

Madison County Zoning Board of Appeals Meeting Minutes
Tuesday, July 28, 2026 at 5:00 p.m.
County Board Room

Members Present: Gary Carruthers, George Ellis, Joe Pattan, Bruce Riedle, Sharon Sherrill, Curtis Stephens

Members Absent: Mary Goode

A. Call to Order

Sharon Sherrill, Chairperson, called the meeting to order at 5:00 p.m. and conducted roll call.

B. Approval of Minutes

Chairperson Sherrill asked for a motion to approve the meeting minutes from June 23, 2026. Curtis Stephens made a motion to approve. Seconded by Bruce Riedle. Voice-vote. All ayes. Motion approved.

C. Explanation of Zoning Hearing Procedures and Swearing in of All Parties

Chairperson Sherrill explained hearing procedures to meeting attendees and swore in staff members and all parties wishing to address the Board.

D. Zoning Petitions

The Zoning Board of Appeals conducted the zoning petitions on the 5 agenda items.

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

E. Citizens Wishing to Address the Zoning Board of Appeals

Please see the attached Findings of Facts for a summary of each zoning hearing and public comment.

F. Unfinished Business

None

G. New Business

1. **Hearing Z26-0064** –Petition of Gavin Spurgeon, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a mobile home on site for the occupancy of Gavin Spurgeon and Savannah Belcher for a period not to exceed 5 years. This is located in an “R-3” Single-Family Residential District in Wood River Township at 106 Virginia Ave, Cottage Hills, Illinois, County Board District #13, PIN# 19-2-08-11-03-306-024.001. A **motion** was made by Bruce Riedle and **seconded** by Curtis Stephens that the petition of Gavin Spurgeon be **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.
2. **Hearing Z26-0070** – Petition of Chad Mattea, applicant on behalf of Anne Mordis, owner of record, requesting a zoning map amendment to rezone 5 tracts of land totaling approximately 1.89 acres from “B-1” Limited Business District and “R-4” Single-Family Residential District to “B-4” Wholesale Business District. Also requesting a Special Use Permit as per §93.032, Section D, Item 7 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing building on site. This is located in Nameoki Township at 100 Joe St, Collinsville, Illinois, County Board District #16, PIN#s 17-2-20-36-04-405-014, 17-2-20-36-04-405-015, 17-2-20-36-04-405-016, 17-2-20-36-04-405-017 and 17-2-20-36-04-405-018. A **motion** was made by George Ellis and **seconded** by Joe Pattan that the petition of Chad Mattea, on behalf of Anne Mordis, be **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes**.
3. **Hearing Z26-0075** – Petition of Lisa Scoggins, owner of record with Kerry Scoggins, requesting a variance as per §93.025, Section D, Item 4 of the Madison County Zoning Ordinance in order to construct an attached garage addition to the existing dwelling that would be 3 feet from the side (east) property line instead of the required 10 feet. This is located in an “R-3” Single-Family Residential District in Wood River Township at 448 Valleyview Dr, East Alton, Illinois, County Board District #13, PIN# 19-2-08-14-03-302-013. A **motion** was made by George Ellis and **seconded** by Joe Pattan that the petition of Lisa Scoggins be **Approved**. Roll-call

vote. All Ayes. **Motion passes.**

4. **Hearing Z26-0061** –Petition of Jeff & Mary Gibson, applicants on behalf of James & Elaine Holmes, owners of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep 2 goats and 6 chickens on site. This is located in an “R-3” Single-Family Residential District in Chouteau Township at **4917 Mueller Ave, Granite City, Illinois**, County Board District #21, PIN# 18-2-14-33-03-302-021. A **motion** was made by Joe Pattan and **seconded** by George Ellis that the petition of Jeff & Mary Gibson, on behalf of James & Elaine Holmes, be **Approved with Conditions**. Roll-call vote. All Ayes. **Motion passes.**
5. **Notice of Zoning Text Amendments** - Petition of Madison County Building and Zoning Administrator requesting text amendments to Chapter 93 of the Madison County Code of Ordinances. A **motion** was made by Joe Pattan and **seconded** by Bruce Riedle that the petition of Madison County Building and Zoning Administrator be **Approved**. Roll-call vote. Ayes: George Ellis, Joe Pattan, Bruce Riedle, Gary Carruthers. Nays: Curtis Stephens. **Motion passes.**

H. Adjournment

Curtis Stephens made a motion to adjourn the meeting. Seconded by Bruce Riedle. Voice-vote. All ayes. Motion passes. Meeting adjourned.

Madison County Zoning Board of Appeals
July 28, 2026 Findings of Fact and Recommendations

Sharon Sherrill, Chairperson, called the meeting to order at 5:00 p.m. in the Madison County Board Room.

Members Present: George Ellis, Joe Pattan, Bruce Riedle, Sharon Sherrill, Curtis Stephens, Gary Carruthers

Members Absent: Mary Goode

The Board of Appeals, established by the Chairman and the Board of Supervisors and provided for under the terms of the Madison County Zoning Ordinance, 1963 and all subsequent amendments and revisions thereto does hereby submit the Reports and Recommendations on the following:

Hearing Z26-0064 – Petition of Gavin Spurgeon (Wood River Township)

Hearing Z26-0070 – Petition of Chad Mattea (Nameoki Township)

Hearing Z26-0075 – Petition of Lisa Scoggins (Wood River Township)

Hearing Z26-0076 – Petition of Jeff & Mary Gibson (Chouteau Township)

Petition of Madison County Building and Zoning Administrator – Zoning Text Amendments

Finding of Fact and Recommendations

Hearing Z26-0064

Petition of Gavin Spurgeon, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order to continue placement of a mobile home on site for the occupancy of Gavin Spurgeon and Savannah Belcher for a period not to exceed 5 years. This is located in an "R-3" Single-Family Residential District in Wood River Township at 106 Virginia Ave, Cottage Hills, Illinois, County Board District #13, PIN# 19-2-08-11-03-306-024.001.

Members Present: George Ellis, Joe Pattan, Bruce Riedle, Sharon Sherrill, Curtis Stephens, Gary Carruthers

Members Absent: Mary Goode

A **motion** was made by Bruce Riedle and **seconded** by Curtis Stephens that the petition of Gavin Spurgeon be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Gavin Spurgeon, for a period not to exceed five (5) years, but may be extended either through an amendment to this Special Use Permit or through an administrative review process, if qualified, as long as Gavin Spurgeon and Savannah Belcher occupy the structure, notwithstanding any violations, nuisance, or change in occupancy. The owner shall remove the mobile home from the site or apply for a new Special Use Permit once Gavin Spurgeon and Savannah Belcher vacate the structure.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Applicant Gavin Spurgeon spoke about his request to move into the home; **VI.** Zoning Board Member Joe Pattan asked if he already bought the property, Mr. Spurgeon stated he did buy the property from a neighbor. Mr. Pattan asked if he knew about the required Special Use Permit, and Mr. Spurgeon stated it was disclosed. Mr. Pattan asked if he knew how long the home had been there, and Mr. Spurgeon said he was told it was installed in 1991. Mr. Pattan asked what kind of shape the home was in. Mr. Spurgeon stated the outside was in decent shape, they put a new roof on a couple weeks ago, and they are remodeling the inside; **VII.** Zoning Board Member Gary Carruthers asked if the home was a trailer or a manufactured home. Mr. Spurgeon said he was told it was a modular home. Building & Zoning Administrator Chris Doucleff stated that it is classified as a mobile home, since it is on a chassis and came in on wheels, and it is not a modular home. Mr. Doucleff discussed how the property was also under violation after being visited by the Inspector, and the owners have worked to bring it into compliance.

Roll-call vote.

Ayes to the motion: George Ellis, Joe Pattan, Bruce Riedle, Curtis Stephens, Gary Carruthers

Nays to the motion: None

Whereupon the Chairperson declared the motion duly adopted.

Chairperson, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearings Z26-0070

Chad Mattea, applicant on behalf of Anne Mordis, owner of record, requesting a zoning map amendment to rezone 5 tracts of land totaling approximately 1.89 acres from "B-1" Limited Business District and "R-4" Single-Family Residential District to "B-4" Wholesale Business District. Also requesting a Special Use Permit as per §93.032, Section D, Item 7 of the Madison County Zoning Ordinance in order to operate an Eating and Drinking Establishment in the existing building on site. This is located in Nameoki Township at 100 Joe St, Collinsville, Illinois, County Board District #16, PIN#s 17-2-20-36-04-405-014, 17-2-20-36-04-405-015, 17-2-20-36-04-405-016, 17-2-20-36-04-405-017 and 17-2-20-36-04-405-018.

Members Present: George Ellis, Joe Pattan, Bruce Riedle, Sharon Sherrill, Curtis Stephens, Gary Carruthers

Members Absent: Mary Goode

A **motion** was made by George Ellis and **seconded** by Joe Pattan that the petition of Chad Mattea, on behalf of Anne Mordis, be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Chad Mattea and is not transferable to future owners/tenants. Any change of owner/tenant of the property will require a new Special Use Permit.
2. The owner/tenant/operator shall keep the property in compliance with all Madison County Ordinances, including but not limited to the Madison County Zoning Ordinance.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Zoning Coordinator Jen Hurley read aloud the following letter of support: "Dear Ms. Hurley, Fairmount Park Casino & Racing fully supports the rezoning request of Chad Mattea, applicant, on behalf of Anne Mordis, owner of record for the Trackside Bar & Grill located at 100 Joe Street, Collinsville, Illinois, from "B-1" Limited Business District to "B-4" Wholesale Business District. Sincerely, Vince Gabbert, SVP Government Relations & Racing"; **VI.** Rebecca Harris, the current manager of Steffi's Bar & Grill Corporation, doing business as Trackside, spoke on behalf of Anne Mordis and Chad Mattea. She explained the transition of ownership and the intent to continue operations at the establishment while complying with all codes and regulations. Ms. Harris also discussed future plans for enhanced customer experience. She also explained the request for rezoning, since many of the businesses along the road are currently zoned as "B-4"; **VII.** Zoning Board Member Bruce Riedle asked if the current zoning was correct for the business. Building and Zoning Administrator Chris Doucleff stated that it did have the correct zoning. Zoning Coordinator Jen Hurley stated the new Special Use Permit was required because of the change of ownership, and they grouped the rezoning in with that request; **VIII.** Zoning Board Member Curtis Stephens asked about the different permitted uses with the change of zoning. A lengthy discussion ensued.

Roll call vote.

Ayes to the motion: George Ellis, Joe Pattan, Bruce Riedle, Curtis Stephens, Gary Carruthers

Nays to the motion: None

Whereupon the Chairperson declared the motion duly adopted.

Chairperson, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z26-0075

Petition of Lisa Scoggins, owner of record with Kerry Scoggins, requesting a variance as per §93.025, Section D, Item 4 of the Madison County Zoning Ordinance in order to construct an attached garage addition to the existing dwelling that would be 3 feet from the side (east) property line instead of the required 10 feet. This is located in an "R-3" Single-Family Residential District in Wood River Township at 448 Valleyview Dr, East Alton, Illinois, County Board District #13, PIN# 19-2-08-14-03-302-013.

Members Present: George Ellis, Joe Pattan, Bruce Riedle, Sharon Sherrill, Curtis Stephens, Gary Carruthers

Members Absent: Mary Goode

A **motion** was made by George Ellis and **seconded** by Joe Pattan that the petition of Lisa Scoggins be **Approved**.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Applicant Lisa Scoggins spoke about her request. She also stated that she has spoken to the adjoining property owners on the east side of her property and they do not have a problem with her garage being that close to the property line. Ms. Scoggins said that one of the conditions of the sale of her house is the ability to build the garage; **VI.** Chairperson Sharon Sherrill asked if 3 feet was enough to maintain the property line if the neighbors would put up a fence. Ms. Scoggins explained the planned drainage on the side of the garage, and the location of the hillside where the neighbors plan to put a retaining wall; **VII.** Zoning Board Member Gary Carruthers asked about the elevation on site. Ms. Scoggins said she planned to work with the neighbor on installing the retaining wall. There was a lengthy discussion about the retaining wall, land characteristics and property lines. Ms. Scoggins stated the attached garage will be on grade with the current garage.

Roll-call vote.

Ayes to the motion: George Ellis, Joe Pattan, Bruce Riedle, Curtis Stephens, Gary Carruthers

Nays to the motion: None

Whereupon the Chairperson declared the motion duly adopted.

Chairperson, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Hearing Z26-0076

Petition of Jeff & Mary Gibson, applicants on behalf of James & Elaine Holmes, owners of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to keep 2 goats and 6 chickens on site. This is located in an "R-3" Single-Family Residential District in Chouteau Township at 4917 Mueller Ave, Granite City, Illinois, County Board District #21, PIN# 18-2-14-33-03-302-021.

Members Present: George Ellis, Joe Pattan, Bruce Riedle, Sharon Sherrill, Curtis Stephens, Gary Carruthers

Members Absent: Mary Goode

A **motion** was made by Joe Pattan and **seconded** by George Ellis that the petition of Jeff & Mary Gibson, on behalf of James & Elaine Holmes, be **Approved with Conditions** as follows:

1. This Special Use Permit is granted for the sole usage of Jeff and Mary Gibson. Any change of tenant or ownership will void the Special Use Permit, and a new Special Use Permit will have to be obtained to keep goats and chickens on the property.
2. A maximum of 2 goats are permitted on site. Intact male goats older than 6 weeks are prohibited.
3. A maximum of 6 chickens (hens only) are permitted on site. Roosters and free-range chickens are prohibited.
4. There must be at least 130 square feet of permeable land area available for each goat, plus adequate shelter space for each goat to protect them from the elements and to prevent wildlife or other predators from gaining entry.
5. Adequate fencing shall be provided to prevent goats from escaping when not in their shelters.
6. The owner/applicant shall keep the property in compliance with all Madison County Ordinances, including but not limited to §93.100 Domestic Farm Animals.
7. Failure to comply with the conditions of the Special Use Permit will cause revocation, and immediate removal of the chickens, run, coop and the goats will be required.

The Finding of Fact of the Board of Appeals: **I.** The zoning file, staff report, and Madison County Code of Ordinances were submitted for the record; **II.** The notice of public hearing was posted on the property in accordance with the terms of the ordinance; **III.** The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; **IV.** The adjoining property owners were notified by mail of the time, date, and location of the public hearing; **V.** Zoning Coordinator Jen Hurley read aloud a letter of support: "my name is Dennis Boyce. I live directly across the field from the 4917 Mueller I see the animals every day I watch the people live in there maintain them clean area. They're very responsible owners of the animals I see no problem with the Gibson's having their farm animals on their own property. There's a lot of other people chicken. I've been here for almost 40 years. I enjoy every day looking out there and looking at the animals. thank you."; **VI.** Jeff Gibson spoke about his request. He explained that his wife is disabled and uses the animals as her service animals. He stated that they have had the chickens for about five years and the goats for about two and a half years. Mr. Gibson stated that he just wants to make everybody happy, and he discussed how he has addressed all of his violations.

Roll-call vote.

Ayes to the motion: George Ellis, Joe Pattan, Bruce Riedle, Curtis Stephens, Gary Carruthers

Nays to the motion: None

Whereupon the Chairperson declared the motion duly adopted.

Chairperson, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Finding of Fact and Recommendations

Zoning Text Amendments

Petition of Madison County Building and Zoning Administrator requesting text amendments to Chapter 93 of the Madison County Code of Ordinances.

Members Present: George Ellis, Joe Pattan, Bruce Riedle, Sharon Sherrill, Curtis Stephens, Gary Carruthers

Members Absent: Mary Goode

A **motion** was made by Joe Pattan and **seconded** by Bruce Riedle that Madison County Building and Zoning Administrator requesting text amendments to Chapter 93 of the Madison County Code of Ordinances be as follows: **Approved with Attachment "A"**.

The Finding of Fact of the Board of Appeals: I. The legal notice appeared in the newspaper and meets the requirements of the ordinance for publication; II. Zoning Coordinator Jen Hurley stated the purpose of the text amendment was to bring the Madison County Zoning Ordinance into compliance with the requirements of Illinois Public Act 104-0458, the Clean and Reliable Grid Affordability Act, which became effective on June 1, 2026. She said the Act authorizes counties to adopt zoning regulations for these facilities but expressly limits local regulations to those standards identified in the statute. Also, counties may not impose requirements that are more restrictive than those authorized by state law and the Act requires counties with existing zoning ordinances that conflict with the statute to amend their ordinances to achieve compliance within 120 days of the Act's effective date. Ms. Hurley said that there was nothing in the current Zoning Ordinance to address the Battery Energy Storage Systems, so this is the start of the process to get the County Board to adopt these changes and meet the state requirements. A discussion ensued.

Roll-call vote.

Ayes to the motion: George Ellis, Joe Pattan, Bruce Riedle, Gary Carruthers

Nays to the motion: Curtis Stephens

Whereupon the Chairperson declared the motion duly adopted.

Chairperson, Madison County Zoning Board of Appeals

Secretary, Zoning Administrator

Attachment “A”

The following section details the proposed amendments to the Madison County Zoning Ordinance

[Note: Text that is **bolded and underscored** reflects additions. Text with a ~~strikethrough~~ reflects deletions]

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SUPPLEMENTARY LAND USE REGULATIONS

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§ 93.007 RULES AND DEFINITIONS

BATTERY ENERGY STORAGE SYSTEM (BESS). A system consisting of electrochemical batteries, battery modules, containers, inverters, transformers, thermal management equipment, fire suppression systems, and associated infrastructure used to store electrical energy for later use.

COMMERCIAL BATTERY ENERGY STORAGE SYSTEM. A utility-scale or commercial facility designed to store energy for wholesale electricity markets, transmission support, renewable integration, peak-load management, or grid stabilization.

CO-LOCATED ENERGY FACILITY. A development consisting of a Commercial Solar Energy Facility, Battery Energy Storage System, or other energy infrastructure located on the same parcel or on contiguous parcels operating as an integrated project.

STANDALONE BESS. A Battery Energy Storage System not directly connected to onsite electricity generation.

§ 93.023 "A" AGRICULTURAL DISTRICT

(D) "A" Special Uses.

(47) Battery Energy Storage System (BESS) (see §93.109).

§ 93.024 "C" CONSERVATION DISTRICT

(D) "C" Special uses.

(24) Battery Energy Storage System (BESS) (see §93.109).

§ 93.034 “M-1” LIMITED MANUFACTURING DISTRICT.

(D) “M-1” Special uses.

(31) Battery Energy Storage System (BESS) (see §93.109)

§ 93.035 “M-2” GENERAL MANUFACTURING DISTRICT.

(D) “M-2” Special uses.

(16) Battery Energy Storage System (BESS) (see §93.109).

§ 93.036 “M-3” HEAVY MANUFACTURING DISTRICT.

(D) “M-3” Special uses.

(16) Battery Energy Storage System (BESS) (see §93.109).

§93.109 BATTERY ENERGY STORAGE SYSTEM (BESS)

The purpose of this section is to provide supplemental regulations for Battery Energy Storage Systems in Madison County. A Special Use Permit shall be required for all Battery Energy Storage Systems and shall adhere to and comply with the Madison County Zoning Code, other applicable State and federal statutes, and the following regulations:

(A) As used in this Section, the following definitions shall apply:

- (1) “Energy storage system” means 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. “Energy storage system” does not include technologies that require combustion. “Energy storage system” also does not include energy storage systems associated with commercial solar energy facilities or commercial wind energy facilities as defined in Section 5-12020.
- (2) “Excused service interruption” means 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.
- (3) “Facility owner” means (i) 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 facility and (ii) a person who, at the time the facility is being developed, is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.
- (4) “Force majeure” means 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 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.
- (5) “NFPA” means the National Fire Protection Association.

- (6) “Nonparticipating property” means real property that is not a participating property.
- (7) “Nonparticipating residence” means a residence that is located on nonparticipating property and that exists and is occupied on the date that the application for a permit to develop an energy storage system is filed with the county.
- (8) “Occupied community building” means 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 an energy storage system is filed with the county in which the building is located.
- (9) “Participating property” means real property that is the subject of a written agreement between a facility owner and the owner of the real property and that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing an energy storage system or supporting facilities.
- (10) “Protected lands” means real property that is: (i) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or (ii) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- (11) “Supporting facilities” means 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.

(B) Co-Located Facilities. A Battery Energy Storage System may be approved:

- (1) As a standalone Special Use; or
- (2) In conjunction with a Commercial Solar Energy Facility.

When co-located, the applicant may submit one Special Use Permit application addressing requirements applicable to both uses, and the Zoning Board of Appeals may conduct a single public hearing.

(C) All Battery Energy Storage Systems shall comply with:

- (1) National Fire Protection Association Standard NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect as of June 1, 2026, or any successor standard issued by the NFPA in effect on the date of siting or special use permit approval.
- (2) Fire and safety standards and guidance established for the installation of lithium-ion battery energy storage systems set by the NFPA.
- (3) UL 9540 listed equipment
- (4) Illinois State Fire Marshal requirements
- (5) Applicable building and electric codes, including but not limited to electrical facility clearances approved or required by the National Electrical Code, the National Electrical Safety Code, the Illinois Commerce Commission, the Federal Energy Regulatory Commission, and their designees or successors.

(D) Setbacks:

- (1) Minimum setback from Boundary Lines of Occupied Community Buildings and Nonparticipating Residences: 50 feet to the nearest point on the property line of the occupied community building or nonparticipating property
- (2) Minimum setback from Occupied Community Buildings and Nonparticipating Residences: 150 feet from the nearest point of the outside wall of the occupied community building or nonparticipating

residence

(E) Height:

- (1) Maximum structure height shall not exceed 35 feet, unless otherwise approved through the Special Use process.

(F) Screening and Landscaping:

- (1) Facility perimeters shall be enclosed by fencing of at least seven (7) feet and no more than twenty-five (25) feet in height.
- (2) Applicant's site plan must demonstrate sufficient visual screening through vegetation, berming, or other methods approved by the Zoning Administrator.

(G) Noise Standards:

- (1) Operations shall comply with the Madison County noise regulations. Sound levels shall not exceed applicable Illinois Pollution Control Board limits, under 35 Ill. Adm. Code Parts 900, 901, and 910, at the property line. After commercial operation, County may require the facility owner to provide octave band sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the energy storage system to demonstrate compliance with these noise standards.

(H) Fire Safety and Emergency Planning. Applicants shall submit:

- (1) Fire Safety Analysis prepared in coordination with the local fire protection district;
- (2) Emergency response plan;
- (3) Hazard mitigation and shutdown procedures;
- (4) Identification of hazardous materials.

The local fire protection district shall be provided opportunity for review and comment prior to approval. Prior to commencement of commercial operation, the facility owner shall offer to provide training for local fire departments and emergency responders in accordance with the facility emergency operations plan. A copy of the emergency operations plan shall be given to the facility owner, the local fire department, and emergency responders. All batteries integrated within an energy storage system shall be listed under the UL 1973 Standard. All batteries integrated within an energy storage system shall be listed in accordance with UL 9540 Standard, either from the manufacturer or by a field evaluation.

(I) Access:

- (1) Facilities shall provide all-weather access roads capable of supporting emergency response vehicles.

(J) Lighting:

- (1) Lighting shall be limited to that minimally required for safety, security, and operational purposes and shall be shielded to minimize off-site glare and downcast from all residences and neighboring properties. An energy storage system shall adhere to the principles for responsible outdoor lighting provided by the International Dark-Sky Association.

(K) Decommissioning:

- (1) A decommissioning plan shall be submitted with the application which shall provide for the removal of all above-ground equipment and restoration of the site, and shall include:
 - a) All requirements for decommissioning plans in NFPA 855;
 - b) A statement of how the energy storage system will be decommissioned, including removal to a depth of 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 within 18 months of the end of project life or facility abandonment;

- c) Provisions related to commercially reasonable efforts to reuse or recycle of equipment and components associated with the commercial offsite energy storage system;
- d) Financial assurance in the form of a reclamation or surety bond or other commercially available financial assurance that is acceptable to the county, with the county or participating property owner as beneficiary. The amount of the financial assurance shall not be more than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a professional engineer licensed to practice engineering in this State with expertise in preparing decommissioning estimates, retained by the applicant. The financial assurance shall be provided to the county incrementally as follows:
 - i. 25% before the start of full commercial operation;
 - ii. 50% before the start of the 5th year of commercial operation; and
 - iii. 100% by the start of the tenth year of commercial operation;
- e) A requirement to update the amount of the financial assurance not more than every 5 years for the duration of commercial operations. The amount shall be calculated by a professional engineer licensed to practice engineering in this State with expertise in decommissioning, hired by the facility owner; and

- (2) A provision that the energy storage system will be decommissioned, in accordance with an approved decommissioning plan, within 18 months after abandonment.

(L) Road Use Agreement. If a facility owner enters into a road use agreement with the Department of Transportation, a road district, or other unit of local government relating to an energy storage system, then the road use agreement shall require the facility owner to be responsible for (i) the reasonable cost of improving, if necessary, roads used by the facility owner to construct the energy storage system and (ii) the reasonable cost of repairing roads used by the facility owner during construction of the energy storage system so that those roads are in a condition that is safe for the driving public after the completion of the facility's construction. A roadway improved in preparation for and during the construction of the energy storage system 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.

(M) Abandonment:

- (1) An energy storage system that has not stored electrical energy for 12 consecutive months or that fails, for a period of 6 consecutive months, to pay a property owner who is party to a written agreement, including, but not limited to, an easement, option, lease, or license under the terms of which an energy storage system is constructed on the property, amounts owed in accordance with the written agreement shall be considered abandoned, except when the inability to store energy is the result of an event of force majeure or excused service interruption, or when an extension is granted by the County Board.
- (2) For the purposes of this Section, "force majeure" means 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 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.
- (3) For the purposes of this Section, “excused service interruption” means 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.

(N) Special Use Permit Application Requirements. The applicant shall provide the following with the Special Use Permit application:

(1) Site plan showing:

- a) equipment layout;
- b) A description of the property lines and physical features, including roads, for the facility site;
- c) A description of the proposed changes to the landscape of the facility site, including vegetation clearing and planting, exterior lighting, and screening or structures; and
- d) A description of the zoning district designation for the parcel of land comprising the facility site.

(2) Electrical interconnection description;

(3) Safety and fire protection documentation;

(4) Noise analysis;

(5) Landscaping and screening plan;

(6) Decommissioning cost estimate;

(7) Emergency contact information; and

(8) An analysis or other additional documentation addressing all other requirements of this Section not specifically listed in this subsection.

(O) Drainage Plan. Facility owner shall file a farmland drainage plan with the county and impacted drainage districts that outlines how surface and subsurface drainage of farmland will be restored during and following the construction or deconstruction of the energy storage system. The plan shall be created independently by the facility owner and shall include the location of any potentially impacted drainage district facilities to the extent the information is publicly available from the county or the drainage district 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.

- (P) Crop Loss Compensation. A facility owner shall compensate landowners for crop losses or other agricultural damages resulting from damage to a drainage system caused by the construction of an energy storage system. The facility 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 facility owner shall repair or pay for the repair and restoration of surface drainage caused by the construction or deconstruction of the energy storage facility as soon as reasonably practicable.
- (Q) Illinois Department of Natural Resources (IDNR) Consultation. Facility owner shall provide the results and recommendations from consultation with the Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool.
- (R) IDNR Agency Activity Report Adherence. An energy storage system shall adhere to the recommendations provided by the Department of Natural Resources in an Agency Action Report under 17 Ill. Adm. Code 1075.
- (S) Protected Lands. Facility owner must:
- (1) demonstrate avoidance of protected lands as identified by the Department of Natural Resources and the Illinois Nature Preserves Commission; or
 - (2) consider the recommendations of the Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserves Commission.
- (T) Historic Sites. Facility owner shall provide evidence of consultation with the Illinois Historic Preservation Division to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.
- (U) Other Requirements Prior to Commercial Operation. In the event a special use permit is granted pursuant to this Section, the County specifically reserves the right to, and the Building and Zoning Administrator is empowered to:
- (1) Require as part of the building permit application (a) an electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices; and (b) an equipment specification sheet;
 - (2) Require the facility owner to submit to the county prior to the facility's commercial operation a commissioning report meeting the requirements of NFPA 855 Sections 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;
 - (3) Require the facility owner to submit to the county prior to the facility's commercial operation 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;
 - (4) Require the facility owner to submit to the county 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, prior to commercial operation; and
 - (5) Require a warning that complies with requirements in NFPA 855 Section 4.7.4, published in 2023, or applicable sections in the most recent version of NFPA 855.

(V) Madison County values the import of the public's input in matters concerning land use and expressly recognizes that the citizenry of Madison County has maintained a long-standing cherished opportunity to be heard at zoning hearings. Accordingly, consonant with the spirit of the public hearing requirement set forth in 55 ILCS 5/5-12024(d), the County Board shall give due consideration to public testimony in making its siting decision. In doing so, the County Board may consider the standards set forth in §93.178(F)(1-6) of the Madison County Zoning Code pertaining to special uses generally, although no written findings of fact shall be required of the ZBA and/or County Board. Nothing shall prohibit the County Board from considering the record of proceedings of the public hearing and the aforementioned standards in making its final determination.