

ORDINANCE NO. 2022-08-09-A

AN ORDINANCE AMENDING ORDINANCE 2018-06-12-B
REGULATING DEVELOPMENT OF SOLAR ENERGY SYSTEMS

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems in Fayette County that promote economic development and ensure the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. This ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

1. Definitions.

- A. **Applicant:** Upon the submission of a Petition for a Special Use Permit for the purpose of a Solar Energy System ("SES"), any person, firm or partnership, association, corporation, company, or organization of any kind proposing to obtain site location approval and permits for a solar energy system in unincorporated Fayette County and includes the proposed operator and/or operator of the SES, and any other party with an interest in the SES.
- B. **Dwelling:** a building, or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including recreational vehicles, travel trailers or tents, which complied with the use regulations set out in the various districts provided for in the Fayette County Revised Zoning Ordinance.
- C. **Dwelling Exclusion Zone:** An eight hundred (800) foot by eight hundred (800) foot, square area centered on a non-participating primary dwelling, unless otherwise agreed to by the non-participating adjacent landowner. The SES equipment and fences are excluded from this area.
- D. **Ground-mounted Solar Energy System:** A solar energy system and its related equipment that has its support structure placed directly on the ground and is not attached or affixed to an existing structure.
- E. **Solar Energy System ("SES"):** An alternative energy facility that consists of one or more ground-mounted or free-standing solar collection devices, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use; also known as a solar power plant and a solar farm.
- F. **Visual Screen:** A visual barrier which, with vegetative landscaping, opaque fencing, or approved combination thereof, is of such nature and density that provides year- round opacity and screens structures and activities on the parcel, from a single-story dwelling viewpoint.

G. **Construction of Solar Energy Systems:** No person shall construct or operate an SES without having fully complied with all the provisions of this ordinance.

H. **Permits Required:** No person shall construct or operate an SES without first obtaining a special use approval from the County Board.

2. Special Use. An SES may be permitted with the following regulations and design standards.

A. **Foundations.** An Illinois Licensed Professional Engineer shall certify that the foundation is within accepted professional standards, given the design of the solar panels, local soil, and climate conditions.

B. **Other Standards and Codes.** All solar farms shall be in compliance with any applicable local, state, and federal regulatory standards, and the National Electric Code as amended. All electrical components of the SES must have an Underwriters Laboratories listing and all solar collectors must be designed with an anti-reflective coating.

C. **Power and Communication Lines.** Power and communication lines ("Lines") running between banks of solar panels shall be buried underground except from point of interconnection to existing utility-owned, above-ground electrical wires. The Fayette County Board, when or after granting a building permit, may grant variances when shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury Lines.

D. **Height.** Systems, equipment, and structures shall not exceed twenty (20) feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines, utility poles, and other poles and equipment used in connecting a ground-mounted piece of equipment to an electric transmission line.

3. Fencing.

A. Unless otherwise provided in this section, security fencing having a minimum height of six (6) feet shall be installed, maintained, and secured around the solar panels and all energy producing and storage equipment of the SES and required to comply with the National Electric Code requirements for fencing.

B. At the request of the non-participating resident, an eight (8) foot high woven wire fence may be substituted at the boundary of the Exclusion Zone of any home located on an adjacent, non-participating parcel.

C. Fencing shall contain appropriate warning signage that is in accordance with NESC and ANSI Z535 Safety Sign Standards and OSHA regulations.

D. The Applicant shall maintain the required fence to prevent the growth of woody vegetation or noxious weeds within and along the fence.

E. Fencing is not required between participating parcels.

4. Setbacks.

A. **Equipment Setbacks.** A ground-mounted SES shall have the following equipment setbacks:

1. A minimum of fifteen (15) feet from any property line.
2. A minimum of four hundred (400) feet from any foundation of an adjacent, non-participating primary dwelling, [i.e., an eight hundred (800) foot by eight hundred (800) foot, square exclusion zone centered on the adjacent, non-participating primary dwelling foundation].
3. A minimum of sixty (60) feet from the centerline of any township roadway; a minimum of seventy-five (75) feet from the centerline of any county roadway, and a minimum of fifty (50) feet from the right-of-way of any state road.
4. A minimum of four hundred (400) feet from the property line of any platted subdivision.
5. A minimum of five hundred (500) feet from any dwelling for any inverters, transformers and/or storage equipment that are part of the project unless a waiver is obtained from the owner of the dwelling.
6. No setbacks are required between adjacent participating land parcels.

B. **Fencing Setbacks.**

1. Fences adjoining roadways may be placed up to the property line.
 2. All other fences shall be set back a minimum of three (3) feet from property lines to allow non-participating landowners to farm up to property lines and for the developer to access the outside of the fence for maintenance purposes.
 3. Fences around adjacent, non-participating dwellings shall be set back to the boundary of the Exclusion Zone.
 4. Fences around platted subdivision shall be set back a minimum of four hundred (400) feet from the subdivision property line.
5. Security. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

6. Lighting. If lighting is provided at the site, lighting shall be shielded and downcast to minimize light pollution on adjacent parcels.
7. Noise. Noise levels must meet the Illinois Pollution Control Board noise standards (35 IL Administrative Code Part 900). After construction of the SES, the Fayette County Board shall take appropriate enforcement action as necessary to investigate each noise complaint and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to requiring the Applicant to take reasonable steps to mitigate the noise complaint.
8. Glare. Solar collectors shall be placed such that concentrated solar glare does not project onto nearby structures, roadways, or other areas accessible to the public. The Applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation. After construction of the SES, the Fayette County Board shall take appropriate enforcement action as necessary to investigate each complaint of glare and take any additional enforcement action as proves warranted to stop any significant glare that is occurring, including but not limited to requiring the Applicant to take reasonable steps to mitigate the glare such as the installation of additional screening.
9. Screening. To help minimize the visual impacts of an SES on adjacent, non- participating dwellings, from a single-story dwelling viewpoint. Screening shall be provided as follows:
 - A. **Platted Subdivisions**. A platted subdivision shall have a visual screen designed, installed, maintained, and ultimately removed by the Applicant at the time of decommissioning. The visual screen will be installed on the property being leased by the SES, immediately adjacent to the property line. This provides for the most effective screening and minimizes the potential of drain tile damages.
 - B. **Adjacent, Non-participating Dwellings, Excluding Platted Subdivisions**. Subject to the provision of this paragraph, a Visual Screening Option shall be provided by the Applicant to the owner of any adjacent, non-participating dwelling.
 - C. **The Visual Screening Option shall provide the following options:**
 1. The owner of any adjacent, non-participating dwelling, at their discretion, may elect to receive a one-time payment from the Applicant equal to the cost of design, installation, maintenance, and removal of a visual screen in lieu of the actual visual screen. This option shall be detailed in writing by the Applicant, including a proposed design and budgetary estimate for the design, installation, maintenance, and removal of the visual screen, as prepared by an Illinois Registered Landscape Architect. This one-time payment allows for the owner of the adjacent, non-participating dwelling to install the visual screen on their own property if and as they desire. This one-time payment shall be paid prior to the issuance of any building permit, and proof of payment shall be provided to the Fayette County Board.

OR

2. The owner of any adjacent, non-participating dwelling, at their discretion, may request a visual screen be designed, installed, maintained, and ultimately removed by the Applicant at the time of decommissioning. If this option is chosen, the visual screen will be installed on the property being leased by the SES, immediately adjacent to the property line. This provides for the most effective screening and minimizes the potential of drain tile damages.
 - D. If the owner of any adjacent, non-participating dwelling does not elect one of the above two (2) options, no visual screen will be installed, and a one-time payment will be provided as described in the first option.
 - E. A minimum of thirty (30) days prior to the issuance of any building permit, the Applicant shall provide a signed copy of a Memorandum of Understanding to the County Clerk, outlining the terms of the Visual Screening Option as agreed upon by the Applicant and owner of any adjacent, non-participating dwelling.
10. Standards for a Visual Screen are as follows:
 - A. A Visual Screen shall be in the form of vegetative landscaping, opaque fencing, or approved combination thereof, as agreed upon by the non-participating landowner and the Applicant.
 - B. All Visual Screens shall be designed and prepared by an Illinois Registered Landscape Architect.
 - C. All vegetative landscaping shall be planted at a minimum of three (3) feet tall and must reach a minimum height of eight (8) feet within four (4) years of planting.
 - D. If the vegetative landscaping, or any portion thereof, that has been installed by the Applicant does not maintain a height of eight (8) feet any time after its fourth (4th) year of being planted, the Visual Screen, or affected portion, shall be replaced by the Applicant at the start of the next growing season.
 - E. All Visual Screens that are installed by the Applicant shall be always maintained in good condition by the Applicant.
 - F. The Visual Screen shall be installed as early as possible in construction phase of the SES.
11. Signage. A warning sign that is in accordance with NESC and ANSI Z535 Safety Sign Standards and OSHA regulations shall be provided at the entrance to the facility and along the perimeter to the SES. The sign at the entrance to the facility shall include the facilities 911 address and a 24-hour emergency contact number.

12. Outdoor Storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the SES shall be allowed, except for outdoor storage that is otherwise expressly allowed in the zoning district as specified herein. The Fayette County Board or their designee shall have the discretion to determine whether outdoor storage complies with this provision.
13. During construction of the SES, construction activities shall commence no earlier than 6:00 A.M. and shall be discontinued no later than 9:00 P.M.
14. Application Requirements. Due to the unique nature and special requirements of an SES and the potential impacts of an SES on adjoining properties and government services, the SES shall be required to submit and obtain approval on the following items in addition to any requirements by the County Board. The required information must be submitted either with the application. The Applicant shall provide twenty (20) copies of all required submittals to the County Clerk. However, the Applicant shall only be required to submit two (2) copies of all documents proving ownership or interest in the property. The Applicant shall be required to seek a special use permit for parcels of real estate on which solar collection devices, solar energy related equipment, substations, and other associated infrastructure shall be constructed. A special use permit is not required for a parcel of real estate on which shall be placed or buried only one or more Lines, electric transmission lines, or poles. The application for special use permit need not identify the specific location of each solar panel, access road, access point, underground or overhead electric line, transformer, or other element of the SES. The application for a building permit, however, must provide the specific location of each solar panel, access road, access point, underground or overhead electric line, transformer, or other element of the SES.
15. Community Meeting. Prior to the submission of an application for a Special Use Permit for an SES, a community information meeting shall be organized and hosted by the Applicant. The purpose of the meeting is outreach, with the intent of providing complete information to the community in an informal setting. The meeting shall not be construed to be a local government meeting or formal public hearing. The meeting shall be conducted in accordance with the following protocol:
 - A. **Notification**. The Applicant shall notify the Fayette County Board, the Township Board of the affected Township, and all persons who own real estate within a minimum of one thousand (1000) feet of the proposed solar project boundary as sited in the application for Special Use Permit, a minimum of ten (10) days prior to the community meeting. Notification may be sent by regular, first-class mail. Notification via local newspaper, radio stations and social media should be considered.
 - B. **Meeting Date/Time/Location**. The meeting shall be held a minimum of forty-five (45) days prior to the hearing on the petition/application for Special Use Permit, on a weeknight (Monday through Thursday) at an accessible location within a Township where the proposed project will be located, such as a Township Hall or other community center, or alternately at the Old Fayette County Courthouse.

- C. **Content of Meeting.** The informational meeting shall be arranged and hosted by the Applicant or a qualified representative and shall at a minimum include a detailed explanation of the project, the site plan for the proposed project, anticipated construction schedule, the landscaping and screening plan, and the decommissioning plan.

16. A site plan with existing conditions showing the following:

- A. Existing property lines from the exterior boundaries, including the names of adjacent property owners and current use of those properties.
- B. Existing public and private roads, showing widths of the roads and any associated easements.
- C. A contour map showing topography at two-foot intervals of the project site.
- D. Existing vegetation (list type and percent of coverage: i.e., cropland, grassland, wooded areas etc.).
- E. Waterways, streams, and rivers.
- F. A copy of the current FEMA FIRM map that shows the subject property.
- G. Mapped soils according to the Fayette County Soil Survey.
- H. Surface water drainage patterns, and to the extent possible, subsurface drainage lines.
- I. Existing pipelines and utilities.
- J. A plan for the SES showing the following:
 - K. Planned location and spacing of solar panels.
 - L. Planned location of access roads and access points.
 - M. Planned location, height, and fencing materials of all fencing.
 - N. Planned location of Lines connecting the SES to a building, substation, or other electric load.
 - O. Planned new electrical equipment other than at the existing building or substation that is to be the connection point for the SES.

17. Weed/Grass Control. At a minimum, the Applicant shall adhere to the AIMA weed control requirements. The Applicant shall submit and adhere to an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. Vegetation between the fencing and the property line shall be maintained such that noxious weeds are controlled or eradicated consistent with the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.).

18. Landscaping. A landscape plan shall be submitted which shall incorporate native grasses, flowers, plants which will provide wildlife and pollinator habitat, soil erosion protection and/or aid in strengthening the soil structure.
19. Manufacturer's specifications.
 - A. The Applicant shall provide standard manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks. Specifications for the actual equipment to be used in the SES shall be required before a building permit is issued.
20. Connection and Interconnection.
 - A. A description of the method of connecting the SES to a building or substation.
 - B. At the time of applying for building permit, the Applicant shall provide proof that the Applicant has entered into an agreement to sell the power to be generated by the SES.
21. Aviation Protection.
 - A. For any SES to be located within five hundred (500) feet of an airport or within approach zones of an airport, the Applicant shall complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
22. Fire Protection.
 - A. The Applicant shall provide for a fire protection plan for the construction and the operation of the facility and shall provide for and maintain reasonable means of access for emergency services.
23. Endangered Species and Wetlands.
 - A. The Applicant shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources ("IDNR") through the Department's online EcoCat Program. The Applicant shall include a copy of the Agency Action Report and the response from the IDNR. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the Applicant.
24. The SES shall be located, designed, constructed, and operated to avoid and, if necessary, mitigate the impacts to wildlife to a sustainable level of mortality.
25. Road Use Agreements.
 - A. The Developer and the County Board shall approve a Road Use Agreement (RUA) not less than thirty (30) days prior to the issuance of the building permits for the SES project.

B. Agreement Contents.

1. The contents of the Road Use Agreement shall include, but not be limited to the following:
 2. Transportation Impact Analysis (TIA) that details the expected construction routes and the ESAL count per roadway segment. Core samples, or non-destructive testing methods, as approved by the County Engineer, shall be used to determine the base and surface thicknesses of each public roadway used. In addition, all bridges and culvers on the construction routes shall be identified and evaluated for structural adequacy. Adequate exhibits shall be included so that the full impact to the public roadways within the project footprint can be determined.
 3. Requirements that regulate the construction traffic impacts.
 4. Requirements for repairing damages to the roadway base, surface, and appurtenances, in addition to providing for roadway surface upgrades.
 5. Governing practices regarding utility installations on or near the rights of way.
 6. County requirements that include providing permits when the Developer provides proper information.
 7. Requirement for a Certificate of Liability Insurance for ten million dollars (\$10,000,000) per occurrence.
 8. Requirement for a Security instrument in the amount of one hundred twenty-five percent (125%) of the estimated roadway base damage repair and roadway surface repairs and upgrades.
26. Consulting Fund. Not less than thirty (30) days after special use has been granted, an initial engineering and legal fee of no less than Five thousand dollars (\$5,000) shall be deposited into the County Treasury (the Consulting Fund) to cover all engineering consulting and legal fees incurred by the County for the duration of the project from conception to completion. The amount of the initial engineering and legal fee may be adjusted at the discretion of the County Engineer based on the size of the proposed project. Additional funds shall be required, as deemed necessary by the County Engineer. Monies remaining in the Consulting Fund at the completion of the project will be refunded back to the SES project.
27. Storm Water Management, Retention of Topsoil and Minimized Disturbance to Prime Farmland.
- A. At a minimum, the Applicant shall adhere to the AIMA standards addressing soil retention and restoration issues. A storm water management plan and drainage permit in accordance with the County's Storm Water Management Ordinance (Fayette County Code §11-4) shall be approved by the County Engineer before the issuance of the project building permit. The plan shall be signed and sealed by an Illinois Licensed Professional Engineer.

28. Retention of all Topsoil.

- A. No topsoil may be removed, stripped, or sold from the proposed SES site pursuant to or as part of the construction of the SES.
- B. Minimizing Disturbance of Prime Farmland as defined by the U.S. Department of Agriculture.
- C. Any SES to be located on identified prime farmland shall minimize the disturbance to prime farmland as follows:
 - 1. The disturbance to prime farmland caused by construction, operation, and deconstruction of the SES shall be always minimized consistent with good engineering practice.
- D. Disturbance to prime farmland shall be offset by establishment of a vegetative ground cover within the SES that includes the following:
 - 1. The vegetative ground cover shall use native plant species as much as possible and shall be based on a site assessment of the site geography and soil conditions.
 - 2. The species selected shall serve a secondary habitat purpose as much as possible.
- E. Maintenance of the vegetative ground cover shall use a combination of management approaches to ensure safe, cost-effective, reliable maintenance while minimizing environmental risks.
- F. The plan to establish and maintain a vegetative ground cover that includes native plant species as much as possible shall be detailed in a landscape plan included in the SES application. The landscape plan shall include the weed control plan required by subsection E (3-f).
- G. The SES shall be required to initiate and comply with all recommendations of the Fayette County Soil & Water Conservation District's Natural Resources Information Report as to the appropriate vegetative ground cover species selections.

29. Agricultural Impact Mitigation Agreement (AIMA). The Applicant shall enter and adhere to the AIMA with the Illinois Department of Agriculture, prior to construction, pursuant to 505 ILCS 147/15.

30. Drainage. The Applicant shall commit to repairing or restoring all drainage tiles damaged during construction and deconstruction to the same or better condition as to when construction began, specifically outlined in the AJMA. The Applicant shall also commit to contact local drainage districts before the start of any construction to locate drainage district tiles.

31. Interference: The Applicant shall verify that there will be no communication interference resulting from the SES project. If, after the start of the Commercial Operation Date of the SES project, the Applicant receives a written complaint from a property owner within a one (1) mile radius around the project boundary, related to interference with local broadcast residential television or radio, the Applicant shall respond within ten (10) working days after being notified, and shall use commercially reasonable efforts to mitigate any problems on a case-by-case basis.
32. Duration of Special Use Permit. Notwithstanding the provisions of Section 10-2A-3 of the Fayette County Code, the Fayette County Board shall revoke a special use permit granted for any SES when a building permit has not been secured within three (3) years from the date the special use was granted. The County Board may extend this three-year period for such time as it shall determine, for good cause and without further hearing before either the County Board.
33. Operational Standard Conditions
- A. **Maintenance**
1. The Applicant of the SES must submit, on or before the first (1st) anniversary of the Commercial Operation Date, a summary of operation and maintenance reports to the Fayette County Board and any other operation and maintenance reports as the Fayette County Board reasonably requests.
 2. Any physical modification to the SES that increases the number of solar conversion devices or structures and/or the land area occupied by the SES shall require a new special use permit. Like for like replacements of all SES components including but not limited to solar panels, transformers, inverters, batteries, cabling, shall not require re- certification provided replacement is done in an equivalent fashion to the original installation and the required replacement permit fees are paid.
 3. The Applicant shall explain methods and materials used to clean the SES equipment including an estimation of the daily and annual gallons of water used and the source of the water and the management of wastewater. The Fayette County Board may request copies of well records from the Illinois State Water Survey and may require an estimate by a qualified hydrogeologist of the likely impact on adjacent water wells.
34. Materials Handling, Storage and Disposal.
- A. All solid wastes related to the construction, operation and maintenance of the SES shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
 - B. All hazardous materials related to the construction, operation and maintenance of the SES shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

35. Points of Contact.

- A. The Applicant of the SES shall maintain with the Fayette County Sheriff's Department a primary and two (2) secondary points of contact. This information shall be always kept current, and changes shall be reported immediately or as soon as possible.

36. Repowering of the Solar Farm.

- A. The owner or Applicant of the SES may repower the existing SES to incorporate advances in SES technology including, but not limited to, solar panels, inverters, and balance of system components.
- B. Repowering is permitted so long as the project adheres to all conditions of the Special Use Permit as previously imposed.
- C. Repowering shall not substantially or fundamentally change the site footprint or make up of the project or the point of interconnection.
- D. As such, any repower efforts taken by the owner/Applicant shall be governed by the Ordinance in effect at the time the project was permitted for its Special Use Permit.
- E. Any material change to a project must be granted through the Special Use Permit process outlined in the Fayette County Code and shall be governed by the current Ordinance, and all fees and costs associated with the Special Use Permit process shall apply.

37. Decommissioning of the Solar Farm. At a minimum, the Applicant shall adhere to the AIMA decommissioning (deconstruction) requirements.

38. Before a building permit can be granted, the Applicant must present a decommission plan to ensure that all SES facilities are removed after their useful life. Decommissioning of solar panels must occur in the event they are not producing power for twelve (12) consecutive months and/or the landowner does not receive payment for six (6) months. The last day of this twelve (12) month period shall be considered the termination date. The operating company shall complete decommissioning of the SES within twelve (12) months of the termination date, or the County will perform decommissioning at the operating company's expense. The decommission plan shall include provisions and the estimated costs for removal of all structures and modifications including equipment, fencing, roads, and foundations, including but not limited to the restoration of soil and vegetation necessary to return the land to the condition in which it existed at the time the application for special use permit was first filed. The plan must also describe the financial security the Applicant proposes to offer to guarantee completion of the Applicant's decommissioning obligations on the site. The issuance of a building permit for any SES shall be made contingent upon the Applicant's prior filing of proof of its fulfillment of the decommissioning security obligation for the entire site, and in no instance shall the financial security be less than fifty thousand dollars (\$50,000) per megawatt. The only acceptable form of security financing shall be the Applicant's deposit of the determined monetary amount in the County escrow account, unless

the County Board, in its sole discretion, agrees to accept an alternative security, or a portion thereof, in the form of a security bond approved by the County. An updated decommissioning plan shall be submitted to the Fayette County Board every five (5) years. The initial updated decommissioning plan shall be submitted on or before the fifth (5th) anniversary of the Commercial Operation Date.

39. Prior to construction, the Applicant of the SES shall submit an engineer's estimate of cost for decommissioning and disposal/recycling of the SES and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Fayette County Board of the estimate, the Applicant shall deposit, in the County escrow account, unless the County Board in its sole discretion agrees to accept alternative security, or a portion thereof, in the form of a security bond approved by the County, an amount of one hundred fifty percent (150%) of the estimate, to cover the cost of decommissioning as well as inflation cost in future years. The value of the surety shall not be reduced based on the salvage value of any materials or equipment.
40. During the operation of the SES, a new engineer's estimate of cost for decommissioning shall be submitted to the Fayette County Board every five (5) years. The initial updated cost estimate shall be submitted on or before the fifth (5th) anniversary of the Commercial Operation Date. Upon approval of the estimated costs by the Fayette County Board, a revised surety shall be provided to the Fayette County Board in the amount of one hundred fifty percent (150%) of the new estimate. The value of the surety shall not be reduced based on the salvage value of any materials or equipment.
41. The decommissioning plan shall provide for the removal of the following within twelve (12) months of the termination of SES operation:
 - A. All solar collectors and components, fencing, above-ground improvements, and outside storage.
 - B. Foundations, pads, and underground electrical wires to reclaim all sites to the depth of six (6) feet below the surface of the ground.
 - C. Hazardous materials shall be disposed of in accordance with federal and state law.
 - D. Any earth disturbance resulting from the removal of the ground-mounted solar panels must be graded and reseeded, unless otherwise agreed upon by the property owner.
 - E. Vegetative screening that has been installed by the Applicant.
42. Inspections. The County Board or his/her representative shall have the right, at any reasonable time and in the presence of the Applicant, its agents and/or assigns, to enter the premises on which the SES has been constructed to inspect all parts of said SES installation and require that repairs or alterations be made within thirty (30) days if, in his/her judgment, there exists a deficiency in the SES.
43. Liability Insurance. The Applicant of the SES shall maintain a current general liability policy covering bodily injury and property damage and naming Fayette County as an additional insured

with limits of at least five million dollars (\$5,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate with a deductible of no more than five thousand dollars (\$5,000).

44. Standard Condition for Liability Insurance.

A. General Liability Insurance

1. The County of Fayette, Illinois, its officers, and employees shall be included as an additional insured on the General Liability policy on a primary and non-contributory basis for both ongoing and completed operations. A minimum of a three (3) year extended reporting period is required for all claims-made policies.
2. The County of Fayette, Illinois, its officers, and employees shall be named as additional insured with a waiver of subrogation on the Commercial Liability policy.
3. Any Commercial Umbrella utilized shall be a "Following Form" policy.
4. All policies must contain no more than a thirty (30) day notice of cancellation.
5. Current copies of the insurance policies and certificates of insurance shall be kept on file with the Fayette County Clerk.

B. Maintenance of General Liability Insurance

1. The Applicant of the SES shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of a least five million dollars (\$5,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate.
2. The Applicant of the SES shall maintain a current Commercial Auto policy of at least one million dollars (\$1,000,000).

C. The Applicant of the SES shall maintain Workman's Compensation insurance in the following amounts:

1. One million dollars (\$1,000,000) per accident;
2. Occupational Disease: One million dollars (\$1,000,000) per employee with a policy limit of one million dollars (\$1,000,000).

D. Pollution liability insurance shall be maintained in the amount of five million dollars (\$5,000,000) per policy.

E. The general liability policy shall identify landowners included in the Special Use Permit as additional insured.

45. Administration and Enforcement. Before obtaining a building permit, the Applicant of the SES, at its expense, shall coordinate with the Fayette County Special Use Committee to develop a system for logging and investigating complaints related to the SES.

46. This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PRESENTED, APPROVED and ORDAINED by the Fayette County Board in regular session on August 9, 2022.

GLEND A BARTELS	_____
KEITH COLE	_____
MERRELL H. COLLINS	_____
JOHN W. CEARLOCK	_____
GLENN L. GURTNER	_____
MATT HALL	_____
JACOB HARRIS	_____
DOUG KNEBEL	_____
MACK PAYNE	_____
ASHLEY TOWLER	_____
JENNY WAGGONER	_____
DEBRA L. WARNER	_____
JAMES WEHRLE	_____
JOE A. WILLS	_____

Jenny (Austin) Waggoner
Fayette County Board Chairperson

ATTEST:

Jessica Barker
Fayette County Clerk

{SEAL}

**SUB-DIVISION
ORDINANCE**

**...AND...
SET-BACK REGULATIONS**

**...FOR...
FAYETTE COUNTY**

**As Adopted By
Fayette County Board of Supervisors**

SUB-DIVISION ORDINANCE
Adopted February 9, 1965
Fayette County Board of Supervisors

RESOLUTION

A resolution to provide for the health, comfort, safety, and convenience of the inhabitants of Fayette County, Illinois: to establish reasonable standards of design for subdivisions and for resubdivision of improved land and of areas subject to redevelopment, including reasonable requirements for public streets, alleys, ways for public service facilities, parks, playgrounds, and other public grounds.

Be it resolved by the Board of Supervisors, Fayette County, Illinois:

ARTICLE 1

This resolution shall be known as "The Land Subdivision Resolution of the County of Fayette".

ARTICLE 2

Definitions

For the purpose of this resolution, certain terms and words are herewith defined as follows:

COUNTY – Fayette County, Illinois.

BOARD – Board of Supervisors, Fayette County, Illinois.

PLAN COMMISSION OR COMMISSION – A Planning Commission to be appointed by the Board consisting of four citizens, and the Commission shall also include the Township Road Commissioner or Commissioners of the Township or Townships in which the subdivision is located.

BUILDING LINE – A line on a plat between which line and a street, alley, or private place, no building or structure may be erected.

COUNTY ENGINEER – The engineer or engineers ordinarily retained by the County of Fayette for the design or construction of the specific public improvements herein.

IMPROVEMENTS – The furnishing of all materials, equipment, work, and services, including plans and engineering services, staking as supervision, necessary to construct all the improvements required in ARTICLE 6 of this resolution or any other improvements that may be provided by the subdivider. All of such materials, equipment, and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to construct or complete such improvements.

PLANS – All of the drawings including general plans, cross sections, profiles, working details, and specifications which the subdivider prepares or has prepared to show the character, extent, and details of improvements required in ARTICLE 6 of this resolution.

PLAT – A map or drawing showing the lot and street arrangement or other features or details of the area being subdivided, as required in this resolution for preliminary and final approval and recording.

SUBDIVISION – For the purpose of these regulations, a subdivision of land is: (1) the division of land into two or more tracts, sites, or parcels of five acres or less in area; or (2) the establishment or dedication of a road, highway, street or alley through a tract of land regardless of area; provided, however, that the sale or exchange of small parcels of land to or

between adjoining property owners, where such sale or exchange does not create additional lots shall not be considered as a subdivision of land.

SUBDIVIDER – The person or persons, firm, or corporation who are owners of or agents for the area being subdivided and who are responsible for preparing and recording the plat of the subdivision and for carrying out all appropriate requirements outlined in these regulations for the subdividing of land.

ARTICLE 3

Jurisdiction and Procedure

Section 1 – Plat, when required. It shall be unlawful for the owner, agent or person having control of any land in the County outside the corporate limits of any city or village to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways, and grounds, unless by a plat in accordance with the laws of the State of Illinois and the provisions of this resolution. Each subdivider of land shall confer with local officials before preparing the preliminary plat, in order to become thoroughly familiar with all the regulations and the proposals affecting the territory in which the subdivision lies.

Section 2 – County Planning Commission. Upon adoption of this resolution, the Board shall appoint a County Planning Commission consisting of four citizens of Fayette County, none of whom shall be engaged in the business of surveying. The members of the Planning Commission, in all proceedings concerning any subdivision, shall include within their membership the Road Commissioner or Commissioners of the Township or Townships in which any subdivision is located. The said Road Commissioner shall have the right to cast a vote for the approval or disapproval of any subdivision proposals or plans presented to said Planning Commission.

Section 3 – Preliminary Plat to be approved. Any person proposing to subdivide land shall submit to the County Plan Commission for its consideration a preliminary plat, prepared in accordance with the specifications of ARTICLE 5. The design and layout of the subdivision shall conform to the requirements of ARTICLE 4 herein. ~~Following consideration of the plat, the Commission shall report its findings and recommendations in writing to the Board of Supervisors for its consideration and approval or disapproval.~~

Section 4 – Requisites for final plat approval. Following approval of the preliminary plat by the Commission and the Board, the subdivider shall (a) install the required improvements, or (b) furnish a bond for such installation, all in accordance with the requirements of ARTICLE 6, herein. Upon approval of the improvements, or arrangements therefor, the final plat shall be submitted in accordance with the provisions and requirements of ARTICLE 7 herein. No plat or replat shall be filed for record, or recorded in the office of the Recorder of Deeds of Fayette County, Illinois, unless and until the approval of the Board is endorsed thereon by the County Clerk, and no lot shall sold from such plat or replat unless and until approved by the Board and filed for record in the office of the Recorder of Deeds of Fayette County, Illinois, as herein provided.

ARTICLE 4
Subdivision Design Standards

Section 1 – The arrangement of streets and lots shall give due regard to the topography and other physical features of the property and shall meet the following requirements and standards.

A) Relation to adjoining street system. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street and alley arrangements shall not be such as to cause hardship on owners of adjoining property in platting their own land and providing convenient access to it. Offset streets shall be avoided. The angle of intersection between minor streets and major streets shall not vary by more than ten degrees from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.

B) Street and alley width

1) The width of streets shall conform to the following:

	Right-of-Way		
	Pavement Width	W/Curb & Gutter	W/O Curb & Gutter
Less than 150 vehicles per 24-hr period	33'	50'	66'
150 to 400 vehicles per 24-hr period	44'	66'	80'

Where such street is part of the county, state or federal highway system, the width shall conform also to standards of Illinois Division of Highways.

2) The minimum width for minor streets shall be 50 feet, except that in cases where the topography or special conditions make a street of less width more suitable, the Commission may waive the above requirements. When a street adjoins unsubdivided property, a half street at least 33 feet in width shall be dedicated and whenever the property being subdivided adjoins a half street, the remainder of the street shall be dedicated.

3) Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots unless other adequate provisions are made for service and deliveries and shall be at least 20 feet wide.

C) Easements. Easements of at least five feet in width shall be dedicated on each side of all rear lot lines and along side lot lines where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water, or other utilities. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

D) Blocks.

1) No blocks shall be longer than 1,200 feet.

2) Courts, dead-end streets, or other street space may be provided if proper access is given to all lots from a dedicated street or court. All dead-end streets shall terminate in a dedicated street space having a minimum radius of 50 feet or other satisfactory arrangement for turning of vehicles. Dead-end streets shall not exceed 750 feet in length.

E) Lots.

- 1) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.
- 2) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.
- 3) No lot shall have a depth of less than 100 feet nor a width of less than 50 feet. No lot shall have an area less than the following:

Single Family	7,500 Sq. Ft.
Multiple Family	7,500 Sq. Ft. minimum or 1,500 sq. ft. per family whichever is greater.
- 4) All building lines shall be established at least 25 feet from any right-of-way line.
- 5) Corner lots shall have a width or depth sufficient to permit the establishment of front building lines on both the adjoining streets.
- 6) Lots at major street intersections and at acute angle intersections of less than 85 degrees shall have a radius of 20 feet at the street corner. On business lots a chord may be substituted for the circular arc.

F) Maintenance of improvements. Where a subdivision contains sewers, sewage plants, water supply systems, park areas, or other physical facilities necessary or desirable for the welfare of the area and of common use or benefit which the County does not desire to, or cannot maintain, provision shall be made by trust agreements, made a part of the deed restrictions, acceptable to the Board for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

G) Parks and school sites. Where an area being subdivided includes land proposed for parks or schools, the subdivider shall either dedicate such lands to the appropriate public agency as a part of the plat, or he shall reserve such lands for a period of at least one year to permit their acquisition by purchase or by other means by said public agency. An agreement may be entered into between the sub-divider and the appropriate public agency regarding the time and method of acquisition and the cost of land.

H) Easement along streams. Whenever any stream or important surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream and such easement shall be dedicated to the County or other appropriate public agency.

ARTICLE 5 Preliminary Plat

Section 1 -- Where filed, exception. Four copies of the preliminary plat, drawn to a scale of not more than 100 feet to the inch, shall be submitted to the County Plan Commission. The plat shall be accompanied by a filing fee of One Hundred Dollars (\$100.00) (County Board Meeting held May 11, 1982). Plats containing three lots or less and not involving new streets may be exempted from the provisions of this article upon application to the Commission.

Section 2 – The preliminary plat shall show:

- 1) The location of the present property lines and section lines and streets, building, watercourses, and other existing features within the area to be subdivided and similar information regarding land immediately adjacent thereto.
- 2) The proposed location and width of streets, alleys, lots, building lines, and easements.
- 3) Existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract immediately abutting thereto; the location and size of the nearest water main and sewer outlet.
- 4) The title under which the proposed subdivision is to be recorded and the name of the engineer, the registered land surveyor and the subdivider platting the tract.
- 5) Contours referred to the U.S.G.S. and C. & G. S. datum with intervals of five feet or less.
- 6) The north arrow, scale, and date.
- 7) Plans or written statements describing the grades or profiles of the streets, the proposed grades and facilities for all required improvements and the subdivider's proposal to the County for accomplishing their installation in accordance with ARTICLE 6, hereof.

Section 3 – Approval of preliminary plat. The Plan Commission shall approve or disapprove the application for preliminary approval within 90 days from the date of the application, or the filing by the applicant of the last item of supporting data, whichever date is later, unless such time is extended by mutual consent. If the Plan Commission finds that the preliminary plat satisfies the requirements of this Resolution, it shall approve said plat and recommend approval by the Board.

If the Plan Commission finds otherwise, it shall specify in writing the objections found, to such plat and may either recommend disapproval or recommend approval conditioned upon specific changes in the plat.

One copy of the proposed plat together with a copy of the findings of the Commission shall be filed by the Commission with the County Clerk for submission to the Board. One copy of the proposed plat and findings shall be retained by the Commission, and one copy and findings shall be given the person offering the proposed plat together with certificate of approval or disapproval of the Commission and the Board.

ARTICLE 6

Minimum Improvements

Section 1 – Authority to proceed with final plat. Receipt by the subdivider of the copy of the preliminary plat together with the approval of the Commission and the Board, shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvements, the sub-divider shall submit such final plans and specifications to the County Engineer having jurisdiction over their construction. If said official shall find such plans and specifications to be in accordance with applicable policies and standards of the County, he shall authorize construction and determine the

amount of bond, if required. Following the approval of the plans and specifications, construction may be started or the bond may be filed.

Section 2 – Requirements for approval of final plat. No final plat of any subdivision shall be approved unless:

- 1) The improvements listed hereinafter have been installed prior to such approval, or
- 2) The subdivider shall have filed with the County Clerk a surety bond, cashier's or certified check, to insure the construction of the improvements listed in this article in a satisfactory manner and within the period specified by the Board, such period not to exceed two years. No surety bond shall be accepted unless it be enforceable by or payable to the County in a sum at least equal to the cost of constructing the improvements as estimated by the County Engineer and in form with surety and conditions approved by the State's Attorney.

Section 3 – Installation of part of improvements. The owner of a tract may prepare and secure approval of a preliminary plat for the entire tract and may install the required improvements only in a portion of such tract, but the improvements must be installed or provision made for their installation in any portion of the area for which a final plat is approved for recording; provided, however, that any water mains, storm sewers, truck sewers, and any sewage treatment plants shall be designed and built to serve all the area owned by the subdivider and designed and built in such a manner that they can easily be expanded or extended to serve the entire area, and provided further that the requirements of Section 1, Subsection G of ARTICLE 4 have been met.

Section 4 – Survey monuments. All subdivision boundary corners shall be marked with permanent survey monuments. All points of tangency and points of curvature of all curves shall be marked with permanent monuments. A permanent monument shall be deemed to be 4" diameter concrete with 1/2" rod center at least thirty inches long with a minimum dimension of four inches extending below the frost line. Should conditions prohibit the placing of monuments on the line, offset marking will be permitted; provided, however, that exact offset courses and distances are shown on the subdivision plat. Three-fourths (3/4) inch iron pipes or 5/8" steel rods 3 feet long shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced before the final plat is approved.

Section 5 – Street improvements. All street and public ways shall be graded to their full width, including side slopes and to the appropriate grade and shall be surfaced to a width of 33 feet with six inches of compacted crushed stone or gravel and with approved A-3 surface or six inches of concrete may be used for the surfacing. Concrete curbs and gutters may be installed. The surfacing and curbs shall be in accordance with applicable standard specifications of the State and shall be subject to inspection and approval by the County Engineer or other official having jurisdiction.

Where lots are one acre or more in area, pavements of 22 feet in width and without curbs and gutters may be used, but usable shoulders with a slope of one-half inch per foot shall be provided along any 22-foot pavement.

Section 6 – Water lines. Where a subdivision is located with a connection to a public water system, said water service to terminate not less than two feet inside of the curb line or easement line. Fire hydrants shall also be installed in all subdivisions. The location of same shall be subject to approval by the nearest District or Municipal Fire Chief. The water supply

system shall be constructed under the direction and control of and all construction shall be subject to the approval of the County Engineer.

Section 7 – Sanitary sewers. In subdivision in which the lots are less than 20,000 square feet and where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared, the subdivider may be required to install sewers in conformity with such plans. In such case, until a connection can be made with a public sewer system, the use of a primary sewage treatment plant will be permitted, provided such disposal facilities are constructed in accordance with the requirements of the Illinois Department of Health.

In subdivisions where the lots are 20,000 square feet or more and have a minimum width of 100 feet, the subdivider may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be constructed in accordance with regulations and requirements of the Illinois Department of Health and under the direction and control of the appropriate county authorities.

Section 8 – Drainage. The plat shall be laid out so as to provide proper drainage of the area being subdivided. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low areas. The means for disposing of the storm water shall be subject to the approval and supervision of the County Engineer.

ARTICLE 7 Final Plat

Section 1 – Final plat. The final plat shall be drawn with permanent ink on tracing cloth or Mylar film, to a scale of not more than 100 feet to the inch, from an accurate survey and on one or more sheets whose dimensions shall be 22 inches by 34 inches. If more than two sheets are required, an index sheet of the same dimensions shall be filed, showing the entire subdivision on one sheet and the component areas shown on other sheets. Fee of \$1.00 per lot shall accompany final plat.

Application for final approval of a plat shall be made not later than one year after preliminary approval has been granted. The original and four prints of the final plat shall be submitted to the County Plan Commission at least one week before the meeting thereon. When the final plat conforms to the approved preliminary plat, and the requirements of ARTICLE 6 and 7 have been accomplished, certification to this effect shall be endorsed on the final plat by the Chairman of the Commission and the plat thereupon submitted to the Board for its approval or disapproval. Where the final plat does not conform to the approved preliminary plat, the Planning Commission shall submit its recommendations to the Board for approval or disapproval of the final plat. Action on the final plat shall be taken by the Board within 60 days from the date of filing the last required document or other paper or within 60 days from the date of filing application for final approval, whichever date is later, unless the applicant and the Board mutually agree to extend the 60-day period.

Section 2 – Information required. The final plat and accompanying documents shall show:

- 1) The boundary lines of the area being subdivided, with accurate distances and angles. The correct legal description of the property being subdivided shall be shown on the plat or on an accompanying certificate.

- 2) The lines of all proposed streets and alleys with their widths and names of all streets.
- 3) The accurate outline of any portions of the property intended to be dedicated or granted for public use.
- 4) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and the names of all streets.
- 5) All lot lines together with an identification of blocks and lots.
- 6) The location of all easements provided for public use, services, or utilities.
- 7) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10th of a foot.
- 8) The radii, arcs, or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- 9) The location of all survey monuments and their descriptions.
- 10) The name of the subdivision and the scale of the plat, North Arrow, the name of the owner or owners or subdividers.
- 11) The certificate of a registered Illinois land surveyor attesting to the accuracy of the survey and the correct location of all monuments shown.
- 12) Any private restrictions and trusts and their periods of existence. Should these restrictions or trusts be of such length as to make their lettering on the plat impracticable and thus, necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- 13) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks, or other open spaces shown thereon and the granting of easements required.
- 14) A receipt of certificate showing that there are no unpaid taxes or assessments upon any part of the area within the subdivision.
- 15) Certification of approval by the Board for endorsement by the Board Chairman and County Clerk.

ARTICLE 8

Exceptions

Section 1 – Modification of requirements. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application or the requirements contained in this Resolution would result in real difficulties or substantial hardship or injustice, the Board, after report by the Commission may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner but so that at the same time, the public welfare and interests of the County are protected and the general intent and spirit of this Resolution preserved.

ARTICLE 9

Application

The regulations and provisions of this Resolution shall not apply to any lands within 1 ½ miles of the City limits of the City of Vandalia, Illinois, and now covered by the Subdivision Ordinance of said City of Vandalia, Illinois.

ARTICLE 10

Validity

If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Resolution.

ARTICLE 11

Changes and Amendments

Any regulations or provisions of this Resolution may be changed and amended from time to time by the Board.

ARTICLE 12

Penalty

It shall be illegal to sell or offer to sell any lot, tract, or property which does not conform to the requirements and regulations of this Resolution and every such sale or attempt to sell shall be subject to a fine of not less than twenty-five dollars (\$25.00) for each lot or tract as provided by the Illinois Statutes.

The Subdivision Ordinance adopted by the Board of Supervisors of Fayette County, Illinois, on November 10, 1953, is hereby repealed.

COUNTY OF FAYETTE, STATE OF ILLINOIS
FAYETTE COUNTY BOARD OF SUPERVISORS
By CARROL LOWRANCE (SEAL)
Chairman

Attest:

ROBERT (BOB) AUSTIN
Clerk of the Board of Supervisors

BUILDING SET-BACK REGULATIONS

Following resolution was passed by the Fayette County Board of Supervisors on May 9, 1961:

RESOLUTION

WHEREAS to the end that adequate safety may be secured and the congestion of public roads, streets, traffic-ways, drives and parkways may be lessened or avoided, the county board is authorized and empowered to establish, regulate and limit the building or set-back lines on or along any road, street, trafficway, drive or parkway in the county outside the corporate limits of any city, village or incorporated town, and

WHEREAS public interest demands the establishment of building or set-back lines on or along all of the rural roads included in the system of State Highways in Fayette County.

NOW, THEREFORE BE IT RESOLVED that the following building or set-back lines are hereby established in Fayette County and all buildings or structures hereafter constructed on roads outside the corporate limits of any city, village or incorporated town shall be located back of the following lines:

- 1) On or along all State aid roads which are not coincident with either a road in the Federal Aid Primary System or a State bond issue road, the building or set-back line shall be a line parallel to and 80 feet distant from the centerline of the surface of the road except that within 400 feet of the center of an intersection of the road with a railroad or with another road in the system of State Highways except roads in the National System of Interstate and Defense Highways the building or set-back line shall be a line parallel to and 100 feet distant from the centerline of the surface of the road.
- 2) On or along all roads in the system of State Highways except the State aid roads described in (1) above and roads on the National System of Interstate and Defense Highways the building or set-back line shall be a line parallel to and 90 feet distant from the centerline of the surface of the road except that within 400 feet of the center of an intersection of the road with a railroad or with another road in the system of State Highways except roads in the National System of Interstate and Defense Highways the building or set-back line shall be a line parallel to and 100 feet distant from the centerline of the road and be it further

RESOLVED that the establishment of these buildings or set-back lines does not constitute the taking of private property nor shall it deprive the owner of any existing property of its use or maintenance to which it is now lawfully devoted, and be it further

RESOLVED that in case any building or structure is erected or constructed in violation of this resolution or any amendment thereto, the enforcing officer, in addition to other remedies may institute any appropriate action or proceedings to prevent such unlawful erection or construction, to restrain, correct or abate such violation, to prevent the occupancy of said building or structure, or to prevent any illegal act, conduct, business or use in or about such premises, and be it further

RESOLVED that the County Superintendent of Highways is hereby designated the enforcing officer of this building or set-back line resolution, and be it further

RESOLVED that building set-back signs conforming to the requirements of the Manual of Uniform Traffic Control Devices for Streets and Highways adopted by the Department of Public Works and Buildings, State of Illinois, shall be erected where deemed necessary by the County Superintendent of Highways on roads under the county's jurisdiction and by the Department of Public Works and Buildings, State of Illinois, on roads under its jurisdiction, and be if further

RESOLVED that this resolution shall become effective and in force immediately upon adoption by the County Board Supervisors.

Following resolution was adopted by the Fayette County Board of Supervisors on September 10, 1963;

RESOLUTION

WHEREAS, the Board of Supervisors of the County of Fayette, State of Illinois, adopted a certain resolution on the 5th day of September, 1961, establishing building or set-back lines in Fayette County, Illinois, and designating the County Superintendent of Highways of Fayette County, Illinois, as the enforcing officer of the building or set-back line resolution, and,

WHEREAS, it is deemed advisable that permits be issued under the supervision of said County Superintendent of Highways for the erection of buildings or structures along the State and County Highways in Fayette County to which said building or set-back line resolution applies.

NOW, THEREFORE, be it resolved that the said building or set back line resolution be amended by adding the following paragraph:

"Resolved that prior to the erection of any building or structure along and adjacent to any road as above set forth in this resolution, the persons desiring to construct or erect said building or structure shall make application to the County Clerk of Fayette County, Illinois, for a permit for such construction, and the said County Clerk shall thereupon transmit said application for permit to the County Superintendent of Highways of Fayette County, Illinois, who shall determine if the proposed construction complies with the provisions of the above resolution. In the event that the County Superintendent of Highways determines that the proposed construction is in compliance with the provisions of the above resolution, he shall notify the County Clerk who shall there-upon issue a permit authorizing said construction. In the event that the County Superintendent of Highways determines that the proposed construction is not in conformity with the provisions of the above resolution, he shall notify the Zoning Committee, who shall set a date for a hearing before said Committee and give notice of the time and place of said hearing to the County Superintendent of Highways and to the person desiring to make said construction; and if, upon said hearing, the said Committee shall determine that the provisions of this resolution have not been complied with, the issuance of said permit shall be refused, and if it is determined upon said hearing that the proposed construction is in compliance with the provisions of said resolution, then said committee shall order the County Clerk to issue said permit."