



## **STAFF REPORT**

DATE: February 7, 2018

**REGULAR**

ITEM #: 18

**TO:** City Council  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Wind Generator – Ordinance Creation  
**REVIEWED BY:** Emily Becker, Planning Director

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### **BACKGROUND:**

Updating the Wind Generator ordinance was on the Planning Commission work plan for 2017. The Planning Commission has discussed and held a public hearing regarding the creation of new language for the Wind Generator Ordinance. The proposed amendment repeals current standards for wind generators located outside of the Zoning Code and includes updated standards within the Zoning Code.

The proposed ordinance addresses several areas that were not previously addressed. In summary the proposed ordinance includes: An updated definition, new standards for a wind generator Conditional Use Permit application, maximum height/size requirements for ground and roof mounted systems, setbacks, design, safety, certifications, and other standards relating to maintenance and aesthetics.

The Planning Commission held a public hearing at their December 11, 2017 meeting and continued the public hearing to their January 22, 2018 meeting.

The commission discussed the ordinance and approved the language subject to changes and clarification on what the most effective way would be to secure money for removal and site restoration. They would like a clarification on letter of credit vs. bond. The changes are outlined below in “review/analysis”, the adjustments made by the commission are colored blue.

### **ISSUE BEFORE THE COUNCIL:**

The Council is being asked to review proposed ordinance amendments and adopt Ord. 08-199 approving amendments as well as Resolution 2018-011 authorizing summary publication of Ord. 08-199.

### **REVIEW/ANALYSIS:**

Due to the size and number of changes from the original ordinance I have included the changes from the planning commission meeting below in blue and a summary of other items. The full

ordinance has been attachment. The proposed ordinance amendment includes the following changes:

**The proposed ordinance includes the following updates:**

**Definition**

- The definition of a wind generator has been adjusted to hopefully capture all design styles of wind generators. It reads as follows: A machine which generates energy/power from the wind.

**Location**

- Wind generators are allowed as a conditional principal or accessory use in **all** commercial and rural districts. The current ordinance only allows them to be installed in Rural Residential (RR) and Agricultural (AG) districts. Ground mounted systems are not allowed within the shoreland overlay district but roof/structure mounted systems are. The systems were previously limited to lots of 40 acres or larger and must have 1,000 ft. between generators. There is no minimum lot size as long as the system meets the setback requirements for the lot. Also lots are allowed to have more than one system if there is 5 acres per generator. Rural districts are limited to one roof/structure mounted system per building. Commercial districts are limited to the buildings ability to support the systems and manufacturer setbacks. They are also not permitted to be built in the airport safety zone.

**Setbacks**

- The setback requirements are limited to the systems height. The system must be setback 1.25 times its height from lot lines, shoreland overlay district, utility lines, and private roads. Roof mounted systems are limited to the structure of the building and manufacturers recommendations. The previous setback was 150 feet from any property line. Ground systems must also be setback 200 ft. from any principal structures on adjacent properties within the Rural Districts.

**Rotor/Blade Length**

- There was no regulation on blade length, only the height was regulated. The height restriction has remained (125 feet) the same. However, rotor length is limited to a diameter of 52 feet or blade length of 26 feet.

**Clearance**

- 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.

**Height**

- 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. The height has not been adjusted but the previous code did not mention roof/structure mounted systems.

### **Maintenance**

- The previous code did not mention maintenance or upkeep of the system. The new code lays out what is expected for permit holders. In summary 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.

### **Screening**

- Systems are exempt from screening. This is due to their size.

### **Vibrations**

- No perceivable vibrations shall be felt from the property line.

### **Noise**

- Noise is regulated by section 130.45 of the current City code.

### **Lighting**

- Lighting was addressed in the previous code but after reviewing other city ordinances and tool-kit examples an addition was added. The addition of lighting is at the discretion of the FAA.

### **Signage**

- Systems are not to be used for the display of messages, flags, or antennas. Signs shall be allowed only to indicate warning/high voltage, manufacturer's name, emergency telephone, and shutdown procedures.

### **Electrical Certification**

- Batteries and storage devices are needed to comply with the Minnesota electrical and fire code. And meet the International Electrotechnical commission standards. This was not addressed in the previous code.

### **Decommissioning**

- 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. This is not something that was mentioned in the previous ordinance. It is recommended that a clear decommissioning plan be incorporated into the code.

### **Restoration**

- Complete site restoration is required. The site must be returned to the condition which it was in prior to its installation.

### **Intent to Install**

- If the applicant would like to connect to the grid they must provide proof that the local utility has granted permission. If the system is not connected to the grid no proof is needed.

**Public Hearing.** No public comments were received during or prior to the public hearing on December 11, 2017 and January 22, 2018.

**FISCAL IMPACT:**

The City is not expected to be impacted financially.

**OPTIONS:**

The Council may:

- Adopt Ord. 08-199 as recommended by staff and the Planning Commission and Summary Publication Resolution 2018-011
- Make amendments to Ord. 08-199 and adopt Ord. 08-199 as amended as well as Summary Publication Resolution 2018-011.
- Do not adopt Ord. 08-199 or Summary Publication Resolution 2018-011.
- Table the item for a future meeting.

**RECOMMENDATION:**

Staff and the Planning Commission recommend that Council adopt Ord. 08-199 approving proposed amendments to the City Sign Regulations.

*“Move to adopt Ord. 08-199 as amended approving proposed amendments to the City’s Wind Generator regulations.”*

Additionally, Staff also recommends that Council adopt Resolution 2018-011 authorizing Summary Publication of Ord. 08-199.

*“Move to adopt Resolution 2018-011 authorizing summary publication of Ord. 08-199.”*

**ATTACHMENTS:**

- Ord. 08-199 (Proposed Wind Generator Ord)
- Resolution 2018-011 Authorizing Summary Publication of Ord. 08-199

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. 08-199

AN ORDINANCE AMENDING THE LAKE ELMO CITY ZONING CODE OF  
ORDINANCES BY ADDING ADDITIONAL STANDARDS AND LANGUAGE FOR  
WIND GENERATOR SYSTEMS.

**SECTION 1.** The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: Definitions 11.01 by amending the definition of Wind Generator:

*Wind Generator.* A machine which generates energy/power from the wind. ~~and is extend from a horizontal shaft.~~

**SECTION 2.** The City Council of the City of Lake Elmo hereby amends Title XV: Land Use; Chapter 150: Wind Generators, by repealing Sections 150.090 – 150.094 of the Wind Generator code:

**SECTION 3.** The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article II; Section 154.012; Subd. (B) (12) by adding the language as follows:

*Wind Generator.* A machine which generates energy/power from the wind.

**SECTION 4.** The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article IX; to create Section 154.308 Standards for Alternative Energy and include the language as follows:

- A. *Wind Generator Systems.* Wind generator systems are allowed as an accessory or principal use with a conditional use permit in the rural and commercial districts. The system must comply with all standards described herein. Applicants should check for compliance with local utility, State, and Federal laws before construction.
1. *Application.* An application for a wind generator shall follow the application and review procedures for a conditional use permit as specified in Section 154.106. In addition to the submission requirements of Section 154.106, an application for a wind generator shall include the following:
- a) A report from a professional engineer describing the proposed wind generator and certifying the safety of the device
  - b) Appropriate certifications as required by a nationally Recognized Testing Laboratory. Self-certification is not allowed.
  - c) A statement indicating that the proposed wind generator is in compliance with all applicable regulations of the Federal Aviation Administration where appropriate.
  - d) All necessary information relating to site (site plan) and system design.

2. Specific Standards for Ground Mounted Systems.
  - a) Maximum Height. 125 feet, including the system as a whole, from the base to the highest point.
  - b) Setbacks. At least 1.25 times the height of the wind generator from any lot line, shoreland overlay district boundary, and any utility lines and public or private road way. A setback of at least 200 feet is required from any principal structure on adjacent properties within the Rural Districts.
  - c) Rotors. Rotors or moving parts are required to be at least 30 feet above the ground and 30 feet above any obstruction equal to its height from the base. Rotor diameter shall not exceed 52 feet or a blade length of 26 feet.
  - d) Minimum Lot Size. There is no minimum lot size on which a wind generator may be constructed unless there is more than one wind generator per parcel, provided required setbacks are met.
  - e) Number. For parcels on which there are more than one wind generator, the number of wind generators allowed is limited to one system per 5 acres, and all systems must meet minimum setback requirements.
3. Specific Standards for Roof/Structure Mounted Systems.
  - a) Height. Subject to the maximum building height specified for the district in which it is constructed.
  - b) Setbacks. Must be set back a distance equal to its height away from utility lines, and the location must support the structure.
  - c) Rotors. Moving parts may not be located below the roof line on which the system is mounted.
  - d) Number. The number of roof/structure mounted systems allowed is limited to one system per building within rural districts and is limited to the manufacturer's setback recommendations within commercial districts.
4. General Standards.
  - a) Design. All turbines shall be commercially available and not prototype turbines. Each wind generator shall be equipped with both a manual and automatic braking device capable of stopping the operation in high winds. No components unnecessary to the operation of the wind generator shall be allowed.
  - b) Maintenance. Wind generators shall be inspected and maintained under agreement or contract by the manufacturer or other qualified entity. The owner of the wind generator must have the tower inspected by a licensed qualified professional and submit to the City a report on the status and condition of the wind generator. The times of inspection shall be specified by the manufacture or at a minimum of every two (2) years. Routine maintenance, including but not limited to, painting, part replacement, etc. shall be done as necessary but does not require a report to be submitted. Penalty, see § 10.99

- c) Climbing. To prevent unauthorized climbing, such apparatus shall not be located within 12 feet of the ground, and a locked anti-climb device shall be installed on the tower.
- d) Signage. Wind Generators shall have one (1) sign not to exceed two (2) square feet, posted at the base of the tower, containing the following information: Warning/High Voltage, manufacturer's name, emergency telephone number, emergency shutdown procedures, and identification number. There shall also be signs located on transformers and substations which are directly connected to the system. Systems shall not be used for displaying any advertising, nor for other uses including but not limited to cell phone antennas, flags, ham radio antennas, etc.
- e) Lightning. All wind generators shall be protected against lightning strikes.
- f) Aviation. No Wind Generator shall be located in a way that will create an obstruction to navigable airspace of public and private airports in Minnesota. Wind Generators are prohibited in the Lake Elmo Airport Safety Zone.
- g) Feeder lines. The electrical collection system (Wind Generator) shall be placed underground within the interior of each parcel. They may run through Public water ways subject to DNR, FWS, and or USACOE permits.
- h) For all guyed towers. Visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of 8 feet above the ground.
- i) Screening. Wind Generator are exempt from the screening requirements.
- j) Aesthetics. The appearance of the Wind Generator, tower and any other related components shall be maintained throughout the life of the wind generator per the manufactures/industry standards. Ground mounted wind generators shall be installed on tubular and monopole design towers.
- k) Color. Wind Generators shall be uniform in color, white or off white, grey, or another non-obtrusive color. Finishes shall be matt or non-reflective.
- l) Vibration. No wind generator shall produce vibrations through the ground that are perceptible beyond the property on which it is located.
- m) Noise. Wind Generator shall comply with language outlined in Chapter 130: General Offences; Noise Control Section 130.45.
- n) Lighting. Systems shall not be illuminated unless required by the Federal Aviation Administration (FAA), state, or federal regulations.
- o) Electrical Certification. Batteries or other energy storage device shall be designed consistent with the Minnesota Electrical code and Minnesota Fire Code. Wind Generators must also meet the standards established by the International Electrotechnical Commission (IEC)

p) Intent to install. Prior to installation of a wind generator the applicant must show proof that the utility provider has given consent to connect to the grid. Off-grid systems are exempt from this requirement.

5. Decommissioning

- a) Decommissioning. A wind energy systems shall be maintained at all times according to the manufacture's specifications. If a wind generator has become unstable, leans significantly out-of-plumb, or poses a danger of collapse, it shall be removed or brought into repair within 60 days following notice by the Building Official to the owner of the lot upon which the system is located. The Building Official may order immediate repairs if, in the opinion of the Building Official, the generator will imminently collapse or if a safety risk is being posed. If the owner of a wind generator plans to abandon or discontinue, or is required to discontinue, the operation of the system, the owner shall notify the Building Official by certified U. S. mail of the proposed date of abandonment or discontinuation. Such notice shall be given no less than 30 days prior to abandonment or discontinuation. In the event that an owner fails to give such notice, the wind energy system shall be considered abandoned if the wind energy system is not operated for a continuous period of twelve (12) months. At such point the owner has the option to either fully abandon and remove the system or submit a new application for operation of the system.
- b) Removal. Upon abandonment or discontinuation of use, the property owner shall physically remove the wind energy system as soon as practical, considering the weather conditions within six (6) months from the date of abandonment or discontinuation of use. "Physically remove" includes, without limitation, the actual, complete removal of the tower, turbine, and all other components of the wind energy system from the site of the original installation.
- c) Site Restoration. The owner shall, upon "decommissioning/abandonment," as soon as practical, considering the weather, restore the area affected by any wind generator to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than six (6) months after decommissioning of the turbine, unless otherwise negotiated with the Building Official. Restoration shall be compatible with the safe operation, maintenance, and inspection of the City. All costs associated with the restoration of the site will be the responsibility of the property owner.
- d) Transfer of ownership. Permits are not transferrable. If the portion of property containing the wind generator is sold, the new owner must apply for a new wind generator permit or remove the system per the decommissioning plan.



**SECTION 5. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.400; Zoning Code: Article XI: Rural Districts; 154.401 Permitted, Conditional, and Interim Uses; Subd. (a) table 9-1 of the accessory use table in this chapter to include Wind Generators as a Conditional use in each district.**

**Table 9-1 Permitted, Conditional, and Interim Uses, Rural Districts**

	RT	A	RR	RS	RE	Standard
<b>Residential Uses</b>						
<b>Household Living</b>						
Single-Family Detached Dwelling	P	P	P	P	P	154.404 (A)
Secondary Dwelling	-	P	-	-	-	154.404 (D)
<b>Services</b>						
Self Service Storage Facility	I <sup>a</sup>	I <sup>a</sup>	-	-	-	154.404 (G)
<b>Outdoor Recreation</b>						
Outdoor Recreation Facility	-	C	-	-	-	154.306 (C)
Parks and Open Areas	P	P	P	P	P	154.012 (B) (7)
Restricted Recreation	-	C	-	-	-	154.306 (B)
<b>Agricultural and Related Uses</b>						
Agricultural Entertainment Business	I	I	I	-	-	154.914
Agricultural Production	P	P	P	-	-	154.012 (B) (9)
Agricultural Sales Business	I	I	I	-	-	154.913
Agricultural Services	C	C	-	-	-	154.404 (J)
Forestry Operations	-	P	-	-	-	154.012 (B) (9)
Greenhouses, Non Retail	C	C	C	-	-	154.012 (B) (9)
Wayside Stand	P	P	P	-	-	154.012 (B) (9)
<b>Industrial and Extractive Uses</b>						
Motor Freight and Warehousing	I <sup>a</sup>	-	-	-	-	154.404 (G)
<b>Environmental Uses</b>						
<b>Wind Generator – Ground Mounted</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>154.308</b>
<b>Wind Generator – Roof/Structure Mounted</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>154.308</b>
<b>Accessory Uses</b>						
	RT	A	RR	RS	RE	Standard
Water-Oriented Accessory Structures	P	P	P	P	P	154.800
<b>Wind Generator – Ground Mounted</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>154.308</b>
<b>Wind Generator – Roof/Structure</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>154.308</b>
Other Structures Typically Incidental and Clearly Subordinate to Permitted Uses	P	P	P	P	P	

**SECTION 6. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.400; Zoning Code: Article XI: Rural Districts; 154.402 Lot Dimensions and Building Bulk Requirements; Notes to Rural Districts Table 9-2 to read as follows.**

Notes to Rural Districts Table 9-2

- a. 1 dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (1 per 40 acres), each farm is allowed one farm dwelling per farm.

- b. Nominal 40 acres: a 40-acre parcel not reduced by more than 10% due to road rights-of-way and survey variations.
- c. Nominal 10 acres: a 10-acre parcel not reduced by more than 10% and/or a 10-acre parcel located on a corner or abutting a street on 2 sides not reduced by more than 15% due to road rights-of-way and survey variations.
- d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
- e. A minimum of 1.25 acres of land above the flood plain or free of any drainage easements is required.
- f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1 – Flag lots are prohibited.
- g. Corner properties: The side façade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- h. Ground-mounted wind generators may exceed the allowable height restriction designated in all rural districts and are subject to different setback requirements as identified in section 154.308.

**SECTION 9. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.550; Zoning Code: Article XVI; Commercial Districts: 154.550 Permitted, Conditional, and Interim Uses, Commercial Districts; Subd (a) table 12-1 of the accessory use table in this chapter to include Wind Generators as a Conditional use in each district.**

	<i>LC</i>	<i>CC</i>	<i>C</i>	<i>BP</i>	<i>Standard</i>
<b><i>Industrial and Extractive Uses</i></b>					
Heavy industrial	-	-	-	-	
Landfill	-	-	-	-	
Light industrial	-	-	-	C	154.012 (B) (10)
Non-production industrial	-	-	-	C	154.554 (J)
Motor freight and warehousing	-	-	-	C	154.012 (B) (10)
Research and testing	-	-	-	C	154.012 (B) (10)
Resource extraction	-	-	-	-	154.012 (B) (10)
Salvage/recyclable center	-	-	-	-	154.012 (B) (10)
<b><i>Transportation and Communications</i></b>					
Broadcasting and communications	C	C	C	C	154.012 (B) (11), 154.083
<b><i>Environmental Uses</i></b>					
<b>Wind Generator – Ground Mounted</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>154.308</b>
<b>Wind Generator – Roof/Structure Mounted</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>154.308</b>
<b><i>Accessory Uses</i></b>					

Bed and breakfast	-	-	-	-	154.012 (B) (12), 154.310 (A)
Drive-through facility	-	C	C	-	154.304 (A)
Family day care	-	-	-	-	154.012 (B) (12)
Group family day care	-	-	-	-	154.012 (B) (12)
Home occupation	-	-	-	-	154.012 (B) (12)
Parking facility	C	C	P*	P	*154.554 (I)
Outdoor storage	-	-	C	-	
Outdoor display	-	-	C	-	
Solar equipment	P	P	P	P	154.310 (C)
<b>Wind Generator – Ground Mounted</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>154.308</b>
<b>Wind Generator – Roof/Structure Mounted</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>154.308</b>
Other structures typically incidental and clearly subordinate to permitted use	P	P	P	P	

**SECTION 10. The City Council of the City of Lake Elmo hereby amends Title XI: Land Usage; Chapter 154.550; Zoning Code: Article XVI; Commercial Districts: 154.552 Lot Dimensions and Building Bulk Requirements; Notes to table 12-2 to read as follows.**

Notes to Table 12-2

- a. Buildings higher than 50 feet may be allowed through a Conditional Use Permit and would be subject to a separate technical and planning evaluation.
- b. Accessory buildings must be set back 10 feet from property lines.
- c. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
- d. Ground mounted wind generators may exceed the allowable height restriction designated in all commercial districts and are subject to different setback requirements as identified in section 154.308.

**SECTION 11. Effective Date.** This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

**SECTION 12. Adoption Date.** This Ordinance 08-\_\_\_ was adopted on this \_\_\_\_\_ day of \_\_\_ 2018, by a vote of \_\_\_ Ayes and \_\_\_ Nays.

**LAKE ELMO CITY COUNCIL**

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Mike Pearson, Mayor

ATTEST:

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Julie Johnson, City Clerk

This Ordinance 08-\_\_\_\_ was published on the \_\_\_\_ day of \_\_\_\_\_, 2018.

**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.

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Mayor Mike Pearson

ATTEST:

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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.