

ORDINANCE NO.

**An Ordinance Amending Ordinance
3389, Planned Development for
“Frieze Harley-Davidson,” Parcel
Number 04-30.0-303-080)**

WHEREAS, the applicant, Gary Berutti, proposes to amend the existing Planned Use Ordinance No. 3389 for “Frieze Harley Davidson” at 1560 North Green Mount Road in O’Fallon; and

WHEREAS, the applicant has requested and heretofore filed a petition with the City of O’Fallon for a Planned Use amendment to allow construction of a wind turbine, pursuant to the proposed development shown on the attached Preliminary Site Plan (Exhibit A); and

WHEREAS, the applicant has filed an application with the City of O’Fallon, Illinois pursuant to the requirements of all applicable laws, including City Ordinance 2052, “Planned Uses”; and

WHEREAS, said Planning Commission of the City of O’Fallon, Illinois held a public hearing on May 22, 2007, in accordance with state statute, and recommended to approve the petitioner’s request for a Planned Use amendment for the property with a vote of 5-ayes to 1-nay subject to conditions as outlined in the adopted Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit B); and

WHEREAS on May 29, 2007 and June 11, 2007 the Community Development Committee of the City Council reviewed and recommended the rezoning for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’ FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Approval of the Zoning Amendment. That upon the effective date of this Ordinance, the described Planned Use Ordinance No. 3389 for “Frieze Harley-Davidson”, be henceforth amended to include authorization of construction of a wind turbine subject to the conditions as listed below:

1. The wind turbine shall be limited to the location as shown on the site plan.
2. The wind turbine shall be painted a non-reflective gray color.

3. Notwithstanding the otherwise applicable height limitations, the wind turbine shall have a pole height not to exceed 60 ft with a blade length of 5 ft 3 inches, for a total height not to exceed 65 ft 3 inches.
4. The area around the base of the wind turbine shall be landscaped.
5. There shall be no visible temporary or permanent advertising permitted to be displayed on the wind turbine..
6. There shall be no direct or indirect artificial lighting of the wind turbine.
7. Electrical controls and control wiring and power lines shall be wireless or not above ground.
8. The authority granted by this ordinance shall be conditioned on the property owner securing and maintaining a LEED certification for the site within one year of construction of the wind turbine.
9. Audible sound from the wind turbine shall not exceed forty (45) dBA for any prolonged period of time within 100 feet of the turbine and shall not exceed fifty (50) dBA for any period of time at the property line or greater distance.
10. The turbine shall be removed from the site if, for any period of six months or greater, the turbine is (1) mechanically non-functional, (2) disconnected from any the electricity generation consumer, (3) any of the requirements or conditions of this ordinance are not satisfied after notice of deficiency by the City.
11. This approval shall be subject to any generally-applicable requirement hereinafter enacted, including but not limited to, regulations regarding wind turbines.

Section 2. Filing. A Certified Copy of this ordinance, with all referenced attachments, shall be filed with the City Clerk's office of the City of O'Fallon, Illinois.

Section 3. Passage. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the City Council this ____ day of June 2007.

ATTEST:
(seal)

Approved by the Mayor this ____ day
of June 2007.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Albrecht	Bennett	Drolet, J.	Drolet	Grogan	Schmidt	Medford	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Engler	Mouser	Reckamp	Polites	Renner	True	West	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									