

SUBCHAPTER 1U SPECIAL USE PERMITS FOR WIND TURBINES

5-1U-1 PURPOSE AND GENERAL OBJECTIVES.

5-1U-2 DEFINITIONS.

5-1U-3 SPECIAL USE PERMIT REQUIRED.

5-1U-4 APPLICATION SUBMITTALS.

5-1U-5 APPLICATION FEE AND OTHER CITY COSTS.

5-1U-6 APPLICATION PROCESS.

5-1U-7 BOARD DETERMINATION.

5-1U-8 SETBACKS.

5-1U-9 SETBACK WAIVER.

5-1U-10 INSTALLATION.

5-1U-11 FENCING, COLOR, AND GROUND CLEARANCE.

5-1U-12 NOISE.

5-1U-13 AIR SAFETY.

5-1U-14 SIGNAL INTERFERENCE.

5-1U-15 SIGNS.

5-1U-16 UTILITY NOTIFICATION.

5-1U-17 INSURANCE.

5-1U-18 NEW WIND TURBINES.

5-1U-19 NEW BUILDINGS OR STRUCTURES.

5-1U-20 EXCEPTIONS.

5-1U-21 REVOCATION OF A SPECIAL USE PERMIT.

5-1U-22 REMOVAL.

5-1U-1 PURPOSE AND GENERAL OBJECTIVES. In adopting this Chapter, the purpose of this ordinance is to provide for the regulation of any structure designed to harness, use, or store energy from wind power designed and built as either freestanding structures or structures that are attached to a primary or accessory building. It is a subject of legitimate concern for the City to use its zoning powers to preserve the quality of life, preserve the City's neighborhoods, and to effectively meet the increasing encroachments of this type of technology upon the quality of life within the City.

5-1U-2 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Wind Turbine" shall mean any structure that is supported, wholly or in part, by the ground or another structure that is designed to harness, use, or store energy from wind power. This term may be used in any of these forms: capitalized, uncapitalized, singular, or plural.
2. "Wind Turbine Height" shall mean the vertical distance measured from the base of the structure to the top of the tallest blade when the blade is parallel and extending over the base structure.

5-1U-3 SPECIAL USE PERMIT REQUIRED. Wind Turbines are declared to be a permitted use in any zoning district within the City of Maquoketa. However, Wind Turbines and their support structures shall not be permitted unless a special use permit is approved by the Board of Adjustment.

5-1U-4 APPLICATION SUBMITTALS. A person or entity seeking a special use permit shall submit the following information to the city clerk:

1. Building permit application on forms provided by the City.
2. A special use permit application on forms provided by the City.
3. A detailed site plan which shall include:
 - a. The location of any proposed wind turbine (including any guy lines and anchors)
 - b. The proposed location of any proposed supporting structure
 - c. All existing buildings and their dimensions
 - d. The locations of all property lines and the physical dimensions of the property
 - e. The right-of-way of any public road that is contiguous with the property
 - f. The location of any overhead utility lines
 - g. Dimensions between the objects within the site plan
 - h. Demonstrated compliance to all setback requirements as set forth in 5-1T-8 SETBACKS
4. Four different photographs of the surrounding area from the proposed base, one facing each cardinal direction.
5. Product information about any proposed wind turbine, including, but not necessarily limited to:
 - a. Wind system specifications, including manufacturer and model
 - b. Noise output as measured in decibels
 - c. Rotor diameter
 - d. Tower height
 - e. Tower type (freestanding or guyed)
 - f. Wind turbine blueprint or drawing
 - g. Wind turbine tower foundation blueprint or drawing.
6. A written engineering analysis of the wind turbine and tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer.
7. Documentation that shows that the wind turbine's electrical components and their manner of installation will conform to the National Electrical Code.
8. Documentation that demonstrates that, to the reasonable satisfaction of the Board of Adjustment, the proposed wind turbine is safe, and the surrounding areas will not be negatively affected by “thrown” ice.

5-1U-5 APPLICATION FEE AND OTHER CITY COSTS. The application fee for a special use permit is \$100. The applicant is also obligated to pay to city, within thirty (30) days of billing, all legal, engineering, and/or surveying charges the city incurs as a part of his/her application process.

5-1U-6 APPLICATION PROCESS. A special use permit shall not be granted by the Board of Adjustment unless and until the following requirements are met:

1. A building permit application, a special use permit application, and all information set out in 5-1T-4 are submitted for review.

2. Notice of public hearing shall be given at least four (4) and not more than twenty (20) days in advance of public hearing. Notice of public hearing shall occur in the same manner as required by law for variances.
3. The Board of Adjustment shall consider the following criteria in granting or denying a special use permit, together with any additional criteria the Board finds necessary to protect the public health, safety, and general welfare in accordance with the intent of this title:
 - a. That the proposed location, design, construction, and operation of the proposed use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
 - b. That the proposed construction and use are in compliance with the requirements of this Ordinance.
 - c. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.
 - d. That such use shall not unduly create a threat of damage to either public or private property.
 - e. That such use shall not diminish or impair established property values in adjoining or surrounding property; and
 - f. That such use will not unduly burden public utilities.

5-1U-7 BOARD DETERMINATION. The Board of Adjustment may approve the special use permit as submitted, or before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board of Adjustment deems necessary to preserve the intent and purpose of this title in order to promote the health, safety, and general welfare of the community.

5-1U-8 SETBACKS. Wind Turbines must comply with the following minimum setback requirements:

1. The minimum distance between the wind turbine's base and any property line shall be 110% of the Wind Turbine Height.
2. Except for wind turbines with outputs of 10 kW and less, no primary or accessory building shall be within 110% of the Wind Turbine Height.
3. No other wind turbine shall be located within twice the distance of the Wind Turbine Height of the proposed structure.
4. Guy wires and guy wire anchors may extend no closer than ten (10) feet to the property boundaries of the installation site.

5-1U-9 SETBACK WAIVER. The Board of Adjustment may reduce any minimum setback distance between structures or property lines if the applicant can provide evidence or documentation that such a waiver is justified.

5-1U-10 INSTALLATION. Installation shall be conducted in compliance with industry and state standards.

5-1U-11 FENCING, COLOR, AND GROUND CLEARANCE. Wind turbines must comply with the following requirements:

1. All wind turbine towers, including any climbing aids, shall be secured against unauthorized access by means of a locked barrier or security fence 6 feet in height.
2. Wind turbines must be non-reflective and neutral in color.
3. Wind turbines shall maintain at least a 25-foot buffer between the bottom of any blade and the ground.

5-1U-12 NOISE. When measured from the property line, wind turbines shall not emit more than 60 dB in residential zones and 75 dB in any other zone. This shall be proven through provided engineered specifications.

5-1U-13 AIR SAFETY. Lighting shall be minimized and allowed only when complying with FAA or other federal or state safety regulations.

5-1U-14 SIGNAL INTERFERENCE. The owner of a wind energy system must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with cellular, radio or television signals caused by the wind energy system.

5-1U-15 SIGNS. No wind turbine, tower, building, or other structure associated with a wind energy system may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner identification, may be placed on a wind turbine, tower, building, or other structure associated with a wind energy system so as to be visible from any public road.

5-1U-16 UTILITY NOTIFICATION. No wind turbine shall be installed until evidence has been given that the utility company has been informed of the applicant's intent to install an interconnected customer-owned generator and has received approval from the utility to proceed.

5-1U-17 INSURANCE. The owner-operator of a wind turbine shall maintain casualty and liability insurance in amounts of not less than \$500,000.00 for any one accident with limits of \$500,000.00 for property damage.

5-1U-18 NEW WIND TURBINES. Any new wind turbine shall obtain a Special Use Permit, regardless if a Permit was obtained for a previous system in the same location.

5-1T-19 NEW BUILDINGS OR STRUCTURES. No new primary or accessory structure shall be built within the 110% setback area of an existing wind turbine without a variance from the Board of Adjustment.

5-1U-20 EXCEPTIONS. This ordinance shall not include decorative windmills that are incapable or producing or storing energy.

5-1U-21 REVOCATION OF A SPECIAL USE PERMIT. Once a special use permit has been granted, it may be revoked, upon notice and warning, for a violation of any of the conditions imposed therein.

5-1U-22 REMOVAL. If any wind turbine is not used for a period of one year or is in a state of disrepair as determined by the City Council, it shall be the duty and obligation of the party then in possession and control of the site to have the unused structure completely dismantled and removed from the site.

TITLE V LAND USE REGULATIONS

CHAPTER 1 ZONING REGULATIONS

