

PREPARED BY:

**CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170**

RETURN TO:

**CITY OF NAPERVILLE
CITY CLERK'S OFFICE
P.O. BOX 3020
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60566-7020**

ORDINANCE NO. 21 -

AN ORDINANCE AMENDING CHAPTER 2 (CONSTRUCTION AND FIRE PREVENTION) AND CHAPTER 10 (LANDSCAPING, SCREENING AND TREE PRESERVATION) OF TITLE 5 (BUILDING REGULATIONS) OF THE NAPERVILLE MUNICIPAL CODE

RECITALS

1. **WHEREAS**, Chapter 2 (Construction and Fire Prevention) and Chapter 10 (Landscaping, Screening and Tree Preservation) of Title 5 (Building Regulations) of the Naperville Municipal Code provides requirements for equipment screening and variance jurisdiction for landscape and building material deviation requests; and
2. **WHEREAS**, the amendments addressed in this ordinance seek to provide clarification to design professionals to encourage quality design practices to provide visual enhancement to the City in accordance with adopted Citywide Design Guidelines; and

3. **WHEREAS**, the City of Naperville, as a SolSmart City, encourages the use of sustainable materials and seeks to ensure its codes and ordinances can practically accommodate such installations; and
4. **WHEREAS**, the City of Naperville values the collaborative relationships it has with area developers and design professionals and seeks to provide efficient and flexible processes to accommodate community design goals and expectations; and
5. **WHEREAS**, the City of Naperville values quality design practices to promote visual enhancement of the City, sustainable approaches to development, and efficient review processes; and
6. **WHEREAS**, the City of Naperville Building Review Board reviewed, discussed and recommended these revisions at their February 17, 2021 public meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: Chapter 2 (Construction and Fire Prevention), Article C Buildings of Title 5 (Building Regulations) of the Naperville Municipal Code is hereby amended by adding the following section:

5-2C-4: VARIANCES TO EXTERIOR WALL CONSTRUCTION REQUIREMENTS:

In harmony with the general purposes and intent of this Chapter, a variance to Section 5-2C-3 may be made by the Planning and Zoning Commission if it pertains to development activity requiring or which required Planning and Zoning Commission approval. A variance to Section 5-2C-3 may be made by the Building Review Board if it does not pertain to development activity requiring or which required Planning and Zoning Commission approval. In each case, the Planning and Zoning Commission or Building Review Board may approve, deny, or approve the petition with conditions, at a meeting which shall be open to the public.

SECTION 2: Section 5-7-10:- VARIANCES of Chapter 10 (Landscaping, Screening and Tree Preservation) of Title 5 (Building Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and removing the ~~strikeout text~~ as follows:

1. Landscape Variances: Variances from the regulations of this Chapter may be made if in harmony with the general purposes and intent of this Chapter. A landscape variance may be made by the Planning and Zoning Commission if it pertains to development activity requiring or which required Planning and Zoning Commission approval. A landscape variance may be made by the Landscape Variance Committee, consisting of the Zoning Administrator, ~~Director of Public Utilities,~~ and City Engineer or their representatives, if it does not pertain to development activity requiring or which required Planning and Zoning Commission approval. A landscape variance may be made by the ~~Zoning Board of Appeals~~ Planning and Zoning Commission if it is an appeal from a decision of the Landscape Variance Committee. In each case, the Planning and Zoning Commission or Landscape Variance Committee, ~~or the Zoning Board of Appeals,~~ as the case may be, may approve, deny, or approve the petition with conditions, at a meeting which shall be open to the public.

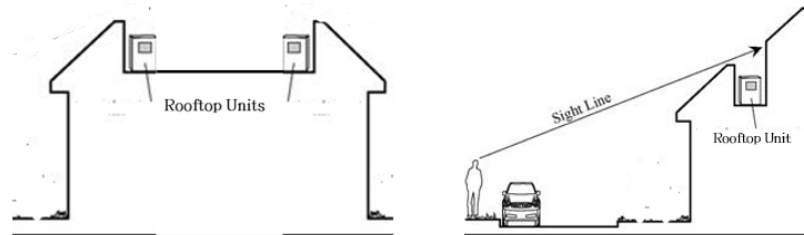
SECTION 3: Section 5-3-10, Chapter 10 (Landscaping, Screening and Tree Preservation) of Title 5 (Building Regulations) of the Naperville Municipal Code is hereby amended by adding the underlined language and removing the ~~strikeout text~~ as follows:

12. *Rooftop Equipment – Required Screening:*

- 12.1. For the purposes of this Section, rooftop equipment shall include all heating, air conditioning, ventilation, exhaust or other mechanical equipment, as well as all other duct work, vents, stacks, pipes and other related appurtenances. Rooftop equipment shall not include renewable energy systems, which shall be exempt from the screening requirements provided herein
- 12.2. All required screening of rooftop equipment shall comply with all building code requirements adopted by the City of Naperville and shall be of the same character and design as the building.
- 12.3. A building permit shall not be issued and/or final inspections shall not be approved unless the rooftop equipment is in compliance with the following:
 - 12.3.1. For new construction or projects including substantial exterior renovations, as determined by the Zoning Administrator, equipment screening in the form of parapet walls shall be installed such that all rooftop equipment is completely enclosed on all sides for the full height of the rooftop equipment plus any

support curb work. On pitched roofs, equipment shall be located within a recessed area, preferably in the middle of the roof. If a recessed location on a building with a pitched roof is not possible, equipment shall be ground mounted and screened in accordance with Section 13.

Figure 1: Pitched Roof Recessed Area for Rooftop Equipment



12.3.2. For existing buildings, unless reduced or waived by Section 12.3.3. below, required screening shall be provided such that all new rooftop equipment is enclosed on all sides for the full height of the rooftop equipment plus any support curb work. This requirement shall apply for any new installation to support the objective of achieving overall screening. New equipment screening within a parapet wall is preferred, but alternate screening methods (e.g. individual/cluster screening) may be used on buildings without existing parapets or with existing unscreened units, subject to approval of the Zoning Administrator. Alternative screening methods shall:

12.3.2.1 Provide a solid physical screen that matches the color of the nearest façade wall (when on a flat roof) or the color of the roof (when on a pitched roof).

12.3.2.2 Be comprised of factory pre-finished metal, wood laminated with metal, or other durable building materials in a manner architecturally integral to the style and materials of the building upon which it is located.

12.3.2.3 On pitched roof, comply with location requirements described with Section 12.3.1.

12.3.2.4 Generally be several times wider than the equipment, but no taller than the equipment, to avoid the effect of creating simply a larger vertical protrusion.

12.3.2.5 If more than one rooftop unit is to be installed, placement to accommodate a single, larger screen to encompass multiple pieces of equipment is preferred over several individual screening units.

12.1.1. For non-conforming properties, buildings greater than 150,000 square feet in area OR properties located in the ORI, RD or I zoning districts surrounded on all sides by other industrial properties, the Zoning Administrator shall have the authority to reduce, waive, or allow for other alternative methods to effectively screen new rooftop equipment if the petitioner demonstrates through submittal of structural reports and renderings one or more of the following conditions exist:

12.1.1.1. Equipment is setback from the roof edge at least 3 feet in depth for every 1 foot in equipment height

12.1.1.2. Structural limitations of the existing building and/or roof (e.g., building span which makes a parapet wall or individual unit screening impractical);

12.1.1.3. Disproportionate impact of required screening for one tenant within a non-conforming multi-tenant building;

12.1.1.4. Line of sight considerations demonstrating at a 6-foot eye-level, measured from property lines and nearby roadways, no more than 20% of any rooftop equipment unit is visible.

12.1.1.5. Limited adverse impact on building aesthetics if screening not provided;

12.1.1.6. Life safety requirements which necessitate placement, height, or spacing of the rooftop equipment.

12.2. Appeals. Any denials of screening reductions/waivers by the Zoning Administrator can be appealed to the Planning and Zoning Commission.

13. Ground Mounted Equipment – Required Screening:

13.1. For the purposes of this Section, ground mounted equipment shall include all heating, air conditioning, ventilation, generators, exhaust or other mechanical equipment. Ground mounted equipment shall not include specialty storage tanks (e.g., grain storage for breweries; compressed natural gas, etc.)

13.2. All required ground mounted equipment screening shall be of the same character and design of the building.

13.3. A building permit shall not be issued and/or final inspections shall not be approved unless the ground mounted equipment is in compliance with the following:

13.3.1. All ground mounted equipment shall be screened on four (4) sides by a solid fence, wall, or equivalent material to the full height of the equipment, subject to review and approval by the Zoning Administrator.

13.4. Exemptions. Screening shall not be required for ground mounted equipment serving single-family detached dwelling units. Ground mounted equipment screening shall not be required for renewable energy systems, such as photovoltaic systems, wind generators, or other related systems or equipment

13.5 Appeals. Any denials of screening reductions/waivers by the Zoning Administrator can be appealed to the Planning and Zoning Commission.

14. Variances to Roof and Ground Mounted Screening Requirements:

In harmony with the general purposes and intent of this Chapter, a variance to Sections 5-10-3:12 (Rooftop Equipment – Required Screening) or 5-10-3:13 (Ground Mounted Equipment – Required Screening) may be made by the Planning and Zoning Commission if it pertains to development activity requiring or which required Planning and Zoning Commission approval. A variance to these Sections may be made by the Building Review Board if it does not pertain to development activity requiring or which required Planning and Zoning Commission approval. In each case, the Planning and Zoning Commission or Building Review Board may approve, deny, or approve the petition with conditions, at a meeting which shall be open to the public.

SECTION 4: This Ordinance shall be in full force upon adoption as required by law.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk