>PZD-4: Provide clear guidance for the installation of solar PV on historic properties and in special overlay districts.</p>	10
<p>PZD-5a: Include quantifiable metrics and/or specific actions for solar PV development in the most current version of relevant local plans (e.g. energy plan, climate plan, comprehensive plan).</p>	10
<p>PZD-5b: Develop a primary use solar PV assessment that identifies all feasible sites for large-scale solar PV development within a jurisdiction.</p>	10
<p>PZD-6: Include guidelines for active and passive solar in development regulations (e.g. providing guidance for orientation of structures in subdivision regulations).</p>	10
<p>PZD-7: Provide development incentives for solar PV within the subdivision or zoning process, or as part of other development incentives (e.g., density or height bonuses for buildings that plan to install solar or tax-increment financing).</p>	20
<p>PZD-8: Incentivize solar PV development on parking lots, vacant lots, buffer lands around uses with nuisances (e.g. refineries, wastewater plants), brownfields, airport safety zones (with FAA approval), and non-building structures.</p>	20



Document 1

PZD-9: Train planning staff on best practices in planning and zoning for solar PV. Training must have occurred in the past five years.	10
PZD-10: Ensure that the zoning ordinance does one or more of the following for accessory use solar:	
↳ PZD-10a Permits small ground-mounted solar PV as an accessory use in at least one zoning district.	5
↳ PZD-10b Exempts rooftop solar PV from certain restrictions on accessory uses (e.g. height limits, rooftop equipment screening requirements, or other restrictions).	5
↳ PZD-10c Exempts small ground-mounted solar PV from certain restrictions on accessory uses (e.g. setbacks, coverage or impervious surface calculations, or other restrictions).	5
PZD-11: Post an online factsheet that provides an overview of what zoning allows for solar PV under what conditions (e.g. types and sizes of solar arrays permitted, the processes required, and other relevant information).	5
PZD-12: Ensure that the zoning ordinance does one or more of the following for primary use solar:	
↳ PZD-12a Establishes a clear regulatory pathway for primary use solar PV (e.g. through a special use permit or through inclusion among allowed conditional uses).	5
↳ PZD-12b Establishes solar energy zones and/or solar overlays for primary use solar PV.	5



STEP 3: SPECIAL FOCUS CATEGORIES

To earn SolSmart Bronze designation, communities must:

- Earn 20 points (total) from actions taken across the 6 Special Focus Categories: Inspection; Construction Codes; Solar Rights; Utility Engagement; Community Engagement; or Market Development and Finance. Any action in any Special Focus Category counts toward the goal of earning 20 points.

Special Focus: Inspection

I-1: Train inspection staff on best practices for permitting and inspecting solar PV and/or solar and storage systems. Training must have occurred within the past five years. (Required for Silver and Gold).	20
I-2: Require no more than two inspections for accessory use solar PV.	10
I-3: Offer inspection appointment times in lieu of appointment windows for solar PV.	10
I-4: Post solar PV inspection requirements online, including the inspection process and what details inspectors will review.	10
I-5: Complete solar PV inspections within 5 business days after inspection request.	10
I-6: Provide an online process for solar PV inspection scheduling.	20

Special Focus: Construction Codes

CC-1a: Provide Solar Ready Construction Guidelines for property/real estate developers to enable lower cost installation of future solar PV installations on buildings. Provide these resources at the permitting office and online.	5
 Earn additional points: CC-1b: Include guidance for solar PV on parking lots and other types of non-traditional structures.	5
CC-2: Incentivize new construction to be solar ready in at least one zoning district.	10
CC-3: Post online design guidelines for solar PV aligned with National Electrical Code and fire code.	5
CC-4: Require new construction to be solar ready in at least one zoning district by adopting Appendix U (International Code Council), Appendix RB (International Energy Conservation Code), or another mechanism.	10
CC-5: Codify a solar requirement for new construction and/or retrofits meeting a specific threshold, in at least one zoning district.	20



Special Focus: Solar Rights

SR-1: Post an online summary of state policies related to a property owner's solar access and solar rights, including links to state-level policy.	5
SR-2: Post consumer protection resources on solar PV online.	5
SR-3: Enable solar rights through a local solar access ordinance.	10
SR-4: Post an online checklist detailing the steps for recording solar easements for property owners.	10
SR-5a: Engage homeowners and neighborhood associations to discuss restrictive requirements for solar PV with the goal of reducing or eliminating them. Compile summary and next steps in a memo.	10
 Earn additional points: SR-5b: Encourage subdivisions to consider shared solar allowances.	5
 Earn additional points: SR-5c: Develop design guidelines for solar PV in partnership with homeowner associations.	5

Special Focus: Utility Engagement

U-1: Inform staff of best practices for integrating interconnection with electrical inspections.	5
U-2: Discuss community solar programs with the local utility. Compile summary and next steps in a memo.	10
U-3a: Discuss community goals for solar PV, net metering, and/or interconnection processes with the local utility and explore areas for future collaboration. Compile summary and next steps in a memo.	10
 Earn additional points: U-3b: Coordinate with regional organizations or other local governments to engage utilities.	5
U-4: Demonstrate coordination between local government inspectors and utility staff to reduce Permission to Operate timeline.	20
U-5: Launch or support a utility-provided community solar program.	20
 Earn additional points: U-5b: Encourage low-to-moderate income (LMI) participation in utility-provided community solar program through program design and/or financing support options.	10
U6: Provide residents with Community Choice Aggregation/Energy that includes solar PV as a power generation source.	20



Special Focus: Community Engagement

CE-1: Convene an active energy task force or solar working group that meets at least three times per year.	10
CE-2: Post a solar landing page on local government's website with information on the community's solar goals and local resources for solar development.	10
CE-3: Provide technical assistance and/or programs or processes to support solar PV development on non-profit and/or community-service orientated facilities.	10
CE-4a: Support or host a community-wide group purchase program (e.g., Solarize). Program must have occurred within the last 5 years.	20
 Earn additional points: CE-4b: Encourage low-to-moderate income (LMI) participation in community-wide group purchase program through program design and/or financing support options.	10
CE-5a: Host a solar workshop open to the general public and/or local government staff explaining solar PV opportunities and policies. Workshop must have occurred within the last 5 years.	5
CE-5b: Distribute educational materials at relevant community events and/or through local government channels.	5
CE-5c: Establish partnerships with local organizations within your community on solar PV multi-year goals and/or planned initiatives.	5
CE-5d: Demonstrate local government support for local solar projects through speeches, press releases, blog posts, opinion articles, etc.	5
CE-5e: Engage the community through recurring public meetings, focus groups, or other similar events around climate, energy, or sustainability plans and/or goals.	5
CE-6: Distribute solar job training and career opportunities in coordination with local colleges and/or workforce development organizations.	20
CE-7: Conduct feasibility analysis for solar PV on brownfields and/or other under-utilized properties.	10
CE-8: Install or lease land for solar PV development on brownfields and/or other under-utilized properties.	20
CE-9: Engage with regional organizations on advancing solar policies in the region such as unified permitting processes and group procurement opportunities.	20
CE-10: Demonstrate activity in state-level conversations regarding solar PV.	20
CE-11: Post an online solar map for your community.	20
CE-12a: Support a third party-provided community solar program. Note: this cannot be the same community solar program for which credit was received under Utility Engagement.	20
 Earn additional points: CE-12b: Encourage low-to-moderate income (LMI) participation in third party-provided community solar program through program design and/or financing support options.	10



Special Focus: Market Development and Finance

MDF-1: Provide online resources on active solar installers and/or local incentives for solar PV.	5
MDF-2: Make solar PV metrics publicly available.	5
MDF-3: Provide information to consumers about residential and commercial solar PV financing options.	5
MDF-4: Conduct feasibility analysis for solar PV installations on/at local government facilities.	10
MDF-5: Install solar PV on/at local government facilities.	20
MDF-6a: Provide PACE financing in your community.	10
 Earn additional points: MDF-6b: Demonstrate that PACE financing has been used to finance solar PV in your community.	10
MDF-7a: Provide local incentives (e.g. permit fee waivers or rebates) or locally-enabled finance (e.g., a revolving loan fund) for solar PV.	20
MDF-7b: Provide local incentives for solar PV to low-to-moderate income (LMI) households, Disadvantaged Business Enterprises (DBEs), and/or non-profit organizations that provide community services.	5
MDF-8: Engage local banks, credit unions, foundations and/or community funds about lending for solar PV projects through in-person meetings, discussions, and/or workshops. Compile summary and next steps in a memo.	20
MDF-9: Demonstrate that the community's installed per capita capacity is above top 20% of states (>99 watts/person).	20
MDF-10a: Conduct feasibility analysis for solar PV integrated with other technologies such as combined heat and power or electric vehicle charging on/at a local government facility.	10
Earn additional points: MDF-10b: Install solar PV integrated with other technologies such as combined heat and power or electric vehicle charging on/at a local government facility.	20
MDF-11a: Conduct feasibility analysis for solar PV plus storage on/at a critical local government facility.	10
Earn additional points: MDF-11b: Install solar PV plus storage on/at a critical local government facility.	20



INNOVATIVE ACTIONS

The actions identified in the categories above represent many of the most common and impactful efforts communities are taking to reduce soft costs and make going solar easier and more affordable for residents. However, we know that communities across the country are developing innovative ways to help reduce soft costs. If your community has taken action to reduce soft costs that wasn't captured in the above application, please share it with us in the table below. Innovative actions will be reviewed by a team of solar experts and each action may be worth up to 20 points.

Innovative Actions

Category	Action(s)	Documentation
Permitting		Share link:
Planning, Zoning and Development Regulations		Share link:
Inspection		Share link:
Construction Codes		Share link:
Solar Rights		Share link:
Utility Engagement		Share link:
Community Engagement		Share link:
Market Development and Finance		Share link:



Designation Checklist

Step Completed

STEP 1: SOLAR STATEMENT

Solar Statement	Statement Submitted	<input type="checkbox"/>
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STEP 2: FOUNDATIONAL CATEGORIES

Permitting	Required Action(s)	Points: 20+ required for Bronze	<input type="checkbox"/>
Planning, Zoning, & Development Regulations	Required Action(s)	Points: 20+ required for Bronze	<input type="checkbox"/>

STEP 3: SPECIAL FOCUS CATEGORY POINTS

Inspection	Points:	<input type="checkbox"/>
Construction Codes	Points:	<input type="checkbox"/>
Solar Rights	Points:	<input type="checkbox"/>
Utility Engagement	Points:	<input type="checkbox"/>
Community Engagement	Points:	<input type="checkbox"/>
Market Development and Finance	Points:	<input type="checkbox"/>
Special Focus Points Must be 20 or greater for Bronze		0
TOTAL POINTS including foundational Must be at least 100 for Silver and 200 for Gold		0



Solar Energy Task Force of Lake County Communities

I. INTRODUCTION

This Model Ordinance was developed by the Solar Energy Task Force of Lake County Communities, a cooperative effort by representatives from more than eighteen local jurisdictions with technical assistance from the Solar Foundation and National Renewable Energy Laboratory. Lake County Communities include the different jurisdictions of the local municipalities and unincorporated areas of Lake County. The Solar Energy Task Force encourages each Lake County Community to evaluate the separate provisions of this Model Ordinance, with attorney review, to assure that the guidelines will suit their own particular needs, including the decision to allow their solar energy systems as permitted or as a Conditional or Special Use permit.

II. PURPOSE AND INTENT

- i. To establish reasonable and uniform regulations for the location, installation, operation, maintenance, and decommissioning of solar energy systems.
- ii. To assure that any development and production of solar energy in [the Lake County Community]* is safe and to minimize any potentially adverse effects on the community.
- iii. To promote the supply of sustainable and renewable energy resources in support of national, state, and local goals.
- iv. To facilitate energy cost savings and economic opportunities for [Lake County Community]* residents and businesses.

*If including a purpose and intent section into a resolution or ordinance, replace text in brackets with the name of the appropriate jurisdiction.

III. HOW TO USE THE MODEL ORDINANCE

The regulatory language provided here is not intended to be a stand-alone section of a zoning ordinance. This model ordinance assumes that municipalities have typical sections within their codes, and that several of these sections will be amended to fit their community's needs. Within this model ordinance, the sections that may need to be amended include: Definitions, Use Regulations, Review Procedures, Dimensional Standards, Additional Provisions and Exceptions, and Decommissioning. These are listed below in Sections 1.0 through 6.0, respectively. Please note, each subsection listed (ex. Section 1, 1.1, 1.1.2, etc.) is a generic heading and will need to be modified to fit each communities' regulatory language and framework.

Options: For text marked as “Option” in the model ordinance, each community can independently decide to include or remove it. In some instances, the “Option” is intended to expand on the recommended language above it, in other cases it is meant to serve as a replacement for the text above. If the language is to be incorporated into the text, the heading of “Option” should be removed, otherwise, the entire section should be deleted. If the optional text is intended as a replacement, remove the preceding section.

Use Regulations: In addition to the Use Regulation section(s) pertaining specifically to zoning district classifications, this model ordinance offers regulations for residential zoning districts based on lot size. For the purpose of this model ordinance, residential districts are divided into small, medium, and large lot districts, however, communities likely use more specific designations such as residential-1, residential-6, estate, et and the language should be tailored to reflect communities’ individual designations. The model ordinance also offers regulations for agricultural districts, which accommodate large lot agricultural land uses and institutional districts, which include campus settings such as schools, churches, or hospitals.

Accessory vs. Principal Use: With ground-mounted solar energy systems, the definition for principal and accessory uses will likely vary from community to community. This model ordinance assumes that municipalities will have definitions of accessory and principal uses within their zoning ordinances and that solar energy systems will be classified in accordance with existing provisions. Otherwise communities will need to amend their codes to specifically define principal or accessory solar energy systems.

Types of Solar: While it is anticipated that installed solar systems will most frequently be photovoltaic, this model ordinance uses the broader term of a solar energy system, which includes solar thermal systems. Please note, this model ordinance expressly prohibits concentrated solar thermal system, however, nonconcentrated solar thermal systems shall be allowed (e.g. solar hot water heating).

Solar Energy Systems Model Ordinance

1.0 DEFINITIONS

Building-integrated Solar Energy System: An active solar energy system that is an integral part of a principal or accessory structure, 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, or awnings.

Concentrated Solar Thermal Technology: A solar energy technology that uses lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area.

Ground-mounted Solar Energy System: A solar energy system mounted on a rack or pole that is attached to or ballasted on the ground. Ground-mounted systems can be either accessory or principal uses.

Roof-mounted Solar Energy System: A solar energy system that is fastened to or ballasted on a building roof. Roof-mounted systems are accessory to the principal use.

Solar Array: A solar array is a group of solar panels wired together. An array consists of multiple solar modules (solar panels).

Solar Energy System: A device or structural design feature to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Large-Scale: A ground-mounted solar energy system that occupies more than 40,000 square feet of surface area (Option: equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium-Scale: A ground-mounted solar energy system that occupies more than 1,750 but less than 40,000 square feet of surface area (Option: equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

Solar Energy System, Small-Scale: A ground-mounted solar energy system that occupies 1,750 square feet of surface area or less (Option: equivalent to a rated nameplate capacity of about 10 kW DC or less).

Solar Panel: A device that is used to convert radiant solar energy into electrical current.

Option:

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

2.0 USE REGULATIONS

2.1 USE TABLE

Principal Use	Residential Small Lot	Residential Medium Lot	Residential Large Lot	Commercial	Industrial	Institutional/ Agricultural
Solar Energy System, Large-Scale	C/S* (Option: N)	C/S*	C/S*	C/S*	P*	C/S*
Solar Energy System, Medium-Scale	C/S* (Option: N)	C/S*	C/S*	P*	P*	C/S* (Option: P)
Solar Energy System, Small-Scale	P (Option: C/S)	P (Option: C/S)	P (Option: C/S)	P	P	P

Accessory Use	Residential Small Lot	Residential Medium Lot	Residential Large Lot	Commercial	Industrial	Institutional/ Agricultural
Building-Integrated Solar Energy System	P	P	P	P	P	P
Roof-Mounted Solar Energy System	P	P	P	P	P	P
Solar Energy System, Large-Scale [†]	C/S* (Option: N)	C/S*	C/S*	C/S*	P*	C/S*
Solar Energy System, Medium-Scale [†]	C/S* (Option: N)	C/S*	C/S*	P	P	P
Solar Energy System, Small-Scale [†]	P	P	P	P	P	P

N = Not Permitted P = Permitted C/S = Conditional or Special Use Permit *General Development Standards Apply

Option

[†] Accessory use ground-mounted solar energy systems of all sizes (small, medium, or large) shall be permitted in all zoning districts for those institutional, commercial, or industrial uses with campuses comprised of 10 acres or more.

2.2 USES LISTED (ALTERNATIVE FORMAT TO USE TABLE)

Residential Districts:

Section 1: Uses Permitted

- 1.1 Building-Integrated Solar Energy Systems
- 1.2 Roof-Mounted Solar Energy Systems
- 1.3 Small-Scale Solar Energy Systems (Accessory or Principal Use)

Section 2: Uses Permitted by Conditional/Special Use

- 2.1 Medium-Scale Solar Energy Systems (Accessory or Principal Use)
- 2.2 Large-Scale Solar Energy Systems (Accessory or Principal Use)

Option:

Section 3: Uses Not Permitted

- 3.1 Medium-Scale Solar Energy Systems in Residential – Small Lot (Accessory or Principal Use)
- 3.2 Large-Scale Solar Energy Systems in Residential – Small Lot (Accessory or Principal Use)

Section 4: Uses Permitted by Conditional/Special Use

- 4.1 Small-Scale Solar Energy Systems in Residential – Small, Medium or Large Lot (Principal Use)

Commercial Districts:

Section 1: Uses Permitted

- 1.1 Building-Integrated Solar Energy Systems
- 1.2 Roof-Mounted Solar Energy Systems
- 1.3 Small-Scale Solar Energy Systems (Accessory or Principal Use)
- 1.4 Medium-Scale Solar Energy Systems (Accessory or Principal Use)

Section 2: Uses Permitted by Conditional/Special Use

- 2.1 Large-Scale Solar Energy Systems (Accessory or Principal Use)

Industrial Districts:

Section 1: Uses Permitted

- 1.1 Building-Integrated Solar Energy Systems
- 1.2 Roof-Mounted Solar Energy Systems
- 1.3 Small-Scale Solar Energy Systems (Accessory or Principal Use)
- 1.4 Medium-Scale Solar Energy Systems (Accessory or Principal Use)
- 1.5 Large-Scale Solar Energy Systems (Accessory or Principal Use)

Institutional/Agricultural Districts:

Section 1: Uses Permitted

- 1.1 Building-Integrated Solar Energy Systems
- 1.2 Roof-Mounted Solar Energy Systems
- 1.3 Small-Scale Solar Energy Systems (Accessory or Principal Use)
- 1.4 Medium-Scale Solar Energy Systems (Accessory Use)

Section 2: Uses Permitted by Conditional/Special Use

- 2.1 Large-Scale Solar Energy Systems (Accessory or Principal Use)
- 2.2 Medium-Scale Solar Energy Systems (Principal Use)

Option:

Section 1: Uses Permitted

- 1.5 Medium-Scale Solar Energy Systems (Principal Use)

3.0 REVIEW PROCEDURES

3.1 GENERAL DEVELOPMENT STANDARDS

Section 1: Applicability

1.1 Medium and Large-scale solar energy systems proposed within all zoning districts shall comply with the general development standards as specified within this code. These standards shall include landscape buffering, natural resource protection provisions, signage, outdoor lighting, and traffic/access. Approval of general development standards may be obtained concurrently at the time of any required Special/Conditional Use or prior to permit issuance for those uses permitted in the underlying zoning district.

4.0 DIMENSIONAL STANDARDS

4.1 SETBACKS AND LOT COVERAGE

Section 1: Principal Use Setbacks

1.1 Medium and Large-Scale ground-mounted solar energy systems must meet the setback requirements for a principal structure in the underlying zoning district.

Option:

In addition to setback requirements for principal structures, Medium and Large-Scale ground-mounted solar energy systems shall be located a minimum of 100 feet from any existing residential structures on any adjoining parcel.

Section 2: Accessory Use Setbacks

2.1 Small and Medium-Scale ground-mounted solar energy systems must meet the setback requirements for an accessory structure in the underlying zoning district.

Option:

In addition to setback requirements for accessory structures, ground-mounted accessory use solar energy systems shall be located a minimum of thirty (30) feet from any existing habitable structures on any adjoining parcel.

Section 3: Street Setbacks

3.1 Accessory use ground-mounted solar energy systems located in residential zoning districts shall not be located between the principal building and any road right-of-way.

Section 4: Lot Coverage

4.1 Ground-mounted solar panels shall not be included in calculations for lot coverage or Impervious Surface Ratio (ISR).

Section 5: Accessory use lot coverage

5.1 Accessory use ground-mounted solar energy systems accessory to residential uses located in residential zoning districts shall not exceed 5% of the net buildable area of a lot, or 500 square feet, whichever is less.

Option:

5.2 Accessory use ground-mounted solar energy systems located in residential zoning districts shall not exceed 10% of the rear yard area.

4.2 HEIGHT

Section 1: Ground-Mounted Principal Use Height

1.1 The total height shall not exceed 15 feet, as measured from grade to the highest point of the solar arrays.

Option:

The total height shall not exceed 10 feet, as measured from grade to the highest point of the solar arrays. In instances when greater height is deemed necessary to allow for maximum efficiency of the solar energy system, or when necessary to address site constraints such as topography, the Planning Director shall be authorized to allow a maximum height of 15 feet.

Section 2: Ground-Mounted Accessory Use Height

2.1 The total height shall not exceed 10 feet, as measured from grade to the highest point of the solar arrays. In instances when greater height is deemed necessary to allow for maximum efficiency of the solar energy system, or when necessary to address site constraints such as topography, the Planning Director shall be authorized to allow a maximum height of 15 feet.

Option:

The total height shall not exceed 15 feet, as measured from the grade to the highest point of the solar arrays.

Section 3: Roof-Mounted Height Exception

- 3.1 Roof-mounted solar energy systems are exempt from zoning district height limits. However, roof-mounted solar energy systems shall not exceed six feet above the height of the building, or the minimum height required to meet applicable building or fire regulations.

Option:

Roof-mounted solar energy systems are exempt from zoning district height limits on structures with a flat roof and shall not exceed six feet above the height of the building, or the minimum height required to meet applicable building or fire regulations. Roof-mounted solar energy systems on structures with a pitched roof may not exceed the zoning district height limits and shall be flush-mounted.

5.0 ADDITIONAL PROVISIONS AND EXCEPTIONS

Section 1: Exceptions

- 1.1 Ground-mounted accessory solar energy systems shall not be counted towards the maximum number of accessory structures on a single parcel, provided they comply with all other general accessory use standards.
- 1.2 Mechanical and electrical storage systems associated with solar energy systems may encroach into required setbacks, provided they do not encroach more than three feet into a required setback and are located at least four feet from all lot lines.

Option:

- 1.2 Accessory use ground-mounted solar energy systems may encroach into required setbacks, provided they do not encroach more than three feet into the required setback and are located at least four feet from all lot lines.

Section 2: Utility Connection

- 2.1 A principal use solar energy system connected to the utility grid must provide written authorization from the local utility company acknowledging and approving such connection prior to building permit issuance.

Section 3: Lighting

- 3.1 Lighting of ground-mounted solar energy systems shall be consistent with local, state, and federal laws. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

Section 4: Signage

- 4.1 Signs on principal use ground-mounted solar energy systems shall comply with the signage requirements of the underlying zoning district. A sign consistent with a municipality's sign bylaw/ordinance shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Section 5: Native Plantings

5.1 In order to prevent erosion, manage run-off, and provide ecological benefit, medium and large-scale ground-mounted solar energy systems shall be planted with “low-profile” native prairie species, and use a mix appropriate for this region and site-specific soil conditions.

Option:

Commentary: Pollinator Friendly Solar Site Act, 525 ILCS 55/1, establishes a scorecard for solar site vegetation that provides foraging habitat for game birds, songbirds, and pollinators, and prevents weeds, reduces storm water runoff, and erosion.

Section 6: Concentrated Solar Technology

6.1 No solar energy system may utilize concentrated solar thermal technology in any zoning district.

6.0 DECOMMISSIONING AND ABANDONMENT

Section 1: Removal Requirements

1.1 Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the permitting authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- 1.1.1 Physical removal of all solar energy systems, structures, equipment, security barriers and electrical wiring lines from the site.
- 1.1.2 Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- 1.1.3 Stabilization or re-vegetation of the site as necessary to minimize erosion. The permitting authority may allow the owner or operator to leave landscaping or designated below-grade foundations or electrical wiring in order to minimize erosion and disruption to vegetation.

1.2 Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a principal use or accessory use medium/large scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the permitting authority. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the permitting body having jurisdiction retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned ground-mounted solar energy system and lien the property for such costs. As a condition of Site Plan and/or Special/Conditional Use Permit approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation.

Option

Section 2: Decommissioning Plan and Assurances

2.1 Prior to permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after a principal use or accessory use medium/large scale ground-mounted solar energy system has been removed from the property. Decommissioning shall include the removal of all elements listed in sections 1.2.1 above. Access roads, fencing, groundcover, and landscaping may remain only if it can be shown to be compatible with the future use of the property.

2.2 Prior to permit issuance, the operator shall submit an engineer's estimate of probable cost for decommissioning the principal use or medium/large scale ground-mounted solar energy system and restoring the site in accordance with the approved decommissioning plan. Upon review and approval of the estimate, by the Planning Director the operator shall obtain a bond, letter of credit, or other form of surety acceptable to the permitting authority in the amount of 130% of the engineer's estimate.

TITLE 6

CHAPTER 17

ALTERNATIVE ENERGY COLLECTION SYSTEMS

Section:

- 6-17-1 Purpose and Intent**
- 6-17-2 Definitions**
- 6-17-3 General Wind Energy Systems Regulations**
- 6-17-4 Micro Wind Energy Systems (MWES)**
- 6-17-5 Small Wind Energy Systems (SWES)**
- 6-17-6 Solar Energy Systems (SES)**
- 6-17-7 Decommissioning and Restoration Plan (Abandonment and Removal)**

6-17-1: PURPOSE AND INTENT

The Purpose and Intent of this Chapter 17 is hereby declared:

- A. To provide specific regulations for the placement, construction and modification of alternative energy collection systems. The provisions of this Chapter shall not be applied in such a manner as to unreasonably discriminate between the various different companies that provide alternative energy collection systems. To the extent that any provision or provisions of this Chapter are inconsistent or in conflict with any other provision of this Title, the provisions of this Chapter 17 shall control.
- B. To facilitate energy cost saving and economic opportunities for local residents and businesses.
- C. To promote the supply of alternative energy in support of increasing sustainable energy production from renewable energy sources.
- D. To establish reasonable and uniform regulations for the operation, location, maintenance, installation, and decommissioning of alternative energy collection systems to minimize their potentially adverse effects on the community.

- E. To preserve the aesthetics of the respective zoning districts for the purpose of preserving property values and protecting the public health, safety, morals, and welfare of the Village.

6-17-2: DEFINITIONS:

Alternative Energy Collection System	Any above-ground device which captures wind or solar energy to be converted into electricity or heat for public or private use.
Blade	The extended vanes of a Wind Turbine which move in a circular direction caused by passing wind or connected motor.
Decommission and Restoration Plan	A report which outlines the plan and financing for removal of an inoperable and/or abandoned alternative energy collection system and restoration of disturbed land and improvements caused by the installation and removal of any such system.
FAA	The Federal Aviation Administration of the United States Department of Transportation.
Horizontal Axis Turbine	A wind turbine that rotates on a horizontal axis, typically with propeller blades. This definition includes reference to the illustration of such turbine on this page for explanatory, but not limiting, purposes.
Monopole Tower	A single pole structure that supports a Wind Turbine, without the use of guy wires or similar support system.
Micro Wind Energy System (MWES)	A wind powered mechanical energy conversion system consisting of a wind turbine component, support tower, and associated control or conversion electronics which is professionally manufactured and installed and intended for small, private use purposes.
Off-Grid	An Alternative Energy Collection System that is not connected to the utility electric grid.
Rotor Diameter	The measurement of blade rotation which is formulated by a straight line passing through the center of the circular path of blade travel and terminating at the periphery. This definition includes reference to the illustration of such measurement on this page for explanatory, but not limiting, purposes.
Shadow Flicker	The on-and-off strobe light effect caused by the shadow of moving turbine blades cast by the sun passing through the rotating turbine.

Small Wind Energy System (SWES)	A wind powered mechanical energy conversion system consisting of a wind turbine component, support tower, and associated control or conversion electronics which is professionally manufactured and installed, and operated in any non-residential development or multi-family residential development.
Solar Panel	A panel containing solar cells or heat-absorbing plates which convert and/or collect and store sunlight into heat or electricity.
Solar Energy System (SES)	A professionally manufactured system which uses solar panels made of solar cells, heat-absorbing plates or other elements to convert sunlight directly into electricity or for electric storage and use.
Sun Reflection	The return of light after striking any portion of an Alternative Energy Collection System, also referred to as GLARE.
Total extended Height	The height above grade to the highest point of travel of a Wind Turbine.
Tower Height	The height above grade of the fixed portion of the tower, excluding the wind turbine itself.
Vertical Axis Turbine	A wind turbine that rotates on a vertical axis with blades forming a spiral or helical shape. This definition includes reference to the illustration of such turbine on this page for explanatory, but not limiting, purposes.
Wind Turbine	A machine having a rotor, usually with vanes or blades mounted horizontally or vertically, driven by the wind for the purposes of converting wind into electricity for public or private use.

6-17-3: GENERAL WIND ENERGY SYSTEMS REGULATIONS

A. GENERAL: A Micro Wind Energy Collection System (MWES) and Small Wind Energy System (SWES), as referenced in Section 6-17-2, may be erected or installed only in accordance with this Title 6, Chapter 17 of the Village Code and conform to all Federal laws and regulations, as amended from time to time, concerning its use and operation, and shall be further subject to the following standards:

1. Shall be installed primarily for the production and consumption of energy on the parcel upon which it is installed; energy produced in excess of

consumption may be sold back to the electric utility service provider that serves the proposed site for use with the existing energy grid.

2. Shall be finished in a non-reflective color to prevent Sun Reflection. The exterior color shall be camouflaged so as to blend into the surroundings to such an extent to be unobtrusive to the casual observer.
3. Shall not have any advertisement material, writing, picture, or signage other than warning notification(s) and/or equipment identification.
4. All wiring between a Wind Turbine and the principal structure shall be underground or contained within conduit which matches the principal building materials and shall conform to Title 5, Chapter 4 of the Village Code.
5. No habitable portion of an existing adjacent structure shall be subject to Shadow Flicker from a Wind Turbine, unless mitigation has taken place and has been agreed upon by the owner/operator and neighboring property owner(s). Shadow Flicker onto an adjacent roof and/or exterior wall which does not contain any windows, doors, and like openings shall be acceptable. Such mitigation agreement must be recorded with the Lake County Recorder's Office with a copy provided to the Village's Department of Community Development. If no such mitigation agreement has been established, the operation of an Alternative Energy Collection System shall cease during those times which cause the Shadow Flicker. This requirement shall apply even where the adjacent property affected by Shadow Flicker is under common ownership at the time of construction, provided that in lieu of a mitigation agreement the owner shall record a notice, in the form described in Appendix A, against the adjacent commonly owned parcels affected by the Shadow Flicker.
6. No portion of an Alternative Energy Collection System shall be artificially illuminated except to the extent required by the FAA or other applicable authority.
7. Any Free-Standing Alternative Energy Collection System shall be protected against unauthorized access by the public and no climbing foot pegs or rungs shall be permitted below twelve feet (12') to prevent unauthorized climbing.
8. Shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that manufacturer's have obtained from

Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party.

9. Shall be equipped with manual and/or automatic controls and mechanical brakes to limit rotation of blades to a speed below the manufacturers designed limits. A licensed professional engineer or authorized factory representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from the certified design shall be permitted unless accompanied by a licensed professional engineer's or authorized factory representative's statement of certification.

B. PERMITS: No such Micro Wind Energy Collection System (MWES) and Small Wind Energy System (SWES), as referenced in Section 6-17-2, shall be erected, constructed, altered or relocated without first obtaining a building permit from the Department of Community Development. An application for a building permit shall be made upon forms provided by the Department of Community Development, signed by the Applicant, and contain or have attached thereto the following information:

1. Name of person, firm, corporation or association constructing and erecting the wind energy system.
2. Site plan showing the location of the wind energy system upon the lot and copies of the manufacturer's specifications for the wind energy system.
3. Name, address, and telephone number of the applicant, and the name of a responsible party in the case of corporate applications.
4. Written consent of the owner of the building structure or land on which the wind energy system is to be erected.
5. Elevation(s) of the existing structural improvements and the proposed wind energy system showing the size and design details of the Wind Turbine and the Total Extended Height above grade.
6. Evidence that the electric utility service provider that serves the proposed site has been notified of the owner's intent to install an interconnected customer-owned electricity generator. Off-grid wind energy systems shall be exempt from this requirement.
7. Four (4) sets of plans and specifications showing the method of construction, location, support, and attachment to the ground or structure.

8. If required by the Department of Community Development, a copy of stress sheets and calculations prepared by a professional engineer licensed by the State of Illinois showing that the wind energy system is designed for the deadload and wind pressure in any direction, in the amount required by the manufacturer and all other laws and ordinances of the Village Code.
9. A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the Village Code.
10. Such other information that the Department of Community Development shall require to show full compliance with this and all other ordinances of the Village.
11. Every wind energy system must be accompanied with a written certification of a professional engineer licensed by the State of Illinois that the structure upon which the facility is located is sufficient from a structural engineering standpoint to bear the load. Free-standing wind energy systems shall include a certificate that the foundation on which the structure is built is constructed and engineered to take into account the existing soil conditions. The professional engineer shall also certify that in the event of a fall or collapse, that the facility is designed and manufactured to fall entirely within the boundary lines of the lot on which it is located and that installation meets or exceeds the minimum construction and installation standards set forth by the manufacturer.

6-17-4: MICRO WIND ENERGY SYSTEMS (MWES)

Micro Wind Energy Collection System (MWES), as referenced in Section 6-17-2, may be erected or installed only in accordance with this Title 6, Chapter 17 of the Village Code and shall be further subject to the following standards:

- A. Sound levels shall not exceed forty-five decibels (45 dB(A)) as measured at a height of five feet (5') directly above the adjoining property lines during operation.
- B. BUILDING-MOUNTED MWES:

1. Shall be permitted in the R1, R2, R2A, R3, R4, and R5 Zoning Districts and limited to one (1) Vertical Axis Turbine or one (1) Horizontal Axis Turbine with a maximum Rotor Diameter of ten feet (10').
 - a. The Wind Turbine shall be permitted to extend a maximum of five feet (5') above the principal structure.
 - b. May be mounted onto the roof or structurally attached to the side of the principal structure, and shall not extend into the required building setbacks.
2. Shall be permitted in the B1, B2, E, and O/I Zoning Districts, subject to review by the Architectural Review Board and limited to one (1) Vertical Axis Turbine or one (1) Horizontal Axis Turbine with a maximum rotor diameter of ten feet (10').
 - a. The Wind Turbine shall be permitted to extend a maximum of twenty feet (20') above the principal structure, or the maximum structure height permitted by the zoning district in which the facility is located, whichever is less.
 - b. May be mounted onto the roof or structurally attached to the side of the principal structure, and shall not extend into the required building setbacks.

C. FREE-STANDING MWES:

1. Shall be permitted only as a Special Use for authorized non-residential uses in R1 Zoning District with a minimum lot size of twenty (20) acres.
2. Shall be permitted in the B1, B2, E, and O/I Zoning Districts only as a Special Use and subject to review by the Architectural Review Board and approved or denied by the Village Board.
3. Shall be limited to one (1) Vertical Axis Turbine or one (1) Horizontal Axis Turbine with a maximum Rotor Diameter of ten feet (10') with a monopole tower.
4. SETBACKS:
 - a. At no point shall a free-standing MWES be permitted within the front yard or project beyond the front plane of the principal structure.

- b. The base of the tower of a free-standing MWES shall be located a minimum distance equal to the Total Extended Height from all side, corner side, and rear property lines. A MWES may be allowed closer to a side or rear property line than its Total Extended Height provided the abutting property owner(s) grant written permission, which must be recorded with the Lake County Recorder's Office, with a copy provided to the Department of Community Development. This requirement shall apply even where the adjacent property owner affected by the Total Extended Height is under common ownership at the time of installation.

5. HEIGHT:

- a. Shall be permitted to extend a maximum of twenty feet (20') above the principal structure, or shall be subject to the maximum structure height permitted by the zoning district in which the facility is located, whichever is less.

D COMPLIANCE: Every MWES must maintain compliance with the plans and specifications approved by the permit. If a MWES becomes non-compliant with approved plans and specifications due to, but not limited to: discoloration, cracking, missing components, rusting, settling, damage or general disrepair; then the owner/operator of the MWES and the owner of the building or lot on which the MWES is located will be jointly and severally responsible for remedying the specific non-conformities. These non-conformities must be remedied within forty-five (45) days after receipt of written notice sent by the Village to the owner/operator of the MWES and the owner of the building or lot. Failure to remedy all of the cited non-conformities, within the forty-five (45) day time period, shall be subject to the fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1. (Ord. Amd. 10-3131-08, eff. 3/22/10)

6-17-5 SMALL WIND ENERGY SYSTEMS (SWES)

As referenced in Section 6-17-2, may be erected or installed only in accordance with the Title 6, Chapter 17 of the Village Code and shall be further subject to the following standards:

- A. Shall be permitted in the R4, R5, B1, B2, E, and O/I Zoning Districts only as a Special Use and subject to review by the Architectural Review Board and approval or denial by the Village Board.

- B. Shall be limited to one (1) Vertical Axis Turbine or one (1) Horizontal Axis Turbine with a Monopole Tower, with a Rotor Diameter greater than ten feet (10').
- C. Sound levels shall not exceed fifty-five decibels (55 dB(A)) as measured at a height of five feet (5') directly above any adjoining property line. Sound levels from an SWES which abuts a residence shall not exceed forty-five decibels (45 dB(A)), as measured at a height of five feet (5') directly above the adjoining property line.
- D. Ground-mounted equipment shall be screened pursuant to Section 6-15-5-B-2.
- E. SETBACKS/LOCATION
 1. At no point shall a free-standing SWES be permitted within the front yard or project beyond the front plane of the principal structure.
 2. A SWES may be attached to an existing principal structure, provided all minimum yard requirements applicable to the principal structure are also satisfied for the SWES.
 3. The base of the tower of a free-standing SWES shall be located a minimum distance equal to the Total Extended Height of the SWES from all side, corner side, and rear property lines. A SWES may be allowed closer to a side or rear property line than its Total Extended Height provided the abutting property owner(s) grant written permission, which must be recorded with the Lake County Recorder's Office, with a copy provided to the Department of Community Development. This requirement shall apply even where the adjacent property affected by the Total Extended Height is under common ownership at the time of installation.
 4. At no point shall a SWES be located within any required yards.
 5. Any SWES which abuts a residence shall be located a minimum distance equal to one hundred and ten percent (110%) of its Total Extended Height, as measured from the base of the tower to the nearest abutting residence property line.
 6. Any SWES shall be located a minimum distance equal to the Total Extended Height from the nearest above ground public utility lines and/or

Personal Wireless Telecommunications Facility, as measured from the base of each.

F. HEIGHT

1. The Wind Turbine shall be permitted to extend a maximum of twenty feet (20') above the principal structure, or shall be subject to the maximum structure height permitted by the zoning district in which the facility is located, whichever is less.
1. The lowest point of the arc of the blade of a SWES shall have a minimum ground clearance of twenty feet (20') from grade.
2. Height Exceptions: If an Applicant desires a height exception greater than the maximum permitted height for the zoning district in which the SWES is located, the Applicant shall file a Certificate of Necessity executed by a licensed professional engineer acceptable to the Village and not in the employ of the Applicant. The holding of a public hearing before the Zoning Board and approval by the Village Board shall be required. Notice of a public hearing shall be given in the same manner as is required in Chapter 14 of this Title 6 for Zoning Variations. The Certificate of Necessity shall provide a statement, from the engineer, that the relief requested is the minimum necessary to accomplish the Applicant's purpose and that unless relief is granted, the wind to be received by this system will be substantially impaired or obstructed within the selected installation area. In addition, no exceptions may be granted pursuant to this subparagraph unless a sealed survey by a licensed surveyor is submitted along with the Certificate of Necessity showing the location and height of the obstructing structures or vegetation and its effects on wind and turbulence.
3. Compliance Reports: Any SWES for which a height exception is necessary that exceeds the maximum building height permitted for the zoning district in which a SWES is located must submit the following compliance reports contemporaneously with the holding of a public hearing for a height exception described in subparagraph 3 above:
 - a. The Applicant shall file a certificate of compliance that no portion of a SWES will project above any airspace surfaces described by the FAA guidance on airspace protection or that it shall be permitted and illuminated in accordance with applicable laws and regulations.

- b. A wildlife study shall be conducted by a qualified professional not in the employ of the Applicant, such as an ornithologist or wildlife biologist, to determine if there is any potential impact the SWES may present to migratory birds and wildlife species. In cases where the wildlife study indicates that a protected natural resource will be adversely affected by an SWES, the Village shall consult with the Illinois Department of Natural Resources (IDNR), in accordance with Title 17 of the Illinois Administrative Code Part 1075, to determine whether the protective measures outlined in the study are deemed acceptable. A final decision on the application shall not be made until such consultation with IDNR is resolved.

G. **COMPLIANCE:** Every SWES must maintain compliance with the plans and specifications approved by the Village Board of Trustees. If a SWES becomes non-compliant with approved plans and specifications due to, but not limited to: discoloration, cracking, missing components, rusting, settling, damage or general disrepair; then the owner/operator of the SWES and the owner of the building or lot on which the SWES is located will be jointly and severally responsible for remedying the specific non-conformities. These non-conformities must be remedied within forty-five (45) days after receipt of written notice sent by the Village to the owner/operator of the SWES and the owner of the building or lot. Failure to remedy all of the cited non-conformities, within the forty-five (45) day time period, shall be punishable by a fine not exceeding the amount described per day that the violation continues, pursuant to Chapter 4 of Title 1 of the Village Code.

H. **ENGINEERING CERTIFICATION:** No SWES may be located within the Village unless the Applicant has provided to the Village the written certification of a professional engineer licensed by the State of Illinois that the structure upon which the facility is located is sufficient from a structure engineering standpoint to bear the load. In instances of free-standing structures, this shall include a certificate that the foundation on which the structure is built, is constructed and engineered to take into account the existing soil conditions. A licensed professional engineer shall also certify that in the event of a fall or collapse, that the facility is designed and manufactured to fall entirely within the boundary lines of the lot on which it is located, and that installation meets or exceeds the maximum construction and installation standards set forth by the manufacturer.

6-17-6: SOLAR ENERGY SYSTEMS (SES)

- A. GENERAL REGULATIONS: A Solar Energy System (SES), as referenced in Section 6-17-2, may be erected or installed only in accordance with this Title 6, Chapter 17 of the Village Code. Any SES shall conform to all Federal laws and regulations concerning its use and operation, and may be installed only in the following zoning districts and standards:
1. Shall be permitted in the R1, R2, R2A, and R3 Zoning Districts. Any attached single-family residential development and mixed-use development which contains residential housing units shall require review by the Architectural Review Board prior to being approved or denied by the Village Board.
 2. Shall be permitted in the R4, R5, R6, B1, B2, E, and O/I Zoning Districts, subject to review by the Architectural Review Board prior to being approved or denied by the Village Board.
- B. PERMITS: No such Solar Energy System (SES), as referenced in Section 6-17-2, shall be erected, constructed, altered or relocated without first obtaining a building permit from the Department of Community Development. An application for a building permit shall be made upon forms provided by the Department of Community Development, signed by the Applicant, and contain or have attached thereto the following information:
1. Name of person, firm, corporation or association constructing and erecting the solar energy system.
 2. Site plan showing the location of the solar energy system upon the lot and copies of the manufacturer's specification for the solar energy system.
 3. Name, address, and telephone number of the applicant, and the name of a responsible party in the case of corporate applications.
 4. Written consent of the owner of the building structure or land on which the solar energy system is to be erected.
 5. Elevation(s) of the existing structural improvements and the proposed solar energy system showing the size and design details.
 6. Four (4) sets of plans and specifications showing the method of construction, location, support, and attachment to the structure.
 7. If required by the Department of Community Development, a copy of stress sheets and calculations prepared by a licensed professional

engineer showing that the solar energy system is designed for the deadload, in the amount required by the manufacturer and all other laws and ordinances of the Village.

8. A line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the Village Code.
9. Such other information that the Department of Community Development shall require to show full compliance with this and all other ordinances of the Village.

C. PLACEMENT OF SES:

1. Shall be limited to roof-mounted installations on a permitted structure, provided that the installation method shall be compatible and harmonious with the aesthetic qualities of the structure to which the device is attached so as to not abruptly alter the architectural character of the structure.
 - a. Shall be attached directly to the exterior of the roof structure to ensure the lowest profile permissible. All components of the SES shall not extend above the maximum building height permitted by the zoning district and beyond the existing limits of the roof.
 - c. No component of the SES, including mounting racks, shall be permitted to tilt or rotate at a slope greater or less than the roof to which the device is attached.
 - d. Shall be designed and installed to prohibit Sun Reflection towards vehicular traffic and any habitable portion of an adjacent structure. Sun Reflection onto an adjacent roof shall be acceptable.
 - e. Shall occupy not more than fifty-percent (50%) of the outside roof area to which the device is attached. If an SES is installed on multiple roofs on a single structure, the SES shall occupy not more than thirty-percent (30%) of each outside roof area to which the device is attached.
 - f. With the exception of Solar Panels, mounting racks, pipe runs, and electrical wire connections, no portion of an SES shall be installed on the outside of the roof.

- g. No trees or vegetation shall be removed or pruned to reduce or eliminate shading from the sun, unless warranted for good forestry practices, as determined by the Village Forester.

6-17-7: DECOMMISSIONING AND RESTORATION PLAN:

- A. **MICRO WIND ENERGY SYSTEMS (MWES) AND SOLAR ENERGY SYSTEMS (SES):** When a MWES or SES is not operated for a continuous period of at least nine (9) months, such Alternative Energy Collection System and all related equipment shall be deemed abandoned by the Village. The owner of such Alternative Energy Collection System shall remove all items within forty-five (45) days following receipt of written notification that removal is required. Such notice shall be sent by registered or certified mail, return receipt requested, by the Village to such owner at the last known address of such owner. A principal structure or lot for sale, lease, or in foreclosure may be exempt, provided that the MWES and/or SES are maintained pursuant to this Title 6, Chapter 17 of the Village Code.
- B. **SMALL WIND ENERGY SYSTEM (SWES)**
 - 1. Prior to receiving a Special Use Permit for the installation of a SWES, the owner and/or operator must include a Decommissioning and Restoration Plan with the application request to ensure such Alternative Energy Collection System and all related equipment is properly decommissioned. The owner of the SWES and the underlying property owner(s) shall be jointly liable for the removal of all equipment associated with the SWES at the end of the Special Use permit period, if any, the useful life of the facility, or when the facility is abandoned or otherwise out of operation for continuous period of at least nine (9) months. The Decommissioning and Restoration Plan shall state how the facility will be decommissioned and how the site will be restored, and shall further provide:
 - a. Provisions for removal of the SWES and all related equipment, including those below the soil surface.
 - b. Provisions for the restoration of the property and improvements upon completion of the decommissioning of the Alternative Energy Collection System and all related equipment.

- c. An estimated cost of decommissioning certified by a licensed professional engineer and the financial resources to be used to accomplish decommissioning.
 - d. The Village is granted the right of entry onto the site, pursuant to reasonable notice and, upon request, a prompt due process hearing, to effect or complete decommissioning and/or restoration.
 2. All SWES which remain erected more than nine (9) months after the end of the Special Use permit period, if any, the useful life of the facility, or the facility is abandoned or otherwise out of operation shall be deemed a nuisance.
 3. Lien on Costs of Removal
 - a. If the Village incurs any costs to enforce or perform the Applicant's Decommissioning and Restoration Plan, then that cost is a lien upon that underlying parcel.
 - b. To perfect a lien under this section, the Village must, within one year after the cost is incurred, file notice of lien in the Office of the Lake County Recorder. The notice must consist of a sworn statement setting out:
 - i. A description of the underlying parcel that sufficiently identifies the parcel;
 - ii. The amount of the removal cost; and
 - iii. The date or dates when the removal cost was incurred by the Village.

If, for any one parcel, the Village engaged in any enforcement activity or performed plan activities on more than one occasion during the course of one year, then the Village may combine any or all of the costs of each of those activities into a single notice of lien.
 - c. The removal cost is not a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail, to the Applicant and the person to whom received the tax bill for the general taxes on the property for the taxable year immediately

preceding the removal activities. The notice must (i) state the substance of this section; (ii) identify the underlying parcel, by common description; and (iii) describe the Village's activity.

- d. A lien under this section may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens. An action to foreclose a lien under this section must be commenced within 2 years after the date of filing notice of lien.
- e. A failure to file a foreclosure action does not, in any way, affect the validity of the lien against the underlying parcel.
- f. Upon payment of the lien cost by the Applicant or owner of the underlying parcel after notice of lien has been filed, the Village shall release the lien, and the release may be filed of record by the owner at his or her sole expense as in the case of filing notice of lien.

APPENDIX A
NOTICE OF SHADOW FLICKER

SEE ATTACHED FORM

Prepared By and
After recording, return to:

Village of Lincolnshire
Attn: Community Development
One Olde Half Day Road
Lincolnshire, Illinois 60069

This space reserved for Recorder's use only.

File No. _____

NOTICE OF SHADOW FLICKER

The undersigned, being the owner of the real property commonly known as _____, more fully described in Exhibit A attached hereto and incorporated by reference (the "Servient Property"), hereby gives notice that the subject property suffers from a condition commonly known as "Shadow Flicker," the on-and-off strobe light effect caused by the shadow of moving turbine blades cast by the sun passing through the rotating turbine. The Shadow Flicker arises from the presence of a Wind Turbine located on the property commonly known as _____, and more fully described in Exhibit B, attached hereto and incorporated by reference (the "Dominant Property"); which at the time of the recording of this notice is under common ownership with the subject property.

Upon the transfer of title of the Servient Property to an unaffiliated, bona fide good faith purchaser, the owner of the Dominant Property shall be required to negotiate a "mitigation agreement" pursuant to the provisions of Title 6, Chapter 17 of the Village of Lincolnshire Municipal Code, which Agreement shall be recorded with the Lake County

Recorder. Following presentation of evidence of recording a mitigation agreement, the Village of Lincolnshire shall issue a release of this Notice of Shadow Flicker. Absent a mitigation agreement, the operation of the Wind Turbine shall cease during those times which result in Shadow Flicker.

OWNER:

[INSERT IDENTITY OF FEE SIMPLE OWNER]

By: _____

Its:

Date:

STATE OF ILLINOIS)
) ss
COUNTY OF LAKE)

I, _____, a Notary Public in and for said County in the State aforesaid, do hereby certify that _____ who is personally known to me as _____ of _____ and to be the same person whose name is subscribed to the foregoing instrument as such, appeared before me this day in person and acknowledged that he/she signed, sealed, and delivered the said instrument of writing as his/her free and voluntary act, and as the free and voluntary act of said _____ for the uses and purposes therein set forth, pursuant to authority given by the _____ of said _____.

Given under my hand and Notarial Seal on _____.

Notary Public