

SIDNEY TOWNSHIP

ORDINANCE NO. 2024-01

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

The Township of Sidney 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.

Section 2. Amendment of Section 16.08(LL)

Section 16.08(LL) of the Township Zoning Ordinance is amended to add new subsection (9), entitled “WECS under PA 233,” which reads as follows in its entirety:

9) WECS under PA 233.

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 This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to WECS with a nameplate capacity of less than 100 megawatts.

a. *Setbacks.* WECS 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	1.1 times the maximum blade tip height to the center line of the easement containing the

lines to individual houses or outbuildings	overhead line
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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 WECS 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 WECS 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 WECS 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 WECS 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 16.08(LL) of the Township Zoning Ordinance is amended to clarify that Commercial WECS are permitted only in Section 19 of the Township as a special land use as follows:

Type of System	Sub-Type of System	Zoning District	Special Use Permit
Private WECS		All zoning districts as accessory use	Not required
Commercial WECS	WECS Systems	Only on property in Section 19 of the Township	Required
	WECS Testing Facilities	Only on property in Section 19 of the Township	Required
Transmission and utility lines		All zoning districts	Not required
Office, manufacturing, or sales buildings related to WECS		C (Commercial); I (Industrial)	Not required

Section 3. Amend Section 5.03

Section 5.03, entitled “Special Land Uses” for the AP Agricultural Preservation District, is amended to remove “Commercial WECS subject to Section 16.08(LL)” as a special land use under section (B).

Section 4. Amend Section 13.03

Section 13.03, entitled “Special Land Uses” for the I Industrial District, is amended to remove “Commercial WECS subject to Section 16.08(LL)” as a special land use.

Section 5. 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 6. 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 7. Effective Date. This Ordinance takes effect seven days after publication as provided by law.

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