

CHARTER TOWNSHIP OF WILLIAMS

ORDINANCE NO.: 33-H

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
TO REGULATE WIND ENERGY SYSTEMS IN ACCORDANCE
WITH PA 233 OF 2023

The Charter Township of Williams ordains:

Section 1. Purpose

The Township adopts this Ordinance to render certain wind energy zoning regulations compatible with Public Act 233 of 2023 (“PA 233”), while retaining local control over matters of regulation that are not governed by PA 233, and to promote the public health, safety and welfare of Township residents. This Ordinance also modifies the areas in the Township where wind energy systems are permitted.

Section 2. Amendment of Approval Standard 23

Table 7, Approval Standard 23 of the Township Zoning Ordinance is amended to add new subsection (D), entitled “Utility Scale WES under PA 233,” which reads as follows in its entirety:

D. Utility Scale WES under PA 233.

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 This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to Utility Scale WES with a nameplate capacity of less than 100 megawatts.

- a. *Setbacks.* Utility Scale WES 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 Utility Scale WES 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 Utility Scale WES 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:

- (i) The purpose of the exemption.
- (ii) The proposed length of the exemption.
- (iii) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
- (iv) The technical or economic reason a light-mitigating technology is not feasible.
- (v) Any other relevant information requested by the Township.

- f. *Radar Interference.* The Utility Scale WES 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 Utility Scale WES 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 Utility Scale WES 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 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.

Section 5. Effective Date.

This Ordinance shall after its adoption, be published in a newspaper circulated within the Charter Township of Williams, Bay County, Michigan and shall become effective upon the 31st day after publication, unless a Notice of Intent to file a petition is timely filed with the township clerk for referendum.