

CASE # 2006-44  
RESOLUTION NUMBER 11-1

**TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE  
REGARDING WIND ENERGY CONVERSION SYSTEMS**

**WHEREAS**, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statues 1967, Chapter 34, Paragraphs 3151 through 3162) adopted a zoning ordinance in April of 1969; and

**WHEREAS**, in order to make the regulations more effective, it is necessary from time to time to consider amendments that correct deficiencies or that relate to current development circumstances; and

**WHEREAS**, it is desirable to enact regulations for wind energy conversion systems; and

**WHEREAS**, the Public Health, Safety & Zoning committee of the Sangamon County Board has reviewed the proposed text amendment and recommends approval; and

**WHEREAS**, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on **July 20, 2006** in order to seek public comment on the draft revision of the Zoning Ordinance; and

**WHEREAS**, the Sangamon County Zoning Board of Appeals recommended approval of the proposed text amendments to the Sangamon County Zoning Ordinance as Exhibit A attached hereto and made a part of this resolution.

**FILED**

JUL 28 2006

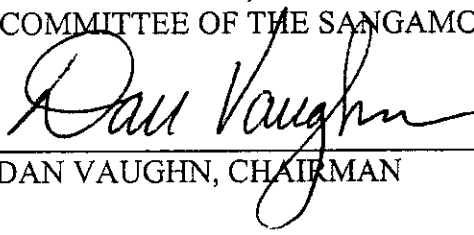
*Joe Aiello*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED**, by the Members of the Board of Sangamon County, Illinois, in session this **8<sup>th</sup> day of August, 2006** that the request to amend the text of the Sangamon County Zoning Ordinance as proposed in the attached Exhibit A is hereby approved.

Signed and passed by the Sangamon County Board in session on this **8<sup>th</sup> day of August, 2006**.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

  
\_\_\_\_\_  
DAN VAUGHN, CHAIRMAN

\_\_\_\_\_  
BILL MOSS

\_\_\_\_\_  
DON STEPHENS, JR.

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
TIM MOORE

\_\_\_\_\_  
TYRONE PACE

\_\_\_\_\_  
DAVID MENDENHALL

**ATTEST:**

  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

RECAP  
(FOR COUNTY USE ONLY)

DOCKET NUMBER: 2006-44

ADDRESS: N/A

PETITIONER: Susan Poludniak, Acting Director of the Springfield-Sangamon County Regional Planning Commission

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: Approval

  
\_\_\_\_\_  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)  
Susan Poludniak, Acting Director )  
of the Springfield-Sangamon County )  
Regional Planning Commission )  
)  
)

DOCKET NO: 2006-44

PROPERTY LOCATED AT:  
N/A

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for a **text amendment enacting regulations for wind energy conversion systems** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **July 20, 2006** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the proposed changes are more particularly described in EXHIBIT A attached hereto and make a part hereof.
3. That required finding and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
4. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **text amendment** is in the public interest and is not solely in the interest of the petitioner (s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **text amendment** be approved.

*Charles Chimento*  
\_\_\_\_\_  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Charles Chimento** to recommend **approval** of this petition, which was duly seconded by **Donn Malwick**.

The vote of the Board was as follows:

**YES: Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor**

**NO:**

**ABSENT:**

  
\_\_\_\_\_  
RECORDING SECRETARY

11-6



Case # 2006-44

**Amendment to the Text of the Sangamon County Zoning Ordinance  
Regarding Wind Energy Conversion Systems**

**STAFF RECOMMENDATION**

The proposed standards for the construction of wind energy conversion systems would provide a uniform and comprehensive set of standards for the installation and use of such systems. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting their development. Since new wind conversion technology has become available and more wind farms are being built in rural areas, requiring a set of uniform standards for construction and use would be consistent with the responsibility of the Sangamon County Board in protecting the health and safety and compatible land uses for its citizens.

**Exhibit A**

**CHAPTER 17.10**

**A AGRICULTURAL DISTRICT**

**17.10.010 Permitted uses.**

Permitted uses in the A District are:

- Agriculture
- Antenna and utility towers (except Wind Energy Conversion Systems)
- Boarding schools
- Churches
- Convents and seminaries
- Electric distribution centers (except those that are part of a Wind Energy Conversion System)
- Electric substations (except those that are part of a Wind Energy Conversion System)
- Eleemosynary institutions
- Elementary schools
- Family care facilities
- Family day care centers
- Gas regulator stations
- Grain haulers
- High schools
- Home occupations
- Institutions for the care of the aged and for children
- Junior high schools
- Manufactured homes
- Nursery schools
- Nursing homes
- Oil and gas wells
- Philanthropic institutions
- Police and fire stations
- Religious institutions
- Rest homes
- Single family residences
- Telephone distribution centers
- Township offices, polling places and meeting halls

Township road commissioner's equipment facility

Truck gardening

Unlighted golf courses (Res. 15-1, 12-3-90)

Water well drilling

Waterworks

Accessory uses – incidental to the above uses

(Res. 16A, 11-19-85)

**17.10.020 Conditional Permitted Uses.**

Conditional permitted uses in the A District are:

Agricultural chemical sales (Res. 15-1, 03-11-97)

Airports

Antique stores

Archery, pistol, rifle, and shotgun ranges

Auction and wholesale establishments – restricted to sales of livestock, poultry, fur pelt, crops, plants and other similar agriculture produce (Res. 12-1, 05-02-94)

Bait shops (Res. 15-1, 12-3-90)

Bed and breakfasts (Res. 15-1, 12-3-90)

Camping and tenting parks

Cemeteries

Compost facilities, general (Res. 7-1, 11-19-91)

Compost facilities, landscape waste (Res. 7-1, 11-19-91)

Crematories

Disposal areas, in accord with other applicable County regulations

Dog kennels (Res. 12-1, 05-02-94)

Fairgrounds

Feed sales (Res. 12-1, 05-02-94)

Fertilizer sales and service installation facilities (Res. 12-1, 05-02-94)

Field tile installation and facilities (Res. 12-1, 05-02-94)

Grain elevators (Res. 12-1, 05-02-94)

Greenhouses (Res. 12-1, 05-02-94)

Heliports

Hunting, fishing and game preserves (Res. 12-1, 05-02-94)

Landscaping companies (Res. 12-1, 05-02-94)

Lighted golf courses and driving ranges (Res. 15-1, 12-3-90)

Livestock buying stations

Machinery sales (Res 15-1, 12-3-90)

Mausoleums

Mining



Manufactured home parks

Manufactured home sales incidental to operation of manufactured home parks

Mushroom barns (Res. 12-1, 05-02-94)

Nurseries (Res. 12-1, 05-02-94)

Picnic grounds

Private outdoor recreation centers

Public parks (Res. 5, 4-16-74)

Railroad stations (Res. 12-1, 05-02-94)

Restricted landing areas (Res. 15-1, 12-3-90)

Riding stables (Res. 12-1, 05-02-94)

Sawmills and lumberyards (Res. 15-1, 12-3-90)

Seed houses (Res. 12-1, 05-02-94)

Sewage treatment plants

Slaughterhouses

Veterinary hospitals (Res. 12-1, 05-02-94)

Wind Energy Conversion Systems

(Res. 16A, 11-19-85)

**17.49 WIND ENERGY CONVERSION SYSTEMS**

**17.49.010 Definitions**

**Setback.** The distance from a feature to a tower.

**System Height.** The height above grade of the top of the blade fully extended.

**Tower Height.** The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

**Mini Wind Energy Conversion System (Mini WECS).** The system by which wind energy is converted to electricity including a wind turbine, one tower, support system, blades and associated control and conversion electronics which has a rated capacity less than ten (10) kW and a system height less than thirty-five feet (35').

**Small Wind Energy Conversion System (SWECS).** The system by which wind energy is converted to electricity including a wind turbine, one tower, support system, blades and associated control and conversion electronics which has a rated capacity of ten-one hundred (10-100) kW or a system height of thirty-five feet (35') or more.

**Wind Energy Conversion System (WECS).** The system by which wind energy is converted to electricity including wind turbines, towers, support systems, blades and associated control and conversion electronics which has a rated capacity over one hundred (100) kW.

**WECS Site.** All parcels of land making up the WECS project.

**WECS Perimeter.** The outer boundaries of the WECS site.

**WECS Project.** All WECS, substations and ancillary facilities.

**17.49.020 Mini Wind Energy Conversion System (Mini WECS)**

**A. Purpose and Intent**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of Mini Wind Energy Conversion Systems designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of Mini Wind Energy Conversion Systems.

**B. Permitted Use**

Mini Wind Energy Conversion Systems shall be considered an accessory use.

**C. Special Requirements**

Mini WECS are subject to the following requirements:

- (1) **Tower Height** - Tower height shall be less than thirty-five feet (35').
- (2) **Setbacks** - All parts of the Mini WECS structure shall be set back a distance equal to 1.1 times the system height from the side and rear property lines; the principal structure; and any electric or other utility lines. Mini WECS shall not be permitted in the front yard.
- (3) **Noise** – Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land. Noise levels shall be enforced by both the State of Illinois and Sangamon County.
- (4) **Certification** – All Mini WECS shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a small wind certification program recognized by the American Wind Energy Association.
- (5) **Appearance** – The Mini WECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the Mini WECS. The manufacturer’s identification with ratings is allowed.
- (6) **Safety** – All Mini WECS shall be unclimbable for fifteen feet (15’) above ground level. A visible “High Voltage” warning sign shall be placed on the Mini WECS.
- (7) **Lighting** – The Mini WECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal laws.
- (8) **Building Codes** – All county, state and national construction codes shall be followed.
- (9) **Use** – The Mini WECS shall provide electricity for on-site use only. However, the Mini WECS may be connected to the commercial grid.

**D. Certificate of Compliance – Before a certificate of compliance and building permit are issued, the following shall be submitted to the Sangamon County Department of Zoning and Building Safety for review.**

- (1) **Site Plan showing:**
  - (a) name, address and phone number of the property owner
  - (b) property lines
  - (c) all structures

- (d) septic field
  - (e) setback lines
  - (f) location of the tower, guy lines or anchor bases
  - (g) location of any above ground utility lines
- (2) Additional information to be supplied with the site plan:
- (a) Mini WECS manufacturer
  - (b) name-plate generating capacity
  - (c) height according to manufacturer
- (3) Evidence that the local electric utility has been informed of the customer's intent to install an interconnected customer-owned generator, if applicable.

**17.49.030 Small Wind Energy Conversion System (SWECS)**

**A. Purpose and Intent**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of Small Wind Energy Conversion Systems designed for on-site home, farm, and small commercial use that are used primarily to reduce on-site consumption of utility power. The intent of these regulations is to protect the public health, safety and community welfare without unduly restricting the development of Small Wind Energy Conversion Systems.

**B. Permitted Use**

Small Wind Energy Conversion Systems shall be considered an accessory use on parcels of land three (3) acres or larger.

**C. Special Requirements**

SWECS are subject to the following requirements:

- (1) **Tower Height** - Tower height shall be thirty-five feet (35') to eighty feet (80').
- (2) **Setbacks** - All parts of the SWECS structure shall be set back a distance equal to 1.1 times the system height from the front, side and rear property lines; the principal structure; and any electric or other utility lines.

- (3) Noise – Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land. Noise levels shall be enforced by both the State of Illinois and Sangamon County.
- (4) Certification – All SWECS shall conform to applicable industry standards of the American National Standards Institute (ANSI) and be approved by a small wind certification program recognized by the American Wind Energy Association.
- (5) Appearance – SWECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the SWECS. The manufacturer's identification with ratings is allowed.
- (6) Safety – All SWECS shall be unclimbable for fifteen (15') above ground level. A visible "High Voltage" warning sign shall be placed on the SWECS.
- (7) Lighting – The SWECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal law.
- (8) Building Codes – All county, state and national construction codes shall be followed.
- (9) Use – The SWECS shall provide electricity for on-site use only. However, the SWECS may be connected to the commercial grid. Only one SWECS shall be allowed per land parcel or per principal structure.

**D. Certificate of Compliance – Before a certificate of compliance shall be issued, the following shall be submitted to the Sangamon County Department of Zoning and Building Safety for review.**

- (1) Site Plan showing:
  - (a) name, address and phone number of the property owner
  - (b) property lines
  - (c) all structures
  - (d) septic field
  - (e) setback lines
  - (f) location of the tower, guy lines or anchor bases
  - (g) location of any above ground utility lines

(2) Additional information to be supplied with the site plan:

- (a) SWECS manufacturer
- (b) name-plate generating capacity
- (c) height according to manufacturer
  
- (3) Evidence that the local electric utility has been informed of the customer's intent to install an interconnected customer-owned generator.
  
- (4) Letter from the Federal Aviation Administration (FAA) stating that the SWECS complies with FAA regulations.
  
- (5) Additional structural and anchoring information may be required before a building permit is issued.

17.49.040 Wind Energy Conversion System (WECS)

**A. Purpose and Intent**

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of Wind Energy Conversion Systems designed for commercial energy production. The intent of these regulations is to protect the public health, safety and community welfare while allowing development of wind energy resources for commercial purposes.

**B. Conditional Permitted Use**

WECS shall be a conditional permitted use in the A Agriculture zoning district on single or contiguous parcels of land totaling forty (40) acres or more in size. An existing principal structure on a parcel does not preclude placement of a WECS.

**C. Petition**

All policies, procedures and standards of Chapter 17.58 – Conditional Permitted Uses – shall apply. In addition, the petition for a Conditional Permitted Use (CPU) shall include:

- (1) A written summary of the project including:
  - (a) a general description of the project, including its approximate name plate generating capacity;
  - (b) the potential equipment manufacturer(s) and type(s) of WECS(s);
  - (c) number of WECS towers, and name plate generating capacity of each WECS;
  - (d) the system height;
  - (e) diameter of the WECS(s) rotor(s); and
  - (f) description of the applicant, owner and operator, including their previous WECS experience.
- (2) The name(s), address(es), and phone number(s) of the owner and operator.
- (3) A site plan of the WECS site showing:
  - (a) boundaries of the project;
  - (b) location of each WECS tower, guy lines and anchor bases (if any);

- (c) all WECS structures including, but not limited to, the project substation, interconnect substation and location and voltage of any overhead transmission lines;
- (d) property lines;
- (e) setback lines;
- (f) public access roads;
- (g) location of all existing structures with their uses identified; and
- (h) land use, zoning, public roads and structures within one thousand feet (1,000') of the WECS site.

**D. Special Requirements**

WECS are subject to the following requirements:

- (1) Location - A WECS shall not be located within one and one-half (1½) miles of an incorporated area with a population over ten thousand (10,000) or within one-half (½) mile of an incorporated area with a population of less than ten thousand (10,000). WECS shall not be located so that they interfere with contiguous urban development.
- (2) Height - Height shall meet the requirements of the Federal Aviation Administration or other state or federal laws.
- (3) Setbacks
  - (a) perimeter setback - one thousand two hundred feet (1,200')  
If the distance from the WECS tower to the WECS site perimeter is less than one thousand two hundred feet (1,200'), the difference may be provided through a setback easement granted to the WECS owner allowing the easement property to be included as part of the one thousand two hundred foot (1,200') setback. The easement shall clearly state that the property may be subject to adverse impacts from the WECS and no habitable structure shall be constructed. The time limit of the setback easement shall be the same as the projected life of the turbine for which the easement is providing a setback. The easement shall not be automatically renewable.
  - (b) principal structures on each parcel - one thousand feet (1,000') or three (3) times the rotor diameter, whichever is greater
  - (c) third party utility lines - 1.1 times the system height
  - (d) public road - 1.1 times the system height



(4) Noise – Noise levels shall not exceed standards set by the Illinois Pollution Control Board for noise emissions from Class C land to Class A land regardless of the land use of the receiving land. Noise levels shall be enforced by both the State of Illinois and Sangamon County.

**E. Certification**

WECS shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants 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 applicable county, state and national construction and electric codes shall be followed.

**F. Appearance**

WECS surface shall be a non-reflective, unobtrusive color (usually white or gray). No advertising signs or graphic designs shall be permitted on the WECS. The manufacturer's identification with ratings is allowed.

**G. Safety**

- (1) All wiring between wind turbines and the wind energy facility substation shall be underground whenever possible.
- (2) Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.
- (3) All access doors to wind turbine towers and electrical equipment shall be lockable.
- (4) Appropriate signs warning of high voltage shall be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.
- (5) All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed 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 overspeed protection.

**H. Lighting**

The WECS shall not be lighted except as required by the Federal Aviation Administration or other state or federal law.

**I. Use of Public Roads**

The owner or operator shall identify all public roads to be used for transporting WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS(s) or substation(s) and shall:

- (1) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage; and
- (2) Submit an acceptable financial security in an amount determined by the appropriate highway authority to be used for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS if not done by the WECS owner/operator when construction of the project is completed.

**J. Electromagnetic Interference**

No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in a location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

The applicant shall provide the applicable microwave transmission providers, local emergency service providers and the Sangamon County Emergency Telephone System Department copies of the project summary and site plan. If these providers demonstrate a likelihood of interference with their communications resulting from the WECS, the applicant shall take measures to mitigate anticipated interference or relocate the WECS tower or facility.

If the WECS causes interference with local residential broadcast TV, steps to mitigate the problem must be taken.

**K. Shadow Flicker**

The applicant shall conduct a study on potential shadow flicker. The study shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations. The study shall identify problem areas where shadow flicker may interfere more than one (1) hour per year with residences and other existing uses and describe measures that shall be taken to eliminate or mitigate the problems. Any safety problems identified by the County Engineer caused by shadow flicker on roads shall be eliminated or mitigated.

**L. Decommissioning Plan**

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 or as stated in Sec. 17.49.050. The plan shall include:

- (1) provisions for the removal of structures, debris and cabling on the surface and at least 5' below the surface;
- (2) provisions for the restoration of the soil and vegetation;

- (3) an estimate of the decommissioning costs certified by a professional engineer in current dollars;
- (4) a financial plan approved by Sangamon County to ensure funds will be available for decommissioning and land restoration;
- (5) 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
- (6) a provision that Sangamon County shall have access to the site and to the funds outlined in 17.49.040L(4) above to effect or complete decommissioning one (1) year after cessation of operations.

**M. Certificate of Compliance**

**(1) Required Submission**

The following items shall be submitted to the Sangamon County Department of Zoning and Building Safety:

- (a) site plan with all items previously required. Additional items to be included are:
  - 1. electrical cabling from the WECS tower to the substation(s);
  - 2. ancillary equipment;
  - 3. third party transmission lines;
  - 4. wells;
  - 5. septic fields;
  - 6. field tile location;
  - 7. existing easements;
  - 8. floodplain location and elevation, if applicable;
  - 9. wetland location, if any
- (b) noise assessment including average and maximum noise levels at perimeter property lines and at housing units within the project.
- (c) Phase I Avian Screening Report by a qualified third party and all correspondence with the Illinois Department of Natural Resources and U.S. Fish and Wildlife Service regarding the project.

- (d) letter from the FAA stating the project is in compliance with FAA height and lighting requirements.
- (e) letter of compliance from the Illinois Historic Preservation Agency.
- (f) emergency plan.
- (g) all required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.

**(2) Review**

Due to the complexity of the project and the information submitted, it shall be reviewed by a committee consisting of one or more representatives from:

- (a) Sangamon County Department of Zoning & Building Safety
- (b) Springfield-Sangamon County Regional Planning Commission
- (c) Sangamon County Engineer
- (d) Sangamon County Emergency Telephone System Department
- (e) Sangamon County Administrator
- (f) Sangamon County State's Attorney
- (g) applicable fire protection district

If the committee determines that all requirements of the ordinance have been met, the Zoning Administrator shall issue a Certificate of Compliance.

The building permit may be reviewed at the same time.

**17.49.050 Cessation of Operations**

If any Wind Energy Conversion System provided for in this chapter (Mini WECS, SWECS and WECS) has not been operating and producing electricity for at least two hundred seventy (270) consecutive days, it shall be removed. The Sangamon County Zoning Administrator shall notify the owner to remove the system. Within thirty (30) 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 Wind Energy Conversion System, the violation shall be referred to the Sangamon County States Attorney for enforcement.

**17.49.051 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 Sangamon 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 the twenty five dollars (\$25) or more than five hundred dollars (\$500). 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.

CHAPTER 17.58

CONDITIONAL PERMITTED USES

**17.58.080 Standards for granting – Generally.**

No conditional permitted use shall be granted by the County Board unless the conditional permitted use:

- A. Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area; (Res. 16A, 11-19-85)
- B. Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected;
- C. Will not cause substantial injury to the value of other property in the vicinity in which it is located; and
- D. In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:
  - 1. Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.
  - 2. Manufactured home parks - must meet the requirements of Chapter 17.48 Large Scale Development.
  - 3. Tourist homes, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.
  - 4. Taverns and liquor stores - that the following distances be maintained: 1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; 2) churches - 100' from the church building to the tavern or liquor store building; and 3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility. (Res. 16A, 11-19-85)
  - 5. Wind Energy Conversion Systems – A WECS shall not be located within 1/2 miles of an incorporated area with a population over 10,000 or within 1/2 mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.