



**PLAN COMMISSION AGENDA
VILLAGE HALL BOARD ROOM
25 E. STATE STREET
TUESDAY, FEBRUARY 1, 2022
7:00 PM**

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated December 7, 2021.

PUBLIC HEARING

1. **Petition #22-01 (Amendment to Chapter 13.12 of the Zoning Ordinance):**
Amendment to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) relative to recreational vehicles.

NEW BUSINESS

1. **Petition #22-01 (Amendment to Chapter 13.12 of the Zoning Ordinance):**
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OLD BUSINESS

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

ADJOURNMENT

**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
DECEMBER 7, 2021**

CALL TO ORDER

Chairman Mike Brackett called the meeting to order.

ROLL CALL

In attendance: Chairman Mike Brackett, Commissioners, Anna Tuohy, Scott Branson, Tom Lenkart, Richard Newell, Alexander Negro, Mark Bozik, and Doug Botkin

Not in attendance: Aaron Anderson

Staff in attendance: Village Administrator Steve Bosco, Community & Economic Development Director Mike Toth and Planner David Hansen.

Also in attendance: Kevin Drendel, Village Attorney

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated November 2, 2021

Motion for approval made by Commissioner Botkin and seconded by Commissioner Bozik. All in favor. **Motion approved.**

PUBLIC HEARING

- 1. Petition #21-11 (Amendment to Chapter 12.3 of the Zoning Ordinance):** The Village of North Aurora requests a text amendment to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) amending provisions regarding solar energy collection panels.

Chairman Mike Brackett called the public hearing to order.

Mike Toth introduced Petition #21-11, a text amendment to Chapter 12.3 of the Zoning Ordinance that relates to solar panels. Toth said the petition would allow solar panels on any roof plane. Toth explained the process of a text amendment and the difference between a text amendment and zoning amendment since there were a few new members recently added to Plan Commission. Toth said text refers to the text in the Zoning Ordinance and amendment just means a change in the Zoning Ordinance. Toth also explained a map amendment and how it relates to rezoning a parcel, which changes the zoning map. Toth also mentioned the Plan Commission usually does text amendments in regards to current trends, clarity, or to bulk up the code to enhance regulation and enforcement on an as needed basis. Toth showed a breakdown of what standards relate to a text amendment vs a zoning amendment. Toth mentioned the Village does allow text amendments from other petitioners, which are not internal.

Toth provided a summary of the Village's solar panel history regarding text amendments. In 2018, the solar panels were last addressed in the Zoning Ordinance. At that time, there was a 25% roof coverage limitation which only allowed 25% of roof planes be covered by solar panels and could not face the front of the house. In 2018, this was changed to allow 100% coverage so long as the solar panels were not pitched towards the front yard or corner side yard visible from the right of way. Toth mentioned tonight we are looking for Plan Commission feedback on how the Village wants to allow this technology. Toth explained typically a solar panel wants to be faced south, but currently if a resident has a south facing roof plane facing a road it is not allowed. In 2018, some commissioners said they would support 100% coverage. Village Board was about 50% favorable in 2018 regarding 100% coverage, but did have concerns regarding property values. Toth mentioned he reached out to an accessor in the area and they concluded there was not a net positive or negative for having solar panels installed on a property and does not diminish nor increase property values. Toth mentioned the Petition would change the Zoning Ordinance to allow solar panels on any roof plane, which is Item #2 under provision H. Toth explained that current ordinance and how it distinguishes residential vs. non-residential. Currently non-residential is allowed to have 100% coverage so long it is screened from the right of way. Toth stated solar shingles are in the existing code and are allowable up to 100% coverage, but technology is not regularly available to consumers and is not cost effective as of now in this area. Toth mentioned since the petition was prompted by a resident the Village Board did look at it already and was favorable to allow 100% roof coverage for solar panels. Toth mentioned after the Plan Commission takes a motion tonight the proposed changes will be taken back to the Village Board for consideration.

Chairman Mike Brackett opened the public hearing for public comment.

Mark Crosby from 815 Aster Ct mentioned he was the resident that came to the Village Board meeting and voiced that the front of his house is southern facing. Mr. Crosby mentioned he would like to have 100% of his electric bill covered by solar, but the current ordinance does not allow him to place solar panels on his southern facing roof plane, however his neighbors across the street would be able to on the back of their house to face the south. He brought pictures showing how some resident's roof planes are still visible from the street even if it's not directly facing the street/front of the house and shared some communities require solar panels on new development/buildings.

Chairman Mike Brackett closed the public hearing.

NEW BUSINESS

1. **Petition #21-11 (Amendment to Chapter 12.3 of the Zoning Ordinance):** The Village of North Aurora requests a text amendment to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) amending provisions regarding solar energy collection panels.

Chairman Mike Brackett opened the discussion to the Plan Commission.

Toth added another provision to consider altering would be all frames and visible structures of a solar panel should match the roof color. Toth mentioned this is something you cannot always

accommodate and taking it out may promote the technology on different roof planes and roof colors.

Commissioner Newell stated after some research he noticed there are four types of solar panels on homes, solar shingles are already addressed in the code, and some frame colors of each solar panel tend to stand out. Toth mentioned it looks like structural components may be difficult to match to the roof color and perhaps make all the colors black to reduce contrast. Mr. Crosby mentioned it may be difficult to require all black as a color since there may be shades of white or other colors on the actual panel itself. Toth mentioned keeping the language vague may be best since technology moves very quick and we can always come back in the future and change it. Steve Bosco mentioned the vaguer you leave the code, the easier it is to streamline the permit process for residents. Toth said striking Item #4 regarding the color could be a good idea.

Commissioner Lenkart asked staff how many residents or homes have solar panels now. Bosco mentioned he spoke to community development staff and 18 to 24 permits have been given out over last 2-3 years and currently there are three in the process and each year more and more people are applying for them. Commissioner Lenkart asked what does extend beyond roof line mean and asked why non-residential buildings are needing to screen solar panels from view. Toth stated it's the edge of the roof and the panel can't extend over the edge of the roof line. Toth said solar panels on commercial buildings are usually flat so you may not see them, they are also along our major corridors, and currently falls into screening requirements that other roof units are required to follow. Bosco mentioned HOA's use to be able to regulate solar panels on homes, but a new law does not give them that authority. However, a municipality can still regulate solar panels even though a HOA can't anymore. Commissioner Lenkart said he was concerned with different colors for solar panels and would prefer to keep it monochromatic, but he was okay with having no restrictions for commercial buildings.

Commissioner Tuohy asked what 30 degrees and five foot from the pitch of the roof requirement means for solar panels that is in the existing code. Toth mentioned it can't exceed that angle or be elevated higher than the five foot limitation and he has not seen any permits come in that exceed the requirement. Bosco mentioned it may be for flat roofs since the pitch of the roof probably would not need to be angled since residential homes are typically already angled. Commissioner Tuohy agreed with Commissioner Lenkart's monochromatic comment since it would help the panel visibility can be mitigated as much as possible. Commissioner Touhy asked Mr. Crosby if solar panels are covered by insurance. Mr. Crosby mentioned they are covered by insurance and have a 25 year manufacturing warranty.

Commissioner Negro asked about the upkeep and maintenance on the homeowner's part regarding solar panels. Mr. Crosby mentioned some homes have snow rakes and hosing off the panels is the easiest way to maintain them. Commissioner Negro asked if the Village requires upkeep. Toth mentioned upkeep would fall under Item #7 of the code which requires maintaining panels in operable status and good aesthetic and structural condition. Mr. Crosby mentioned many panels are web-based and can tell when dirty since they do not collect as much energy when dirty.

Commissioner Branson asked how many panels go on a house, what are the sizes of the panels that go onto a house, and should we be concerned people will be going out buying them at a home

improvement store and installing them themselves. Toth mentioned permits so far have come through professional companies. Bosco mentioned if someone would do it on their own they would be in violation of doing work without a permit. Toth added the code requires solar panels must be roof mounted and currently the Building Inspector requires a certified/licensed roofer to sign off on the permit and ensure the roof is structurally sound. Plus solar panels are tied into the grid so ComEd would know even if the homeowner had an electrician hook up the panels correctly.

Commissioner Bozik stated he is good with allowing solar panels on all roof planes and would like to simplify the ordinance by removing Item #6 which is covered in the electrical code and Item #8 since the Village cannot regulate it since its going back into the grid. Commissioner Bozik mentioned over the last three years, solar panel language have been added to the electrical code and building codes and has space requirements to allow fire departments to walk on the roof if there is a fire. Some other comments from Commissioner Bozik included the Midwest is a little behind solar wise compared to other parts of the country and the only big issue in Midwest is how do solar panels interact with snow. Toth and Bosco mentioned Items #6 and #8 in the zoning code probably isn't needed since they are addressed in building and electrical codes. Commissioner Bozik mentioned in the future solar panels may be just part of building a house.

Commissioner Botkin stated he would prefer a monochromatic look. Botkin asked about property values and wish staff reached out to more than one accessor perhaps three accessors, but he believes the accessor's statement that solar panels don't impact property values. Bosco mentioned one of the Village Board members is in the appraising business and they have not seen any changes in property values and made that statement publicly.

Chairman Brackett summarized the Plan Commission's proposed changes. Chairman Brackett mentioned monochromatic, the limitation on commercial buildings, and to strike Items #6 and #8. Toth mentioned he can go back to the Village Board by striking Items #6 and #8 and amend the first sentence of Item #4 to add monochromatic language to make it vaguer. Commission Brackett mentioned he agrees with removing the limitation on commercial buildings. Commissioner Lenkart mentioned he still is for screening mechanical and other rooftop units, but does not see why solar panels should be screened if residential units do not need to abide by the same rules. Toth mentioned the BP Gas Station off Kirk Rd has a solar panel facing south, but is not screened nor very visible. Commissioner Bozik asked if someone wants to put solar in other locations or if a solar farm came in to the Village how do we address that. Toth mentioned both of those scenarios are currently prohibited, but solar panels or farm could be added into a development as part of a PUD or Annexation Agreement should something arise. Commissioner Bozik stated he sees the Automall and Comed power line easements as possible solar panel locations in the future. Kaneland High School has a large ground level solar farm and Mooseheart has a solar farm on site as well. Commissioner Brackett mentioned in Somonauk there is a solar farm tied into the Aurora area where you can buy into their solar credit program and get up to a 20% discount.

Motion for approval of an Amendment to Chapter 12.3 of the Zoning Ordinance Regarding Solar Energy Collection Panels with the changes the Plan Commission discussed which include monochromatic in color, removing the screening limitation for non-residential buildings, and removing section Items #6 and #8 of the current ordinance was made by Commissioner Lenkart

and seconded by Commissioner Bozik. Vote: Tuohy – Yes, Lenkart – Yes, Newell – Yes, Negro – Yes, Branson – Yes, Bozik – Yes, Botkin – Yes. **Motion approved.**

OLD BUSINESS – None

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

Toth shared the petition in November went to Committee of the Whole and will be going to the Village Board meeting in near future for consideration. Toth mentioned staff anticipates having a January meeting, which will be discussing another text amendment in relation to recreational vehicles and later next year may have more text amendments to bring back. Commissioner Lenkart asked about Facebook pages and how the Village monitors them. Bosco mentioned the Village does not monitor or respond to private pages, but are usually aware what is being discussed. Bosco also mentioned the Village answers resident questions on the Village run Facebook pages, but the Village does not monitor the page 24/7.

ADJOURNMENT

Motion to adjourn made by Commissioner Botkin and seconded by Commissioner Tuohy. All in favor. **Motion approved.**

Respectfully Submitted,

Jessica Watkins
Village Clerk

Staff Report to the Village of North Aurora Plan Commission

Prepared By: Mike Toth, Community & Economic Development Director

Petition Number: 22-01

Hearing Date: February 1, 2022

Petitioner: Village of North Aurora

Request(s): Amendment to Chapter 13.12 of Title 17 of the North Aurora Municipal Code (Zoning Ordinance) relative to recreational vehicles.

BACKGROUND

At the November 15, 2021 Village Board meeting, a resident addressed the Village Board with concerns regarding the restrictions associated with the Village's recreational vehicle provisions. The Village Board subsequently directed staff to bring back information on the Village code provisions for discussion.

The Village Board discussed the topic at the December 6, 2021 Committee of the Whole meeting. The Village Board discussed the topic from both the perspective of keeping the regulations as-is to maintain the single-family character of North Aurora's neighborhoods and also from the perspective that the Village shouldn't be overregulating recreational vehicles. The Village Board agreed that changing the provisions to accommodate individual requests could have negative consequences with other residents so the provisions should mostly remain the same. The Village Board did agree that residents should have additional time to ready their recreational vehicles and/or trailers before the weekend and directed staff to change the weekend times from Friday noon to Monday noon to Thursday 6:00 p.m. to Monday noon.

The provisions below currently regulate recreational vehicles in residential districts. Staff included the suggested changes from the Village Board and has also added changes recommended for clarity purposes.

13.12 Recreational vehicles in residential districts.

For the purposes of this section, recreational vehicles shall include campers, motor homes, boats (and other watercraft), pop-up campers, and utility trailers.

- A. No recreational vehicle shall be parked or stored on or over public right-of-way.
- B. No recreational vehicle shall be parked or stored in front yard or corner side yard off-street parking facilities on residential premises except that one recreational vehicle may be parked or stored during the following periods:
 - 1. Thursday 6:00 p.m. Friday noon to through Monday noon, inclusive.

Staff Report

#22-01

2/1/22 Plan Commission

2. April 15 ~~to~~ through April 30 and October 1 ~~to~~ through October 15, ~~both inclusive.~~
 3. Upon written request by permit issued by the code enforcement office, for a continuous period not to exceed fourteen (14) days for the parking of recreational vehicles owned by temporary house guests. Such special circumstance permits shall be limited to one per guest family during each six-month period.
- C. ~~No recreational vehicles shall be parked or stored on property in any zoning district unless located in a fully enclosed permanent structure; except that One recreational vehicle not located in a fully enclosed permanent structure may be parked or stored behind the front building elevation on a residential lot, unless a recreational vehicle is already being parked or stored in the front yard or corner side yard off-street parking facilities. Temporary storage tents for recreational vehicles shall not be considered such a structure. For the purposes of this Ordinance, the “front building elevation” shall also include any building frontage along a corner side yard.~~
- D. There shall be no limit to the number of recreational vehicles being parked or stored in a fully enclosed permanent structure. Temporary storage tents for recreational vehicles shall not be considered a permanent structure.
- E. All parking and storing of recreational vehicles shall be on a hard surface as identified in section 13.8(C).
- F. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes in any zoning district.

The Village Board discussed the draft amendments (as shown above) at the December 20, 2021 Committee of the Whole meeting. While the Board did not have any issues with the proposed language, they did discuss the regulations and how they may be impacting residents, both from a violation and complainant perspective. The Board upheld their original directive to change the weekend times from Friday noon to Monday noon to Thursday 6:00 p.m. to Monday noon. Certain Board members commented on the ability of a homeowner association's ability to regulate recreational vehicles as they can be more restrictive than the Village's provisions. The Board concluded by directing staff to advance the amendment.