

LAKE TOWNSHIP

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE WIND ENERGY SYSTEM REGULATIONS IN THE TOWNSHIP ZONING ORDINANCE TO ACCOUNT FOR PA 233 OF 2023

The Township of Lake ordains:

Section 1. Amendment of Section 7.27, Wind Energy Systems

Section 7.27 of the Zoning Ordinance, regulating Wind Energy Systems, is amended to add new subsection G, which reads as follows:

G. Wind Energy Systems under PA 233.

On or after November 29, 2024, if PA 233 of 2023 is in effect, then the following provisions apply to Wind Energy Systems with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in subsections A through F above, these provisions control as to such Wind Energy Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Wind Energy Systems with a nameplate capacity of less than 100 megawatts. All provisions in subsections A through F above that do not conflict with this subsection remain in full force and effect.

a. *Setbacks.* Wind Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

| Setback Description | Setback Distance |
|--|--|
| Occupied community buildings and dwellings on nonparticipating properties | 2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure |
| Residences and other structures on participating properties | 1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure |
| Nonparticipating property lines | 1.1 times the maximum blade tip height |
| Public road right-of-way | 1.1 times the maximum blade tip height to the center line of the public road right-of-way |
| Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings | 1.1 times the maximum blade tip height to the center line of the easement containing the overhead line |

b. *Shadow Flicker.* Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.

c. *Height.* Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

d. *Noise.* The Wind Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

e. *Lighting.* The Wind Energy System must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- a. The purpose of the exemption.
- b. The proposed length of the exemption.
- c. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
- d. The technical or economic reason a light-mitigating technology is not feasible.
- e. Any other relevant information requested by the Township.

f. *Radar Interference.* The Wind Energy System must meet any standards concerning radar interference, lighting (subject to subparagraph (v)), or other relevant issues as determined by the Township.

g. *Environmental Regulations.* The Wind Energy System must comply with applicable state or federal environmental regulations.

h. *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Wind Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the

Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 2. Amendment of Table 3-2, Footnote 3.

Footnote 3 to Table 3-2, currently located on page 3-8 of the Zoning Ordinance, is amended to add the following text indicated by boldfaced font:

See Sec. 7.27 for definitions pertaining to wind energy systems (WES) and applicable regulations. **Wind energy systems are permitted only in the south one-half of Section 35 of the Township and must be located at least one mile from Pinnebog River and three miles from the shoreline.**

Section 3. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 4. Repealer.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.