

CITY OF LAKE ELMO

RESOLUTION NO. 2018-011

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-199 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the city of Lake Elmo has adopted Ordinance No. 08-199, an ordinance amending the Lake Elmo City Code of Ordinances by amending the City's Wind Generator Regulations; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-199 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted the following changes to Section 154: Zoning Code by amending Chapter 11: Definitions 11.01:

AND

The City Council of the City of Lake Elmo has adopted the following changes to Section 154: Zoning Code of the City of Lake Elmo by creating section 154.308 Alternative Energy:

- A new definition defining a wind generator, it reads as follows: A machine which generates energy/power from the wind.

- Wind generators are allowed as a conditional principal or accessory use in all commercial and rural districts. Ground mounted systems are not allowed within the shoreland overlay district but roof/structure mounted systems are.
- The setback requirements are limited to the systems height or district height for roof/structure mounted systems. It must be setback 1.25 times its height from lot lines, shoreland overlay district, utility lines, and private roads.
- Rotor length is limited to a diameter of 52 feet or blade length of 26 feet.
- The color of the systems shall be uniform in color, white or off white, grey, or another non-obtrusive color.
- Generators may be placed on a lot of any size and must meet the setbacks. However, more wind generators may be added but additions are limited to 1 system per 5 acres of land.
- No moving part associated with the ground mounted system may be lower than 30' from the ground or obstruction equal to its height from the base. No moving part may be lower than the roof line for roof/structure mounted systems.
- The maximum height of the system as a whole is 125 feet. Roof/Structure mounted systems are limited to the max height within that zoning district.
- Roof/Structure mounted systems are allowed in commercial and rural districts as well as the shoreland overlay district. Rural districts are allowed one system per building and commercial districts are limited to the structure and manufacturers recommendations.
- Wind Generators are allowed as either a conditional principal or accessory use in both commercial and rural districts.
- The wind generator must be maintained throughout its life time and painted with non-obtrusive color(s). The building official has the power to decommission a system if its integrity is compromised.
- Systems are exempt from screening. This is due to their size.
- No perceivable vibrations shall be felt from the property line.
- Noise is regulated by section 130.45 of the current City code.
- Lighting is at the discretion of the FAA.
- Batteries and storage devices are needed to comply with the Minnesota electrical and fire code. And meet the International Electrotechnical commission standards.

- Decommission is required and happens when the use of the wind generator stops or the building official decommissions it for safety purposes. Complete removal of the structure as well as components associated with the system are required if the system is decommissioned.
- Complete site restoration is required. The site must be returned to the condition which it was in prior to its installation.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: February 7, 2018.



Mayor Mike Pearson

ATTEST:



Julie Johnson, City Clerk

(SEAL)

The motion for the adoption of the foregoing resolution was duly seconded by member

_____ and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against same: _____

Whereupon said resolution was declared duly passed and adopted.