

- (a) Private street rights-of-way and pavements in a planned unit development shall be constructed in conformity with the minimum street specifications prescribed by the county subdivision control ordinance, except as otherwise recommended by the commission to the board (as a part of the development plan and plat) and approved by the board. Exceptions must take account of the street circulation system shown in the development plan. Pavement width may not be less than 18 feet.
- (b) At or near the entrance of each private street on a dedicated public street, the applicant or the private organization shall maintain a signpost carrying a sign, having an area of at least 15 inches by 21 inches, on which is printed and clearly legible in at least two-inch letters the name of the private street and the words "PRIVATE STREET" and, in at least one-inch letters, the words "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC". The material on the sign shall be arranged substantially as follows:
(NAME OF STREET) PRIVATE STREET NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC
- (c) Private streets shall be maintained by the owners, or by the private organization, so that fire, police, health, school, or sanitation vehicles and public utility vehicles have adequate access. Adequate access includes an adequate turning area.

(Ord. of 12-4-1973, § 22.5)

Sec. 56-588. Covenants.

When required by the commission, covenants must include at least the following provisions satisfactory to the commission:

- (1) Adequate provision for an organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any common facilities jointly shared by those owners.
- (2) A financial guarantee:
- That satisfactory maintenance will be provided for any common facilities in accordance with standards prescribed by the property owner's organization and set forth in the covenants; and
 - That the facilities will be operated and maintained at no expense to the county or any other governmental unit.

(Ord. of 12-4-1973, § 22.6)

Sec. 56-589. Detailed site plan.

The purpose of the site plan is to enable the commission to make a finding that the proposed development is in conformity with the intent and provisions of this chapter and to guide the zoning administrator in the issuance of permits. The site plan shall be as provided in the administration section 56-854(b).

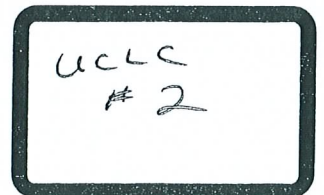
(Ord. of 12-4-1973, § 22.7)

Secs. 56-590—56-611. Reserved.

Livingston County, Illinois, Code of Ordinances >> PART II - LAND USE, PLANNING AND UTILITIES >> Chapter 56 - ZONING >> ARTICLE VIII. WIND ENERGY >>

ARTICLE VIII. WIND ENERGY ¹²¹

[Sec. 56-612. Definitions.](#)
[Sec. 56-613. Purpose.](#)
[Sec. 56-614. Applicability.](#)
[Sec. 56-615. Prohibition.](#)
[Sec. 56-616. Siting approval application.](#)
[Sec. 56-617. Fees.](#)
[Sec. 56-618. Design and installation.](#)
[Sec. 56-619. Operation.](#)
[Sec. 56-620. Noise levels.](#)
[Sec. 56-621. Birds.](#)
[Sec. 56-622. Public participation.](#)
[Sec. 56-623. Liability insurance.](#)
[Sec. 56-624. Decommissioning plan.](#)
[Sec. 56-625. Remedies.](#)
[Secs. 56-626—56-654. Reserved.](#)



Sec. 56-612. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant—the entity or person who submits to the county, pursuant to section 56-616, an application for the siting of any wind energy conversion system (WECS) or substation.

Financial assurance—reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash, escrow, or irrevocable letter of credit.

Operator—the entity responsible for the day-to-day operation and maintenance of the WECS, including any third-party subcontractors.

Owner—the entity with an equity interest in the WECS, including its respective successors and assign. The term "owner does not mean:

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

Professional engineer—a qualified individual who is licensed as a professional civil and/or electrical engineer in any state in the United States.

Primary structure—for each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. The term "primary structure" includes structures such as residences, commercial buildings, hospitals, and day care facilities. The term "primary structure" excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.

Substation—the apparatus that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

WECS project—the collection of WECS and substations as specified in the siting approval application pursuant to section 56-616.

WECS tower—the support structure to which the nacelle and rotor are attached.

WECS tower height—the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

Wind energy conversion system (WECS)—all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the substations.

(Res. of 1-12-2006, § II)

Sec. 56-613. Purpose.

The ordinance from which this article is derived is adopted for the following purposes:

- (1) To ensure that any development and production of wind-generated electricity in the county is safe;
- (2) To facilitate economic opportunities for local residents;
- (3) To promote the supply of wind energy in support of a goal of increasing energy production from renewable energy sources.

(Res. of 1-12-2006, § IB)

Sec. 56-614. Applicability.

This article governs the siting of WECSs and substations that generate electricity to be sold to wholesale or retail markets, except that owners of WECSs with an aggregate generating capacity of 3MW or less who locate the WECSs on their own property are not subject to this article, but are subject to other special use requirements outlined in this chapter.

(Res. of 1-12-2006, § III)

Sec. 56-615. Prohibition.

No WECS or substation governed by section 56-614 shall be constructed, erected, installed, or located within the county, unless prior siting approval has been obtained for each individual WECS and substation pursuant to this article.

(Res. of 1-12-2006, § IV)

Sec. 56-616. Siting approval application.

- (a) To obtain siting approval, the applicant must first submit a siting approval application to the county.
- (b) The siting approval application shall contain or be accompanied by the following information:
 - (1) A WECS project summary, including, to the extent available:
 - a. A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturers, types of WECS, number of WECSs, and name plate generating capacity of each WECS; the maximum height of the WECS towers and maximum diameter of the WECS rotor;
 - b. The location of the project; and
 - c. A description of the applicant, owner and operator, including their respective business structures;
 - (2) The names, addresses, and phone numbers of the applicants, owner and operator, and all property owners;
 - (3) A site plan for the installation of WECSs showing the planned location of each WECS tower, guy lines and anchor bases, primary structures, property lines (including identification of adjoining properties), setback lines, public and private access roads and turnout locations, substations, electrical cabling from the WECS tower to the substations, ancillary equipment, third party transmission lines, layout of all structures within the geographical boundaries of any applicable setback, and the location of any construction staging areas;
 - (4) All required studies, reports, certification, and approvals demonstrating compliance with the provisions of this article;
 - (5) Any other information normally required by the county as part of this chapter; and
 - (6) Financial assurance shall be provided that the project can be developed as proposed.
- (c) The applicant shall notify the county of any changes to the information provided in subsection (b) of this section that occur while the siting approval application is pending.

(Res. of 1-12-2006, § V)

Sec. 56-617. Fees.

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

- (d) The applicant shall file ten complete copies of the WECS special use application upon submittal of the WECS special use application fee.
(Ord. No. 09-21, § 1, 6-11-2009)

Sec. 56-618. Design and installation.

- (a) *Design safety certification.*
- (1) WECSs shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energic (GL), or an equivalent third party.
 - (2) Following the granting of siting approval under this chapter, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- (b) *Controls and brakes.*
- (1) All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (c) *Electrical components.* All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g., ANSI and international electrical commission). Utility lines connecting the towers, substations, etc., shall be placed underground where practical.
- (d) *Color.* Towers and blades shall be painted a nonreflective, unobtrusive color that mitigates the visual impact of the structure. No advertisement shall be visible on the blades or tower.
- (e) *Compliance with the Federal Aviation Administration.* The applicant for the WECS shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- (f) *Warnings.*
- (1) A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
- (g) *Climb prevention.* All WECS towers must be externally unclimbable by design or protected by anti-climbing devices such as:
- (1) Fences with locking portals at least six feet high; or
 - (2) Anti-climbing devices 12 feet vertically from the base of the WECS tower.
- (h) *Setbacks.*
- (1) All WECS towers shall be set back three times the height of the tower or 1,200 feet, whichever is greater, from any primary structure. The distance for the above setback shall be measured from the point of the primary structure foundation closest to the WECS tower to the center of the WECS tower foundation. The owner of the primary structure may waive this setback requirement; but in no case shall a WECS tower be located closer to a primary structure than 1.10 times the WECS tower height. WECS tower height means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
 - (2) All WECS towers shall be set back a distance of at least 1.10 times the WECS tower height from public roads, third party transmission lines, and communication towers. The county may waive this setback requirement. WECS tower height means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
 - (3) All WECS towers shall be set back a distance of at least 1.10 times the WECS tower height from adjacent property lines, as measured from the closest edge of the tower structure. The affected adjacent property owner may waive this setback requirement. WECS tower height means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.
 - (4) An incorporated village or municipality must approve of the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality.
 - (5) No part of a WECS tower or foundation shall encroach on a public or private sewage disposal (septic) system.
- (i) *Compliance with additional regulations.* Nothing in this article is intended to preempt other applicable state and federal laws and regulations.
- (j) *Use of public roads.*
- (1) An applicant, owner, or operator proposing to use any county, township or village road, for the purpose of transporting and installation of WECS or substation parts and/or equipment for construction, operation, or maintenance of the WECS or substations, 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, owner, or operator must obtain a weight or size permit from the county, or village, township, state, the applicant, owner, or operator shall:
 - a. Conduct a preconstruction baseline survey to determine existing road conditions for assessing potential future damage;
 - b. Secure financial assurance, in a reasonable amount agreed to by the relevant parties, for the purpose of repairing any damage to public roads caused by constructing, operating or maintaining the WECS; and
 - c. Provide the county zoning administrator with signed copy of any agreements pertaining to the use of public roads.
- (k) *Height.* The permitted maximum height of a WECS shall be 500 feet.
- (1) State and federal regulations may require a lesser height.
 - (2) A WECS shall be constructed with a tubular tower, not a lattice tower.
- (l) *Lighting.* A lighting plan for each WECS shall be approved by the zoning board of appeals. Such plan must describe all lighting that will be used, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and where any lights will be flashing. Strobe lights are discouraged and if they are required by the FAA they must be shielded from the ground. The lighting should be planned and developed in such a way to minimize the visual impact of the structures. A consideration of synchronized lighting shall also be part of any lighting plan.

(Res. of 1-12-2006, § VI)

Sec. 56-619. Operation.

- (a) *Maintenance.*
- (1)

The owner or operator of the WECS must submit, on an annual basis, a summary of the operation and maintenance reports to the county. In addition to the annual summary mentioned in this subsection, the owner or operator must furnish such operation and maintenance reports as the county reasonably requests.

- (2) Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require recertification under section 56-618(a)(1). Like-kind replacements shall not require recertification. Prior to making any physical modification (other than a like-kind replacement), the owner or operator shall confer with a relevant third-party certifying entity identified in section 56-618(a)(1) to determine whether the physical modification requires re-certification, and by a professional engineer as required by the county zoning office.
- (b) *Interference.*
- (1) The applicant shall provide the applicable microwave transmission providers and local emergency service providers (911 operators) copies of the project summary and site plan, as set forth in section 56-618(b)(1) and (3). This project summary shall include a study pertaining to the relationship of the proposed project and microwave transmission providers and local emergency service providers.
 - (2) To the extent that the providers in subsection (b)(1) of this section demonstrate a likelihood of interference with its communications resulting from the WECSs, the applicant shall take measures to mitigate such anticipated interference. If, after construction of the WECS, the owner or operator receives a written complaint related to the above-mentioned interference, the owner or operator shall take steps to respond to and to rectify the complaint.
 - (3) Prior to construction of the WECS, the owner or operator shall conduct a study related to interference with local broadcast residential television and wireless internet services, if it is demonstrated a likelihood of interference may result for the WECS. The applicant shall take measures to mitigate such anticipated interference. If, after construction of the WECS, the owner or operator receives a reasonable written complaint related to interference with local broadcast residential television and wireless internet services the owner or operator shall take steps to rectify the complaint, such as providing alternate service to each individual resident or property owner affected.
- (c) *Coordination with local fire department.*
- (1) The applicant, owner or operator shall submit to the local fire department a copy of the site plan. In addition to the site plan, a plan pertaining to the planning, response, recovery and mitigation of any natural or man made hazard that may affect the WECS development.
 - (2) Upon request by the local fire department, the owner or operator shall cooperate with the local fire department to develop the fire department's emergency response plan.
 - (3) Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
- (d) *Materials handling, storage and disposal.*
- (1) All solid wastes related to the construction, operation and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
 - (2) A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation and maintenance of the WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

(Res of 1-12-2006, § VII)

Sec. 56-620. Noise levels.

Noise levels from each WECS or WECS project shall be in compliance with applicable state pollution control board (IPCB) regulations. The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the noise requirements of this section. Thereafter, the WECS project shall be in compliance with applicable IPCB regulations throughout the entire operation period of the WECS project.

(Res of 1-12-2006, § VIII)

Sec. 56-621. Birds.

A qualified professional, such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of WECS will have a substantial adverse impact on birds.

(Res of 1-12-2006, § IX)

Sec. 56-622. Public participation.

Nothing in this article is meant to augment or diminish existing opportunities for public participation.

(Res of 1-12-2006, § X)

Sec. 56-623. Liability insurance.

The owner or operator of the WECS shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5,000,000.00 per occurrence and \$10,000,000.00 in the aggregate, with an annual certificate of insurance being provided to the county regional planning commission office, with the county being as an additional insured.

(Res of 1-12-2006, § XI)

Sec. 56-624. Decommissioning plan.

Prior to receiving siting approval under this article, the applicant, owner, and/or operator must formulate a decommissioning plan to ensure that the WECS Project is properly decommissioned. The decommissioning plan shall include:

- (1) Provisions describing the triggering events for decommissioning the WECS project;
- (2) Provisions for the removal of structures, debris and cabling, including those below the soil surface;
- (3) Provisions for the restoration of the soil and vegetation;
- (4) An estimate of the decommissioning costs certified by a professional engineer, to be updated every three years or as determined by the zoning administrator;
- (5)

Financial assurance, secured by the owner or operator, for the purpose of adequately performing decommissioning, in an amount equal to the professional engineer's certified estimate of the decommissioning costs;

- (6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assign, or heirs.

(Res. of 1-12-2006, § XII)

Sec. 56-625. Remedies.

- (a) The applicant's, owner's, or operator's failure to materially comply with any of the provisions of this article shall constitute a default under this article.
- (b) Prior to implementation of the existing county procedures for the resolution of such defaults, the appropriate county body shall first provide written notice to the owner and operator, setting forth the alleged defaults. Such written notice shall provide the owner and operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged defaults.
- (c) If the county determines in its discretion, that the parties cannot resolve the alleged defaults within the good faith negotiation period, the existing county ordinance provisions addressing the resolution of such defaults shall govern.

(Res. of 1-12-2006, § XIII)

Secs. 56-626—56-654. Reserved.

FOOTNOTE(S):

--- (2) ---

Editor's note— This article was formerly referred to as Annex 1 of the Livingston County Zoning Ordinance. ([Back](#))

State Law reference— Wind farms, 55 ILCS 5/5-12020 ([Back](#))

Livingston County, Illinois, Code of Ordinances >> PART II - LAND USE, PLANNING AND UTILITIES >> Chapter 56 - ZONING >> ARTICLE IX. PROPERTY DEVELOPMENT STANDARDS >>

ARTICLE IX. PROPERTY DEVELOPMENT STANDARDS

[Sec. 56-655. Enumerated.](#)

[Secs. 56-656—56-683. Reserved.](#)

Sec. 56-655. Enumerated.

- (a) *Minimum lot area.* Except as hereinafter provided, no building or structure shall be hereafter erected or located on a lot unless such lot conforms with the area regulations of the district in which it is located.
- (1) Lots of record or individually held prior to the passage of the ordinance from which this chapter is derived may be smaller in area than the figure prescribed.
 - (2) If a subdivision to be served by a community sewage disposal system and designed for single-family dwellings contains at least five acres, 20 percent of the lots in the subdivision may be 20 percent smaller.
 - (3) The minimum lot area for each dwelling unit shall be subject to approval by the county health officer.
 - (4) After the effective date of any ordinance by which any area is first zoned for any district, no land in such district may be divided by the recordation of any map or by voluntary sale, contract or sale, or conveyance of any kind which creates a new parcel of land under separate ownership which consists of less than the minimum lot area required for the district of which such lot is a part. Provided, however, that a tolerance of ten percent shall be allowed as to this requirement when the parcel so created is irregular in shape.
 - (5) The restrictions of this chapter pertaining to creating a parcel of land below a specified minimum size shall not apply to a division of land by succession, will, partition, proceedings, sale or execution or other division by operation of law.
- (b) *Lot dimensions.*
- (1) Every lot shall have a minimum frontage width not less than the required minimum lot width in the district under consideration, except that the minimum frontage width in an area zoned AG Agriculture District can be a minimum of 30 feet for a lot with a single-family dwelling unit that was in existence before the adoption of the ordinance from which this chapter is derived which became effective on February 1, 1974 and the lot which is created must otherwise conform to this chapter and to "AN ACT to revise the law in relation to plats, R.S. 1874, p. 771, approved March 21, 1874, eff. July 1, 1874." Curve lots and cul-de-sac lots shall conform to the particular district wherein provisions are set forth for said lots. Every lot shall also have a minimum width and depth not less than that prescribed in the district under consideration. Each dimension is minimum only. One on both shall be increased to attain the minimum lot area required.
 - (2) Where a lot has a minimum width or depth less than that prescribed by this section, and said lot was of record under one ownership at the time that the area was first zoned whereby the lot became nonconforming, said lot may be used subject to all other property development standards of the district in which such lot is located.
- (c) *Ground floor area.* The ground floor area requirements for dwellings, as set forth in the districts, shall apply. Dwellings shall not be changed except in conformity with these regulations.
- (d) *Building height.* All buildings hereafter designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall comply with the height regulations and exceptions of the district in which they are located, with the addition of the following:
- (1) An agricultural structure may be erected or changed to any height necessary for its operation.
 - (2) Concrete ready-mix plant, asphalt concrete batch plant, mineral extraction crushing equipment, grain elevators, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, stacks, tanks, water towers, transmission towers, utility poles, radio, TV, microwave towers, windmills and necessary mechanical appurtenances may be erected or changed to any height that is not prohibited by the law of the state.
 - (3) Buildings may be erected or changed to a height not to exceed ten feet over that permitted in the district, provided that an additional side yard setback of one foot for each one foot that the building exceeds the district height limitations.
- (e) *Yards.*
- (1)