

TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE
AMENDING CHAPTER 17.39 OF THE SANGAMON COUNTY ZONING ORDINANCE
RELATED TO DATA CENTERS

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 amend Chapter 17.39 of the Sangamon County Zoning Ordinance to include regulations of Data Centers; and

WHEREAS, the Zoning & Land Use Committee of the Sangamon County Board has reviewed the text amendment proposed in **Exhibit A**, and recommends approval; and

WHEREAS, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on **September 17, 2026** 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 amendment to the Sangamon County Zoning Ordinance as **Exhibit A** attached hereto and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Sangamon County, Illinois, in session assembled this 13th day of **October, 2026**, 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 13th day of **October, 2026**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

FILED

SEP 30 2026


Sangamon County Clerk

RECAP
(For County Board Use)

DOCKET NUMBER: **2026-008**

ADDRESS: N/A

PETITIONER: **The Zoning & Land Use Committee of the Sangamon County Board**

PRESENT ZONING CLASSIFICATION: N/A

REQUESTED ZONING CLASSIFICATION: N/A

AREA: N/A

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Staff finds the ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.

RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2026-008
The Zoning & Land Use Committee)	
of the Sangamon County Board)	PROPERTY LOCATED AT:
)	N/A
)	
)	

RECOMMENDATION OF THE ZONING 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** 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 **September 17, 2026** 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 findings of the Sangamon County Zoning 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**.

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **George Petrilli**, to concur with the findings and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Charlie Chimento**.

The vote of the Board was as follows:

YES: **Don Wulf, Anthony Mares, George Petrilli, Richard Thompson, and
Charlie Chimento**

NO:

PRESENT:

ABSENT:

RECORDING SECRETARY

Text Amendment Summary

Amend Chapter 17.39 Data Centers

17.39.020 – Special Requirements.

Setbacks: The current perimeter setback from the data center structure project area to the property line is 150'. Residential structure setback is a minimum of 250' with a multiplier of 10 for any structure greater than 25'.

Possible change: In the agriculture district, increase the setback to 3,960' or (¾ mile) from a Data Center structure to an occupied residential structure. The setback may be reduced by agreement between the two (2) property owners, provided the agreement is recorded with the county.

In the industrial district, set the setback to 1,500' from a Data Center structure to an occupied residential structure. The setback may be reduced by agreement between the two (2) property owners, provided the agreement is recorded with the county.

Noise: The current noise limit is limited to 50 dB. It has been determined that this standard is subjective and does not align with state law. Referring to current state standards by name will ensure the county is aligned with the current state references.

Possible change: A Data Center shall comply with noise limits established by the Illinois Pollution Control Board. A noise study shall be completed before and after each construction phase at the expense of the developer.

Expiration of a Conditional Permitted Use:

Possible change: A building permit must be filed within 2 years of the petition approval.

17.39.040 – Petition.

Additional language: The current requirements to file a petition has numerous detailed requirements to file a petition. Section (C) 6. Discusses proposed structures.

Possible change: Add language to (C) 6. Emergency stand-by generators.

Change Section F. to Section G. and add language to Section F. Must comply with the Municipal and Cooperative Utility Transparent Planning Act. This act requires a minimum for Tier 4 standards for non-road diesel engines.

17.39.050 – Certificate of Compliance.

Additional language: Requires that a developer will be responsible for any third party reviews and/or inspections.

Possible change: F. After an approved final inspection of all building permits, a certificate of compliance shall be issued. Third-party inspections and/or studies shall be paid at the developer's expense. Third-party inspections and/or studies shall be paid for by the developer.

Exhibit A

CHAPTER 17.39 – DATA CENTERS

SECTIONS:

- 17.39.010 – Purpose and Intent.
- 17.39.020 – Special Requirements.
- 17.39.030 – Certification.
- 17.39.040 – Petition.
- 17.39.050 – Certificate of Compliance.

17.39.010 – Purpose and Intent.

The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and location of a Data Center. The intent of these regulations is to protect the public health, safety, and community welfare without unduly restricting the development of a Data Center.

17.39.020 – Special Requirements.

Data Centers are subject to the following requirements:

- A. Height. Shall not exceed one hundred (100) feet, including any roof-mounted equipment or antennas.
- B. Setbacks.
 - 1. Perimeter Setback: The front, side, and rear yard setbacks shall be a minimum of one hundred fifty (150) feet from the property lines which form the outside perimeter of a Data Center Project Area.
 - 2. Residential Structure Setback when located in the Agricultural Zoning District: Data Centers of twenty-five (25) feet or less in height shall be setback two hundred fifty (250) feet from the Data Center project property line to a residential structure. Data Centers greater than twenty-five (25) feet in height shall be setback from residential structures ten (10) times the height of the Data Center. A Data Center must be a minimum of three thousand nine hundred and sixty (3,960) feet from an occupied residential structure. The setback may be reduced by agreement between the two (2) property owners, provided the agreement is recorded with the county.
 - 3. Residential Structure Setback when located in the Industrial Zoning District: A Data Center must be a minimum of one thousand five hundred (1,500) feet from an occupied residential structure. The setback may be

Exhibit A

reduced by agreement between the two (2) property owners, provided the agreement is recorded with the county.

- C. Fencing. A fence of at least six (6) feet in height shall enclose and secure the Data Center. Hazardous fencing such as barbed wire, electrically charged fencing, or fencing with metal spikes is allowed providing such fencing is located at a height of at least six (6) feet above grade level.
- D. Screening. A landscaping screen shall be provided for any part of the Data Center that is visible to and located within five hundred (500) feet of an existing dwelling. The landscaping screen shall be located between the required fencing and the perimeter of the Data Center Project Area. The screening shall include a continuous line of native evergreen foliage, and/or native shrubs, and/or native trees, and/or any existing wooded area. The landscaping shall not be required if the Data Center is not visible to a dwelling by virtue of the existing topography as determined by the Sangamon County Zoning Administrator.
- E. Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
- F. Noise. ~~Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district. Noise levels shall be enforced by both the State of Illinois and Sangamon County.~~
A Data Center shall comply with noise limit regulations established by the Illinois Pollution Control Board. A noise study shall be conducted before and after each construction phase at the developer's expense.
- G. ~~Battery~~ Energy Storage Systems (BESSs) may be considered an accessory use to the development. An BESS and a Data Center may be located on the same parcel without requiring a variance to allow multiple principal uses on a lot.
- H. If a building permit is not applied for within two (2) years of the approval date, the Conditional Permitted Use will be removed from the subject property.

17.39.040 – Petition.

The petition for a Conditional Permitted Use for a Data Center shall include:

- A. A written summary of the project including:
 - 1. A general description of the project, including its approximate capacity;
 - 2. Number of structures;
 - 3. Number of generators; and,
 - 4. The system height.

Exhibit A

- B. The name(s), address(s), and phone number(s) of the property owner and/or Data Center operator.
- C. A proposed site plan showing the following:
1. Boundaries of the site.
 2. Property lines.
 3. Setback lines.
 4. Existing or proposed easements.
 5. Location of all existing structures with their uses identified.
 6. All proposed structures including, but not limited to, the project Data Centers, the project substation, interconnection substation, emergency stand-by generators, ~~battery~~ energy storage system (if applicable), and any ancillary equipment (if applicable).
 7. On-site vehicular circulation.
 8. Vehicular parking.
 9. Sidewalks.
 10. Fencing.
 11. The location and size of sanitary sewers and water mains if public facilities or approved community facilities are available. If public facilities are not available, the location of on-site systems shall be shown.
 12. ~~Proposed~~ Site grading with elevations.
 13. Storm water drainage including retention/detention areas.
 14. Fire hydrant locations.
 15. Landscaping screening plan (if applicable).
- D. Letters from the serving utility companies indicating the availability and adequacy of utility services.
- E. Approval from the County Engineer and respective Road District Commissioner authorizing the access to any public roadway. The County Engineer shall also provide approval for all on-site drainage and vehicular flow on the Data Center Project Area.
- F. Must comply with the Municipal and Cooperative Electric Utility Transparent Planning Act, including but not limited to the minimum Tier 4 standards for emergency stand-by generators.
- G. All other information contained in Chapters 17.58, 17.66, and 17.68 of this Zoning Ordinance as may be required to file a petition.

Exhibit A

17.39.050 – Certificate of Compliance.

Before a building permit is issued, the following shall be submitted to the appropriate Sangamon County permitting office for review:

- A. An updated finalized site plan with all items previously required in the petition.
- B. Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the Data Center Project Area. Any specialized training necessary will be provided at the operator's expense.
- C. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this ordinance.
- D. Results from the Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT).
- E. Results from the consultation with the Illinois State Historic Preservation Office.
- F. Third-party inspections and/or studies shall be paid at the developer's expense.
- G. After an approved final inspection of all building permits, a certificate of compliance shall be issued.

17.39.060 – Certificate of Occupancy.

A Certificate of Occupancy will be issued after all final inspections have been completed. A Certificate of Occupancy approval will be issued annually on the completion date and must include the following:

- A. A copy of the active insurance policy and expiration date.
- B. The name(s), address(s), and phone number(s) of the property owner and ~~or~~ Data Center operator.
- C. Any alterations to the site.
- D. An annual noise study must be completed by a third party. If the operator shows ten (10) consecutive years of compliance, an annual noise study may not be required.
- E. Annual fee \$500.

CASE #2026-026
RESOLUTION NUMBER 4

TEXT AMENDMENT TO SANGAMON COUNTY ZONING ORDINANCE
AMENDING CHAPTER 17.35 OF THE SANGAMON COUNTY ZONING ORDINANCE
RELATED TO ENERGY STORAGE SYSTEMS

WHEREAS, the Sangamon County Board, pursuant to AN ACT IN RELATION TO COUNTY ZONING of the State of Illinois (Illinois Revised Statutes 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 amend Chapter 17.35 of the Sangamon County Zoning Ordinance to include regulations related to Energy Storage Systems; and

WHEREAS, the Zoning & Land Use Committee of the Sangamon County Board has reviewed the text amendment proposed in **Exhibits A & B**, and recommends approval; and

WHEREAS, in accordance with State Statutes, the Sangamon County Zoning Board of Appeals conducted a public hearing on **September 17, 2026** 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 amendment to the Sangamon County Zoning Ordinance as **Exhibits A & B** attached hereto and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Sangamon County, Illinois, in session assembled this **13th** day of **October, 2026** that the request to amend the text of the Sangamon County Zoning Ordinance as proposed in the attached Exhibits A & B is hereby approved.

Signed and passed by the Sangamon County Board in session on this **13th** day of **October, 2026**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

FILED

SEP 30 2026

[Signature]
Sangamon County Clerk Case #2026-026 Page 1 of 28

RECAP
(For County Board Use)

DOCKET NUMBER: **2026-026**

ADDRESS: **N/A**

PETITIONER: **Zoning & Land Use Committee of the Sangamon County Board**

PRESENT ZONING CLASSIFICATION: **N/A**

REQUESTED ZONING CLASSIFICATION: **N/A**

AREA: **N/A**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Staff finds the attached ordinance meets the standards applicable to text amendments and recommends approval by the County Board after a public hearing and recommendation by the Zoning Board of Appeals.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.

RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO:	2026-026
Zoning & Land Use Committee of the)	PROPERTY LOCATED AT:	
Sangamon County Board)	N/A	
)		
)		

RECOMMENDATION OF THE ZONING 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** 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 **September 17, 2026** 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 & B** attached hereto and make a part hereof.
3. That required findings of the Sangamon County Zoning 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**.

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, to concur with the findings and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved** which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Anthony Mares, Don Wulf, George Petrilli, Richard Thompson, and
Charlie Chimento**

NO:

PRESENT:

ABSENT:

RECORDING SECRETARY

Exhibit A

AMENDING THE SANGAMON COUNTY ZONING ORDINANCE

Amend Chapter 17.04 to delete the definition for Battery Energy Storage Systems as follows:

~~Battery Energy Storage System:~~

~~“Battery Energy Storage System” or “BESS” means a system that stores energy from different sources using rechargeable batteries for later use. BESSs are often combined with renewable energy sources like solar and wind to accumulate energy during off peak hours and release it when needed during peak demand or power outages.~~

Amend Section 17.10.020 and Section 17.28.020 as follows:

~~Battery Energy Storage Systems (see Chapter 17.35 for additional regulations)~~

Delete Chapter 17.35 – Battery Energy Storage Systems and Replace with new Chapter 17.35 attached hereto as Exhibit B

Exhibit B

Chapter 17.35 - ENERGY STORAGE SYSTEMS

SECTIONS:

17.35.010 - DEFINITIONS.....	6
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17.35.010 - Definitions.

“Abandonment.” Abandonment occurs when an Energy Storage System has not stored electrical energy for twelve (12) consecutive months or that fails, for a period of six (6) consecutive months, to pay the Landowner amounts owed in accordance with the applicable written agreement(s) between the Landowner and the Applicant, Owner, Operator, Energy Storage System Permittee, and all successors and assigns thereof regarding or related to the Energy Storage System. An Energy Storage System may not be considered abandoned when the inability to store energy is the result of an event of force majeure or excused service interruption.

“Applicant.” The entity who submits to the County an application for the siting and operation of any Energy Storage System. All references to Applicant in this Ordinance shall include Applicant's successors-in-interest and assigns, which includes an Energy Storage System Permittee (as defined below).

“Commencement of Construction.” Any site development work (e.g., demolition, grubbing, grading, tiling, excavation, road work, construction of Project-related structures and infrastructure improvements, etc.) in any way supportive of or in furtherance of the Energy Storage System.

“Commercial Operation Date.” The calendar date on which the Energy Storage System begins storing energy. Within ten (10) calendar days of the Commercial Operation Date, the Energy Storage System shall notify the County in writing.

“Conditional Permitted Use.” A Conditional Permitted Use zoning permit (also known as a Special Use Permit) approved by the County Board in accordance with the provisions of Chapter 17.58 of this Ordinance, after a public hearing, allowing the construction and operation of an Energy Storage System at a specified location subject to compliance with certain

Exhibit B

specified special conditions as may be required by the County Board, including, but not limited to, ordinances, regulations, and laws administered and enforced by Sangamon County.

"County" or "Sangamon County." Sangamon County, Illinois.

"Decommissioning." The removal of all above and below ground Energy Storage System improvements from a participating property and the restoration of that property.

"Decommissioning Plan." A plan prepared at the cost of the Applicant or Energy Storage System Permittee, as applicable, that complies with the decommissioning provisions in NFPA 855, that details the removal of the Energy Storage System, and for which the estimated cost of Decommissioning is certified by a Professional Engineer as required by Section 17.35.060.

"Energy Storage System." A facility with an aggregate energy capacity that is greater than 1,000 kilowatts and that is capable of absorbing energy and storing it for use at a later time, including, but not limited to, electrochemical and electromechanical technologies. An Energy Storage System does not include technologies that require combustion. An Energy Storage System also does not include energy storage systems associated with Commercial Solar Energy Facilities or Commercial Wind Energy Facilities.

"Energy Storage System Permittee." An Applicant who applies for and receives a Conditional Permitted Use under this Ordinance for the siting and operation of an Energy Storage System. All references to an Energy Storage System Permittee in this Ordinance shall include an Energy Storage System Permittee's successors-in-interest and assigns.

"Energy Storage System Project." A project that uses technology for the storage of energy, including, without limitation, the use of battery or electrochemical storage technology.

"Excused Service Interruption." Any period during which an energy storage system does not store or discharge electricity and that is planned or reasonably foreseeable for standard commercial operation, including any unavailability caused by a buyer; storage capacity tests; system emergencies; curtailments, including curtailment orders; transmission system outages; compliance with any operating restriction; serial defects; and planned outages.

"Financial Assurance" or "Financial Security" or "Decommission Security." A form of commercially available financial assurance that is acceptable to the County, naming the County as primary beneficiary and participating property owners as secondary beneficiaries, examples of which include, but are not limited to, a surety bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.

"Force Majeure." Any event or circumstance that delays or prevents an Energy Storage System from timely performing all or a portion of its commercial operations if the act or event, despite the exercise of commercially reasonable efforts, cannot be avoided by and is

Exhibit B

beyond the reasonable control, whether direct or indirect, of, and without the fault or negligence of, a facility owner or operator or any of its assignees. Force majeure includes, but is not limited to:

- A. Fire, flood, tornado, or other natural disasters or acts of God;
- B. War, civil strife, terrorist attack, or other similar acts of violence;
- C. unavailability of materials, equipment, services, or labor, including unavailability due to global supply chain shortages;
- D. Utility or energy shortages or acts or omissions of public utility providers;
- E. Any delay resulting from a pandemic, epidemic, or other public health emergency or related restrictions; and,
- F. Litigation or a regulatory proceeding regarding a facility.

"Landowner." A participating owner of real property upon which an Energy Storage System is or may be located by virtue of an easement, option, lease, or license to use the real property for the purpose of constructing an Energy Storage System Project or supporting facilities.

"Meteorological Tower." Those towers or other structures which are erected prior to construction of an Energy Storage System Project primarily to measure meteorological data relevant to siting and operation of an Energy Storage System Project. For purposes of this ordinance, Meteorological Towers do not include towers and equipment used by airports, the Illinois Department of Transportation, or other similar applications or government agencies, to monitor weather conditions.

"NFPA." The National Fire Protection Association.

"Nonparticipating property." Real property that is not a participating property.

"Nonparticipating residence." A residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the Energy Storage System is filed with the County.

"Notice to Proceed." A written document, named as such, stating that the Applicant expresses an intent to commence construction activities on an Energy Storage System Project and identifying the date on which the construction activities are scheduled to commence.

"Occupied Community Building." A school, place of worship, day care facility, public library, or community center that is occupied on the date that the application for a permit to develop the Energy Storage System is filed with the County in which the building is located.

"Operator." The person or entity responsible for the day-to-day operation and maintenance of an Energy Storage System Project, including any third-party subcontractors. The Operator must be a qualified Energy Storage System professional. All references to Operator in the Ordinance shall include Operator's successors-in- interest and assigns.

Exhibit B

“Owner.”

- A. A person with a direct ownership interest in an Energy Storage System, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the Energy Storage System; and,
- B. At the time the facility is being developed, a person who is acting as a developer of the Energy Storage System by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the Energy Storage System, regardless of whether the person will own or operate any portion of the Energy Storage System.

“Owner” does not mean:

- A. The property owner from whom land is leased for locating an Energy Storage System (unless the property owner has an equity interest in an Energy Storage System); or,
- B. Any person holding a security interest in an Energy Storage System solely to secure an extension of credit, or a person foreclosing on such security interest, provided that after foreclosure, such person seeks to sell an Energy Storage System at the earliest practicable date.

“Participating property.” Real property that is the subject of a written agreement between an Applicant, Owner, Operator, or Energy Storage System Permittee and the Landowner and that provides the Energy Storage System owner an easement, option, lease, or license to use the real property for the purpose of constructing an Energy Storage System or supporting facilities.

“Participating residence.” A residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the Energy Storage System Project is filed with the County.

“Professional Engineer.” A qualified individual who is licensed as a professional engineer in any state in the United States. Where a structural engineer is required to take some action under terms of this Ordinance, a Professional Engineer may serve as the structural engineer if he or she has the appropriate structural engineering certification.

“Protected Lands.” Real property that is subject to a permanent conservation right consistent with the Real Property Conservation Rights Act or registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

“Setback.” The distances measures from the nearest edge of the nearest battery or other electrochemical or electromechanical enclosure of the Energy Storage System Project to: the nearest point on the outside wall of occupied community buildings or nonparticipating residences; the nearest edge of public road rights-of-ways; and, the

Exhibit B

nearest point on the property line of occupied community buildings or nonparticipating properties.

“Supporting Facilities.” The transmission lines, substations, switchyard, access roads, meteorological towers, storage containers, and equipment associated with the generation, storage, and dispatch of electricity by an Energy Storage System.

17.35.020 - Applicability.

- A. This Chapter applies to any Energy Storage System and operations thereof in unincorporated Sangamon County, Illinois, other than those areas surrounding municipal limits governed by municipal ordinance.
- B. The purpose of these regulations is to facilitate the construction, installation, use, operation, and decommissioning of Energy Storage Systems in the County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. These regulations are not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances.
- C. No Energy Storage System Project governed by this Chapter shall be constructed, erected, installed, or located within the County, unless a Conditional Permitted Use and Energy Storage System Building Permit has been obtained for each individual Energy Storage System Project or for a group of Energy Storage System Projects under a joint Conditional Permitted Use application pursuant to this Ordinance.
- D. Energy Storage System Projects are authorized as a Conditional Permitted Use in any zoning district zoned to allow agricultural or industrial uses.

17.35.030 - Conditional Permitted Use Application.

- A. To obtain a Conditional Permitted Use, the Applicant shall submit a Conditional Permitted Use Application to the Sangamon County Building and Zoning Department.
- B. To be considered a complete and accepted submittal, the application shall contain or be accompanied by the following information:
 - 1. A written summary of the project, including:
 - a) General description of the project, including the approximate capacity of the project;
 - b) Potential equipment manufacturer(s), and type(s) of the Energy Storage System;
 - c) Number of structures; and,
 - d) The Energy Storage System Project height.
 - 2. The name(s), address(es), and phone number(s) of the:

Exhibit B

- a) Applicant(s), Owner, and Operator, including their respective business structures; and,
 - b) All participating property owner(s).
3. Documentation demonstrating land ownership or legal control of the property.
4. The zoning district(s) for the parcel(s) of land comprising the Energy Storage System.
5. A site plan for the Energy Storage System Project showing:
- a) Boundaries of the Energy Storage System Project area;
 - b) Locations, legal descriptions, and property lines for each parcel within the boundaries of the project;
 - c) Energy Storage System Project, phasing plan, and construction timeline plan;
 - d) Location of all Energy Storage System structures including, but not limited to: the Energy Storage System, substation(s), interconnect substation(s), on-site generators, operations and maintenance buildings, supporting facilities, permanent Meteorological Towers, and location and voltage of any overhead or underground transmission lines;
 - e) Location of participating and non-participating buildings (with their uses identified) and dwellings, and the parcel boundary lines for the tracts of real property upon which participating residences, nonparticipating residences, and occupied community buildings are located (including identification for adjoining properties);
 - f) Location and identification of all other structures, with their uses identified, within the geographical boundaries of any applicable setback;
 - g) Location and type of the fencing enclosing the Energy Storage System Project's perimeter and verification that the fence shall be a minimum of seven (7) feet and not more than twenty-five (25) feet in height;
 - h) Exterior lighting;
 - i) Landscaping and screening;
 - j) Location of all known communications towers within two (2) miles of the proposed Energy Storage System;
 - k) Electrical cabling from the Energy Storage System to any supporting facility for the Energy Storage System Project;
 - l) Ancillary equipment;
 - m) Third party transmission lines;

Exhibit B

- n) A topographic map of the Energy Storage System Project area boundaries and the surrounding area;
 - o) Proposed site grading;
 - p) Location of any wetlands, floodplain, and drainage structures, including surface ditches and subsurface drainage lines;
 - q) Underground mines;
 - r) Scenic and natural areas within one thousand five hundred (1,500) feet of the proposed Energy Storage System;
 - s) Setback lines;
 - t) Existing or proposed easements;
 - u) On-site vehicle circulation; and,
 - v) Public access roads and turnout locations.
6. A Decommissioning Plan for the Energy Storage System Project including cost estimations to remediate the participating property in accordance with Section 17.35.060.
7. An affidavit provided by an authorized Applicant officer attesting to the following matters that shall be conditions of the Conditional Permitted Use:
- a) The Conditional Permitted Use application is complete and includes all information and documentation required by this Ordinance, that all such information and documentation is true and correct, that there has not been any material omission of any relevant information, and that upon the discovery of any missing or incorrect information contained, or intended to be contained in the Conditional Permitted Use application, Applicant shall immediately notify the County of the same and provide all relevant corrected information and documentation;
 - b) The obligations imposed by this Ordinance shall bind the Applicant, Owner, Operator, Energy Storage System Permittee, and all successors and assigns thereof;
 - c) That the obligations and liabilities established by the granting of a Conditional Permitted Use shall be binding upon the Applicant, Owner, Operator, Energy Storage System Permittee and their respective successors and assigns;
 - d) That the sale, assignment in fact or at law, or other transfer of the Applicant's financial interest in the Energy Storage System Project shall in no way effect or modify the obligation of the Applicant, Owner, Operator, or Energy Storage System Permittee to comply with the terms, covenants and obligations of a Conditional Permitted Use unless a successor or assign of the Applicant, Owner, Operator, or Energy Storage System Permittee,

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as applicable, agrees to assume all such obligations, including but not limited to the Decommissioning obligations associated with the Energy Storage System Project;

- e) That the County and its authorized representatives have the right of entry onto the Energy Storage System Project area at all times for the purpose of inspecting the methods of construction, operation, remediation, and decommissioning, or for performing actual reclamation if necessary; and,
 - f) Confirmation that the County shall be listed as a debtor in connection with any proceeding in insolvency or bankruptcy involving the Applicant, Owner, Operator, Energy Storage System Permittee or their respective successors and assigns, but shall not be responsible for any claims against the foregoing parties.
- 8. Results and recommendations from the Illinois Department of Natural Resources obtained through the Ecological Compliance Assessment Tool or a comparable successor tool.
 - 9. Demonstrate compliance with the recommendations provided by the Department of Natural Resources in an Agency Action Report under 17 Ill. Adm. Code 1075.
 - 10. Results of the consultation with the Illinois State Historic Preservation Division assessment of potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
 - 11. Information demonstrating that the Energy Storage System Project will avoid protected lands. Additionally, the Energy Storage System Permittee should take into consideration any recommended setbacks noted by the Illinois Department of Natural Resources from any protected lands, including areas identified by the Illinois Nature Preserves Commission.
 - 12. Written approval from the respective Road District Commissioner and the County Engineer regarding the public roads that will be used for construction purposes. The Applicant shall submit a draft Financial Assurance ensuring future road repairs will be completed.
 - 13. Any other information normally required by the County as part of its permitting requirements for siting buildings or other structures.
 - 14. Any other information requested by the County or the County consultants that is necessary to evaluate the Conditional Permitted Use application and operation of the Energy Storage System Project and to demonstrate that the Energy Storage System Project meets each of the regulations in this Ordinance, including the Conditional Permitted Use standards set forth in Chapter 17.58.
 - 15. The Applicant, at its expense, shall file a farmland drainage plan with the County outlining how surface and subsurface drainage of farmland will be restored during

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and following construction or deconstruction of the Energy Storage System. The plan is to be created independently by the Applicant and shall include the location of any potentially impacted drainage to the extent this information is publicly available from the County and plans to repair any subsurface drainage affected during construction or deconstruction using procedures outlined in the decommissioning plan. All surface and subsurface damage shall be repaired as soon as reasonably practicable.

- C. The applicant shall submit two (2) copies of the Conditional Permitted Use Application to the Sangamon County Building and Zoning Department, and at least one (1) copy in electronic format.

17.35.040 - Design and Installation.

- A. The Energy Storage System shall comply with NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” or any successor standard issued by the NFPA in effect on the approval date of the Conditional Permitted Use.
- B. Electrical Components.
All electrical components of the Energy Storage System Project shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).
- C. Aesthetics and Lighting
 - 1. Lighting: If lighting is provided at the Energy Storage System Project, lighting shall be shielded and downcast such that the light does not spill onto any adjacent parcel. Lighting should be limited to what is minimally required for safety and operational purposes. The Energy Storage System Project shall adhere to the principles for responsible outdoor lighting provided by the International Dark-Sky Association.
- D. Fencing. The Energy Storage System perimeter shall be enclosed by fencing having a height of at least seven (7) feet and no more than twenty-five (25) feet above natural grade level.
- E. Warnings/Signage
 - 1. Warnings shall comply with requirements in NFPA 855 Section 4.7.4, or applicable Sections in the most recent version of NFPA 855.
 - 2. A reasonably visible warning sign concerning voltage must be placed at any Energy Storage System component, any necessary supporting facilities, and at all entrances to the Energy Storage System Project. Signage regulations shall be consistent with ANSI standards.
- F. Setback Requirements. The Energy Storage System Project shall be sited as follows, with setback distances measured from the nearest edge of the nearest battery or

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other electrochemical or electromechanical enclosure of the Energy Storage System Project unless waived by the written consent of the owner(s) of each affected nonparticipating property. Any waivers of setbacks shall run with the land and be recorded with the Recorder of Deeds of the County, with copies submitted with the Conditional Permitted Use application. Setback distances shall be no less than:

1. Occupied Community Buildings: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
2. Nonparticipating Residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
3. Boundary Lines of Participating Property: None.
4. Boundary Lines of Occupied Community Buildings and Nonparticipating Property: fifty (50) feet to the nearest point on the property line of the Occupied Community Building or nonparticipating property.
5. Public Road Rights-of-Way: fifty (50) feet from the nearest edge of the public road right-of-way.

G. Use of Public Roads

1. An Applicant proposing to use any County, municipality, township or village road(s), for the purpose of transporting parts and/or equipment for construction, operation, or maintenance of the Energy Storage System Project, shall:
 - a) Identify all such public roads; and,
 - b) Obtain applicable weight and size permits from relevant government agencies prior to construction.
2. To the extent an Applicant must obtain a weight or size permit from the County, municipality, township, or village, the Applicant shall:
 - a) Conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
 - b) Identify any proposed public roads that will be used for construction purposes and provide approval in writing from the respective Road District Commissioner and the County Engineer prior to the granting of the Conditional Permitted Use. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads may require a permit from the respective highway authority. Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal, must be completely repaired to the reasonable satisfaction of the Road District Commissioner and the County Engineer. The Road District Commissioner and County Engineer may choose to require either

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remediation of road repair upon completion of the Energy Storage System Project or are authorized to collect fees for overweight and/or oversized load permits. Further, Financial Assurance shall be provided in the amount of actual expenses incurred by the Road District or the County in negotiating, executing, or implementing the road use agreement, to ensure that future repairs are completed to their reasonable satisfaction. Applicant shall submit a draft form of said Financial Assurance with application for the Conditional Permitted Use.

- c) Enter into a road use agreement with the County and each affected Road District that includes the following provisions, at a minimum:
 - i) Project layout map;
 - ii) Transportation impact analysis;
 - iii) Pre-construction plans;
 - iv) Project traffic map;
 - v) Project scope of repairs;
 - vi) Post-construction repairs; and,
 - vii) Financial Security in forms and amounts acceptable to the County;
- d) The road use agreement shall require the Applicant to be responsible for the reasonable cost of improving roads used to construct the Energy Storage System Project and the reasonable cost of repairing roads used by the Energy Storage System Project Owner during construction of the Energy Storage System Project so that those roads are in a condition that is safe for the driving public after the completion of the Energy Storage System Project construction. Roadways improved in preparation for and during the construction of the Energy Storage System Project shall be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities.

H. Noise Levels

- 1. Noise levels from the Energy Storage System Project shall be in compliance with applicable sound limitation regulations established by the Illinois Pollution Control Board (IPCB) under 35 Ill. Adm. Code Parts 900, 901, and 910, or such successor regulations hereafter issued by the IPCB as to Energy Storage System Project sound limitations. After commercial operation of the Energy Storage System, the facility owner shall provide the County, not more than once, the octave band sound pressure level measurements from a reasonable number of sampled

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locations at the perimeter of the Energy Storage System to demonstrate compliance.

I. As-Built Map and Plans

1. Within sixty (60) calendar days of completion of construction of the Energy Storage System Project, the Applicant or Operator shall deliver "as-built" maps, site plans, and engineering plans for the Energy Storage System Project that have been signed and stamped by a Professional Engineer and a licensed surveyor.

J. Engineer's Certificate

1. The Energy Storage System Project engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the specific soils and subsurface conditions at the site can support the Energy Storage System, given local soil, subsurface, and climate conditions.
2. The Energy Storage System Project engineer's certificate shall be a public record and shall be submitted as part of the Conditional Permitted Use application.

K. Conformance with Approved Application and Plans

1. The Applicant shall construct and operate the Energy Storage System Project in substantial conformance with the construction plans contained in the County approved submitted Conditional Permitted Use application(s), conditions placed upon the operation of the Energy Storage System Project, this ordinance, and all applicable state, federal, and local laws and regulations.

L. Additional Terms and Conditions

1. All technical submissions as defined in the Professional Engineering Practice Act of 1989 (225 ILCS 325/4(w)) and contained in the Conditional Permitted Use application shall be prepared and signed by an Illinois Professional Engineer (or structural engineer) for the relevant discipline.
2. The County may retain a qualified, independent code inspector, professional engineer, or both to make appropriate inspections of the Energy Storage System Project during and after construction and to consult with the County to confirm that the construction, substantial repair, replacement, repowering, and/or decommissioning of the Energy Storage System Project is performed in compliance with applicable electrical and building codes. The cost and fees so incurred by the County in retaining said inspector or engineer shall be promptly reimbursed by the Energy Storage System Permittee.

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17.35.050 - Operation.

A. Requirements Prior to Commercial Operation

1. Submit a commissioning report meeting the requirements of NFPA 855 Section 4.2.4, 6.1.3, and 6.1.5.5, as published in 2023, or the applicable Sections in the most recent version of NFPA 855.
2. Submit a hazard mitigation analysis meeting the requirements of NFPA 855 Section 4.4 or the applicable Sections in the most recent version of NFPA 855.
3. Submit an emergency operations plan meeting the requirements of NFPA 855 Section 4.3.2.1.4, published in 2023, or applicable Sections in the most recent version of NFPA 855.
4. Provide training for local fire departments and emergency responders as detailed in Section 17.35.050(C) below.
5. All batteries integrated within the Energy Storage System shall be listed under the UL 1973 Standard, and shall be listed in accordance with the UL 9540 Standard, either from the manufacturer or by a field evaluation.

B. Maintenance

1. Annual Report. The Energy Storage System Permittee shall submit, on an annual basis on the anniversary of the Commercial Operation Date, an operation and maintenance report to the County. The report shall contain the following information:
 - a) a general description of any physical repairs, replacements, or modification(s) to the Energy Storage System Project and/or its infrastructure;
 - b) name(s), address(es), and phone number(s) of the current owner and operator, including their respective business structures, and lenders for the Energy Storage System Project;
 - c) calls for emergency services;
 - d) status of liability insurance; and,
 - e) a general summary of Energy Storage System Project service calls.
2. An Energy Storage System may undergo augmentation to maintain the original capacity of the Energy Storage System. An Energy Storage System undergoing the augmentation need not apply for a new Conditional Permitted Use or renewal of the Conditional Permitted Use. The Zoning Administrator with the Sangamon County Building and Zoning Department shall determine if the proposed augmentation for the Energy Storage System would require a new building permit application.

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C. Coordination with Emergency Responders:

1. The Energy Storage System Permittee shall submit to the local emergency responders a copy of the Site Plan, Standard Operating Procedures (SOPs) and Standard Operating Guidelines (SOGs), and any amendments to such documents, for the Energy Storage System Project so that the local law enforcement, fire protection district and rescue units, emergency medical service providers and emergency management service providers that have jurisdiction over any portion of the Energy Storage System Project may evaluate and coordinate their emergency response plans with the Energy Storage System Permittee.
2. The Energy Storage System Permittee, at its expense, shall provide an initial training prior to commencement of commercial operation and annual training for, and the necessary equipment to, the Operator and local emergency response authorities and their personnel so that they can properly respond to a potential emergency at the Energy Storage System Project. Special equipment to be provided includes, but is not limited to, permanently installed rescue equipment.
3. The Energy Storage System Permittee and the Operator shall cooperate with all local emergency responders to develop an Emergency Response Plan. The plan shall include, at a minimum, 24 hour contact information (names, titles, email addresses, cell phone numbers) for the Energy Storage System Permittee and the Operator and at least three (3) designated Energy Storage System Permittee representatives (a primary representative with two (2) alternate representatives, each of whom are on-call "24 hours per day / 7 days per week / 365 days per year"). Any change in the designated Energy Storage System Permittee representative or his/her contact information shall be promptly communicated to the County. The content of the emergency response plan, including the 24-hour contact information, shall be reviewed and updated on an annual basis.
4. Nothing in this Chapter shall alleviate the need to comply with all other applicable life safety, fire, or emergency response laws and regulations.

D. Water, Sewer, Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation and maintenance of the Energy Storage System Project shall be promptly disposed of in accordance with all federal, state, and local laws.
2. All hazardous materials related to the construction, operation, and maintenance of the Energy Storage System Project shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.
3. The Energy Storage System Project shall comply with existing septic and well regulations as required by the County Health Department and the State of Illinois Department of Public Health.

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E. Drainage Systems

1. The Applicant, at its expense, will repair, in a prompt and timely manner, all waterways, drainage ditches, agricultural drainage systems, field tiles, or any other private and public infrastructure improvements damaged during construction, maintenance, and operation phases of the Energy Storage System Project.
2. The Energy Storage System Owner shall compensate landowners for crop losses or other agricultural damages resulting from damage to the drainage system caused by the construction of the Energy Storage System. The Energy Storage System Owner shall repair or pay for the repair of all damage to the subsurface drainage system caused by the construction of the Energy Storage System. The Energy Storage System Owner shall repair or pay for the repair and restoration of surface drainage caused by the construction, operation, or Decommissioning of the Energy Storage System as soon as reasonably practicable.

17.35.060 - Decommissioning Plan.

The Applicant must formulate a Decommissioning Plan to ensure that the Energy Storage System Project will be properly decommissioned in accordance with the requirements in NFPA 855 and this Ordinance prior to the issuance of any Conditional Permitted Use. The Decommissioning Plan shall be binding upon the Applicant and its successors-in-interest and assigns, and shall apply to all participating parcels in the Energy Storage System Project, irrespective of the owner of title to such parcels. As part of Decommissioning, the Energy Storage System Permittee shall remove all physical material and Energy Storage System Project improvements, and restore all soil and vegetation, in accordance with the Decommissioning Plan. The Decommissioning Plan shall detail efforts to reuse or recycle any equipment or components associated with the Energy Storage System. Decommissioning shall occur in accordance with the following conditions:

- A. Decommissioning by the Energy Storage System Permittee shall commence upon any one of the following occurrences:
 1. Within eighteen (18) months after Abandonment.
 2. If no electricity is stored by the Energy Storage System Project for twelve (12) consecutive months after electricity is initially generated or the Energy Storage System Permittee has not paid Landowners those amounts owed in accordance with their applicable agreements for a period of six (6) consecutive months after such payments were due and payable. An exception to this occurs when the inability to store energy is the result of an event of force majeure or excused service interruption.

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3. The Energy Storage System Permittee or Owner dissolves or abandons the Energy Storage System Project without first transferring the Energy Storage System Project to a successor-in-interest or assign.
 4. If any part of the Energy Storage System Project falls into disrepair or creates any other health and safety hazard as determined by applicable County, state, or federal officials.
- B. The Energy Storage System Permittee shall ensure that the Energy Storage System Project is properly decommissioned within eighteen (18) months of the end of the Energy Storage System Project life or facility abandonment. The decommissioning shall include the removal to a depth of three (3) feet of all structures that have no ongoing purpose and all debris and restoration of the soil and any vegetation to a condition as close as reasonably practicable to the soil's and vegetation's preconstruction condition.
- C. Financial Assurance:
1. The County shall have immediate access to and may use the Financial Assurance for Decommissioning upon written notice to the Applicant after any one of the following occurrences:
 - a) Abandonment of the Energy Storage System Project;
 - b) A reasonable determination by the County that the Energy Storage System Project or any portion thereof constitutes a health and safety hazard that has not been addressed by the Energy Storage System Permittee in a timely manner; or,
 - c) The Energy Storage System Permittee fails to Decommission the Energy Storage System Project or any portion thereof in accordance with the Decommissioning Plan.
 2. The Financial Assurance shall include the following terms and conditions:
 - a) The amount of Financial Assurance included in the Decommissioning Plan shall be equal to the total cost of all Decommissioning and restoration work associated in any way with the Energy Storage System Project. The salvage value of the Energy Storage System Project may be used to reduce the estimated costs of Decommissioning in the Decommissioning Plan, as calculated by the professional structural engineer under subsection 2)b) below.
 - b) To determine the amount of the Financial Assurance, the Applicant shall:
 - i) obtain bid specifications provided by a professional structural engineer;
 - ii) request estimates from construction/demolition companies capable of completing the decommissioning of the Energy Storage System Project; and,

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- iii) certification of the selected estimate by a professional structural engineer.
- c) The Financial Assurance shall:
 - i) Identify all procedures for the County to access the Financial Assurances;
 - ii) Include a provision granting the County with all legal rights to transfer applicable Energy Storage System Project improvement materials to salvage firms as of the date that the Financial Assurance is accessed by the County; and,
 - iii) Include a provision granting the County access to the Energy Storage System Project area and all participating property, as of the date that the Financial Assurance is accessed by the County, subject to reasonable notice, to affect or complete decommissioning.
- d) If the County approves an irrevocable letter of credit or surety bond as the form of Financial Assurance for the Energy Storage System Project, the original of the irrevocable letter of credit or surety bond shall be held by the County.
- e) If the County approves cash escrow as the form of Financial Assurance for the Energy Storage System Project, the cash escrow shall be held and managed by an independent third party (e.g., escrow agent or title company) on behalf of the County, subject to escrow instructions that incorporate the applicable obligations of this Ordinance, executed by the County and the Applicant or Energy Storage System Permittee, as applicable.
- f) If possible for the type of Financial Assurance provided, the Applicant shall grant perfected security in the Financial Assurance by use of a control agreement establishing the County as an owner of record pursuant to the Secured Transactions Article of the Uniform Commercial Code, 810 ILCS 5/9-101 et seq.
- g) Any interest accrued on the Financial Assurance that is over and above the cost of Decommissioning as provided in the Decommissioning Plan shall be the property of the Energy Storage System Permittee.
- h) Provision of this Financial Assurance shall be reported to the County and phased in over the first 10 years of the Energy Storage System Project's operation as follows:
 - i) Before the start of the Commercial Operation Date, the Energy Storage System Permittee or Owner shall provide the County with Financial Assurance to cover twenty-five percent (25%) of the

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estimated costs of Decommissioning of the Energy Storage System Project as determined in the Decommissioning Plan.

- ii) Before the 5th anniversary of the Commercial Operation Date, the Energy Storage System Permittee or Owner shall provide the County with Financial Assurance to cover fifty percent (50%) of the estimated costs of Decommissioning of the Energy Storage System Project as determined in the Decommissioning Plan.
- iii) Before the 10th anniversary of the Commercial Operation Date, the Energy Storage System Permittee or Owner shall provide the County with Financial Assurance to cover one hundred percent (100%) of the estimated costs of Decommissioning of the Energy Storage System Project as determined in the Decommissioning Plan.
- i) The Financial Assurance shall not release the surety from liability until the Financial Assurance is replaced.
- j) After the 10th anniversary of the Commercial Operation Date, and every five (5) years thereafter, the County may reevaluate the estimated costs of Decommissioning of the Energy Storage System Project. Such reevaluation shall be performed by an independent third party Professional Engineer licensed in the State of Illinois. The Energy Storage System Permittee shall be responsible for the costs of any reevaluation by a third party Professional Engineer engaged by the County. The County shall provide the Energy Storage System Permittee with a copy of such reevaluation reports. In accordance with the results of any reevaluation report, the County may require changes in the amounts of Financial Assurance required from the Energy Storage System Permittee or Owner, as provided for above, and in such case, the adjusted amount of Financial Assurance shall be secured within 6 months of the date that the County provides the Energy Storage System Permittee with a copy of such reevaluation reports. Failure to provide Financial Assurance, or adjusted Financial Assurance, as outlined herein shall be considered a cessation of operation.
- k) Upon abandonment of the Energy Storage System Project or any other default or failure to comply with this Ordinance or the Decommissioning Plan, as determined by the County, the County may take all appropriate actions for Decommissioning, including drawing upon the Financial Assurance. In the event the County declines to take any action for Decommissioning, the participating property owners may draw upon the Financial Assurance.

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3. The County or its escrow agent shall release the Financial Assurance to the Energy Storage System Permittee upon written notice by the Energy Storage System Permittee, as confirmed by the County, that Decommissioning has been satisfactorily completed. Ten percent (10%) of the Financial Assurance shall be retained for a period of one (1) year beyond the date of the County's confirmation that Decommissioning has been satisfactorily completed to settle any outstanding Decommissioning obligations or concerns.

17.35.070 - Remedies.

- A. The failure of Applicant, Owner, Operator, or Energy Storage System Permittee, or any agent, contractor, or representative thereof to materially comply with any of the provisions under the Conditional Permitted Use or Building Permit, any conditions imposed on the Energy Storage System Project, and/or failure to comply with any law or regulation shall be grounds for revocation of the Conditional Permitted Use by the County.
- B. Prior to implementation of the applicable County procedures for the resolution of default(s), the County must first provide written notice to the Energy Storage System Permittee, setting forth the alleged default(s) and provide an opportunity for the Energy Storage System Permittee to cure the default(s) within a thirty (30) calendar day period from the date of the notice. Should the Energy Storage System Permittee commence the cure within that 30-day cure period, and diligently pursues a cure, then the Energy Storage System Permittee shall receive an additional sixty (60) days to continue to pursue the cure before the County pursues procedures for the resolution of default. If the default relates to a life safety issue or interference with local, government public safety (police, fire, emergency medical services, emergency management services, 911 dispatch) communications, the Energy Storage System Permittee shall take all necessary and available commercial measures to immediately cure the default. If the Energy Storage System Permittee cannot cure the default(s) or resolve the alleged default(s) within the cure period, then the County shall have the right to address the default(s) by any means available pursuant to applicable law.

17.35.080 - Fee Schedule and Permitting Processes.

- A. Application Fees
 1. Prior to processing any application for a Conditional Permitted Use application for an Energy Storage System Project, the Applicant must submit a certified check to Sangamon County for the application fee of five thousand dollars (\$5,000) per megawatt of nameplate capacity of the Energy Storage System, up to a maximum of fifty thousand dollars (\$50,000). Each Applicant will be responsible for the

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payment of all legal publications required by the County or applicable law for the issuance of a Conditional Permitted Use or other applicable permits or approvals.

B. Building Permit

1. The Energy Storage System Building Permit shall be a single building permit for the Energy Storage System Project, which shall include all Supporting Facilities.
2. Prior to the issuance of building permits, the Applicant must remit a Building Permit Fee to the Sangamon County Building and Zoning Department in the amount of five thousand dollars (\$5,000) per megawatt of nameplate capacity of the Energy Storage System, up to a maximum of fifty thousand dollars (\$50,000).
3. The Sangamon County Building and Zoning Department will review and process the building permit application for the Energy Storage System within sixty (60) days after the receipt of a complete building permit application.
 - a) The building permit for the Energy Storage System shall include an electrical diagram detailing the Energy Storage System layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices; and, an equipment specification sheet.
 - b) If the County does not grant or deny the building permit application within sixty (60) days, the building permit shall be deemed granted.
 - c) If the County denies the building permit application, the County shall specify the reason for the denial in writing as part of the denial.

17.35.090 - Hearing.

A. Hearing Process

1. The County Board may issue a Conditional Permitted Use after holding at least one public hearing in accordance with the Open Meetings Act.
2. The Building and Zoning Department will schedule the public hearing(s) and the public hearing(s) shall conclude within sixty (60) days of receiving a complete Conditional Permitted Use Application. Notice of the hearing shall be published in a newspaper of general circulation in the County, at the Applicant's expense.
3. The public hearing shall be conducted by the Sangamon County Zoning Board of Appeals in accordance with the procedures set forth in Chapter 17.58 of this Ordinance. Interested parties shall be given an opportunity to present evidence and to cross-examine witnesses at the hearing, but reasonable restrictions may be imposed on the public hearing, including reasonable time limitations on the presentation of evidence and the cross-examination of witnesses. Applicants may appear in person, by agent, or by attorney at such public hearings. The Sangamon County Zoning Board of Appeals shall transmit its report of findings and

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recommendations to the County Board in accordance with Section 17.58.040 of this Ordinance.

4. The County Board shall make its Conditional Permitted Use decision not more than thirty (30) days after the conclusion of the public hearing.
- B. Hearing Factors. The County Board may approve a Conditional Permitted Use application only if it finds the evidence complies with state, federal, and local laws and regulations, and with the standards of this Ordinance.
- C. Conditional Permitted Use Conditions and Restrictions. The County Board may stipulate conditions, guarantees and restrictions, upon the establishment, location, construction, maintenance, and operation of the Energy Storage System Project as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of this Ordinance.
- D. Revocation.
1. In any case where a Conditional Permitted Use has been approved for an Energy Storage System Project, the Applicant shall apply for an Energy Storage System Building Permit from the County and all other permits required by other government or regulatory agencies to commence construction, or commence and actively pursue construction of the Energy Storage System Project within three (3) years from the date of the granting of the Conditional Permitted Use. If the Applicant fails to apply for an Energy Storage System Building Permit from the County and all other permits required by other government or regulatory agencies prior to construction and/or fails to commence and actively pursue construction of the Project within the three (3) year period, then without further action by the County, the Conditional Permitted Use authorizing the construction and operation of the Energy Storage System Project shall be automatically revoked and void. Upon written request based upon reasonable cause, with evidence of such reasonable cause provided, the County Board, may extend the above three (3) year period by passage of a resolution amending the Conditional Permitted Use. Such requests for extension must be submitted prior to the expiration of said three (3) year period. Requests for an extension will not be unreasonably withheld, conditioned, or denied upon showing of a reasonable cause.
 2. The Conditional Permitted Use shall be subject to revocation if the Applicant dissolves or ceases to do business, abandons the Energy Storage System Project, or the Energy Storage System Project ceases to operate for more than eighteen (18) consecutive months for any reason.
 3. Subject to the provisions of this Chapter 17.35, a Conditional Permitted Use may be revoked by the County Board if the Energy Storage System Project is not constructed, installed, and/or operated in substantial conformance with the

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County-approved Energy Storage System Project plans, the regulations of this Ordinance, and the stipulated Conditional Permitted Use conditions and restrictions.

- E. Transferability; Owner or Energy Storage System Permittee. The Energy Storage System Permittee and its respective successors and assigns shall provide written notification to the County at least thirty (30) days prior to any change in ownership of an Energy Storage System Project of any such change in ownership. The phrase "change in ownership of an Energy Storage System Project" includes any kind of assignment, sale, lease, transfer, or other conveyance of ownership or operating control of Applicant, Owner, Operator, Energy Storage System Permittee, or their respective successors and assigns, the Energy Storage System Project or any portion thereof. The Energy Storage System Permittee and its respective successors and assign shall remain liable for compliance with all conditions, restrictions, and obligations contained in the Conditional Permitted Use, the provisions of this Ordinance and applicable County, state, and federal laws for all periods of time within which it owned, operated, or had any interest in the Energy Storage System Project.
- F. Modification and Recertification. Any modification of an Energy Storage System Project that alters or changes the essential character or operation of the Energy Storage System Project in a way not intended at the time the Conditional Permitted Use was granted, or as subsequently amended, shall require a new Conditional Permitted Use. The Energy Storage System Permittee or its authorized representative(s), shall apply for an amended Conditional Permitted Use prior to any modification of the Energy Storage System Project. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require recertification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with the Sangamon County Building and Zoning Department to determine if the physical modification requires a recertification.
- G. Permit Effective Date. The Conditional Permitted Use shall become effective upon approval of the applicable ordinance by the County Board.

17.35.100 - Miscellaneous.

- A. The provisions of this Ordinance shall be held to the minimum requirements adopted for the promotion and preservation of public health, safety, and general welfare of the County and its residents. These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the County nor conflict with any statutes of the State of Illinois.
- B. The Conditional Permitted Use granted to the Applicant shall bind and inure to the benefit of the Applicant, its successors-in-interest, and assigns.

Exhibit B

- C. If any provision in this Ordinance, or conditions placed upon the operation of the Energy Storage System Project is held invalid, such invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provision and, to this end, the provisions in this Ordinance are severable.
- D. Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations.
- E. This Ordinance shall be in full force and effect from and after its passage, publication, and approval as required by law.
- F. Any and all Energy Storage Systems granted authorization to conduct operations pursuant to any County regulations or ordinances prior to the effective date of these regulations shall be authorized to continue operations as a nonconforming use in accordance with the nonconforming use provisions of the Sangamon County Zoning Ordinance.
- G. Any Conditional Permitted Use Application or Energy Storage System Building Permit application submitted to the County prior to the effective date of this Ordinance shall be governed by the ordinances and regulations of the County in effect at the time the application was submitted, and shall not be subject to the requirements of this Ordinance.

**GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
9622 GINDER ROAD, ROCHESTER
SANGAMON COUNTY, ILLINOIS**

FILED
SEP 30 2026
D. J. Hays
Sangamon County Clerk

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **grant a rezoning and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Rebecca Weller**, has petitioned the Sangamon County Board requesting for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 17, 2026** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant a rezoning and variances**; and,

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of October, 2026** that the following request(s) on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and,
- Pursuant Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this **13th day of October, 2026.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Exhibit A

PARCEL I (Tax ID# 30-14.0-400-001):

The North 10 acres of the Northwest Quarter of the Southeast Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

PARCEL II (Tax ID# 30-14.0400-002):

The Northwest Quarter of the Southeast Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian, EXCEPT the North 10 acres, and ALSO EXCEPT that part of said Quarter Quarter Section lying within the following described tract:

Beginning at the Southeast corner of the North Half of the Southeast Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian, arid running thence North 7 chains and 12.1/2 links to a stone, thence West parallel with the South line of said Half Quarter Section 25 chains and 42 links to the center of Lick Branch, thence In a Southwesterly direction along the center of said Branch to its intersection with the South line of said Half Quarter Section, and thence East 31 chains and 26 links to the place of beginning.

Except any interest in the coal, oil gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas arid other minerals, If any,

Situated in Sangamon County, Illinois.

PARCEL III(Tax ID# 30-14.0-400-003)

The North 20 acres of the Northeast Quarter of the Southeast Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

PARCEL IV (Tax ID# (3-14.0-200-005):

That part lying East of Lick Branch of the Southwest Quarter of the Northeast Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

PARCEL V (Tax ID# 30-J14.0-300-008):

The Northeast Quarter of the Southwest Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian, EXCEPT that part more particularly described as follows: Commencing at the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section 14; thence South 1 degree 36 minutes 15 seconds East along the West line of the Northeast Quarter of the Southwest Quarter of said Section 14, a distance of 400,00 feet to the point of beginning; thence North 88 degrees 23 minutes 45 seconds

East, 225.00 feet; thence South 1 degree 36 minutes 15 seconds East, 235.00 feet; thence South 88 degrees 23 minutes 45 seconds West, 225.00 feet to the West line of the Northeast Quarter of the Southwest Quarter of said Section 14; thence North 1 degree 36 minutes 15 seconds West along said West line, a distance of 235.00 feet to the point of beginning. Except any Interest In the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any. Situated in Sangamon County, Illinois.

PARCEL VI (Tax ID# 30.14.0409.009);

The Northeast Quarter of the Southeast Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian, EXCEPT the North 20 acres, and ALSO EXCEPT that part of said Quarter Quarter Section lying within the following described tract: Beginning at the Southeast corner of the North Half of the Southeast Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian, and running thence North 7 chains and 12-1/2 links to a stone, thence West parallel with the South line of said Half Quarter Section 25 chains and 42 links to the center of Lick Branch, thence in a Southwesterly direction along the center of said Branch to its intersection with the South line of said Half Quarter Section, and thence East 31 chains and 26.11 links to the place of beginning.

Except any Interest In the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated In Sangamon County, Illinois,

PARCEL VII (Tax ID# 30-14.0-200-016):

The Southeast Quarter of the Northeast Quarter of Section 14, Township 14 North, Range 4 West of the Third Principal Meridian, EXCEPT that part described as follows:

Beginning at a set pin bearing North 00 degrees 00 minutes East, 473.64 feet from an iron pin marking the Southeast corner of said Southeast Quarter, Northeast Quarter, Section 14; thence North 86 degrees 13 minutes 33 seconds West, 432.05 feet along the North line of an existing drive to a set Iron pin in the North-South fence; thence North 02 degrees 32 minutes 41 seconds East, 615.17 feet along said North-South fence to a set Iron pin; thence South 90 degrees 00 minutes East, 403.81 feet to a set iron pin on the East line of said Southeast Quarter, Northeast Quarter, Section 14; thence South 00 degrees 00 minutes West, 643.00 feet along the East line of said Southeast Quarter, Northeast Quarter, Section 14 to the point of beginning,

Except any interest In the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any. Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: **District 4, Lanae Clark**

DOCKET NUMBER: **2026-027**

ADDRESS: **9622 Ginder Road, Rochester, IL 62563**

PETITIONER: **Rebecca Weller**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**

AREA: **143.29 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. While the LESA score of 215 indicates the property is suitable for agricultural use only, the approximately 7 acres being proposed for R-1 will be located adjacent to the existing residences located north of the subject property along Ginder Road. Granting the requested lot-width-depth variance will facilitate a division to separate approximately 7 acres from the subject property to construct a single-family residence. Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 District would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The Standards for Variation are met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Staff Recommendation.

RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2026-027**
Rebecca Weller)
)
) PROPERTY LOCATED AT:
) **9622 Ginder Road,**
) **Rochester, IL 62563**

RECOMMENDATION OF THE ZONING 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 **rezoning and variances** 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 **September 17, 2026** 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 above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **9622 Ginder Road, Rochester, IL 62563** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is **Agricultural building, cropland, and pasture.**
5. That the proposed land use of said property is **Proposed Parcel 1: Single-family residence. Proposed Parcel 2: Agricultural building, cropland, and pasture.**
6. That the request(s) for the subject property are for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).

8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **rezoning and variances** 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 following request(s) **are hereby approved**:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Don Wulf**, which was duly seconded by **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following requests **are hereby approved**:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

The vote of the Board was as follows:

YES: **Charlie Chimento, Don Wulf, Anthony Mares, George Petrilli, and Richard Thompson**

NO:

PRESENT:

ABSENT:

RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2026-027**

Address: **9622 Ginder Road, Rochester**

- (i) Existing uses of property within the general area of the property in question.

North – Residence and timber/pasture. East – Residence and cropland. South – Cropland. West – Residence, cropland, and timber/pasture.

- (ii) The zoning classification of property within the general area of the property in question.

North, East, South, & West – Agricultural.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

While the LESA score of 215 indicates the property is suitable for agricultural use only, the approximately 7 acres being proposed for R-1 will be located adjacent to the existing residences located north of the subject property along Ginder Road.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The trend of development in the area is rural residential and agricultural. In 2021, a CPU for a riding stable and variances were granted north of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2026-027**

Address: **9622 Ginder Road, Rochester**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

Granting the requested lot-width-depth variance will facilitate a division to separate approximately 7 acres from the subject property to construct a single-family residence. Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 District would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

Granting the requested lot-width-depth variance will facilitate a division of the 143-acre subject property to separate an approximate 7-acre parcel for the petitioner to construct a single-family residence. Other parcels in the area are zoned Agricultural, which has no height restrictions.

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

Negative impacts are not anticipated.

Parcel # 30-14-400-010

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

Part 1: Site Assessment	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	20
75-89%	10	
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	20
75-89%	10	
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	10
50-74%	5	
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	20
0.5 mile from incorporated area	10	
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	10
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	5
Little or none with protective measures	5	
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	20
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	0
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	10
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	5
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	135
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	25	100	25
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P	28	87	24
684B	Broadwell	P		87	
50A	Viriden	P2	1	87	1
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3		75	
3107A	Sawmill	P5	3	75	2
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	8	75	6
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	3	75	2
45A	Denny	P2	1	75	1
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Oscos	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I	1	74	1
567C2	Elkhart	I	2	74	1
134C2	Camden	I		74	

259C2	Assumption	I	0	74	
685C2	Middletown	I		74	
280D2	Fayette	I		74	
119D3	Elco	N	8	74	6
259D2	Assumption	I	7	74	5
212C2	Thebes	I		74	
630C2	Navlys	I		74	
630D2	Navlys	I		74	
630D3	Navlys	I		57	
131D2	Alvin	I		57	
8D	Hickory	I		50	
8D2	Hickory	I		50	
280D3	Fayette	I		44	
8D3	Hickory	I	7	44	3
8F	Hickory	N	7	44	3
549G	Marseilles	N		0	
533	Urban Land	N			
536	Dumps	N			
830	Orthents, Land	N			
862	Pits, Sand	N			
864	Pits, Quarries	N			
801C	Orthents, Silty	N			
W	Water		0		

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	80
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GRAND TOTAL	215
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Fewer than 150 points shall be deemed acceptable for non-agricultural development.

From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.

Greater than 175 points shall be considered suitable for agricultural use only.

GRANTING A USE VARIANCE WITH CONDITIONS AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
5575 CARDINAL HILL ROAD, ROCHESTER
SANGAMON COUNTY, ILLINOIS

D. J. King
Sangamon County Clerk

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **granting a Use Variance with conditions and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lot 2 of William Bartel's Subdivision, according to the plat thereof recorded April 20, 1993 as Document No.93-014290.

WHEREAS, the Petitioner, **Andrew & Hillary Whalen**, has petitioned the Sangamon County Board requesting **pursuant to Chapter 17.66, a Use Variance to allow a farm stand/grocery store; a variance of Chapter 17.04 (lot) to allow two (2) principal uses on one (1) parcel: (1) a single-family residence and (2) a farm stand/grocery store; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 17, 2026** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and,

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant a Use Variance with conditions and variances; and,**

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th Day of October, 2026 that the following requests on the above described property are hereby approved:

- Pursuant to Chapter 17.66, a Use Variance to allow a farm stand/grocery store with the following conditions:
 1. The hours of operation are limited to 6 a.m. to 7 p.m., except during winter hours, which will be from sun up until sun down;
 2. The structure is limited to 1,600 square feet (40 ft. x 40 ft.); and,
 3. Screening will be added along the north property line;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (lot) to allow two (2) principal uses on one (1) parcel: (1) a single-family residence and (2) a farm stand/grocery store; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this 13th day of October, 2026.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: **District 9, Tom Madonia Jr.**

DOCKET NUMBER: **2026-028**

ADDRESS: **5575 Cardinal Hill Road, Rochester, IL 62563**

PETITIONER: **Andrew D. and Hillary L. Whalen**

PRESENT ZONING CLASSIFICATION: **“A” Agriculture District.**

REQUESTED ZONING CLASSIFICATION: **Pursuant to Chapter 17.66, a Use Variance to allow a farm stand/grocery store; a variance of Chapter 17.04 (lot) to allow two (2) principal uses on one (1) parcel: (1) a single-family residence and (2) a farm stand/grocery store; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.**

AREA: **2.5 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend denial of the requested Use Variance. The trend of development in the area is rural residential and agricultural. The petitioner is proposing to construct a farm stand/grocery store on the subject property, and while this business will have some agricultural connection, it is ultimately a commercial business that would be incompatible with the trend in the area, especially when located adjacent to rural residential uses. While not specifically a zoning matter, staff did find recorded protective covenants for the William Bartels Subdivision that specifically state, “No building site shall be used except for residential purposes.” As staff has recommended denial of the Use Variance for the farm stand/grocery store use, the requested multiple use variance and paving variance are unnecessary. The Standards for Variation are not met.**

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:
Approval of Petitioner’s Request with conditions.

RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2026-028**
Andrew D. and Hillary L. Whalen)
)
) PROPERTY LOCATED AT:
) **5575 Cardinal Hill Road**
) **Rochester, IL 62563**

RECOMMENDATION OF THE ZONING 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 **Use Variance and variances** 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 **September 17, 2026** 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 above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **5575 Cardinal Hill Road, Rochester, IL 62563** and more particularly described as:

Lot 2 of William Bartel's Subdivision, according to the plat thereof recorded April 20, 1993 as Document No.93-014290.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

**Situated in Sangamon County, Illinois.
5575 Cardinal Hill Road, Rochester, IL 62563
PIN#: 23-27.0-300-033**

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is **Single-family residence and accessory structure.**
5. That the proposed land use of said property is **a Farm stand/grocery store, single-family residence, and accessory structures.**
6. That the request(s) for the subject property **are for pursuant to Chapter 17.66, a Use Variance to allow a farm stand/grocery store; a variance of Chapter 17.04 (lot) to allow two (2) principal uses on one (1) parcel: (1) a single-family residence and (2) a farm stand/grocery store; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.**
7. That the required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit(s).
8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **Use Variance with conditions and variances** 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 following request(s) **are hereby approved:**

- **Pursuant to Chapter 17.66, a Use Variance to allow a farm stand/grocery store with the following conditions:**
 1. **The hours of operation are limited to 6 a.m. to 7 p.m., except during winter hours, which will be from sun up until sun down;**
 2. **The structure is limited to 1,600 square feet (40 ft. x 40 ft.); and,**
 3. **Screening will be added along the north property line;**
- **Pursuant to Chapter 17.66, a variance of Chapter 17.04 (lot) to allow two (2) principal uses on one (1) parcel: (1) a single-family residence and (2) a farm stand/grocery store; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.**

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Richard Thompson**, which was duly seconded by **George Petrilli**, to concur with the findings of fact and recommendation of the petitioner and recommend to the County Board that the following request(s) **is/are hereby approved w/ conditions:**

- Pursuant to Chapter 17.66, a Use Variance to allow a farm stand/grocery store with the following conditions:
 1. The hours of operation are limited to 6 a.m. to 7 p.m., except during winter hours, which will be from sun up until sun down;
 2. The structure is limited to 1,600 square feet (40 ft. x 40 ft.); and,
 3. Screening will be added along the north property line;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (lot) to allow two (2) principal uses on one (1) parcel: (1) a single-family residence and (2) a farm stand/grocery store; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.

The vote of the Board was as follows:

YES: **Richard Thompson, George Petrilli, Don Wulf, and, Anthony Mares**

NO: **Charlie Chimento**

PRESENT:

ABSENT:

RECORDING SECRETARY

**ZONING BOARD OF APPEALS/PETITIONER'S
RECOMMENDED STANDARDS FOR USE VARIATIONS AND VARIATIONS
(FARM STAND/GROCERY STORE AND MULTIPLE USES)**

Case #: **2026-028**

Address: **5575 Cardinal Hill Road, Rochester**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

Special circumstances exist because of the property's location in an agricultural area, which by its nature does not require paving. Also, the property is or will be used for growing products beyond that needed for personal use (which will consist of more than 51% of produce/products thereof sold being grown Petitioners and their family), with such increased production being a unique situation. Also, more than 51% of meat and meat byproducts will be produced by petitioners or their family on other property that is not suitable for public sales. As such, the plight is related directly to this property because of its location in an agricultural area. There is a trend and demand for this kind of food and prohibiting Petitioners desired use would be a hardship on them as well as the local community, who would likely otherwise be denied access to convenient, fresh, locally produced food.

This type of business is Ag related. Paving the drive in an agricultural area is not the norm and the cost would be so prohibitive as to make the desired use unprofitable. Given that the property is or will be used to grow produce beyond what is needed for personal use and family owned meat and meat by products, allowing the desired use will allow for a reasonable return. Without the relief, there would be much less of a market.

Strict application of the Ordinance would require either that Petitioners forego this limited agricultural-retail use or seek broader business zoning that would be inconsistent with the rural and agricultural character of the area. The requested use variance provides a narrower alternative by retaining Agricultural zoning, authorizing only the specifically described use.

- (ii) that the variance is compatible with the trend of development in the area.

Yes, for the reasons stated above and below. Also, attached hereto as Exhibit C are letters in support by the neighbors to the North and South. Also, there are other commercial uses in the vicinity (217 Gutters and Roofing at 5999 Cardinal Hill Road).

Finally, the requested relief is consistent with recent County action in Case 2026-007, where the County denied broader zoning relief but granted a narrower use variance with conditions. Petitioners similarly seek limited relief while preserving the underlying Agricultural classification.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The area is agricultural in nature, so introducing such an agribusiness would be in harmony with the general uses in the area. In addition, attached hereto as Exhibit C are letters in support by the neighbors to the North and South. Proximity to the residence will allow for oversight of the operations and its self-serve nature. Customer visits are expected to be brief and intermittent and will consist primarily of local neighbors.

The desired use will benefit the neighborhood by making locally grown products readily available to those in the area on a convenient basis and will also benefit those local producers by providing another outlet for their products. Also, the new parking places (including at least one handicapped space compliant with ADA slope and accessibility requirements) are proposed to be reinforced concrete with the remainder of the driveway to remain gravel.

- (iv) that the variance will not create a negative impact on the area, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

Yes, for all of the reasons stated above. The requested variance will not alter the essential character of the locality because the property will remain Agricultural and the proposed use will be limited to the small, self-service agricultural-retail operation described in this Petition. The proposed improvements will be located as shown on Exhibit B and will not impair the supply of light or air to adjoining property. Customer visits are expected to be brief and intermittent, and customer parking will be confined to the subject property. The limited nature of the use, together with the conditions contained in the business plan previously submitted, will protect against increased traffic congestion or impairment of neighboring property values. The owners of the immediately adjoining properties to the north and south affirmatively support the request. Petitioners further agree, as a condition of approval, to construct at their expense such driveway-entrance improvements as are reasonably required and approved by the public authority having jurisdiction.