

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to
2 Zoning by adding a new section numbered 27.03.161 to provide a definition for “Commercial
3 Wind Energy Conversion System/Turbine (CWECS)”; amending Section 27.07.040 to allow
4 CWECS in the AG Agriculture District as a special permitted use and providing conditions of
5 approval; amending Chapter 27.63 of the Lincoln Municipal Code by adding a new section
6 numbered 27.63.425 to provide conditions for granting a special permit to allow a CWECS in the
7 AG Agriculture District, and repealing Section 27.07.040 of the Lincoln Municipal Code as
8 hitherto existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Chapter 27.03 of the Lincoln Municipal Code be amended by
11 adding a new section numbered 27.03.161 to read as follows:

12 **27.03.161 Commercial Wind Energy Conversion System/Turbine (CWECS).**

13 Commercial Wind Energy Conversion System/Turbine shall mean a commercial grade
14 wind energy conversion system (WECS) of over 100 Kilowatt (KW) plate rated capacity and
15 intended to be used primarily to provide off-site power.

16 Section 2. That Section 27.07.040 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **27.07.040 Permitted Special Uses.**

19 A building or premises may be used for the following purposes in the AG Agriculture
20 District if a special permit for such use has been obtained in conformance with the requirements
21 of Chapter 27.63:

- 22 (a) Private schools;
23 (b) Recreational facilities;
24 (c) Dwellings for members of religious orders;

- 1 (d) Broadcast towers and stations;
- 2 (e) Campgrounds;
- 3 (f) Veterinary facilities;
- 4 (g) Confined feeding facilities for livestock or poultry in excess of 15,000 square feet
- 5 in area; in those parts of the AG Agriculture District designated "agricultural" on the future
- 6 county land use map (Fig. 17) of the Lincoln-Lancaster County Comprehensive Plan (which for
- 7 this purpose only is hereby incorporated herein by reference);
- 8 (h) Excavation and stone milling;
- 9 (i) Sale barns;
- 10 (j) Garden centers;
- 11 (k) Facilities for the commercial storage or sale of fertilizer or toxic or flammable
- 12 agricultural chemicals;
- 13 (l) Church steeples, amateur radio antenna installations, towers, and ornamental
- 14 spires which exceed the maximum district height;
- 15 (m) Expansion of nonconforming use;
- 16 (n) Historic preservation;
- 17 (o) Community unit plans shall be permitted in conformance with provisions of
- 18 Chapter 27.65;
- 19 (p) Public utility purposes;
- 20 (q) Private landing strips and appurtenances;
- 21 (r) Limited landfills;
- 22 (s) Race tracks for motorized vehicles;
- 23 (t) Temporary storage of construction equipment and materials;
- 24 (u) Early childhood care facilities with sixteen or more children, or with fifteen or
- 25 fewer children not meeting the specified conditions for a permitted conditional use under Section
- 26 27.07.030;
- 27 (v) Clubs;
- 28 (w) Dwelling units for domestic employees in accessory buildings;
- 29 (x) Heritage centers;
- 30 (y) Community halls;

1 (z) Tree service;

2 **(aa) Commercial Wind Energy Conversion System/Turbine (CWECS).**

3 Section 3. That Chapter 27.63 of the Lincoln Municipal Code be amended to read
4 as follows:

5 **27.63.425 Permitted Special Use: Commercial Wind Energy Conversion Systems/
6 Turbines (CWECS).**

7 A Commercial Wind Energy Conversion System(s) (CWECS) may be allowed in the AG
8 District by special permit under the following conditions:

9 (a) Each CWECS machine shall be no less than 1,000 feet from any property line of a
10 dwelling unit not associated with the project.

11 (b) The distance from all external boundary lot lines and/or right-of-way lines of the
12 special permit to any tower support base of a CWECS machine shall be equal to the height of the
13 tower plus the rotor radius.

14 (c) Each CWECS machine, including all equipment, shall have a sound emission
15 rating of no more than 35 dBA. Noise levels caused from the CWECS machine(s) shall not
16 exceed 35dBA at the property line of any dwellings within a one mile radius of a CWECS
17 machine. A noise study, incorporating both A and C weighted noise impacts on property within
18 one mile may be required. Noise rating shall conform to International Electrotechnical
19 Commission (IEC) standards unless otherwise directed by a government agency.

20 (d) Each CWECS machine shall meet all FAA requirements, including but not
21 limited to lighting and radar interference issues. Strobe lighting shall be avoided if alternative
22 lighting is allowed. Color and finish shall be white, gray or another non-obtrusive, non-reflective
23 finish.

24 (e) All applicable electrical, building, utility tie-in codes and other government
25 regulations shall apply.

1 (f) The distance from any tower base of a CWECs machine to any tower support
2 base of another CWECs machine under other ownership shall be spaced no less than a minimum
3 of five (5) rotor diameters distance figured by the size of the largest rotor.

4 (g) The CWECs shall have a decommissioning plan outlining the means, procedure
5 and cost of removing the CWECs machine(s) and all related supporting infrastructure and a
6 bond or equivalent enforceable resource to guarantee removal and restoration upon
7 discontinuance, decommissioning or abandonment.

8 (h) The CWECs shall meet all federal, state and local rules and regulations.

9 The City Council may amend, modify or adjust conditions (a), (b), (c), (f) and (g) above,
10 decrease the minimum regulations of the AG Agriculture District, or impose additional
11 conditions as appropriate to preserve or promote the public health, safety and general welfare.

12 Section 4. That Section 27.07.040 of the Lincoln Municipal Code as hitherto
13 existing be and the same is hereby repealed.

14 Section 5. That this ordinance shall take effect and be in force from and after
15 passage and publication in one issue of a daily or weekly newspaper of general circulation in the
16 City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011:

Mayor