
PIATT COUNTY ZONING ORDINANCE

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Table of Contents

	Page
ARTICLE I. TITLE, INTENT AND PURPOSE	1
ARTICLE II. GENERAL PROVISIONS	3
ARTICLE III. DEFINITIONS	5
ARTICLE IV. ADMINISTRATION	14
ARTICLE V. DISTRICTS AND BOUNDARIES	23
ARTICLE VI. DISTRICT USE REGULATIONS	26
ARTICLE VII. YARD REGULATIONS	39
ARTICLE VIII. DENSITY REGULATIONS	42
ARTICLE IX. HEIGHT REGULATIONS	43
ARTICLE X. OTHER REGULATIONS	45
ARTICLE XI. LIGHTING REGULATIONS	55
ARTICLE XII. OFF STREET PARKING AND LOADING REGULATIONS	56
ARTICLE XIII. INTERPRETATION AND CONFLICT	60
ARTICLE XIV. VIOLATION AND PENALTIES	60
ARTICLE XV. VALIDITY	60
ARTICLE XVI. WHEN EFFECTIVE	61

ZONING ORDINANCE PIATT COUNTY, ILLINOIS

ARTICLE I. TITLE, INTENT, AND PURPOSE

A. TITLE. These regulations may be referred to as the “ZONING ORDINANCE.”

B. INTENT AND PURPOSE.

1. These regulations have been based upon the comprehensive plan for Piatt County, Illinois, June 2010. Said comprehensive plan included estimates of population growth, land use surveys, a land use plan, plans for major thoroughfares, other transportation facilities, community facilities, public services and utilities, and a public works program.
2. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.
3. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.
4. The land use regulations divide the area into a number of zoning districts.
 - a. Because of poor drainage, steep slopes and other adverse natural conditions, some land areas should be kept in their natural state. These would be placed in a Conservation District.
 - b. The comprehensive plan includes careful estimates of the land area requirements for the various urban land uses such as commerce, residence, industry, transportation, and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities such as sewers, water, schools, parks, and the like. Remaining lands should be reserved for agricultural uses. Consequently, the regulations include an Agricultural District for non-urban land uses.
 - c. In the past, residential neighborhoods have deteriorated because they were invaded by small isolated commercial uses and by more intensive residential uses such as duplexes or apartment buildings. The great majority of our population desire to, and do, live in single-family homes which they own and which are located on fairly large lots. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.
 - d. There is a General Business District for the more widely used commercial areas along major streets and highways. Any further classification of commercial areas will be found in the zoning regulations for the individual cities and towns in the County.

- e. For industry, there is one district - a “general” industrial district.
 - f. There are Interchange Districts designed to regulate and control development around the interstate highways.
 - g. The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used. Non-conforming uses are permitted to continue for adequate time periods.
 - h. Each of the regulations has been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of optimum land use environment.
5. The regulations are not to apply to land, barns, outbuildings or other structures used primarily for farming purposes on a farm as herein defined, except as otherwise provided in this Ordinance, which exceptions include, but are not limited to, Articles VII, VIII, IX, XII, XIII, XIV and XV, and Section E of Article X.

ARTICLE II. GENERAL PROVISIONS

[55 ILCS 5/5-12001 *et seq.*]

Except as hereinafter provided:

- A. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- B. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- C. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
- D. The density and yard regulations of this Ordinance are minimum regulations for each and every building existing at the effective date of this Ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this Ordinance.
- F. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this Ordinance.
- G. Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.
- H. All individual mobile homes and manufactured homes shall conform with the applicable yard, height, and density requirements of the district in which individual mobile homes and manufactured homes are permitted; except that lot area or density requirements shall not apply to temporary mobile homes and manufactured homes used exclusively to accommodate temporary seasonal farm help working on farms.
- I. No land subject to flooding shall be approved for residential, business or industrial uses unless corrected as specified in the Piatt County Rules and Regulations governing the subdivision and platting of land.

J. At all times the land shall be maintained in a safe condition so that sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.

ARTICLE III. DEFINITIONS

For the purpose of this Ordinance, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and “premises”; the word “shall” is mandatory and not directory; the words “used” or “occupied” include the words “intended”, “designed” or “arranged to be used or occupied”; the word “lot” includes the words “plot” or “parcel”; the word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the masculine gender is used throughout the Ordinance for simplicity regardless of the actual gender referred to. Any word not herein defined shall be as defined in any recognized Standard English dictionary.

ACCESSORY BUILDING. A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

ACCESSORY USE. A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

ADVERTISING DEVICE. Banners affixed on poles, wires or ropes and streamers, wind operated devices, flashing lights and other similar devices.

AGRICULTURAL ACTIVITY. The growing of farm crops which include but are not limited to truck garden crops, animal and poultry husbandry, bees, fish, dairying, aquaculture, nurseries, tree farms, sod farms, flower farming and greenhouses, when such activities constitute the principal use of the land.

AIRCRAFT. Means “Aircraft” as defined by the Illinois Department of Transportation, Division of Aeronautics.

AIRPORT. Means “Airport” as defined by the Illinois Department of Transportation, Division of Aeronautics.

ALLEY. A public or private thoroughfare which affords only a secondary means of access to abutting property.

ANIMAL FEEDING OPERATION – (1) Animal feeding operation (“AFO”) means a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

- (i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month prior, and
- (ii) Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

ANIMAL HOSPITAL. Any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

APARTMENT. See Dwelling Unit.

AUTOMOBILE SERVICE STATION. Any land, building, structure or premises used for the sale at retail of motor vehicle fuels, oils or accessories or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the replacing of motors, bodies or fenders of motor vehicles or painting motor vehicles, public garages and the open storage of rental vehicles or trailers.

AUTOMOBILE WRECKING YARD. Any property where three or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking, sales of old parts or storing of such automobiles or the parts thereof.

BASEMENT OR CELLAR A story having part but no less than one-half of its height below ground level. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

BED AND BREAKFAST. A premises, other than a hotel or apartment hotel, where for compensation and by prearrangement for definite periods, lodging, meals or lodging and meals are provided for two or more persons, and with no more than five rooms for rent.

BOARD. Means Zoning Board of Appeals established in ARTICLE IV.

BUILDABLE AREA. The area of the lot left to be built upon after the side, front and back yards are provided. (See Appendix)

BUILDING. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

BUILDING, HEIGHT OF. The vertical distance from the ground level to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip and gambrel roofs, not including chimney or vane

CLINIC. An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

CLUB. Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

COUNTY BOARD. Means the Piatt County Board.

COURT. An open space more than one-half surrounded by buildings.

DISTRICT. Means a part of the County wherein regulations of ordinance are uniform.

DIVISION OF AERONAUTICS. A division of the Illinois Department of Transportation, which recognizes the Illinois Administrative Code, Title 92: Transportation.

DWELLING. Any building or portion thereof which is designed and used exclusively for residential purposes.

DWELLING, MULTIPLE FAMILY. A building, other than a townhouse, designed for or occupied exclusively by three or more families.

DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively for one family.

DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by two families.

DWELLING UNIT. One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

FAMILY. (a) An individual; or (b) two or more persons related by blood, marriage, foster care, or adoption; or (c) five persons not so related; or (d) two or more persons related by blood, marriage, or adoption, and not more than three persons not so related; together with his or their domestic servants, and gratuitous guests maintaining common household in a dwelling unit.

FARM. Any property or structure used primarily for an agriculture activity. Farm does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. The ongoing removal of oil, gas, coal or any other mineral from property used for farming shall not cause that property to not be considered as used solely for farming.

FENCE. A structure for enclosure or screening.

FLOOR AREA. The square feet of floor space within the outside line walls, including the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

FRONTAGE. All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end street, but not including property more than 400 feet distant on either side of a proposed building or structure.

GARAGE, PRIVATE. A detached accessory or portion of a main building housing the personal property or private motor vehicles of the occupants of the premises, but not commercial vehicles.

GARAGE, PUBLIC. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

GARAGE, STORAGE. Any building or premises used for housing personal property or private motor vehicles, but not commercial vehicles.

GROUND. The average level of the finished surface of the soil adjacent to the exterior walls of the building.

GROUND MOUNT SOLAR ENERGY SYSTEM - A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

HOME OCCUPATION. An occupation or profession carried on at the premises by a member of the family residing on the premises, which employs no more than one person outside the family. The home occupation shall not generate excessive noise, vibrations or electrical interference which creates a nuisance to surrounding residents. It shall not create undue traffic or parking which may interfere with the reasonable use of adjacent properties. The occupation must be secondary to the primary use of the dwelling.

HOTEL. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.

INSTITUTION. A non-profit establishment for public use.

JUNK YARD. An open area where , used or second-hand scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an auto-wrecking yard, but does not include uses established entirely within an enclosed building.

KENNEL. An establishment where four or more household pets are boarded, bred, trained, groomed or raised for compensation.

LANDSCAPED AREA. An area that is permanently devoted and maintained to the growing of shrubbery, grass and other plant material.

LOADING SPACE. A space within the main building or on the same lot for the standing, loading or unloading of trucks.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a road or street.

LOT, CORNER. A lot abutting upon two or more streets or roads at their intersections.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets or roads as distinguished from a corner lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into abutting street, road or alley, the lot line shall be deemed to be the street, road or alley line.

LOT WIDTH. The width of a lot at the front yard line.

LOT, PLATTED. A lot designated on a subdivision plat or deed, duly recorded.

FOR ADDITIONAL INFORMATION ON LOTS, SEE APPENDIX

MAIN BUILDING. The building or structure in which the main use of the lot or parcel is located. Storage buildings, garages, and other accessory uses and structures shall not be considered main buildings.

MANUFACTURED HOME. See Mobile Home.

MOBILE/MANUFACTURED HOME. A type of pre-fabricated housing not more than 15 years old at date of application for permit that is largely assembled in factories and then transported to the site of use. Mobile/manufactured homes are built as dwelling units with a permanent chassis to assume the initial and continued transportability of the home. The requirement to have a wheeled chassis permanently attached differentiates mobile/manufactured home housing from other types of pre-fabricate homes, such as modular homes. The mobile/manufactured home must provide sleeping accommodations, flush toilet, tub or shower bath, kitchen and cooking facilities, and plumbing and electrical connections for attachment to outside systems which permit residential occupancy by one or more persons, and which does not exceed eighteen (18) feet in width, and not in excess of ninety (90) feet in length. For the purposes of this Resolution, removal of the wheels, hitch and tongue shall not alter the basic character of a mobile home. Must conform to current Illinois Modular Dwelling and Mobile Structure Safety Act.

MOBILE HOME COURT. An area where two or more inhabited mobile homes can be or are intended to be parked.

MOTEL. Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building. Garage or parking spaces shall be conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of vehicle transients.

NONCONFORMING USE. The lawful use of land or a building, or a portion thereof, which use does not conform with the use regulations of the district in which it is located at the time of the adoption of this Ordinance.

NURSING HOME. A home for the aged or infirm in which three or more persons not of the immediate family are received, kept or provided with food and shelter, or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OPEN AREA. That part of a lot on which no part of a building or structure extends.

PARKING SPACE. A surfaced area, enclosed or unenclosed, (not less than nine feet wide and twenty feet long) sufficient in size to store one vehicle together with a drive way connecting the parking space with a street, road or alley and permitting ingress and egress of a vehicle without the necessity of moving any other vehicle.

PERMISSIVE USE. A use allowed in a zoning district after permit is granted by the Zoning Officer in accordance with the provisions of ARTICLE IV.

PREMISES. A lot together with all buildings and structures thereon.

PRIME FARMLAND. Land which is designated prime farmland by the United States Department of Agriculture.

RESTRICTED LANDING AREA (RLA). Means “Restricted Landing Area (RLA)” as defined by the Illinois Department of Transportation, Division of Aeronautics.

ROAD. See “Street”.

ROOF MOUNT SOLAR ENERGY SYSTEM– A solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

SCREEN. Planting consisting of a variety of trees, shrubs, or both in the same planting area, or a combination of seeded earth mound and plant material screens shall be constructed and planted so as to form dense screens to a height appropriate to block out objectionable features.

SHOOTING RANGE. Any premise open to private or public individuals where fees are charged for target shooting.

SIGN. Any identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.

SIGN AREA. The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

SIGN, BILLBOARD, GROUND Any sign erected, constructed or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts or braces placed upon or affixed in the ground and not attached to any part of a building.

SIGN, MARQUEE. Any sign affixed to a marquee over the entrance to a building and supported from the building.

SIGN, POST. Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

SIGN, PROJECTING. A sign attached to the face of a building and extending outward.

SIGN, ROOF. Any sign erected upon or above a roof or parapet wall of a building, and which is wholly or partially supported by said building

SIGN, WALL. Any painted sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building.

FOR ADDITIONAL SIGN INFORMATION SEE APPENDIX.

SINGLE FAMILY FARM DWELLING. A dwelling occupied by the members of one family in which the principal occupation or means of livelihood consists of agricultural production and/or livestock farming.

SINGLE FAMILY NON-FARM DWELLING. A dwelling occupied by the members of one family in which the principal occupation or means of livelihood is other than agricultural production and/or livestock farming.

SOLAR ENERGY SYSTEMS, COMMERCIAL. Any device or combination of devices or elements which rely on power obtained by harnessing the energy of the sun's rays, intended primarily to be sold to wholesale or retail markets.

SOLAR ENERGY SYSTEMS, PRIVATE. Any device or combination of devices or elements which rely on power obtained by harnessing the energy of the sun's rays, intended primarily to be used as an onsite power source, however, incidental energy output may be delivered to a power grid to offset the cost of energy on site.

SPECIAL USE. A use allowed in a zoning district after a permit is granted by the Board of Appeals according to provisions of ARTICLE IV.

STREET. The entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

STREET CENTERLINE. The street centerline is a line halfway between paved or traveled edges of the street surface.

STREET LINE. A dividing line between a lot and a contiguous street.

STRUCTURAL ALTERATION. Any change except those required by law or ordinance which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

STRUCTURE. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, swimming pools and signs.

SUBDIVISION (Subdivision of Land). The division of land as defined by the Illinois Revised Statutes

TINY HOUSE .See Mobile Home.

TOURIST HOME. An establishment used for temporary dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation.

TOWN HOUSE. A building that has one-family dwelling units erected in a row as single building on adjoining lots, each being separated from adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line and each such building being separated from any other building by space on all sides.

TRAILER. Every vehicle without motive power in operation designed for carrying persons or property and for being drawn by a motor vehicle.

TRAVEL TRAILER. A trailer, not used commercially, designed to provide living quarters for recreational, camping or travel use, and of a size or weight not requiring an over dimension permit when towed on a highway.

VARIATION. A variation is a relaxation of the strict terms of the Ordinance in order to provide relief for a property owner or occupant upon whom the ordinance has imposed an undue hardship or difficulty.

YARD. An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

YARD, FRONT. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot, or to the designated street or highway right-of-way line in cases where the present property line extends to the centerline of such street or highway.

YARD, REAR. A yard extending the full width of the lot between a principal building and the rear lot line.

YARD, SIDE. A yard between the main building and the side line of the lot and extending from the front yard line to the rear yard line.

YARD WIDTH AND DEPTH. The shortest horizontal distance from a lot line to the nearest portion of any structure.

ZONING OFFICER. The individual appointed by the County Board to administer the Zoning Ordinance.

ARTICLE IV. ADMINISTRATION
[55 ILCS 5/5-12008-12019]

A. BOARD OF APPEALS.

1. Organization of Board of Appeals

a. Membership: A Zoning Board of Appeals is hereby created. As written in the Illinois Compiled Statutes 55 ILCS 5/5-12010. Board of Appeals, the presiding officer of the county board with the advice and consent of the county board shall appoint a board of appeals consisting of five members and two alternate members. Alternate members, shall serve as members of the board only in the absence of regular members. One of the members so appointed shall be named as chairman at the time of his appointment, and in case of vacancy the appointing power shall designate a chairman. All members of a board of appeals shall be residents of separate townships at the time of their appointments. The appointing authority shall have the power to remove any member of the board for cause, after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose place has become vacant.

b. Meetings: The Board shall organize and adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. All business of the Board shall be transacted at such meetings. The Board shall keep minutes of its proceedings showing vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Officer, and shall be a public record.

c. Appeals: Appeals to the Board may be taken by any person aggrieved. Such appeal shall be taken within 20 days after the decision by filing with the officer from whom appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer, from whom the appeal is taken, shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give ten days' notice to the parties in interest, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party shall appear in person or by attorney.

d. Decisions: All decisions of the Zoning Board are final and non-reviewable by said Board, unless the County Board, in all matters where approval by the County Board is required, shall refer the case back to the Zoning Board of Appeals for further consideration.

2. Powers: The powers of the Board are:

a. Using sound judgment and reasonable discretion to interpret the Ordinance, being:

- 1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Ordinance.
- 2) To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this ordinance.
- 3) To interpret the provisions of this Ordinance in such a way to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Ordinance where the street layout on the ground varies from the street layout as shown on the map aforesaid.

b. To recommend to the County Board the permitting of the following exception:

- 1) Use of premises for public utility and railroad purposes, for a radio, cellular communications, or television tower, or cable television or broadcasting station or WEC's, and solar energy systems and other renewable energy systems.

c. To recommend to the County Board the permitting of the following four variations:

- 1) Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this Ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.
- 2) Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Ordinance but, providing that such a reduction not be more than 50 percent of the usual requirement.
- 3) Vary the regulations and requirements of this Ordinance in order to afford relaxation of the strict terms hereof, to provide relief to a property owner or occupant upon whom the Ordinance has imposed an undue hardship or difficulty. A variation under such circumstances should be granted only to provide relief in unusual situations which were not intended or foreseen when this Ordinance was adopted, and such variations should not be granted unless in harmony with the general intent and purposes of this Ordinance and in harmony with the general nature of the development of the neighboring properties.
- 4) Reduce by variance the minimum lot size requirements for residential developments in compliance with the subdivision ordinance in A-1 and AC districts, providing that the owner of the property presents satisfactory evidence of minimal impact to surrounding farm land.

In determining whether to allow or deny variances, the Board may consider the following standards, among others:

- (1) The physical surroundings, shape, or topographical conditions of the specific property will cause a particular hardship to the owner as distinguished from a mere convenience, if the strict letter of the regulations were carried out.
- (2) The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.
- (3) The purpose of the variance is not based exclusively upon a desire to make more money out of the property.
- (4) The alleged difficulty or hardship is caused by this ordinance and has not been created by persons presently having an interest in the property.
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public street, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (7) The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

d. To recommend to the County Board the granting of special use permits. To hear and decide upon applications for special use permits specifically listed in the district regulations of this ordinance. Prior to the granting of any special use permit, the Zoning Board of Appeals may recommend, and the County Board may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as are deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is recommended or granted, the Zoning Board of Appeals may recommend, and the County Board may require, such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will continue to be, fully complied with. Before recommending the issuance of such a special use permit, the Board may prescribe such conditions as will, in the Board's judgment, insure that:

- (1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

(3) The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(4) Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.

(5) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(6) The establishment, maintenance and operation of the special use will be in conformance with the preamble to the regulations of the district in which the special use is proposed to be located.

(7) The special use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity for the special use.

e. Special Use Permits: In addition to complying with the procedures for obtaining a special use permit described above, a person applying for such a permit must also present satisfactory evidence to the Zoning Board of Appeals showing that the proposed use of the real estate will not have a deleterious effect on the soil, such that the land could not later be restored to agricultural use; that the proposed use will have a minimal negative impact on the use of surrounding lands; that the granting of the proposed use will not encourage the spread of uses other than proposed and will not encourage mixed uses in the same general area.

f. Unless the County Board otherwise states with respect to a particular application, special uses do not run with the land and are granted only to the applicant for the stated purpose and with the conditions imposed by the Zoning Board of Appeals and the County Board.

g. Upon a public hearing, a special use permit may be revoked by the County Board:

(1) For a violation of the codes and ordinances of Piatt County including but not limited to the zoning ordinance.

(2) For a violation of the district regulations.

(3) For a violation of or non-compliance with the conditions, limitations or requirements contained in the special use permit or in these regulations.

h. Cost of Permits for Exceptions, Variances and Special Uses. Before any action shall be taken by the Board of Appeals as provided in this section, the party or parties requesting such action shall deposit with the County Treasurer the sum of \$50 for a yard setback variance, \$200 for all other variances, or \$300 for a special use permit, said sums intended to cover the approximate cost of these procedures and under no condition shall said sum or any part thereof be refunded for failure of the Board of Appeals to approve or grant such request.

B. ENFORCEMENT OF THE ORDINANCE.

1. Zoning Officer

a. Duties: It shall be the duty of the Zoning Officer to administer this Ordinance. The Zoning Officer shall receive applications required by this Ordinance, issue such permits as he is authorized to issue under this Ordinance, and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with. He shall administer all parts of this Ordinance relating to the construction, alteration, enlargement, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. For such purposes, he shall issue such notices and orders as may be necessary.

b. Inspections: Inspections shall be made by the Zoning Officer or a duly appointed assistant.

c. Rules: For carrying into effect its provisions, the Zoning Officer may adopt rules consistent with this Ordinance.

d. Records: The Zoning Officer shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they may be in existence. All such records shall be open to the public inspection at reasonable hours, but shall not be removed from the office of the Zoning Officer.

2. Permits

a. When Required: It shall not be lawful to construct, expand, repair or to commence the construction, expansion or repair of a building or structure without first filing with the Zoning Officer an application in writing and obtaining a formal permit.

b. When Not Required: No permit shall be required for:

- (1) Routine maintenance or repair of building structures or equipment.
- (2) Alterations of existing buildings costing less than \$ 3000.00.
- (3) Construction of a service connection to a publically licensed utility.
- (4) Alterations on the inside of any building.

c. Form: An application for a permit shall be submitted in such form as the Zoning Officer may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Zoning Officer for an intelligent understanding of the proposed work. The application shall include an estimate of the cost of such construction, expansion or major repair. Such application shall be accompanied by a fee for main buildings of \$12 per 100 square feet, and a flat fee for accessory buildings of \$50 for accessory buildings up to 2,000 square feet. If the accessory building is larger than 2,000 square feet, the fee shall be a maximum of \$225. All building permit fees will be doubled if construction is started without first obtaining a building permit from the Piatt County Zoning Officer. Additionally, a penalty of \$100 will be assessed for "agriculture exempt" structures if construction is started before obtaining a building permit from the Piatt County Zoning Officer. Applicants proposing to build farm or agricultural buildings or structures including but not limited to barns, sheds, grain, equipment or machinery storage buildings or structures on a farm as herein defined shall be subject only to building or setback lines, for which permit they shall be charged no fee.

d. Plans: Application for permits shall be accompanied by such drawings of the proposed work, including such floor plans, sections, elevations and structural details, as the Zoning Officer may require.

e. Amendments: Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the building permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

f. Completion of Existing Building: Nothing contained in this Ordinance shall require any change in the plans, construction, size or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Ordinance; provided, however, construction under such permit or approval shall have been started within six months and the ground story framework, including structural parts of the second floor, shall have been completed within one year and the entire building completed within two years after the effective date of this Ordinance.

g. Action on Application: It shall be the duty of the Zoning Officer to examine applications for permits within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he may reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

h. Approval in Part: Nothing in this section shall be construed to prevent the Zoning Officer from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this Ordinance.

i. Condition of the Permit: All work performed under a permit issued by the Zoning Officer shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

j. Signature to Permit: Every permit issued by the Zoning Officer under the provisions of this Ordinance shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix such signature.

k. Limitation: A permit under which no work is commenced within six months after issuance shall expire by limitation.

l. Posting of Permit: A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The Zoning Officer may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Zoning Officer shall be given notice of the starting of work under a permit.

m. Revocation: The Zoning Officer may revoke a permit or approval issued under the provisions of this Ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. Upon such revocation, the Zoning Officer shall give applicant written notice thereof, stating the reasons therefore.

C. BOUNDARIES OF DISTRICTS. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either streets, roads or alleys unless otherwise shown and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street, road or alley lines, the street, road or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the Map.

3. In unsubdivided property, the district boundary lines on the Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the Map.

D. INTERPRETATION: In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health and convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.

E. AMENDMENT OF THE ORDINANCE.

1. PROCEDURE: The County Board may, from time to time, on its own motion, or on petition after public notice and hearing as provided by law and after report by the Zoning Board of Appeals, amend, supplement or change the boundaries or regulations herein or subsequently established. If no report is received from the Board of Appeals in sixty (60) days, it may be assumed that said Zoning Board of Appeals has approved the amendment.

2. FEE: Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Zoning Officer the sum of One hundred Dollars (\$100.00) to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the County Board.

ARTICLE V. DISTRICTS AND BOUNDARIES

A. TITLES, INTENTS AND PURPOSES. Piatt County is hereby divided into five types of districts, which are further divided into sub districts.

1. Agricultural Districts.

a. A-1 Agricultural, A-C Conservation: Agricultural land is under urban pressure from expanding incorporated areas. This urban pressure takes the form of scattered development in wide belts around the communities of Piatt County, brings conflicting land uses into juxtaposition, creates high costs for public services and stimulates land speculation. Certain agricultural land constitutes unique and irreplaceable land resources. It is the purpose of the A-1 and A-C Districts to provide a means by which agricultural land may be protected and enhanced as an economic and environmental resource of major importance to the County. Therefore, these Districts are intended to accomplish the following objectives, in order of priority:

- (1) Promote the agricultural use of land that is most suitable for farming activities.
- (2) Protect the value of agricultural land from indiscriminate, incompatible and conflicting land uses.
- (3) Conserve and protect open space, wooded areas, streams, mineral deposits and other natural resources from incompatible land uses and provide for their timely utilization.
- (4) Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are of such a nature that their location away from residential, commercial and industrial areas is most desirable.
- (5) Provide for the location and govern the establishment of residential uses that are accessory to and necessary for the conduct of agriculture.
- (6) Provide for the location and govern the establishment and use of limited non-farm dwellings.

b. Agricultural Nuisance Disclaimer: Properties within the A-1 and A-C Districts are located in areas where land is used for commercial agricultural production. Owners, residents and other users of property in or adjoining these districts may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Therefore, owners, occupants, and users of property within the A-1 and A-C Districts should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that the Illinois Right to Farm Law may bar them from obtaining a legal judgment against such normal agricultural operations.

2. Residential Districts

a. R-S, Residential Suburban: The R-S District is intended to provide low density single family dwelling use and to allow certain public facilities. It is intended that no uses be permitted within the R-S District that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district. The provisions of the R-S District are also intended to control density of population and provide adequate open space around buildings and structures in the district to accomplish these purposes.

3. Business Districts

a. B-1, General Business: The B-1 District is intended to provide for the specialized types of service business and commercial establishments, which due to their function and methods of operation are permitted uses only in this district. The B-1 District is intended to be located in areas fronting a segment of a highway providing convenient access and where the business establishments cater to highway traffic.

4. Industrial Districts

a. G-I, General Industrial: The G-I District is intended for the purpose of allowing light industrial, basic and primary industries which are generally not compatible with residential, commercial, or agricultural activity.

5. Interchange Districts

a. I-A, Interchange Agricultural: The Interchange Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the proper use of lands best suited for agriculture, thus preventing the intermingling of urban and rural land uses.

b. I-R, Interchange Residential: The Interchange Residential District is intended to provide residential uses and to allow business and industrial uses that do not detrimentally affect the primary residential nature of the district

c. I-B, Interchange Business: The Interchange Business District is established to assure the desirable development of high-quality highway user facilities with their related uses and other commercial enterprises.

d. I-I, Interchange Industrial: The Interchange Industrial District is established to accommodate light industrial uses that are relatively “clean” activities such as the manufacture and storage of products within entirely enclosed buildings and which require freeway access and prestige frontage on a tract of land comprising one (1) acre or more.

B. STANDARDS AND REQUIREMENTS OF INTERCHANGE DISTRICTS: The standards and requirements of the Interchange District shall apply within the radius of one-half mile, excluding any area outside Piatt County or within the corporate limits of any municipality from the center of the following interchanges:

1. County Line, Cisco I-72 Interchange
2. Bridge Street, Monticello I-72 Interchange
3. Camp Creek, Monticello I-72 Interchange
4. White Heath, I-72 Interchange
5. State Route 10, I-72 Interchange
6. Mansfield, I-74 Interchange

C. DISTRICT BOUNDARIES. The boundaries of the districts are shown upon the Map attached hereto and made a part hereof, which Map is designated as the “District Map”. The District Map and all notations, references and other information shown thereon are a part of the Ordinance and have the same force and effect as if the District Map and all the notations, references and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the County Clerk of Piatt County, Illinois.

ARTICLE VI. DISTRICT USE REGULATIONS

A. DISTRICT REGULATIONS: In the following established districts, a building or premise shall be used only for the following purposes:

1. A-1, Agricultural District

a. Permissive Uses:

- (1) Any agricultural activity.
- (2) Single family dwelling on a tract of 1 acre or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 9, 2002; single family dwelling on a tract of 5 acres or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 13, 2004.
- (3) Single family dwelling, in existence on September 14, 2010, may be separated with a minimum of 2 acres and maximum of 5 acres from an existing farm parcel, maximum of one split per parcel, and must record a plat of survey.

b. Additional Permissive Uses only for tracts of 20 acres or more:

- (1) Single family dwelling, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations. It may also be a single family farm dwelling and may further include on the same tract an additional residence for an employed tenant.
- (2) Park or forest preserve.
- (3) Public school, elementary and or high.
- (4) Roadside stand for the display or sale of agricultural products raised on the premises.

c. Special Uses:

- (1) Private school having a curriculum equivalent to a public high school and having no rooms regularly used for housing or sleeping purposes.
- (2) Extraction of coal, sand, gravel, oil or other minerals.
- (3) Airport.
- (4) Public building erected by a governmental agency.
- (5) Hospital, nursing home and educational, religious or philanthropic institution.
- (6) New cemetery on a site of not less than 20 acres or an enlargement of an existing cemetery to a total size of not less than 20 acres.
- (7) Commercially operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court, country club, and golf course (other than miniature course or driving range).
- (8) Church or temple.
- (9) Sanitary landfills.
- (10) Sewage treatment facilities.

- (11) Fertilizer processing, blending, storage and sales establishments; grain elevators and grain storage facilities; and feed/seed sales establishments, and any establishment involving the processing of grain.
- (12) Home occupation.
- (13) Shooting Range.
- (14) Bed and Breakfast.
- (15) Mobile home or manufactured home, not on a permanent foundation but otherwise as defined herein, temporarily placed on premises for housing seasonal labor and complying with all relevant health department regulations. A building permit is required, with a 120 day limit on use. A 30 day extension may be issued at no charge
- (16) Residential development subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (17) Restricted Landing Area (RLA) as defined by the Illinois Department of Transportation, Division of Aeronautics.
- (18) Solar Farm. Solar Energy Systems, Commercial/Solar Farms, shall be permitted in the A1 district as a special use, in accordance with the minimal regulations and design standards as set forth in Article X, I. The fees listed in Article IV. A. 2. h. are not applicable to Solar Farm SUP applications. Special fees as set forth in Article X, I. apply.
- (19) Any reasonable similar use.

2. A-C, Conservation District

a. Permissive Uses:

- (1) Any agricultural activity.
- (2) Single family dwelling on a tract of 1 acre or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 9, 2002; single family dwelling on a tract of 5 acres or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 13, 2004.
- (3) Single family dwelling, in existence on September 14, 2010, may be separated with a minimum of 2 acres and maximum of 5 acres from an existing farm parcel, maximum of one split per parcel, and must record a plat of survey.

b. Additional Permissive Uses only for tracts of 20 acres or more:

- (1) Park or forest preserve.
- (2) Country club and golf course except miniature course or driving range.
- (3) Cemetery.
- (4) Woodland preservation.
- (5) Wildlife habitat or fish hatchery.
- (6) Single-family dwelling, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations.

c. Special Uses:

- (1) Extraction of coal, sand, gravel, oil or other minerals.
- (2) Public building erected by a governmental agency.
- (3) Home occupation.
- (4) Commercially operated outdoor recreational facility including riding stable, lake, swimming pool, tennis court and golf course.
- (5) Motel, resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services, and personal services, provided they are protected from flooding.
- (6) Guest ranch, hunting and fishing resort, ski resort and incidental facilities, including swimming pool, restaurant, incidental retail sales and services and personal services on site of not less than 20 acres, provided they are protected from flooding.
- (7) Marina, yacht club, boat house or bait shop.
- (8) 4-H Clubs and related educational programs.
- (9) Transient or travel trailer camp sites for camper trailers, motor homes and other camping facilities.
- (10) Shooting Ranges.
- (11) Bed and Breakfast
- (12) Hospital, nursing home and educational, religious or philanthropic institution.
- (13) Mobile home or manufactured home, not on a permanent foundation but otherwise as defined herein, temporarily placed on premises for housing seasonal

labor and complying with all relevant health department regulations. A building permit is required, with a 120 day limit on use. A 30 day extension may be issued at no charge. Longer use requires a variance hearing.

(14) Residential development subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.

(15) Restricted Landing Area (RLA) as defined by the Illinois Department of Transportation, Division of Aeronautics.

(16) Solar Farm. Solar Energy Systems, Commercial/Solar Farms, shall be permitted in the AC district as a special use, in accordance with the minimal regulations and design standards as set forth in Article X, I. The fees listed in Article IV. A. 2. h. are not applicable to Solar Farm SUP applications. Special fees as set forth in Article X, I. apply.

(17) Any reasonable similar use.

3. R-S Residential Suburban District

a. Permissive Uses:

- (1) Any agricultural activity.
- (2) Single-family dwelling including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations.
- (3) Public park or playground.
- (4) Church or temple.
- (5) Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- (6) Golf course, except miniature course and driving ranges operated for commercial use.

b. Special Uses:

- (1) Commercially operated lake, swimming pool or tennis court on site of not less than one acre.
- (2) Public building erected by a governmental agency.
- (3) Religious, educational or charitable institution, but not a penal or mental institution.
- (4) Hospital, except mental or animal hospital.
- (5) Nursing, rest or convalescent home.
- (6) Private clubs and lodges.
- (7) Private school.
- (8) Home occupation.
- (9) Mobile home court in accordance with ARTICLE X.D.
- (10) Bed and Breakfast.
- (11) Private recreational facility where buildings do not occupy more than 10 percent of the site area.
- (12) Two-family dwelling.
- (13) Residential development or multiple family dwelling subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (14) Any reasonable similar use.

4. B-1, General Business District

a. Permissive Uses:

- (1) Any agricultural activity.
- (2) Single-family dwelling including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations.
- (3) Public park or playground.
- (4) Church or temple.
- (5) Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
- (6) Golf course, with or without a driving range except miniature course and driving tees operated for commercial use.
- (7) Two family dwelling.
- (8) Automobile sales lot.
- (9) Bank, bowling alley, dance hall or skating rink.
- (10) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, and bakery with sale of bakery products on premises and other uses of a similar character.
- (11) Farm implements or agricultural service establishment, including feed and bottle gas.
- (12) Funeral home or mortuary.
- (13) Hotel, motel or Bed and Breakfast.
- (14) Office or Office building.
- (15) Commercial garage, automobile repair shop or automobile body repair shop.
- (16) Personal service use, including barber shop, beauty parlor, photographic or artist's studio, taxicab, newspaper or telegraphic, service station, dry cleaning receiving station, restaurant and other personal service uses of a similar character.
- (17) Retail store, including florist shop and greenhouse in connection with such shop, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
- (18) Automobile service station.
- (19) Theater or assembly hall.
- (20) Veterinarian, animal hospital or kennel.
- (21) Miniature golf course
- (22) Driving range

b. Special Uses:

- (1) Any reasonable business use.
- (2) Residential development or multiple family dwelling subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (3) Mobile home court in accordance with ARTICLE X.D.

5. G-I General Industrial District

a. Permissive Uses:

- (1) Any permissive use of any other district.

b. Special Uses:

- (1) Any other reasonable use.

An application for special use in the I-1 General Industrial District shall be accompanied by a preliminary plan which shall:

- a. Be drawn to scale.
- b. Show boundaries of property to be developed.
- c. Show the proposed size, location, use and arrangement of stalls and number of cars, as well as entrance and exit driveways with their relationship to existing and proposed streets.
- d. Indicate location, type, use and size of structures on adjacent properties within 200 feet of proposed development.
- e. Provide for the dedication of any right-of-ways for the widening, extension or connection of major streets as shown on the official plan, and
- f. Indicate the stages, if any, which will be followed in construction.
- g. Must also include notice of usage or storage of Federal or state licensed or hazardous materials.

If approved, the final plan for a special use in the G-1 General Industrial District shall be the standard plot required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building.

In addition, whether a permissive or special use, a dense screen, as defined in Paragraph B.6 , herein, shall be planted and neatly maintained along any side of an establishment authorized above, which abuts an interstate highway.

6. I-A, Interchange Agricultural Subdistrict.

a. Permissive Uses: The following uses shall be permitted in the Interchange Agricultural subdistrict:

- (1) Any agricultural activity.
- (2) Storage and equipment maintenance facilities for local governmental entities.
- (3) Single family dwelling, on a tract of 1 acre or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations and said tract was in existence on July 9, 2002
- (4) Bed and Breakfast.
- (5) Single family dwelling, on a tract of 5 acres or more, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations. It may also be a single family farm dwelling and may further include on the same tract an additional residence for an employed tenant.

b. Special Uses.

- (1) Borrow pits which are to be reclaimed.
- (2) Home occupations.
- (3) Public water wells, pumping stations, filtration plants, reservoirs and storage tanks.
- (4) Transmission lines for gas, oil, electricity or other utilities and necessary substation and distribution centers.
- (5) Signs.
- (6) Indoor shooting ranges.
- (7) Residential development subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (8) Solar Farm. Solar Energy Systems, Commercial/Solar Farms, shall be permitted in the I-A district as a special use, in accordance with the minimal regulations and design standards as set forth in Article X, I. The fees listed in Article IV. A. 2. h. are not applicable to Solar Farm SUP applications. Special fees as set forth in Article X, I. apply.
- (9) Any reasonable similar use.

c. Property Development Standards: All property development standards and requirements of the A-1 District under ARTICLE VII, VIII, IX and X shall be applicable to the Interchange Agriculture Subdistrict.

7. I-RS, Interchange Residential Subdistrict

a. Permissive Uses:

- (1) Single family dwelling, including an individual mobile home or manufactured home as defined herein, when it conforms with the applicable density and yard regulations.
- (2) Two family dwelling.
- (3) Accessory building, including garages.
- (4) School, public or private.
- (5) Public park or recreational facilities.
- (6) Agricultural activity.
- (7) Bed and Breakfast

b. Special Uses:

- (1) Borrow pits which are to be reclaimed.
- (2) Clinics.
- (3) Church or temple.
- (4) Country Club or golf course.
- (5) Fire or police station.
- (6) Kindergarten, day nursery, day care home (other than as part of a school which provides for other grades).
- (7) Private swimming pool.
- (8) Public water wells, pumping stations, filtration plants, reservoirs and storage tanks.
- (9) Home occupation.
- (10) Residential development or multiple family dwelling subject to the Subdivision Ordinance; Zoning Board of Appeals will recommend a minimum lot size as a condition of the Special Use, if approved.
- (11) Any reasonable similar use.

c. Property Development Standards: All uses, except agricultural uses, in the Interchange Residential District shall comply with the development standards required in the RS Residential Suburban District under ARTICLES VII, VIII, IX, X and XI. In addition, a dense compact screen not less than 8 feet in height shall be provided along the lot line adjacent to the interstate highway. The strip required shall be designated as a "No Vehicular Access" area maintained in an orderly manner.

8. I-B, Interchange Business Subdistrict.

a. Permissible Uses. The following uses shall be permitted in the Interchange Business Subdistrict.

- (1) Motels, hotels and similar transient facilities.
- (2) Automotive service facilities, including gasoline stations and related repair facilities, truck service stations and related repair facilities.
- (3) Restaurants.
- (4) Parking facilities.
- (5) Other retail sales establishments such as building supply sales, new and used car sales, nurseries and garden centers, boat and marine sales, and mobile home or manufactured home and travel trailer sales and rentals.
- (6) Professional services and offices, including but not limited to doctors, lawyers engineers and architects.
- (7) Tourist information centers.
- (8) Agricultural activity.

b. Special Uses.

- (1) Outdoor commercial recreational facilities.
- (2) Private swimming pool.
- (3) Public water wells, pumping stations, filtration plants, reservoirs and storage tanks.
- (4) Sewage disposal plants.
- (5) Rental and service of trucks and trailers in combination with filling or service stations.
- (6) Transmission lines for gas, oil, electricity or other utilities and all necessary substation and distributing centers.
- (7) Indoor shooting range.
- (8) Residential use, when an integral part of a commercial use.
- (9) Any other reasonable business use.

c. Property Development Standards. Except for agricultural uses, all requirements of the General Business, B-1 District under ARTICLES VII, VIII, IX, X and XI shall apply in the Interchange Business Subdistrict. In addition thereto, a dense compact screen not less than 8 feet in height shall be provided along the lot line adjacent to an interstate highway and on any adjoining residential area. The planting strip required shall be designated as a "No Vehicular Access" area maintained in an orderly manner. All service areas shall be fenced or screened.

9. I-I, Interchange Industrial Subdistrict.

a. Permissive Uses:

- (1) Agricultural activity.

b. Special Uses.

- (1) Borrow pits which are to be reclaimed.
- (2) Public water wells, pumping stations, filtration plants, reservoirs and storage tanks.
- (3) Transmission lines for gas, oil, electricity or other utilities and necessary substations and distribution centers.
- (4) Truck freight terminals.
- (5) Indoor shooting range.
- (6) Any other reasonable business use.

c. Property Development Standards. All development standards required in the General Industrial, G-1 District under ARTICLES VII, VIII, IX, X and XI shall apply in the Interchange Industrial Subdistrict; and in addition thereto, the following requirements shall be applicable:

- (1) A dense, compact screen not less than 8 feet in height shall be provided along the lot line adjacent to an interstate highway or any residential area. This planting strip shall be designated as a "No Vehicular Access" area and maintained in an orderly manner.
- (2) The minimum lot size shall be one acre, except where a larger lot size is required by other sections of the Zoning Ordinance.

B. INTERCHANGE DISTRICT REGULATIONS. The following regulations shall be applicable to all subdistricts within the Interchange District, except the agricultural uses within the Interchange District. Agricultural uses within the Interchange District shall be subject only to the setback requirements of Paragraph 1 below.

1. Setback Distance from Intersecting Highway. Buildings and structures shall be set at least fifty (50) feet from the right-of-way line of intersecting highways, or one hundred feet from the center line, whichever is more restrictive; fifty feet from the freeway right-of-way line; and thirty (30) feet from the right-of-way line of frontage roads and other roads of the internal circulation system. In the case of unusual changes in alignment of the intersecting highway or unusual topographic characteristics which would cause undue hardship in the application of this requirement, a variance for a lesser setback distance from the intersecting highway may be granted.

2. Limitation of Access. The Illinois Department of Transportation has developed access regulations for particular interchanges on ramp speed. These regulations shall apply only when they are more restrictive than the following regulations. There shall be no access points located within three hundred (300) feet of the most remote end of taper of any existing or proposed entrance or exit ramp of an interchange or within five hundred (500) feet of median crossovers, or at intervals of less than three hundred (300) feet thereafter.

3. Fencing. Prior to the commencement of any operations in a plant area or part thereof located within 500 feet of a developed residential area, public park or other institution or public highway, a fence shall be constructed enclosing the plant area or part within that prescribed distance. Shops, garages, warehouses, storage areas which have not been excavated and are not used by the plant, need not be fenced. Said fence shall be a (a) woven wire, not capable of receiving a child's foot and be at least four feet in height or (b) a planting of dense screen producing a tight, practically impenetrable hedge. The bottom of the fence shall conform to the ground surface so as to prevent any opening between it and the ground surface exceeding 4 inches. Gates of the same height as the fence shall be installed at all points of vehicular and pedestrian ingress and egress. Said gates shall be equipped with keyed locks and shall be kept locked at all times when the plant area operations are shut down. Said fence, gates and locks shall be maintained in good condition.

4. Ingress, Egress and Traffic Safety. Access roads to any plant area shall be limited to one, or at most, two points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than fifty feet there from, and said fifty feet of road shall be improved with a dustproof, all-weather surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the local highway authorities.

5. Off-Street Parking. The off-street parking regulations of ARTICLE XII shall apply.

6. Screens. Screens shall be constructed and maintained along the perimeter of any areas being operated where said perimeter abuts a public thoroughfare or a developed residential area.

7. Drainage. At all times the land shall be maintained in a safe condition so that sufficient drainage shall be provided so as to prevent water pockets or undue erosion, with all grading and drainage such that natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.

8. Permits. The Zoning Officer shall have the authority to issue permits only for private garages if required in the Interchange District. Other permits may only be issued by the Zoning Board of Appeals after public hearing. The application shall show that all applicable requirements for the proposed use have been met. Any permit only authorizes the use approved. If the applicant wishes to change the use of the property, the applicant must apply for a new special use permit. No new use may begin until the permit has been issued.

ARTICLE VII. YARD REGULATIONS
[55 ILCS 5/5-13001-13004]

A. **MINIMUM YARD REQUIREMENTS.** The following minimum yard depth, measured in feet, shall be provided within the districts indicated below:

DISTRICT	FRONT YARD	SIDE YARD	REAR YARD
A-1	50	25	50
A-C	50	25	50
R-S	50	10	30
B-1*	50	10	25
G-1*	50	10	25
I-R	50	10	30
I-B*	50	10	25
I-I*	50	10	25
I-A	50	25	50

* Residential yard regulations in the B-1, G-1, I-B, and I-I subdistricts shall be the same as the yard regulations in the R-S sub district.

Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two-family dwelling or multiple family dwelling shall be considered as one building occupying one lot.

B. **ADDITIONAL REQUIREMENTS.** The following additional yard requirements must also be observed:

1. On lots fronting on two non-intersecting streets, a front yard must be provided on both streets.
2. On corner lots there must be a front yard on both streets.
3. When a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
4. There may be two or more related multi-family, hotel, motel or institutional buildings on a lot provided that (1) the required yards shall be around the group of buildings, and (2) buildings that are parallel or that are within 45 degrees of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.
5. Those parts of existing buildings that violate yard regulations may be repaired or remodeled, but not reconstructed or structurally altered.
6. Required front yards shall be devoted entirely to landscaped area except for guest parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yard.

7. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line.

8. The minimum width of side yards for schools, libraries, churches, community buildings and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.

9. No sign, fence, wall, shrub or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 30 feet distant from the intersection of the street lines.

C. EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions may be made to the yard requirements:

1. Where, on the effective date of this Ordinance, 40 percent or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:

a. Where the building farthest from the street provides a front yard not more than ten feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.

b. Where (a) is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.

c. Where neither (a) nor (b) is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

2. Sills, window air-conditioning units, chimneys, cornices and ornamental features may project into a required yard distance not to exceed 24 inches.

3. Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lot lines.

4. Signs in accordance with ARTICLE X.B.

5. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as to not obstruct light and may be permitted by the Zoning Officer.

6. Terraces which do not extend above the level of ground (first) floor may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

7. The side yards for dwellings erected above commercial and industrial structures shall be the same as for those commercial and industrial structures.

8. Accessory building may be located in a rear yard but may not occupy more than 30 percent of a rear yard.

9. Any accessory building closer than ten feet to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.

10. Any accessory building more than ten feet from a main building may not be erected within ten feet of a side or rear lot line, and must be located at least 60 feet from the front street line.

11. All Residential in ground swimming pools must meet Piatt County Zoning Ordinance requirements: this approval includes, but is not limited to, setbacks and flood plain ordinances. Swimming pools and appurtenant equipment shall not extend into the required front yard and side yards. Rear yards shall be required which comply with accessory structure provisions provided for in Article VII. Lights used to illuminate swimming pools shall be so arranged as to reflect light away from adjoining premises and away from the vision of passing motorists. In the ground swimming pools shall be enclosed with approved fencing with self-closing gates which are to be kept locked when the pool is not in use. Such fencing shall be at least 3.5 feet in height above the surrounding grade level and shall be constructed in accordance with the Private Swimming Pool Enclosure Act. (55 ILCS 5/5-1066 from Ch. 34, par. 5-1066; ILCS 5/11-30-9 from Ch. 24, par. 11-30-9) A building permit is required and a site plan will need to be provided showing pools location on property, fence locations, location of all overhead and underground electrical wires, all structures, and their distances from the pool wall.

ARTICLE VIII. DENSITY REGULATIONS

A. MINIMUM LOT AREA AND WIDTH. The following minimum lot areas and lot widths must be provided in the district indicated:

DISTRICT	LOT WIDTH IN FEET	(Lot Area Per Family in Square Feet)		
		SINGLE FAMILY DWELLING	TWO FAMILY DWELLING	MULTIPLE FAMILY DWELLING
A-1	150	**	Not applicable	Not applicable
A-C	150	**	Not applicable	Not applicable
R-S	100	43,560(1 ac)	32,670	*
B-1	100	43,560	32,670	*
IG-1	100	43,560	32,670	*
I-RS	100	43,560	32,670	*
I-B	None	Not applicable	Not applicable	Not applicable
I-I	None	Not applicable	Not applicable	Not applicable
I-A	150	217,800(5 ac)	Not applicable	Not applicable

* Subject to plat committee approval.

** One acre if the lot was in existence on July 9, 2002; five acres if the lot was in existence on July 13, 2004; otherwise 20 acres. For residential developments subject to the subdivision ordinance in A-1 and AC districts, smaller lot areas may be permitted by the granting of a variance as herein set forth.

In all districts, no lot may be developed for residential use which has an area of less than 43,560 square feet, unless said lot qualifies under the provisions of Article X, Section G. In all districts, no subdivision may be approved which contains lots of less than 43,560 square feet in area, unless each of said lots qualifies under the provisions of Article X, Section F.

B. EXCEPTIONS TO LOT AREA AND WIDTH REQUIREMENTS. The minimum lot area and lot width requirements established above may be modified as follows:

1. Where a platted lot at the time of the effective date of the Ordinance has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.
2. Existing buildings that are in violation of lot area requirements may be remodeled or repaired but may not be reconstructed or structurally altered unless made to conform to these requirements.
3. Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

ARTICLE IX. HEIGHT REGULATIONS

A. MAXIMUM HEIGHT LIMITS ESTABLISHED FOR BUILDINGS AND STRUCTURES ARE AS FOLLOWS:

1. Forty-five feet in all districts.

B. LAND AIRPORT REGULATIONS. The following special regulations shall apply to any land airport other than a helicopter landing facility, owned and operated by a public agency.

1. Within the air space above the approach zone to each end of a runway designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 50 (horizontal) projected from a point 200 feet beyond the end of the runway for a distance of 10,000 feet, said plane to be in the shape of a symmetrical trapezoid 1,000 feet in width at its lowest point and 4,000 feet in width at its highest point; combined with a second plane with a slope of 1 (vertical) to 40 (horizontal) extending from the upper edge of the first plane for an additional distance of 40,000 feet, said plane to be in the shape of a symmetrical; trapezoid 4,000 feet in width at its lowest point and 16,000 feet in width at its highest point.

2. Within the air space above the approach zone to each end of a runway not designed to be used for instrument landings, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 40 (horizontal) projected from a point 200 feet beyond the end of a runway for the distance of 10,000 feet, said plane to be a symmetrical trapezoid (*) feet wide at its lowest point and (*) feet wide at its highest point. [* The applicable distance in feet must be based on runway lengths as set forth in Section 77.27 of Part 77 of the Federal Aviation Regulations.]

3. Within the established transition zones adjacent to each instrument and noninstrument runway and approach zone, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 7 (horizontal). Transition zones extend outward and upward runways from a line 8 feet on either side of the centerline of noninstrument runways for the length of such runway plus 200 feet on each end; and 500 feet on either side of the centerline of noninstrument runways for the length of such runway plus 200 feet on each end; to a height of 150 feet above the elevation of the airport reference point. In addition, transition zones are established adjacent to both instrument and noninstrument approach zones which flare outward and upward symmetrically along the entire length of each approach zone to where they intersect the surfaces of the horizontal and conical zones.

4. Within (**) feet from the established airport reference point, no building or structure shall be erected or altered to project above a horizontal plane 150 feet above the established airport elevation. This horizontal zone does not include the approach or transition zones. [** The applicable distance in feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.]

5. Within the conical zone, which commences at the periphery of the horizontal zone and extends outward there from a distance of (**) feet, no building or structure shall be erected or altered to project above a plane with a slope of 1 (vertical) to 20 (horizontal). [** The applicable distance in

feet must be based on runway lengths as set forth in Section 77.25 of Part 77 of the Federal Aviation Regulations.]

6. Nothing in this subparagraph shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 20 feet above the surface of the land.

ARTICLE X. OTHER REGULATIONS

A. **ACCESSORY BUILDINGS.** Accessory buildings are permitted when in accordance with the following:

1. In all Districts, accessory buildings may include, but are not limited to:

a. A noncommercial greenhouse that does not exceed in floor area twenty-five percent of the ground floor area of the main building.

b. A private residential garage used only for the housing of personal property or motor driven vehicles of the residents with a floor area of not to exceed 600 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which such lot exceeds 6,000 square feet, provided that no garage shall exceed 1,200 square feet nor house more than five such vehicles.

c.c. Accessory buildings shall include personal noncommercial towers including but not limited to noncommercial personal wind turbines.

2. . In the Business and Industrial Districts, there may also be:

a. Parking lots and garages conforming to the requirements of ARTICLE XI hereof.

B. **REGULATIONS REGARDING SIGNS SHALL BE AS FOLLOWS:**

1. **Signs In All Districts.** The following signs are allowed in all districts:

a. Temporary signs not exceeding 12 square feet in area advertising the sale or lease of real estate when located upon property to which the sign refers and when not located closer than 10 feet to a lot line which signs shall be removed upon sale or lease of the property.

b. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 30 square feet in area or remain longer than six months. "For Rent" and "For Lease" signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or remain more than 90 days after the building is completed.

c. Church or public building bulletin boards not exceeding (32) square feet in area.

d. Traffic and other signs permitted on public highway right-of-way by the public body having control of the highway.

e. Agricultural Business signs not exceeding 12 square feet in area when located upon property to which the sign refers and not located closer than 10 feet to a lot line.

2. **Signs in B-1 and I-1 Districts.** In the B-1 and I-1 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs and awning signs. The total square foot area of roof signs, wall signs, projecting signs, marquee signs and awning signs shall not exceed one-fifth of

the total square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each 100 feet of street frontage. No post sign shall extend closer than ten (10) feet to a lot line. All portions of post signs must be erected and maintained behind the building line.

3. All Signs In All Districts. All signs in all districts except as provided in Paragraph 4. shall meet the following standards:

a. Billboard or Ground Signs. No ground signs shall be any point over 25 feet above the ground level and shall have an open space of at least three feet between the lower edge of such sign and the ground level; 50 percent of which space may be filled in with a platform and decorative lattice work of light wooden or metal construction. Every ground sign shall be stoutly constructed in a secure and substantial manner. The ends of all such signs shall be at least six feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least 10 feet distant from any lot line.

b. Wall Signs. No wall sign shall extend beyond the building more than 12 inches. No wall signs shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress to or from any window, door or any fire escape of any building.

c. Projecting Signs. Projecting signs may extend not more than four feet, six inches from the building into the front.

d. Post Signs. No post sign shall extend downward nearer than ten feet to the ground or pavement. The maximum square foot area for each face of a post sign shall not exceed a total area of 50 square feet per face or a total of 100 square feet for all faces.

4. A-1, A-C, and Interchange District Signs. In the A-1, A-C and all Interchange districts only, there may be ground signs for off-premises advertising of not more than 1,600 square feet per face or a total of 3,200 square feet for all faces; provided that no sign may be placed within one mile of an R-S, B-1 or I-1 district and further provided, that there shall be at least one and one-half miles distance between signs on the same side of any such public highway. All signs shall be securely anchored at least 10 feet distant from any property line and not more than 40 feet in height.

5. Home Occupation Signs: Premises used for a home occupation may display only one name plate, not more than 4 sq. ft. in area, and said name plate must be attached to a building on the premises. No other sign may be displayed.

C. FENCE REGULATIONS. Regulations regarding fences shall be as follows:

1. No fence more than 30 percent solid or more than four and one half feet high may be located within 30 feet of a street or road intersection.

2. Except as provided in 1. above, fences less than four and one half feet high may be located on any part of a lot.

D. MOBILE HOME COURT REGULATIONS. Regulations regarding mobile home courts shall be as follows:

1. Each lot provided for the occupancy of a single mobile home unit in an approved mobile home court shall have an area of not less than five thousand (5,000) square feet and a width of not less than fifty feet and no mobile home court shall be permitted an average density of more than eight mobile home lots per acre, and each mobile home court shall provide an area of not less than ten acres.
2. All mobile home courts shall provide lots sufficient in size that no mobile home or any structure, addition or appurtenance thereto is located less than ten feet from the nearest adjacent court boundary.
3. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet from the nearest adjacent court boundary.
4. Public water supply, sanitary sewers, fire protection, refuse collection, laundry, toilet and bathing facilities shall be provided in full compliance with the Illinois Department of Public Health and the DeWitt-Piatt Bi-County Health Unit, and nothing shall be done to interfere with the natural drainage.
5. Each mobile home site shall abut or face a clear unoccupied space, driveway, roadway or street of not less than twenty (20) feet in width, which shall have unobstructed access to a public highway, street or alley. All such streets and driveways in a mobile home court shall be improved in accordance with the minimum requirements of the Piatt County Subdivision Regulations.
6. The mobile home court shall be surrounded by a landscaped strip of open space fifty feet wide along the street or road frontage of a major street or road and twenty-five feet wide along all other lot lines or street or road frontages.

E. NONCONFORMING USES ARE REGULATED.

1. Nonconforming Use of Land. Except as otherwise provided herein, the lawful use of land existing at the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. However, the right to continue such use shall terminate when the ownership of said land is transferred or when the nonconforming use is discontinued.
2. Nonconforming Use of Buildings. Except as otherwise provided herein, the lawful use of a building existing at the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged for such use at the time of the enactment of this Ordinance. The right to continue such use shall terminate when the ownership of the land, upon which the building or other structure is located, is transferred, when the nonconforming use is discontinued, or when such building or structure has been damaged by any cause whatsoever to the extent of more than fifty percent of the fair market

value of the building immediately prior to damage. If a building or structure is damaged by less than fifty percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve months of the date of such damage.

3. Discontinuance of Nonconforming Uses in Residential District. No building or structure or portion thereof used in whole or in part for a nonconforming use in a Residential District, which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the Residential District in which it is located.

4. Nonconforming Advertising Signs. All advertising signs in violation of the provisions of ARTICLE X. B hereof shall be removed and said signs brought into conformity with all requirements of ARTICLE X.B on or before a date not later than six months from the effective date of this Ordinance or within 6 months of notification

5. Nonconforming Manufactured Homes or Mobile Homes. All manufactured homes or mobile homes not placed upon permanent foundations or located in violation of the provisions of this Ordinance shall be removed or brought into conformity with all requirements of this Ordinance on or before a date not later than six months from the date of this Ordinance.

6. Intermittent Use. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

F. REGULATIONS REGARDING TEMPORARY CONSTRUCTION SITES.

1. In any Agricultural District, the Zoning Board of Appeals may issue a temporary use permit to any contractor or subcontractor for a construction site to be used in connection with the construction of all or a part of any public improvement if the applicant establishes that:

a. The location of the site for the proposed use will not cause obnoxious or offensive noise, odor, dust, gas, smoke or vibration to any residence or business located in the area of the site and is not closer than 1,000 feet to any residence or business. The Zoning Board of Appeals may grant a variance to permit a site closer than 1,000 feet to a residence or business if the applicant can show the use will not interfere with any residence or business.

b. The applicant either owns or has a written lease to use the proposed site for the purpose of a temporary construction site. If the applicant owns the proposed site, he must submit a written agreement with the county of Piatt with such sureties as may be deemed adequate to assure compliance with the agreement that the applicant will restore the surface of the site as nearly as may be to the condition in which the site existed prior to its use as a construction site. If the applicant has a written lease to use the proposed site, then the lease must contain a provision that upon termination of the use as a construction site that the

applicant agrees with the owner to restore the surface of the site as nearly as may be to the condition that existed prior to its use as a construction site.

c. That the site is served by roads or highways which are adequate to carry the expected traffic without damage; or if they are not adequate, that the applicant agrees in writing with the County of Piatt or the Township Road District involved with such sureties as may be deemed necessary by the unit controlling the road to restore the roads as nearly as may be to the condition in which they existed prior to the beginning of construction after construction is completed.

2. The temporary use permit will be valid for whatever time is reasonably necessary to complete the applicant's construction obligations, but not longer than six months after the applicant's work is completed.

3. The temporary use permit will authorize the applicant to use the site for all purposes reasonably related to his obligations under his contract for construction of the public improvement.

4. In addition to the requirements of this section, all requirements of ARTICLE IV. Paragraph A (2) (d), shall be complied with and the Board shall follow the provisions of that section with respect to approval of temporary use permits under this section.

G. REGULATIONS REGARDING SEWAGE DISPOSAL SYSTEMS.

1. In all districts, no subdivision with lots less than 43,560 square feet in area, nor any individual lot less than 43,560 square feet in area, may be approved or developed for residential use, unless each of said lots is served by a public water supply and either a public sewer or a sewage disposal system (other than a septic tank seepage field system) approved by the plat committee for a subdivision or by the County Board for an individual lot.

2. Before any subdivision is approved, the subdivider must present proof that an approved sewage disposal system will be available and if a septic tank-seepage field system is to be used, that soil conditions throughout the entire area to be subdivided permit satisfactory percolation for the seepage field to comply with the applicable regulations of the State of Illinois.

3. The lot owner or subdivider, whichever may be the case, is responsible for obtaining any information or permits from the State of Illinois necessary to comply with Section G

4. Any private sewage disposal system installed must meet the requirements of the Illinois Private Sewage Disposal Code or the Piatt County Private Sewage Disposal Code as administered by the
5.

6. DeWitt-Piatt County Bi-County Health Department. Prior to beginning construction the lot owner or subdivider must obtain a permit from the DeWitt-Piatt County Bi-County Health Department for the specific private sewage disposal system which is proposed to be installed.

H. DANGEROUS ANIMALS

The Illinois Dangerous Animals Act states that no person shall have a right of property in, keep, harbor, care for, act as a custodian of or maintain in his or her possession any dangerous animal or primate except at a properly maintained zoological park, federally licensed exhibit, circus, college or university, scientific institution, research laboratory, veterinary hospital, hound running area, or animal refuge in an escape-proof enclosure. A “Dangerous animal” is defined as a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, wolf or coyote. This Section does not prohibit a person who had lawful possession of a primate before January 1, 2011, from continuing to possess that primate if the person registers the animal by providing written notification to the local animal control administrator on or before April 1, 2011.

I. REGULATIONS REGARDING SOLAR ENERGY SYSTEMS

1. REGULATIONS REGARDING SOLAR ENERGY SYSTEMS, PRIVATE

- a.) Ground mount and Roof Mount (SES) shall be permitted by a building permit in all zoning districts where there is a principal structure.
- b.) Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning district.

2. REGULATIONS FOR SOLAR ENERGY SYSTEMS, COMMERCIAL/SOLAR FARMS

- a.) Setbacks. The facility shall be set back 100 feet from the front and 50 feet from the rear property lines and 50 feet from the side property lines.
- b.) Lighting shall be installed for security and safety purposes only. All lighting must comply with Article XI of the Piatt County Zoning Ordinance. (Lighting regulations)
- c.) All solar farms shall be in compliance with any local, state and federal regulatory standards and the National Electric Code as amended.
- d.) No solar farm shall be erected on any lot less than 10 acres in size.
- e.) An erosion control plan shall be provided.
- f.) A storm water management plan shall be provided.
- g.) All areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade-tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the Zoning Board of Appeals.
- h.) Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.
- I.) If a facility ceases to produce electricity on a continuous basis for 12 months, the equipment must be removed and the site restored to original conditions.
- j.) Perimeter fencing having a maximum height of 8 feet shall be installed around the boundary of the solar farm. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- k.) Signage – an appropriate warning sign shall be provided at the entrance to the facility and along the perimeter of the project. The sign at the entrance shall include the facilities 911 address and a 24 hour emergency contact number.

- 1.) The applicant shall maintain the fence and adhere to the weed/grass control plan.

Along with the application for a Special Use Permit- the following shall be provided:

- 1) Applicable fees- The fees listed in Article IV. A. 2. h. are not applicable to Solar Farm SUP applications.

The special use application shall be accompanied by a fee of \$1000.00.

- 2) Two copies of all documents proving ownership or interest in the subject property.
- 3) A site plan showing existing property lines, public and private roads, location and size of any abandoned wells, septic systems, waterways, lakes and streams.
- 4) A copy of the FEMA/FIRM map showing the subject property.
- 5) A NRI/LESA report from the Piatt County Soil and Water district.
- 6) A site plan showing proposed conditions including access roads, location and spacing of the solar panels, location of underground or overhead lines connecting the solar farm to a building, substation or other electric load, and any new electrical equipment that is to be the connection point for the solar farm.
- 7) The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The Operating Company or Successor shall adhere to the weed/grass control plan during the operation of the Solar Farm.
- 8) Solar Farm Developers shall be required to initiate a natural resource review consultation through the Illinois Dept. of Natural Resources through the Departments' online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.
- 9) An AIMA executed by the Illinois Department of Agriculture and the applicant;
- 10) A map showing all subsurface field tile locations, as well as all surface drainage ditches.
- 11) A written demonstration shall be provided that the applicant is in the queue to acquire an Interconnect agreement. Prior to the site becoming operational, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outline why an

interconnection agreement is not necessary shall be provided to the County.

- 12) All solar power plant applications shall be accompanied by a preliminary map and plan showing the roads and rights-of-ways that will be utilized for both the construction and operation of the solar power plant.
- 13) A decommission plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months, the operating company and or land owners have six months to complete the decommission plan or the County will take the necessary decommission steps and all costs associated therewith shall be borne by the applicant. The plan shall include provisions for removal of all structures (including equipment, fencing and roads) and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The plan must include an estimate of the decommissioning costs certified by a professional engineer in current dollars. The engineer providing this estimate shall be engaged under contract by the Piatt County Engineer and all costs associated with this engagement shall be borne by the applicant. The decommissioning estimate must exclude any estimate of salvage value. The applicant shall provide the county with a new estimates of the cost of decommissioning the facilities every five (5) years under the same conditions as set forth above. Upon receipt of this new estimate, the county may require, if the estimated costs of decommissioning have increased and the applicant, owner, and/or operator of the facilities shall provide a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations;

Decommissioning security financing shall be required by the county in order to assure the proper decommissioning of the site. This security financing should be in the form of an irrevocable letter of credit. The County Board may, in its sole discretion, agree to accept security, or a portion thereof, another form such as a bond or corporate guarantee.

14) Indemnification and Liability.

- A. The applicant, owner, and/or operator of the project shall defend, indemnify, and hold harmless the County of Piatt and its officials from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney’s fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the solar farm energy system project.
- B. The applicant, owners, and/or operator of the project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least two million dollars per occurrence and two million dollars in the aggregate. Evidence of liability coverage must be reported to the Piatt County Department of Zoning on an annual basis, and any loss of coverage must be reported within three (3) working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

Solar Permitting-

Solar Panels shall require building permits. The fees are as follows:

- Residential Installation – Accessory Permit \$50
- Commercial Use - \$1500 per ME (not to exceed \$6,000)

The Building Permit application should include –

- 1) Manufacturers specifications and recommended installation methods for all major equipment, including solar panels, mounting system and foundation for poles or racks.
- 2) The number of panels to be installed.
- 3) The location of any subsurface drainage tiles
- 4) A Complete site plan.
- 5) An executed agreement between the solar power plan owner/operator and all road district authorities with infrastructure affected by the solar power plant to the county. This agreement shall include at a minimum:
 - a) A final map identifying the routes that will be used.
 - b) A plan for maintaining and/or repairing the affected roads.
 - c) Other inclusions as specified by the zoning board of appeals, the county board or affected road authority.

ARTICLE XI. LIGHTING REGULATIONS

A. Control of Lighting

- 1) All outdoor lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- 2) Floodlights and spotlights shall be so installed or aimed that they do not project their light output into the windows of neighboring residences, adjacent uses, skyward or onto a public roadway.

B. Prohibited Lighting The following lighting is prohibited:

- 1) The use of white strobe lighting for structures such as smokestacks, chimneys and radio/communications/televisions towers is prohibited except where specifically required by state or federal law;
- 2) The use of laser light source;
- 3) The use of flickering, flashing, blinking, scrolling or rotating lights and any illumination that changes intensity, except where specifically required by state or federal law. Outdoor public or community recreational uses, including but not limited to ball diamonds, playing fields, golf driving ranges, volleyball courts and tennis courts have unique requirements for nighttime visibility. These uses may be granted a variance.

C. Exceptions

The following lighting shall be exempt from the provisions of Article XI, Section A of this Ordinance.

- 1) Emergency lighting, used by police, firefighting, EMA, or medical personnel or at their direction is exempt from all requirements of this Ordinance as long as the emergency exists;
- 2) Flagpole lighting provided illumination may not exceed 10,000 lumens;
- 3) Temporary outdoor lighting which is not used more than three (3) fifteen (15) day periods annually for uses such as holiday decorations, festivals or civic events.
- 4) Temporary Outdoor lighting used for construction and agricultural projects.

D. Non-Conforming Lighting

- 1) Any luminaires or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance shall be considered as a lawful non-conforming use.

ARTICLE XII. OFF-STREET PARKING AND LOADING REGULATIONS.

A. OFF-STREET PARKING REQUIREMENTS. Off-street parking spaces shall be provided as follows:

1. All agricultural uses are exempt
2. Single-family and two-family dwellings-Two spaces for each dwelling unit.
3. Multi dwellings-Two spaces for each dwelling unit.
4. Rooming and boardinghouses, sororities and fraternities. One parking space for each 200 square feet of floor area.
5. Private club or lodge-One parking space for each 300 square feet of floor area.
6. Church or temple-One parking space for each four seats in the main auditorium.
7. School-For high schools, colleges and universities, 10 spaces per classroom; for elementary schools, two parking spaces per classroom.
8. Hospital - Two parking spaces for each bed.
9. Sanitarium or institutional home - One parking space for each three beds.
10. Funeral home - Ten parking spaces for each chapel plus one for each funeral home vehicle plus one for each family residing on the premises.
11. Auditoriums, theaters and other places of public assembly - One parking space for each five seats.
12. Community Center, library, museum, similar public or semi-public building - One parking space for each 200 square feet of floor area in the building.
13. Hotel or motel-Five parking spaces plus one space for each sleeping room or suite.
14. Medical office building-Buildings in which 20 percent or more of the gross area is occupied by members of the healing profession, one parking space for each 50 square feet of the gross area used for this purpose.
15. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or other similar establishments-Two parking spaces for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.

16. All nonresidential buildings (except those above specified)-One space for each 200 square feet of floor area.

B. RULES FOR COMPUTING PARKING SPACES. In computing the number of required off-street parking spaces, the following rules shall apply:

1. Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.
2. Where fractional spaces result, the parking spaces required shall be rounded up to the next nearest whole number.
3. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
4. Whenever a building or use constructed or established after January 1, 1960, is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to January 1, 1960, is reconstructed or is enlarged to the extent of 20 percent or more in floor area, said building or use in its entirety shall then and thereafter comply with the parking requirements set forth herein. Any enlargement or change in use of less than 20 percent of the gross floor area shall be provided with parking based on the enlargement or change.

C. LOCATION OF REQUIRED PARKING SPACES.

1. The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located on an area within 300 feet of said building and two or more owners of separate buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this Ordinance.
2. No parking spaces may be located in a front yard in any residential district.

D. **MINIMUM IMPROVEMENT AND MAINTENANCE STANDARDS.** For all uses of XII. A. 4-16 all open parking areas provided in compliance with this Ordinance shall be surfaced with a durable, dust-proof surface consisting of concrete, bituminous concrete, or compacted gravel or crushed stone properly sealed and surface treated as approved by designated engineering personnel of the County. The parking areas shall be maintained in a usable dust-proof condition and graded and drained to dispose of all surface water. Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light away from abutting or neighboring property, including public right-of-ways. One standard tree of at least three-inch diameter shall be planted on the lot for each ten parking spaces. The location of each parking space and the direction of movement along the access driveways shall be indicated by painting upon the surface of the lot. A secured abutment shall be installed and so placed around each side of the parking lot to insure that no part of a vehicle either extends over or is capable of accidentally rolling across the property line of the parking lot.

E. **OFF-STREET LOADING REQUIREMENTS.** There shall be provided, at the time any building is erected or structurally altered, off-street loading space in accordance with the following requirements:

1. **Office Buildings, Apartments, Apartment Hotels, Motels and Hotels:** One space for each 5,000 to 50,000 square feet of gross floor area; two spaces for each 50,000 to 200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 200,000 square feet.

2. **Retail or service Establishment or Wholesale Commercial Use.** One space for each 2,000 to 20,000 square feet of gross floor area; two spaces for each 50,000 to 200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 100,000 square feet.

3. **Manufacturing or Industrial Use:** One space for each 10,000 square feet of floor area or fraction thereof in excess of 5,000 square feet.

4. In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than 60 feet shall be provided on the lot on which the industrial use is locate

ARTICLE XIII. INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, resolution, rules, regulations or permits previously adopted or issued and not in conflict with any of the provision of this Ordinance relative to the use of buildings, structures or land, nor is it intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that wherever this Ordinance imposes a greater restriction upon the use of buildings or structures, then the provisions of this Ordinance shall control.

ARTICLE XIV. VIOLATIONS AND PENALTIES

Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of misdemeanor, punishable by a fine not exceeding Five Hundred Dollars (\$500.00) for each offense. Each week a violation occurs or continues shall be deemed to be a separate violation. Violations of this Ordinance and all proceedings undertaken to enforce this Ordinance shall be instituted by the Piatt County State's Attorney. [55 ILCS 5/5-12017]

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any building, structure or land in use in violation of this Ordinance, the State's Attorney of the County, or any person the value of the use of whose property is or may be affected by such violation, may, in addition to other remedies, institute any appropriate action or proceedings in equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises. [268 Ill.App.3d 18]

Once the zoning officer has been made aware of a possible building permit violation and while said violation is being investigated by the zoning officer, the zoning officer shall have the authority to issue a cease and desist order upon the alleged violator. Said cease and desist order shall be served upon the alleged violator by the Piatt County Sheriff's Office.

ARTICLE XV. VALIDITY

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE XVI. WHEN EFFECTIVE

This Ordinance shall be in full force and effect from and after its adoption as required by law.

PIATT COUNTY
ZONING ORDINANCE

APPENDIX B
STANDARDS FOR
WIND ENERGY
CONVERSION SYSTEMS
51 kW TO 500 kW

TABLE OF CONTENTS

Appendix B STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS 51 kW to 500 kW

- I. INTRODUCTION
 - A. TITLE
 - B. PURPOSE
- II. DEFINITIONS
- III. APPLICABILITY
- IV. PROHIBITION
- V. SPECIAL USE PERMIT APPLICATION
- VI. DESIGN AND INSTALLATION
 - A. DESIGN SAFETY CERTIFICATION
 - B. CONTROLS AND BRAKES
 - C. ELECTRICAL COMPONENTS
 - D. COLOR
 - E. COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION
 - F. LIGHTING
 - G. WARNINGS
 - H. CLIMB PREVENTION
 - I. HEIGHT
 - J. BLADE CLEARANCE
 - K. SETBACKS
 - L. DRAINAGE REPAIR
 - M. COMPLIANCE WITH ADDITIONAL REGULATIONS
 - N. USE OF PUBLIC ROADS
 - O. TERMS
- VII. OPERATION
 - A. MAINTENANCE
 - B. INTERFERENCE
 - C. COORDINATION WITH LOCAL FIRE DEPARTMENT
 - D. MATERIALS HANDLING, STORAGE AND DISPOSAL
- VIII. NOISE LEVELS
- IX. PUBLIC PARTICIPATION
- X. LIABILITY INSURANCE AND INDEMNIFICATION
- XI. DECOMMISSIONING PLAN (CESSATION OF OPERATIONS)
- XII. REMEDIES
- XIII. PENALTIES

I. INTRODUCTION

A. *Title*

This Ordinance shall amend the Piatt County Zoning Ordinance and be known, cited and referred to as **Appendix B Standards for Wind Energy Conversion System 51 kW to 500kW**.

B. *Purpose*

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Piatt County is safe and effective;
2. To facilitate economic opportunities for local residents;
3. To promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources.

II. DEFINITIONS

- A. "Applicant" means the entity or person who submits to the County, pursuant to Section V of this Ordinance, an application for the special use permit for any WECS(s) or substations.
- B. "Construction Permit" means the Building Permit which shall be obtained from the Zoning Officer prior to commencing any construction on the WECS project.
- C. "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond trust instrument, cash escrow, or irrevocable letter of credit, or corporate guaranty from an entity whose credit is investment grade (reviewed on an annual basis).
- D. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS(s), including any third party subcontractors.
- E. "Owner" means the entity or entities with a direct equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.

- F. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois.
- G. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, churches, schools and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.
- H. "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- I. "Wind Energy Conversion System" (WECS") means all necessary facilities that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including, but not limited to, the rotor, nacelle, generator, WECS Tower, Electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substation(s)/switchyard(s), communications facilities, transmission lines, poles, and/or towers, operations and maintenance building, and other related devices, facilities, and equipment.
- J. "WECS Project" means the collection of WECS(s) as specified in the Special Use Permit application pursuant to Section V of this Ordinance.
- K. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- L. "WECS Tower Hub Height" means the distance from the center of the rotor hub to the top surface of the WECS Tower foundation.
- M. "WECS Tower Tip Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

III. APPLICABILITY

This Ordinance governs the siting of WECS(s) and Substations of 500 kW or less that generate electricity to be used by the Owner or sold to wholesale or retail markets.

IV. PROHIBITION

No WECS or WECS Project governed by Section III of this Ordinance shall be constructed, erected, installed or located within Piatt County unless prior special use permit application has been approved for each individual WECS or WECS Project pursuant to this Ordinance. Upon special use approval, a construction permit shall be

obtained from the Zoning Officer prior to the commencement of construction of any WECS or WECS Project or any part thereof.

V. SPECIAL USE PERMIT APPLICATION

A. To obtain special use approval, the Applicant must first submit a special use permit application to the Piatt County Zoning Officer.

B. The special use permit application shall contain or be accompanied by the following information:

1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), maximum number of WECS(s), and approximate name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
 2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) if known;
 3. A preliminary site plan for the installation of WECS(s) showing the proposed location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback, and a final site plan shall be required before the construction permit is issued;
 4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance;
 5. Any other information normally required by the County as part of its Zoning Ordinance.
- C. The Applicant shall notify the County of any material changes to the information provided in Section V.B above that occur while the special use permit application is pending.

VI. DESIGN AND INSTALLATION

A. Design Safety Certification

WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute (“ANSI”). Prior to the issuance of construction permits, Applicant shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (“UL”), Det Norske Veritas (“DNV”), Germanischer Lloyd Wind Energie (“GL”), or an equivalent third party. All turbines shall be commercially available; no experimental equipment shall be approved by the Zoning Officer or the Zoning Board of Appeals. A variance may be issued for research and development.

B. *Controls and Brakes*

All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

C. *Electrical Components*

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.

D. *Color*

Towers and blades shall be painted a non-reflective, unobtrusive color that mitigates the visual impact of the structure. No advertisement shall be visible on the blades or tower.

E. *Compliance with the Federal Aviation Administration*

The WECS shall comply with all applicable FAA requirements.

F. *Lighting*

A lighting plan for each WECS shall be provided to the Zoning Board of Appeals. Such plan must describe all lighting that will be used, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and where any lights will be flashing. Strobe lights are discouraged, and if they are required by the FAA, they must be shielded from the ground. The lighting should be planned and developed in such a way to minimize the visual impact of the structures. A consideration of synchronized lighting shall also be part of any lighting plan.

G. Warnings

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.

H. Climb Prevention

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six feet high; or
 - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower; or
 - c. Locked doors and interior ladders.

I. Height

WECS Tower Tip Height shall not exceed 500 feet.

J. Blade Clearance

The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be 20 feet, as measured at the lowest point of the arc of the blades.

K. Setbacks

1. All WECS Towers shall be set back a distance of 1.1 times the WECS Tower Tip Height from any Primary Structure in existence or which has received construction permits for construction as of the date of approval of the special use permit. Distance shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner(s) of the Primary Structure may waive this setback requirement in writing; but in no case shall a WECS Tower be located closer to a Primary Structure than 1.1 times the WECS Tower Tip Height.
2. All WECS Towers shall be set back a distance of 1.1 times the WECS Tower Tip Height from the legally established boundaries, as of the date of approval of the special use permit, of any platted community which enforces its own

government. Distance shall be measured from the closest Corporate Limit boundary line to the center of the WECS Tower foundation.

3. All WECS Towers shall be set back a distance of at least 1.0 times the WECS Tower Tip Height from adjacent property lines, established as of the date of approval of the special use permit, unless waived in writing by the affected adjacent property owner(s). Distance shall be measured from such adjacent property line to the center of the WECS Tower foundation.
4. All WECS Towers shall be set back a distance of at least 1.1 times the WECS Tower Tip Height from the nearest above-ground third party transmission lines, telephone lines and communication towers, in existence as of the date of approval of the special use permit, unless waived in writing by the affected property owner(s) and utility company. Distance shall be measured from the center of the WECS Tower foundation to the closest point on such above-ground public electric power line, third party transmission line, telephone line and center of the base of the communication tower.
5. All WECS Towers shall be set back a distance of at least 1.1 times the WECS Tower Tip Height from the nearest edge of the existing right of way of public roads as of the date of approval of the special use permit. Distance shall be measured from the nearest edge of the road right of way of such public road in existence as of the date of approval of the special use permit. The Township Highway Commissioner or County Highway Engineer, or similar authorized representative with respect to local or state roadways, may waive this setback requirement as to roads within their respective jurisdictions.
6. The Applicant does not need to obtain a variance or other approval from the County upon written waiver by the applicable State, County, Township, utility company or property owner(s) of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

L. *Drainage Repair*

The Owner or Operator shall repair waterways, drainage ditches, field tiles, or any other infrastructures damaged during construction, maintenance phases, upgrading, and decommissioning.

M. *Compliance with Additional Regulations*

Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.

N. *Use of Public Roads*

An Applicant, Owner, or Operator must comply with weight or size allowed by the county, municipality, township or village.

O. *Terms*

Notwithstanding any other provisions of the Piatt County Zoning Ordinance, a special use permit for a WECS shall be effective and may be relied upon so long as construction of the WECS is commenced within 36 months after issuance of the special use permit, which period may be extended by the County Board without further public hearing.

VII. OPERATION

A. *Maintenance*

Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section VI.A. of this Ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the Owner or Operator shall confer with a relevant third-party certifying entity identified in Section VI.A. of this Ordinance to determine whether the physical modification requires re-certification.

B. *Interference*

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section V.B.1 and V.B.3 of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take necessary steps to respond to the complaint within 120 days.
2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take necessary steps to respond to the complaint within 120 days.

C. *Coordination with Local Fire Department*

1. Prior to commencement of construction, the Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
2. Nothing in this section shall alleviate the need to comply with all other

applicable fire laws and regulations.

D. *Materials Handling, Storage and Disposal*

1. All solid wastes related to the construction, operation and maintenance of the WECS(s) shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the WECS(s) shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

VIII. NOISE LEVELS

Noise levels from each WECS or WECS Project shall be in compliance with applicable Illinois Pollution Control Board (IPCB) regulations.

IX. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation in the County's consideration of the special use application.

X. LIABILITY INSURANCE AND INDEMNIFICATION

- A. Commencing with the issuance of construction permits, the Applicant, Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$5 million in the aggregate. Such insurance may be provided, pursuant to a plan of self insurance, by a party with a net worth of \$50 million or more. The County shall be named as an additional insured on the policy to the extent the County is entitled to indemnification in accordance with Section **XI.B.**
- B. Applicant, Owner or Operators shall defend, indemnify and hold harmless the County and its officials, employees and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or in part out of the negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant's, Owner's or Operator's selection, construction, operation, upgrade, and removal of the WECS and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

XI. DECOMMISSIONING PLAN (CESSATION OF OPERATIONS)

The WECS project must provide a decommissioning plan to insure that the WECS equipment is removed and land is restored to its previous use upon the end of the project's life before a construction permit is issued. The plan shall include:

- A. If any Wind Energy Conversion System has not been in operation and producing electricity for at least 270 consecutive days, it shall be removed. The Piatt County Zoning Officer shall notify the Owner to remove the system. Within thirty days, the Owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the Owner fails to or refuses to remove the WECS, the violation shall be referred to the Piatt County State's Attorney for enforcement.
- B. Provisions for the removal of structures, debris, and cabling on the surface and at least 4' below the surface;
- C. Provisions for the restoration of the soil and vegetation;
- D. A provision that the terms of the decommissioning shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and
- E. A provision that Piatt County shall have access to the site to effect or complete decommissioning one year after cessation of operations.

XII. REMEDIES

- A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance. Approval of the conditional use for a WECS shall be deemed conclusive evidence that the Applicant, Owner, or Operator has complied with the above provisions with respect to application for and approval of such special use.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the County Board shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C. If after the 60 day period: (i) the Applicant, Owner, or Operator has not cured the alleged default, or (ii) the County Board determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

XIII. PENALTIES

A failure to obtain applicable building permit(s) for the construction of a Wind Energy Conversion System or failure to comply with the requirements of a building permit or the provisions of this Ordinance shall be deemed a violation of this ordinance. The State's Attorney may bring an action to enforce compliance of the requirements of this Ordinance by filing an action before the Piatt County Ordinance Violation Hearing Department or by filing an action in the Circuit Court for an injunction requiring conformance with this ordinance or seek such other order as the court deems necessary to secure compliance with this ordinance. Any person who violates this ordinance shall be fined not less than twenty-five dollars or more than five hundred dollars. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. Nothing herein shall prevent the County from seeking such other legal remedies available to prevent or remedy any violations of this ordinance.


PRESENTED, APPROVED, AND ADOPTED this 9th day of June, 2009

AYES 6 NAYS 0


PIATT COUNTY BOARD
PIATT COUNTY, ILLINOIS

ATTEST:

BY:



Pat Rhoades, Clerk for the
County of Piatt, State of Illinois



Sharon Lee Martin, Chairman
Piatt County Board

PIATT COUNTY
ZONING ORDINANCE

APPENDIX A
STANDARDS FOR
WIND ENERGY
CONVERSION SYSTEMS
OVER 500 kW

TABLE OF CONTENTS

Appendix A

STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS OVER 500 kW

- I. INTRODUCTION
 - A. TITLE
 - B. PURPOSE
- II. DEFINITIONS
- III. APPLICABILITY
- IV. PROHIBITION
- V. SPECIAL USE PERMIT APPLICATION
- VI. FEES
- VII. DESIGN AND INSTALLATION
 - A. DESIGN SAFETY CERTIFICATION
 - B. CONTROLS AND BRAKES
 - C. ELECTRICAL COMPONENTS
 - D. COLOR
 - E. TURBINE CONSISTENCY
 - F. COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION
 - G. LIGHTING
 - H. WARNINGS
 - I. CLIMB PREVENTION
 - J. HEIGHT
 - K. BLADE CLEARANCE
 - L. SETBACKS
 - M. DRAINAGE REPAIR
 - N. COMPLIANCE WITH ADDITIONAL REGULATIONS
 - O. USE OF PUBLIC ROADS
 - P. 911 ADDRESSING
 - Q. TERMS
- VIII. OPERATION
 - A. MAINTENANCE
 - B. INTERFERENCE
 - C. COORDINATION WITH LOCAL FIRE DEPARTMENT
 - D. MATERIALS HANDLING, STORAGE AND DISPOSAL
 - E. SHADOW FLICKER
- IX. NOISE LEVELS
- X. BIRDS
- XI. PUBLIC PARTICIPATION
- XII. LIABILITY INSURANCE AND INDEMNIFICATION
- XIII. DECOMMISSIONING PLAN (CESSATION OF OPERATIONS)
- XIV. REMEDIES
- XV. PENALTIES

I. INTRODUCTION

A. *Title*

This Ordinance shall amend the Piatt County Zoning Ordinance and be known, cited and referred to as **Appendix A Standards for Wind Energy Conversion System over 500 kW**.

B. *Purpose*

This Ordinance is adopted for the following purposes:

1. To assure that any development and production of wind-generated electricity in Piatt County is safe and effective;
2. To facilitate economic opportunities for local residents;

II. DEFINITIONS

- A. "Applicant" means the entity or person who submits to the County, pursuant to Section V of this Ordinance, an application for the special use permit for any WECS(s) or substations.
- B. "Construction Permit" means the Building Permit which shall be obtained from the Zoning Officer prior to commencing any construction on the WECS project.
- C. "Financial Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond trust instrument, cash escrow, or irrevocable letter of credit, or corporate guaranty from an entity whose credit is investment grade (reviewed on an annual basis).

- D. "Hearing facilitator" – the County may unilaterally engage the services of a hearing facilitator not affiliated with any pro wind or anti wind group to preside over any required hearings resulting from the special use permit application. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the Zoning Board and County Board but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments. Upon conclusion of the evidence and final arguments, the Zoning board will prepare and submit "findings of fact" and a final recommendation to the County Board. The hearing facilitator shall be an attorney licensed to practice in the State of Illinois, jointly selected by the state's attorney (or his/her designee) and the County Zoning Officer and appointed by the chairman of the County Board with the consent of the County Board. The applicant shall reimburse the county for the fees and costs charged by the facilitator.
- E. "Nonparticipating primary structure" means a dwelling on land that is not leased to a WECS Project.
- F. "Operator" means the entity responsible for the day-to-day operation and maintenance of the WECS(s), including any third party subcontractors.
- G. "Owner" means the entity or entities with a direct equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) the property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) at the earliest practicable date.
- H. "Participating primary structure" means a dwelling on land that is leased to a WECS Project.
- I. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the State of Illinois.
- J. "Primary Structure" means, for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary Structure includes structures such as residences, commercial buildings, hospitals, churches, schools and day care facilities. Primary Structure excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

- K. "Rotor" means the rotating assembly in a turbine, especially a wind turbine.
- L. "Substation" means the apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection with the utility's transmission lines.
- M. "Wind Energy Conversion System" (WECS") means all necessary facilities that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including, but not limited to, the rotor, nacelle, generator, WECS Tower, Electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substation(s)/switchyard(s), communications facilities, transmission lines, poles, and/or towers, operations and maintenance building, and other related devices, facilities, and equipment.
- N. "WECS Project" means the collection of WECS(s) as specified in the Special Use Permit application pursuant to Section V of this Ordinance.
- O. "WECS Tower" means the support structure to which the nacelle and rotor are attached.
- P "WECS Tower Hub Height" means the distance from the center of the rotor hub to the top surface of the WECS Tower foundation.
- Q. "WECS Tower Tip Height" means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
- R. "Shadow Flicker" means the phenomena that occurs when rotating wind turbine blades cast moving shadows upon stationary objects.

III. APPLICABILITY

This Ordinance governs the siting of WECS(s) and Substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECS(s) with an aggregate generating capacity of 500 kW or less who locate the WECS(s) on their own property are not subject to this Ordinance, but are subject to other special use requirements outlined in the Piatt County Zoning Ordinance.

IV. PROHIBITION

No WECS or WECS Project governed by Section III of this Ordinance shall be constructed, erected, installed or located within Piatt County unless prior special use permit application has been approved for each individual WECS or WECS Project pursuant to this Ordinance. Upon special use approval, a construction permit shall be obtained from the Zoning Officer prior to the commencement of construction of any WECS or WECS Project or any part thereof.

V. SPECIAL USE PERMIT APPLICATION

A Wind Farm Special Use Permit may only be authorized in the A-1 or AC zoning districts subject to the following standard conditions.

A. To obtain special use approval, the Applicant must first submit a special use permit application to the Piatt County Zoning Officer.

B. The special use permit application shall contain or be accompanied by the following information:

1. A WECS Project summary, including, to the extent available: (1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of WECS(s), maximum number of WECS(s), and approximate name plate generating capacity of each WECS; the maximum height of the WECS Tower(s) and maximum diameter of the WECS(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures;
2. The name(s), address (es), phone number(s) and signatures of the Applicant(s), Owner and Operator, and all participating property owner(s).
3. A preliminary site plan for the installation of WECS(s) showing the proposed location of each WECS Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the WECS Tower to the Substation(s), ancillary equipment, third party above or below ground transmission lines, and layout of all structures within the geographical boundaries of any applicable setback, the location of any construction staging areas including concrete batch plants and a final site plan shall be required before the construction permit is issued;
4. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance;

5. Financial assurance that the project can be developed as proposed before the construction permit is issued; and
 6. Any other information normally required by the County as part of its Zoning Ordinance.
 7. An executed AIMA agreement with the Illinois Department of Agriculture.
 8. If the applicant intends to offer a “good neighbor plan”, a “property value guarantee plan” or any other financial incentive plan in connection with a proposed WECS project, a copy of such plan shall be included with the special use application at the time the application is submitted.
 9. The applicant shall provide 14 complete copies of the WECS special use application upon submittal of the WECS special use application fee. A minimum of one copy shall be submitted in electronic format.
- C. The Applicant shall notify the County of any material changes to the information provided in Section **V.B** above that occur while the special use permit application is pending.

VI. FEES

- A. 1. The applicant, upon submittal of an application for a wind energy conversion special use, shall submit a certified check to the county in the amount provided in the county fee schedule. This amount shall be placed in a special fund and will be used to cover the county’s costs incurred during the special use application review process and public hearings, including, but not limited to, costs of experts and attorneys retained by the county and the cost of any appeals.
2. Should the actual costs to the county exceed the cost deposit, the applicant shall remit additional funds as outlined in the county fee schedule within 15 days of the receipt of written notice from the county. The county may stay the processing of an application or continue any hearings until such time as the requested additional funds have been paid.
3. Any amount remaining in the fund after the county renders its decision, exhaustion of all appeals, and payment of all bills and invoices, shall be refunded to the applicant.

VII. DESIGN AND INSTALLATION

A. Design Safety Certification

1. WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute (“ANSI”). Prior to the Issuance of construction permits, Applicant shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (“UL”), Det Norske Veritas (“DNV”), Germanischer Lloyd Wind Energie (“GL”), or an equivalent third party. All turbines shall be new equipment commercially available; no used or experimental equipment shall be approved by the Zoning Officer or the Zoning Board of Appeals without the issuance of a variance.
2. Following the granting of the special use permit under this Ordinance, a Professional Engineer shall certify, as part of the construction permit application that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

B. Controls and Brakes

All WECS shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

C. Electrical Components

All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.

D. Color

Towers and blades shall be painted a non-reflective, unobtrusive color that mitigates the visual impact of the structure. No advertisement shall be visible on the blades or tower.

E. *Turbine Consistency*

To the extent feasible, the project shall consist of turbines of similar design and size, including tower height. All turbines shall rotate in the same direction.

F. *Compliance with the Federal Aviation Administration*

The WECS shall comply with all applicable FAA requirements.

G. *Lighting*

A lighting plan for each WECS shall be provided to the Zoning Board of Appeals. Such plan should select and submit to the FAA a request to use an Aircraft Detection Lighting System (ADLS) approved by the FAA. The applicant shall provide the County, the FAA approval of the required ADLS prior to the installation of any wind turbine tower sections. The plan must describe all lighting that will be used, including any lighting that may be required by the FAA. The lighting should be planned and developed in such a way to minimize the visual impact of the structures

H. *Warnings*

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
3. A 911 address sign which conforms to the County specifications for size, color and reflectivity shall be placed and maintained by the owner/operator at the entrance to each WECS access road from a public road. A sign or posting no more than 4 square feet in area shall be placed and maintained in conjunction with, but in a subordinate position of, that same 911 sign and shall provide the tower numbers and a toll free telephone number, answered by a person twenty four hours a day seven days per week, for emergency calls and informational inquiries.

I. *Climb Prevention*

1. All WECS Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six feet high; or
 - b. Anti-climbing devices 12 feet vertically from the base of the WECS Tower; or
 - c. Locked doors and interior ladders.

J. *Height*

WECS Tower Tip Height shall not exceed 625 feet.

K. *Blade Clearance*

The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be 20 feet, as measured at the lowest point of the arc of the blades.

L. *Setbacks*

1. All WECS Towers shall be set back 1.3 times the tower tip height of the tower, or 1600 feet, whichever is greater, from any Primary Structure in existence or which has received construction permits for construction as of the date of application of the special use permit. Distance shall be measured from the point of the Primary Structure foundation closest to the WECS Tower to the center of the WECS Tower foundation. The owner(s) of the Primary Structure may waive this setback requirement in writing; but in no case shall a WECS Tower be located closer to a Primary Structure than 1000 feet.
2. An incorporated village or municipality must approve of the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality.
3. All WECS Towers shall be set back a distance of 1.3x the tower tip height or 1000 feet, whichever is greater, from adjacent property lines, as measured from the closest edge of the tower structure.

4. All WECS Towers shall be set back a distance of at least 1.1 times the WECS Tower Tip Height from public roads, above-ground third party transmission lines, telephone lines and communication towers, in existence as of the date of application of the special use permit, unless waived in writing by the affected property owner(s) and utility company. Distance shall be measured from the center of the WECS Tower foundation to the closest point on such above-ground public electric power line, third party transmission line, telephone line and center of the base of the communication tower.
5. All WECS Towers shall be set back a distance of at least 1.1 times the WECS Tower Tip Height from the nearest edge of the existing right of way of public roads as of the date of application of the special use permit. Distance shall be measured from the nearest edge of the road right of way of such public road in existence as of the date of approval of the special use permit. The Township Highway Commissioner or County Highway Engineer, or similar authorized representative with respect to local or state roadways, may waive this setback requirement as to roads within their respective jurisdictions.
6. All WECS substations shall be set back 1600 feet from the property line of any property containing a primary structure.
7. All WECS towers shall be 1.5 miles from any school property line. The affected school may waive this setback requirement, but in no case shall a WECS Tower be located closer to a school property line than 1600 feet.
8. There shall be at least 3,500 feet separation from the exterior above-ground base of a WECS tower to any Restricted Landing Area or Airport.
9. The Applicant does not need to obtain a variance or other approval from the County upon written waiver by the applicable State, County, Township, utility company or property owner(s) of any of the above setback requirements. Any waiver of any of the above setback requirements shall run with the land and be recorded as part of the chain of title in the deed of the subject property.

M. *Drainage Repair*

The Owner or Operator shall repair waterways, drainage ditches, field tiles, or any other infrastructures damaged during construction, maintenance phases, upgrading, and decommissioning.

N. *Compliance with Additional Regulations*

Nothing in this Ordinance is intended to preempt other applicable state and Federal laws and regulations.

O. *Use of Public Roads*

1. An Applicant, Owner, or Operator proposing to use any county, municipality, township or village road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, upgrades and decommissioning, or maintenance of WECS(s) or Substation(s), shall, prior to the issuance of construction permits:
 - a. Identify all such public roads within the county to be used for transportation of WECS components or substations components and/or equipment for the construction, operation, or maintenance of the WECS (s) or substations(s);
 - b. Provide the County Zoning Officer prior to the issuance of building permits with:
 - 1) The list of roads to be used;
 - 2) An executed copy of applicable weight and size permits from appropriate governmental units having jurisdiction over identified public roads; and
 - 3) An executed copy of each written road use agreement and supporting documentation required by the appropriate governmental units having jurisdiction over identified public roads addressing:
 - a) The use and proposed repair plan for the public roads, bridges, and rights of way located within that governmental unit's jurisdiction;
 - b) The pre-construction baseline survey prepared and sealed by a State of Illinois Licensed Professional Engineer to determine existing road and bridge conditions for assessing potential damage to identified public roads;
 - c) The method to conduct a post-construction baseline survey prepared and sealed by a State of Illinois Licensed Professional Engineer to determine any actual damage to identified public roads and bridges;
 - d) Proposed remediation or compensation to the appropriate governmental unit having jurisdiction over identified public roads for any actual measured damage to public roads and bridges; and

- e) Performance/surety bonds or other financial assurance documents required to guarantee the performance of the road use agreements.
- f) If no such written agreement is required by the governmental unit having jurisdiction per identified public roads, an executed written statement from said unit of government stating no agreement is required shall be submitted.

2. Reasonable dust control measures will be required during construction of the WECS.

P. 911 Addressing Prior to the issuance of building permits, the applicant shall provide in a GIS shape file format the turbine locations and access roads. This information will be used for E-911 addresses for each of the wind turbines.

Q. TERMS

Notwithstanding any other provisions of the Piatt County Zoning Ordinance, a special use permit for a WECS shall be effective and may be relied upon so long as construction of the WECS is commenced within 36 months after issuance of the special use permit, which period may be extended by the County Board without further public hearing.

VIII. OPERATION

A. Maintenance

Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification under Section **VII.A.1** of this Ordinance. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the Owner or Operator shall confer with a relevant third-party certifying entity identified in Section **VII.A.1** of this Ordinance to determine whether the physical modification requires re-certification.

B. Interference

1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in Section **V.B.1** and **V.B.3** of this Ordinance. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the WECS(s), the Applicant shall take measures to mitigate such anticipated interference. If, after construction of the WECS, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall remedy the complaint within 120 days. There may be an extension of up to 60 days if mutually agreed upon by both parties.
2. If, after construction of the WECS, the Owner or Operator receives a written complaint related to interference with local broadband service and/or local broadcast residential television the Owner or Operator shall remedy the complain within 120 days. There may be an extension of up to 60 days if mutually agreed upon by both parties.

C. Coordination with Local Fire Department

1. Prior to issuance of building permits the Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
2. Prior to the issuance of building permits, the Owner or Operator shall cooperate with the local fire department to develop and implement a fire protection plan in coordination with local emergency response authorities to ensure that all the appropriate emergency services agencies are cognizant of actions required in the event of a fire or other emergency at the wind power facility. In addition, the owner or operator of the wind power facility shall provide training for, and the necessary equipment to, local emergency response authorities and their personnel so that they can property respond to a potential emergency at the wind project.
3. Prior to issuance of building permits, an emergency operation plan shall be submitted to the Piatt County EMA director for review and approval.
4. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. *Materials Handling, Storage and Disposal*

1. All solid wastes related to the construction, operation and maintenance of the WECS(s) shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
2. All hazardous materials related to the construction, operation and maintenance of the WECS(s) shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

E. *Shadow Flicker*

1. The applicant shall conduct an analysis on the potential shadow flicker onto adjacent properties as part of the approval process. The analysis shall identify the locations of the shadow flicker and the expected duration of the flicker over the course of a calendar year.
2. Shadow flicker shall not affect a primary structure in excess of 30 hours per calendar year. This limitation may be waived in writing by the owner(s) of the impacted primary structure.
3. Applicant shall provide an updated Shadow Flicker analysis at the time of Building Permit applications for wind turbines.

IX. NOISE LEVELS

Noise levels from each WECS or WECS project shall be in compliance with applicable Illinois pollution control board (IPCB) regulations. The applicant, through the use of a qualified professional as part of the special use application process, shall appropriately demonstrate compliance with the above noise requirements, with the condition that homes and families that are affected by wind turbine noise levels are given due consideration as it relates to the health and enjoyment of those individuals.

X. BIRDS

The Applicant, through the use of a qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the special use application process, to determine if the installation of WECS(s) will have a substantial adverse impact on birds and/or bats.

XI. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation in the County's consideration of the special use application.

XII. LIABILITY INSURANCE AND INDEMNIFICATION

- A.** Commencing with the issuance of construction permits, the Applicant, Owner or Operator of the WECS(s) shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$10 million per occurrence and \$40 million in the aggregate. An annual certificate of insurance shall be provided to the county, with the county being added as an additional insured on the policy to the extent the County is entitled to indemnification in accordance with Section **XII.B.**

Insurance coverage shall be maintained without interruption from the date of permitting through the decommissioning of all wind turbines. Certificates of insurance acceptable to the county and I compliance with this section shall be filed with the county prior to the commencement of any work on the WECS and thereafter upon renewal or replacement of each required policy of insurance. The certificates and the insurance policies required under this section shall contain a provision that coverages afforded under the policies shall not be cancelled or allowed to expire until at least 60 days written notice has been given to the county.

- B.** Applicant, Owner or Operators shall defend, indemnify and hold harmless the County and its officials, employees and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or in part out of the negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant's, Owner's or Operator's selection, construction, operation, upgrade, and removal of the WECS and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

- C. The applicant shall maintain “environmental - pollution liability” coverage with a limit of not less than \$5,000,000.

XIII. DECOMMISSIONING PLAN (CESSATION OF OPERATIONS)

The WECS project must provide a decommissioning plan to ensure that the WECS equipment is removed and land is restored to its previous use upon the end of the project’s life, before a construction permit is issued. The plan shall include:

- A. If any Wind Energy Conversion System has not been in operation and producing electricity for at least 270 consecutive days, it shall be removed. The Piatt County Zoning Officer shall notify the Owner to remove the system. Within thirty days, the Owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the Owner fails to or refuses to remove the WECS, the violation shall be referred to the Piatt County State’s Attorney for enforcement.
- B. Provisions for the removal of structures, debris, and cabling on the surface and at least 4’ below the surface;
- C. Provisions for the restoration of the soil and vegetation;
- D. An estimate of the decommissioning costs certified by a professional engineer in current dollars, which shall be updated and submitted to the Piatt County Zoning Officer every 5 years;
- E. A financial plan approved by Piatt County to ensure funds will be available for decommissioning and land restoration;
- F. A provision that the terms of the decommissioning plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and
- G. A provision that Piatt County shall have access to the site and to the funds outlined in E. above to effect or complete decommissioning one year after cessation of operations.

XIV. REMEDIES

- A.** The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance. Approval of the conditional use for a WECS shall be deemed conclusive evidence that the Applicant, Owner, or Operator has complied with the above provisions with respect to application for and approval of such special use.
- B.** Prior to implementation of the existing County procedures for the resolution of such default(s), the County Board shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s).
- C.** If after the 60 day period: (i) the Applicant, Owner, or Operator has not cured the alleged default, or (ii) the County Board determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, the existing County ordinance provisions addressing the resolution of such default(s) shall govern.

XV. PENALTIES

A failure to obtain applicable building permit(s) for the construction of a Wind Energy Conversion System or failure to comply with the requirements of a building permit or the provisions of this Ordinance shall be deemed a violation of this ordinance. The State's Attorney may bring an action to enforce compliance of the requirements of this Ordinance by filing an action before the Piatt County Ordinance Violation Hearing Department or by filing an action in the Circuit Court for an injunction requiring conformance with this ordinance or seek such other order as the court deems necessary to secure compliance with this ordinance. Any person who violates this ordinance shall be fined not less than twenty-five dollars or more than five hundred dollars. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. Nothing herein shall prevent the County from seeking such other legal remedies available to prevent or remedy any violations of this ordinance.


PRESENTED, APPROVED, AND ADOPTED this 10th day of March 2021.

AYES 5 NAYS 1


PIATT COUNTY BOARD
PIATT COUNTY, ILLINOIS

ATTEST:

BY:



Jennifer Harper
Clerk for the
County of Piatt, State of Illinois



Ray C Spencer Chairman
Piatt County Board

PIATT COUNTY
ZONING ORDINANCE

APPENDIX C
STANDARDS FOR
WIND ENERGY
CONVERSION SYSTEMS
15-50 kW

APPENDIX C
STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS 15-50 kW

- I. INTRODUCTION**
 - A. TITLE**
 - B. PURPOSE**
- II. DEFINITIONS**
- III. APPLICABILITY**
- IV. PROHIBITION**
- V. CONSTRUCTION PERMIT APPLICATION**
- VI. DESIGN AND INSTALLATION**
- VII. OPERATION**
- VIII. NOISE LEVELS**
- IX. RESTRICTIONS**
- X. FEES**

I. INTRODUCTION

A. *Title*

This Ordinance shall amend the Piatt County Zoning Ordinance and be known, cited and referred to as **Appendix C Standards for Wind Energy Conversion Systems 15-50 kW**.

B. *Purpose*

This Ordinance is adopted to ensure that any development and production of wind-generated electricity in Piatt County is safe, efficient and effective.

II. DEFINITIONS

- A. "Applicant" means the entity or person who submits to the County an application for a permitted use for any WECS 50 kW or less.
- B. "Construction Permit" means the building permit which shall be obtained from the Zoning Officer prior to commencing any construction on the WECS project.
- C. "Owner" means the entity or person with a direct interest in the WECS, including their respective successors and assigns.
- D. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in any state in the United States.
- E. "Structure" means, for each property, the structure that one or more persons occupy the majority of time for either business or personal reasons.
- F. "WECS" means all facilities, including the turbine, tower, conversion electronics, control electronics, guy wires, cables and all other related devices and equipment that together convert wind energy into electricity and deliver that electricity to the structure. If the WECS is designed to allow excess electricity to be routed to a power company then equipment necessary for such routing is also part of the WECS.
- G. "WECS Tower" means the support structure to which the generator and rotor are attached.
- H. "WECS Tower Hub Height" means the distance from the center of the rotor hub to the top surface of the WECS tower foundation.
- I. "WECS Tower Tip Height" means the distance from the rotor blade at its highest point to the top surface of the WECS tower foundation.

III. APPLICABILITY

This Ordinance governs the permitted use of WECS that generate electricity to be used by the owner of the WECS, that person locating the WECS on their own property, or on rented property with written approval from the owner of the property, for personal use or for metering the excess to a power company.

IV. PROHIBITION

No WECS project shall be constructed, erected, installed or otherwise located within Piatt County unless a prior special use permit application has been approved for each separate installation. A construction permit for each separate installation shall be issued by the Piatt County Zoning Officer before construction begins.

V. CONSTRUCTION PERMIT APPLICATION

- A. The applicant must obtain a construction permit application and submit the completed form to the Piatt County Zoning Officer.
- B. The construction permit application must include the following:
 - 1. The location of the project by property index number (PIN).
 - 2. The location of the project by a site plan including dimensions of the property and measurements to the tower base from all property lines.
 - 3. The name plate generating capacity.
 - 4. The maximum height of the tower to the tip of the rotor at full upright position, as defined in **II. I.**
 - 5. The name, address, and phone number of the applicant, owner and operator, and all property owners for the PIN site given.
 - 6. A site plan as defined in (2) above, plus any guy wires, anchor bases, property lines, setback lines, power lines, cabling to a receiving utility (if any) and layout of all structures within the geographic boundaries of any applicable setback.
 - 7. All required proofs of interconnection and approvals demonstrating compliance with this Ordinance, to include standard drawings, a line drawing of the electrical components of the system in enough detail to show the installation conforms to the National Electrical Code.
 - 8. Any other information required by the County as part of its Zoning Ordinance.

VI. DESIGN AND INSTALLATION

- A. WECS shall conform to applicable industry standards.
- B. WECS braking system must be present and consistent with industry standards, unless otherwise stated in the interconnection agreement.
- C. The same color standards are required as for commercial wind farms, including painting of towers and blades in flat white, gray, or another non-reflective, unobtrusive color.

- D. Projects shall comply with FAA regulations, and any other federal, state and local laws and regulations.
- E. No artificial lighting shall be permitted unless required by the FAA. Required lights shall be shaded to stop glare from extending beyond parcel boundaries.
- F. Advertising and “wind stunts” are not permitted, to include banners wind socks, whirling ornaments, flags and other devices added to call attention to the structure.
- G. Propeller blade clearance must be a minimum of 15 feet from blade tip at its lowest level to the base.
- H. No prohibition is given for maximum height to the blade tip. The maximum height shall not exceed the limit recommended by the manufacturer or distributor of the system.
- I. Setbacks shall include the following:
 1. Setbacks include guy wires and anchoring systems no closer than 10 feet from adjacent property lines.
 2. Setbacks include the maximum tower tip height (plus 10 feet, or 1.1 times tower tip height) from adjacent property lines, above ground third party transmission lines and telephone lines, roads, communications towers and from occupied structures on the same parcel as the project.
 3. Setbacks include 1.5 times the maximum tower tip height from dwellings on adjacent properties.
 4. Waivers will be permitted on setbacks. Waivers will be presented in writing by the owners of adjacent properties.

VII. OPERATION

Interference

Interference with utilities is not permitted. Owner has 90 days to correct interference. Interference may include microwave transmission providers, local 911 providers, and television and radio reception.

VIII. NOISE LEVELS

WECS are limited to 60 dBA at the closest property line, except in storms and outages.

IX. RESTRICTIONS

- A. No minimum size is given for the parcel the project is placed on.
- B. A WECS is not allowed on a vacant parcel, unless that parcel is adjacent to the owner’s property.

- C. A WECS on a platted subdivision is governed by the subdivision covenants.
- D. A WECS is not allowed on a recorded easement.
- E. A limit of 50 kW is placed on each tower.

X. FEES

A private WECS has a construction permit fee of \$100.00. A Notice of Completion must be filed with the Zoning Officer within seven days of the time the project is operational.


PRESENTED, APPROVED, AND ADOPTED this 14th day of July, 2009

AYES 5 NAYS 0

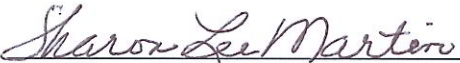
PIATT COUNTY BOARD
PIATT COUNTY, ILLINOIS

ATTEST:

BY:



Pat Rhoades, Clerk for the
County of Piatt, State of Illinois



Sharon Lee Martin, Chairman
Piatt County Board