

ORDINANCE NO. 1068

AN ORDINANCE AMENDING CHAPTER 315 OF THE EL PASO MUNICIPAL CODE OF ORDINANCES REGARDING ZONING – WIND FARM REGULATIONS

WHEREAS, the City of El Paso is a municipal corporation organized and existing under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, notwithstanding the County of Woodford County’s county-wide zoning regulations, the City of El Paso has authority under the Illinois Municipal Code, 65 ILCS 11-13-26 to regulate wind farms and electric-generating wind devices within its zoning jurisdiction and for a distance of one and one-half miles beyond its corporate limits; and

WHEREAS, on March 6, 2023, the City of El Paso adopted Ordinance Number 1059, amending Chapters 260 and 315 of the El Paso Code of Ordinances to provide a preliminary regulatory structure governing wind turbines and wind farms; and

WHEREAS, the City of El Paso finds it important and desirable to amend its zoning regulations to regulate the height of large-scale wind-generated energy systems within the districts where such systems are currently permitted; and

WHEREAS, in accordance with Section 315-111, *et seq* of the City Code, the proposed amendment to the zoning regulations (“**Proposed Amendment**”) was referred to the El Paso Zoning Board of Appeals (“**ZBA**”) for a public hearing and recommendation; and

WHEREAS, pursuant to notice duly published, the ZBA conducted a public hearing on July 27, 2023 for the purposes of hearing and considering testimony on the Proposed Amendments to the zoning regulations; and

WHEREAS, at the conclusion of the public hearing, the ZBA recommended approval of the Proposed Amendment; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of the City of El Paso to amend the City Code to conform with the Proposed Amendment provided herein.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of El Paso, that the Municipal Code be amended as follows:

SECTION ONE: Amendment. That subparagraph (2), entitled “Wind energy conversion structure height and rotor blade diameter restrictions,” of Paragraph (A), entitled “Site requirements,” of Section 315-120, entitled “Wind energy conversion systems,” of Chapter 315, entitled “Zoning,” of the El Paso Municipal Code is hereby amended as follows:

§ 315-120 Wind energy conversion systems.

A. Site requirements.

- (1) No wind energy conversion systems, apart from small wind energy systems (as regulated in § 315-119), shall be permitted in residentially-zoned districts..
- (2) *Wind energy conversion structure height and rotor blade diameter restrictions.* The height of a wind energy conversion structure and the diameter of the rotor blade shall not exceed the following restrictions for various uses and zoning districts. The height of a wind energy conversion structure shall be measured from ground level to the top of the highest point extended.
 - (a) For any use that is located in a non-residential district and located within 1,000 feet of the boundary of a lot zoned or planned for residential land use, the maximum height of a wind energy conversion structure shall be 100 feet and the maximum diameter of the rotors or blades shall be 50 feet. For any use that is located in a non-residential district and more than 1,000 feet away from any boundary of a lot zoned or planned for residential use, the maximum height of a wind energy conversion structure shall be 175 feet, and the maximum diameter of the rotors or the blades shall be 100 feet.
- (3) *Setback requirements for wind energy conversion structures.* The minimum setback from the property line for any wind energy conversion structure shall be the total height of said structure measured from ground level.

[...]

SECTION TWO: The Municipal Code of Ordinances for the City of El Paso shall remain in full force and effect as amended by this ordinance.

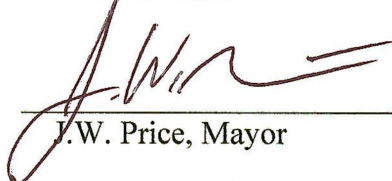
SECTION THREE: The City Clerk is directed and authorized to publish this ordinance in Pamphlet form as provided by law.

SECTION FOUR: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

SECTION FIVE: If any section, or part of this ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

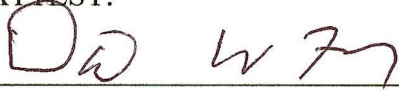
SECTION SIX: All ordinances or parts of ordinances in conflict herein, are hereby repealed, provided however that nothing herein shall affect any rights, action, or causes of action, which have accrued to the city prior to the effective date of this ordinance.

APPROVED:



J.W. Price, Mayor

ATTEST:

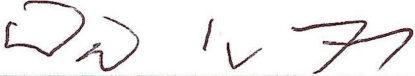


David W. Fever, City Clerk

PASSED by the City Council on the 7th day of August, 2023.

APPROVED by the Mayor on the 7th day of August, 2023.

PUBLISHED in pamphlet form on the 8th day of August, 2023.



David W. Fever, City Clerk