

**CITY OF EYOTA  
EYOTA, MINNESOTA**

**ORDINANCE NO. 131**

**AN ORDINANCE AMENDING ZONING ORDINANCE #53 BY ADDING  
SECTION 5.07 WIND ENERGY GENERATION SYSTEMS (WEGS)**

Findings: The Council hereby finds as follows:

- a. The requirements for a public hearing set by a notice pursuant to Ordinance #53 Article IX of the Zoning Ordinance have been completed.
- b. The purpose of the ordinance is to ensure the protection of public safety, health, and welfare as related to the construction of any form of wind energy generation systems (WEGS) or similar structures within the city limits of Eyota.
- c. The ordinance gives the citizens of the City of Eyota guidance on the rules and regulations pertaining to WEGS or similar structures in the various zoning districts of the city.
- d. To promote economic development and adaption of new technologies that would address the needs of residents.

NOW THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF EYOTA, MINNESOTA AS FOLLOWS:

Section 5.07 WIND ENERGY GENERATION SYSTEMS (WEGS)

1. Purpose: It is the public interest and contributes to the protection of the public safety, health, and welfare to regulate the construction or re-erection of any form of wind energy generation systems or similar structures within the city limits of Eyota, Minnesota.
2. Regulations: A person, firm or corporation shall apply for a zoning certificate to erect, construct in place or re-erect a wind energy generation structure system or similar structure for the purpose of wind energy generation. Installation shall be governed by the following:
  - a. Compliance Required: The installation must comply with Section 8.15, Environmental Performance Standards of the Zoning Ordinance #53 of the City of Eyota, Minnesota.
  - b. Site Testing: A person, firm, or corporation may establish a WEGS meteorological tower on a single or multiple parcels of land for up to a period of one year by obtaining a zoning certificate. The purpose of the tower shall be primarily to measure wind speed, direction, and to determine capacity factor and collect related data necessary to determine suitability of the site for the establishment of a WEGS.

- c. Setback Requirement: All WEGS shall be set back 1.5 times the total height of the wind energy generation system from the property line.
- d. Setbacks for Accessory Structures and Facilities: Substations, facility buildings and other structures that are part of the WEGS shall meet the setback requirements for the zoning district in which the project is located.
- e. Tower Construction: All free standing towers shall be of tubular construction, and no guyed towers permitted.
- f. Height: Free standing towers shall be deemed an accessory structure and shall not exceed the maximum height requirement for an accessory structure in all zoning districts. Roof type structures, or any tower attached in any way to a principal or accessory building, shall be deemed part of that building; and shall be included in calculating the height of that principal building or accessory structure. The height of the building, including the WEGS apparatus shall not exceed the maximum height requirement for the principal building or accessory structure in all zoning districts.

Maximum height requirements for any free standing accessory structure or buildings with an attached WEGS apparatus shall be specified in the zoning district within which it is located as follows:

Residential R-1: Maximum Height:

- 30 feet for principal buildings
- 20 feet for accessory structures
- 55 feet for Institutional buildings

Residential R-2: Maximum Height:

- 35 feet for principal buildings
- 55 feet for non residential principal buildings
- 20 feet for accessory structures

Commercial: Maximum Height:

- 55 feet for principal buildings
- 70 feet for accessory structures

Industrial/Manufacturing M-1: Maximum Height:

- Within 200 feet of a residential zoning district:
  - 55 feet for principal buildings
  - 70 feet for accessory structures

Grain elevators and all necessary structures for the operation of such a facility shall be exempt from this height limitation.

More than 200 feet from a residential zoning district:  
150 feet for principal buildings  
150 feet for accessory structures

All grain elevators and the structures necessary for the operation of such a facility: Maximum building height of 100 feet in any portion of the industrial district wherein such facility is located that is less than 200 feet of a residential zoning district.

Agriculture Ag: Maximum Height:

Within 200 feet of a residential zoned district:  
35 feet for principal buildings  
55 feet for accessory structures

More than 200 feet of a residential zoned district:  
35 feet for principal buildings  
No restrictions on accessory structures

Structures not included in height of building:

Chimneys, elevator bulk heads, drive-in movie theater screens, stacks, water towers, pumping towers, monuments, cupolas, steeples, radio/TV towers, and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located shall not be included in calculating the height of the principal structure.

### 3. Safety Standards:

- a. Automatic Overspeed controls: All wind turbines shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within unit design limits. A professional engineer must certify that the wind turbine is equipped with rotor and overspeed controls.
- b. Blade Clearance: No portion of a utility wind turbine blade of a WEGS shall extend closer to the ground than 30 (thirty) feet. Blade clearance for a non utility WEGS shall be no less than 10 (ten) feet.
- c. Noise: 50 decibels or less measured from the property line.
- d. Decommissioning of WEGS: The applicant and future owners shall ensure those facilities are decommissioned upon the end of project life or facility abandonment. A decommissioning plan shall be submitted with the project

application. Decommissioning shall include removal of all structures and electrical transmission components, to a depth of 4 (four) feet, and restoration of the soil and vegetation to avoid temporary or long term soil erosion.

4. Application Requirements: All applicants shall complete a zoning certificate application form and supply all information required on the application.

A site plan to scale detailing the location of the project area boundaries, property lines, leased land, easements on the site, and easements obtained for the project.

A description of the project including but not limited to the number of turbines, rated capacity, height of towers, rotor diameter and height of tower and rotor combined, turbine and tower color, manufactures of the equipment, and schedule/phasing of the project including start-up date, current use and land cover on the project site and on the adjacent parcels as per City of Eyota, Minnesota Land Use Plan.

This ordinance becomes effective from and after its passage and publication in the Post Bulletin on April 20, 2013.

Passed and adopted by the Eyota City Council the 11<sup>TH</sup> day of April 2013.



Tyrel Clark  
Mayor

ATTEST:



Marlis Knowlton  
Clerk/Treasurer