

Memo

To: Zoning Board of Appeals Members
From: Anna Paul, Director of Administration
Date: March 8, 2024
Re: Code Modification Discussions

Over the last several months the Zoning Board of Appeals (ZBA) has been reviewing if it should consider proposing changes to the Village's Zoning Code. Specifically, you have been reviewing renewable energy rules, recreation vehicles storage rules and fence height limitations, and crafting draft text amendments.

If the ZBA chooses to proceed with these recommended text amendments, it will have to vote to recommend that they be considered. The Village staff will then provide the proper notice for a public hearing at a future ZBA meeting. The ZBA would then present its recommended texts and hear testimony from the public. As a result of the input from the public, the ZBA would have the opportunity to make modifications and/or vote on whether to recommend approval of the text amendments to the Board of Trustees, which would make a final determination.

At the last meeting, the ZBA indicated its desire to receive public input so it can consider changes to the draft text amendments prior to recommending the text amendments be put through the notice and public hearing process. For such purpose, public comment can always be made on any matter pending before the ZBA at a meeting, and if the member of the public is unable to attend the ZBA meeting, comment can be given by submitting written comment to the Village Clerk (clerk@vbhil.gov) for distribution to the ZBA.

The attached are the ZBA's current working drafts of possible text amendments that you have been considering moving to a public hearing at a future time.

As a reminder, the renewable energy and recreation vehicle drafts are new additions to the code whereas the fence height draft is a change to the existing code.

5-3-14: RECREATIONAL VEHICLE REGULATIONS:

Purpose: The purpose of this section is to provide regulations for the outside parking and storage of recreational vehicles in the village to allow for such use without negative impact on surrounding properties.

Recreational vehicles are defined as vehicles or trailers for recreational or utilitarian uses which can be driven, towed, sailed, hauled or flown. Common recreational vehicles include motor homes, travel trailers, snowmobiles, pull campers, all-terrain vehicles, cargo trailers, equestrian trailers, power boats, cruisers, jet skies, pontoon boats, personal watercrafts, row boats, and sail boats. For the purpose of these limits, a recreational vehicle(s) on a trailer constitutes one recreational vehicle.

A. Standards

1. Vehicles governed by this section must be owned, leased, loaned, or rented by the occupant of the property on which the vehicle is parked and/or stored.
2. The vehicle must be currently licensed, as required by law, and operational.
3. Principal and Accessory Structures. Vehicles shall not be permitted on a lot without a principal structure or use requiring the vehicle. Vehicles shall not be used as accessory structures but may be kept within an enclosed accessory structure provided that the accessory structure is allowed in accordance with the requirements of this title.
4. Parked or stored vehicles shall not be used for living or sleeping purposes.
5. No vehicle shall be connected to natural gas, water, or sanitary sewer service. Temporary electrical hookup is permitted.
6. Vehicles and/or trailers for movement shall not be affixed to the ground so as to prevent ready removal of the vehicle.
7. Vehicles shall not be parked or stored in such a way as to create a dangerous or unsafe condition.

B. Parking And Storage Restrictions:

1. Up to two recreational vehicles of any type may be parked and/or stored outside anywhere on the property.
2. Parking and/or storing of recreational vehicles for a period longer than 14 calendar days is not permitted within the yard setback of any lot.

This ordinance shall be effective January 1, 2026.

Renewable Energy

5-2-1 Definitions (Additions to existing code)

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

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of a building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

GEOHERMAL ENERGY SYSTEM: A system which utilizes renewable energy generated from the interior of the Earth and used to produce energy for heating buildings or serving building, commercial or industrial processes. A Geothermal Energy System does not include systems that use energy independent of the geothermal source to raise the temperature of the extracted heat, such as heat pumps.

GROUND MOUNT: A solar energy system on a rack or pole that rests on or is attached to the ground.

LARGE WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to generate utility power at a scale greater than service to one residential property.

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

ROOF MOUNT: A solar energy system that is mounted on a rack that is fastened onto a roof.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to reduce on-site consumption of utility power. All small wind energy systems, whether ground-mounted or building-mounted, are permitted, such to review of the building and zoning enforcement officer.

SOLAR ENERGY SYSTEM: A system that uses the power of the sun to capture, distribute, and/or store energy for on-site consumption of utility power within a principal or accessory structure.

SOLAR ENERGY SYSTEM, PRIVATE: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

SOLAR FARM: A commercial facility that converts sunlight into electricity, whether by photovoltaic, concentrating solar thermal devices or other conversation technology, for the primary purpose of wholesale sales of generated electricity.

5-3-15 SOLAR ENERGY SYSTEM REGULATIONS

A. Purposes: The purposes of this section are to preserve the health, safety, and welfare of the village by promoting the safe, effective, and efficient use of solar energy systems. For such purposes this section:

1. Establishes zoning regulations relative to the installation and operation of solar energy systems permitted to be installed within the village.
2. Accommodates sustainable energy production from a renewable energy source.
3. Preserves the character and aesthetics of the village's zoning districts in the interest of maintaining property values, and promoting the public health, safety and welfare of village residents and businesses.

B. Permitted accessory Use: Solar energy systems, private, as defined herein, are permitted accessory uses in all zoning districts where structures of any sort are allowed, subject to the requirements set forth in this section.

C. General Requirements: The requirements set forth in this section shall govern the Solar Energy Systems which may be installed within the village. The provisions of this section are intended to establish zoning regulations for Solar Energy Systems which may be installed in the village. Solar Farms are not permitted within any zoning district of the village.

1. Use: A Solar Energy System shall be accessory to the principal permitted use of zoning lot.
2. Approvals: No approval granted for a Solar Energy System under the provisions of this section shall be construed to prevent ordinary or permitted building, landscaping, or other accessory improvements on adjacent properties.

D. Permitting and Installation:

1. A building permit is required to be obtained from the village prior to commencement of any construction activity relative to the installation of any Solar Energy System.
2. The owner of a Solar Energy System shall ensure that it is installed and maintained in good condition and in compliance with all applicable provisions of the village code and the laws, statutes, codes, and regulations enforced by any State or Federal agency of competent jurisdiction.
3. All Small Wind Energy Systems shall be equipped with manual and/or automatic controls to limit rotation of blades to a speed below the manufacturer's designed limits.
4. All wiring associated with a Solar Energy System shall be underground or contained within a raceway that complements the building materials of the principal structure.
5. Interconnection: Energy produced by a Solar Energy System shall be utilized on-site.
6. Illumination of a Solar Energy System shall be prohibited, except to accommodate co-installation of parking lot lighting luminaries, where applicable.
7. Signage: No commercial signage or attention-getting device is permitted on any Solar Energy System. Except for safety signage.

8. Ground equipment, such as cabinets and associated facilities, shall be factory-finished to match or complement the color of other structures on the respective property.

9. All ground mounted equipment shall be totally screened, for its entire height, from view at ground level from any adjacent lot or street, public or private. Screening shall be provided by any one or more of the following: the dwelling on the lot where such the equipment is located; garages, storage buildings, or other accessory buildings which meet all provisions of this title; or landscaping and plantings which provide year-round screening.

D. SOLAR ENERGY SYSTEMS:

A. Authorization of Use:

Permitted Use: Ground and/or Roof-Mounted Solar Energy Systems may be authorized administratively by a building permit in all zoning districts in accordance with the requirements of this section and the other applicable provisions of this village code and shall be subject to prior review of the plans therefor and written approval thereof by the Zoning and Building Enforcement Officer or his/her designee. All such systems shall be in compliance with all local and state building, electric, plumbing and energy codes.

B. Height:

1. Roof-Mounted Solar Energy System:

(a) When installed on a flat roof, a Roof-Mounted Solar Energy System shall not exceed a maximum height of six feet (6') as measured from the roof surface of the building on which the system will be mounted to the highest point of the system as installed;

(b) When installed on a pitched roof, a Roof-Mounted Solar Energy System shall be mounted parallel to the pitch of the roof and not extend more than one (1) foot off of the roof surface.

2. Ground mounted Solar Energy System

(a) Ground or pole-mounted Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

C. Setback:

1. No Solar Energy System shall be allowed to be placed in any setback of any residentially used or zoned property.

2. Roof-mounted Solar Energy Systems shall not extend beyond the exterior perimeter of the building on which the system is mounted.

D. Lot Coverage:

1. Ground-mounted systems shall not count toward floor area ratio calculations.

E. Permit Requirement:

Installation of a solar energy system requires application for a building permit, and approval thereof.

5-3-16 SMALL WIND ENERGY SYSTEMS:

A. Purposes: The purposes of this section are to preserve the health, safety, and welfare of the village by promoting the safe, effective, and efficient use of small wind energy systems. For such purposes this section:

1. Establishes zoning regulations relative to the installation and operation of small wind energy systems permitted to be installed within the village.
2. Accommodates sustainable energy production from a renewable energy source.
3. Preserves the character and aesthetics of the village's zoning districts in the interest of maintaining property values, and promoting the public health, safety and welfare of village residents and businesses.

B. Permitted accessory Use: Small wind energy systems, as delineated herein, are permitted accessory uses in all zoning districts where structures of any sort are allowed, subject to the requirements set forth in this section.

C. General Requirements: The requirements set forth in this section shall govern the Small Wind Energy Systems which may be installed within the village. The provisions of this section are intended to establish zoning regulations for Small Wind Energy Systems which may be installed in the village. Large Wind Energy Systems are not permitted within any zoning district of the village.

B. Authorization of Use:

1. Building-Mounted Small Wind Energy System:

(a) Building-Mounted Small Wind Energy Systems shall be permitted in each zoning district and shall be installed in compliance with the requirements of this section and the other applicable provisions of this village code.

(b) Maximum Permitted Height: The maximum total permitted height of a Building-Mounted Small Wind Energy System shall not exceed ten feet (10') above the peak roof height of the building upon which said System is installed.

(c) Location:

(i) Building-Mounted Small Wind Energy Systems shall be affixed to the roof deck of a flat roof or to the ridge or slope of a pitched roof and may not be affixed to the parapet or chimney of any structure.

(ii) Such systems shall be set back a minimum of five feet (5') from the edge or eave of the roof.

(iii) Such system shall not extend into any setback.

2. Ground-Mounted Small Wind Energy System:

(a) Ground-mounted Small Wind Energy Systems shall be permitted in each zoning district of the village and shall be installed in compliance with the requirements of this section and the other applicable provisions of this village code.

(b) The Small Wind Energy System shall be permanently ground mounted. No such system shall be installed on a portable or movable structure, such as a trailer.

(c) The Small Wind Energy System shall be totally screened, for its entire height, from view at ground level from any adjacent lot or street, public or private. Screening shall be provided by any one or more of the following: the dwelling on the lot where such system is located; garages, storage buildings, or other accessory buildings which meet all provisions of this title; or landscaping and plantings which provide year-round screening.

(d) The Small Wind Energy System shall not be placed in any setback.

(e) All provisions of the building code, title 4 of this code, as may pertain to Small Wind Energy Systems, shall be met.

3. Permit Requirement:

Installation of a wind energy system requires application for a building permit, and approval thereof.

5-3-17 Decommissioning

1. A decommissioning plan shall be required to be submitted to the village at the time of the building permit application to ensure that all energy systems are properly removed after their useful life.
2. The decommissioning plan shall include provisions for removal of all structures and foundations, and for restoration of soil and vegetation.

Black text is the current code. ~~Red-strikethrough-text~~ is suggested deletions and Blue underlined text is suggested additions.

5-3-9: BULK REGULATIONS:

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(F) Permitted Obstructions In Required Yards: The following shall not be considered to be obstructions when located in the required yards specified:

1. In All Yards: Open terraces but not including a permanently roofed over terrace or porch; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting eighteen inches (18") or less into the yard; recreational and laundry drying equipment; arbors and trellises; flagpoles; fences, walls and manmade berms not exceeding six feet (6') ~~five feet (5')~~ in height above natural grade level; and open type fence exceeding six feet (6') ~~five feet (5')~~ in height, but not more than eight feet (8') in height, provided that visibility at right angles to any surface of such fence not be reduced by more than fifty percent (50%); and containers of one cubic yard or larger in which refuse, manure or similar substances are placed but only on the day preceding, the day of, and the day after scheduled pick up or collection of the contents of the container, provided that if the container is three (3) cubic yards or larger, then the container may remain in the required yard at all times if the container is screened, for its entire height, from the view of any adjacent lot and any public or private street and right of way.