

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE VILLAGE OF ORLAND PARK, AS AMENDED (SECTIONS 2-102, 6-314 AND 6-404 – ENVIRONMENTAL TECHNOLOGY STANDARDS, SOLAR ACCESS EASEMENT AND GEOTHERMAL ACCESS EASEMENT)

WHEREAS, the Corporate Authorities of the Village of Orland Park, an Illinois home rule municipality, have on February 8, 1991, adopted a Land Development Code (“the Code”) and zoning map; and

WHEREAS, amendments to the Code are adopted from time to time to insure that the Code is up to date and responsive to community needs; and

WHEREAS, an amendment has been proposed regarding environmental technology standards, related definitions, and easement provisions for solar access easements and geothermal access easements; and

WHEREAS, the Plan Commission of the Village held a public hearing on March 23, 2010 on whether the proposed amendments should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said date in the Orland Park Prairie, a newspaper of general circulation published in this Village; and

WHEREAS, the Plan Commission of this Village has filed its report of findings and recommendation that the proposed amendments to Sections 2-102, 6-314 and 6-404 of the Land Development Code of the Village be made, and this Board of Trustees has duly considered said report and findings and recommendations.

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

This Board finds and determines that the adoption of the amendments to the Land Development Code of the Village of Orland Park is in the best interests of the Village and its residents, is in the public interest, constitutes an improvement to the Land Development Code of the Village of Orland Park, and is in keeping with the spirit and in furtherance of the purpose of the Land Development Code of the Village of Orland Park, as set forth in Section 1-102 thereof.

SECTION 2

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add definitions of “Building Mounted/Co-Location,”

“Environmental/Clean Technology (ECT),” “Renewable Energy,” “Renewable Energy Conversion System (RECS),” and “Sustainable Development” to Section 2-102, which definitions shall read in their entirety as follows:

**Building Mounted/ Co-Location.** A system or device that is located on an existing structure including buildings, monopoles, lattice towers, light poles etc.

**Environmental/Clean Technology (ECT).** The application of the environmental sciences to conserve the natural environment and resources, and to curb the negative impacts of human involvement and development; Includes renewable energy (wind, solar, hydro, geo, and biomass), information technology, sustainable transportation, electric motors, lighting and other appliances and systems such as devices that are sustainable and part of or accessory to a building or site as a feature, and/or a utility that serves multiple economic and environmental purposes including, but not limited to, green roofs, white roofs, green walls, above and below ground storm water cisterns, ground source heat pumps, smart lighting systems, pervious surface pavements, recyclable collection facilities, bio-swales, bioretention areas etc.; Technology that helps make buildings energy efficient and environmentally benign; A diverse range of products, services and processes that harness renewable materials and energy sources, reduce the use of natural resources and cut or eliminate emissions and wastes.

**Renewable Energy.** Refers to energy derived from existing flows of energy generated by on-going natural processes, including, but not limited to, energy generated from the sun, flowing water, wind flows, and geothermal heat flows. The term shall not include energy generated from fossil fuels, nuclear fission, or any derivative of those energy sources.

**Renewable Energy Conversion System (RECS).** Any device associated with the conversion of solar, wind or geothermal and non-fossil fuel energy, such as, but not limited to, a wind charger, windmill, wind turbine, solar panel, solar array, geothermal cables etc., into electrical or other form of usable kinetic energy.

**Sustainable Development.** Construction that can be maintained over time without damaging the environment. Development that meets the needs of the present without compromising the ability of future generations to meet future needs.

### SECTION 3

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to delete in its entirety the text of Section 6-314 and substitute therefor Exhibit A attached hereto and incorporated herein as new text for Section 6-314.

### SECTION 4

The Land Development Code of the Village of Orland Park, as amended, is hereby further amended to add new Paragraphs E and F to Section 6-404, which shall read in their entirety as follows:

E. Solar Access Easement

1. Purpose. The purpose of a solar access easement is to protect solar accessibility between parcels of land so that solar sunlight/energy may be equitably maintained among the owners of all lots in a development or between owners of adjacent or neighboring lots. The purpose is also to promote all feasible means of energy conservation and all feasible uses of alternative energy sources. In regards to plant material, the Village encourages the planting and maintenance of trees and shrubs to create shading, moderate outdoor temperatures, and provide various economic and aesthetic benefits. However, there are certain situations in which the need for widespread use of alternative energy devices, such as solar collector panels, requires specific and limited controls on trees and shrubs.
2. Solar Access Easement. A solar access easement may be recorded on plats of subdivision in accordance with the provisions of Section 5-112, specifically 5-112.G.3. Dedicated easements for solar access are for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive sunlight across adjacent panels or units in the subdivision for any SES, as defined by Section 6-314. In establishing such easements, consideration shall be given to feasibility, contour, configuration of the parcel to be divided, equitability and cost. Required easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure.
3. Standards. As a condition of approval of a subdivision map, there may be imposed, in accordance with the provisions of Section 5-112 that the developer or subdividing applicant dedicate solar access easements. During the development review process, the Development Services Department and/or the Plan Commission shall specify the following:
  - a. The standards for determining the exact dimensions and locations of such easements.
  - b. Any restrictions on vegetation, buildings and other objects which would obstruct the passage of sunlight through the easement.
  - c. The terms or conditions, if any, under which an easement may be revised or terminated.
  - d. Solar access easements cannot be recorded against a property where the permitted development is taller than forty (40') feet or in the ORI, BIZ, COR and VC zoning districts.

F. Geothermal Access Easement

1. Purpose. The purpose of a geothermal access easement is to protect thermal accessibility between parcels of land so that the earth's thermal energy may be equitably maintained among the owners of all lots in a development or between owners of adjacent or neighboring lots. The purpose is also to promote all feasible means of energy conservation and all feasible uses of alternative energy sources. In regards to district heating, the Village encourages the utilization of existing geothermal energies to heat and cool buildings at a district scale such as a new multi-lot subdivision, to reduce the overall draw on fossil fuels for building heating. In some situations, in which geothermal/hydrothermal district heating systems are involved, development requires specific and limited controls for the preservation of the system.
2. Geothermal District Heating Access Easement. A geothermal access easement may be recorded on plats of subdivision in accordance with the provisions of Section 5-112, specifically 5-112.G.3, for district heating purposes. Dedicated easements for geothermal access are for the purpose of assuring that each parcel or unit in the subdivision shall have the right to receive geothermal energy across adjacent parcels or units in the subdivision for any GES, as defined by Section 6-314. In establishing such easements, consideration shall be given to feasibility, contour, configuration of the parcel to be divided, equitability, subsidence and cost. Required easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure.
3. Standards. As a condition of approval of a subdivision map, there may be imposed, in accordance with the provisions of Section 5-112 that the developer or subdividing applicant dedicate geothermal district heating access easements. During the development review process, the Development Services Department and/or the Plan Commission shall specify the following:
  - a. The standards for determining the exact dimensions and locations of such easements.
  - b. Any restrictions on vegetation, buildings and other objects which would regulate proximity to a GES.
  - c. The terms or conditions, if any under which an easement may be revised or terminated.

## SECTION 5

All sections of the Land Development Code not addressed in this Ordinance or another amending ordinance shall remain in full force and effect.

## SECTION 6

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

## SECTION 7

This Ordinance shall become and be effective immediately upon its passage, approval and publication in the manner provided by law. It is ordered that publication of this Ordinance be made by the duplication thereof in pamphlet form, said pamphlets to be deposited in the office of the Village Clerk of the Village of Orland Park, for general distribution.