

WATERTOWN TOWNSHIP

ORDINANCE NO. 2024-6

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 2019-1 REGARDING WIND ENERGY TURBINES TO COMPLY WITH PA 233

The Township of Watertown ordains:

Section 1. Addition of New Section F to Ordinance No. 2019-1, as amended.

Watertown Township Ordinance No. 2019-1 is amended by the addition of a new section F, which reads in its entirety as follows:

F. WIND ENERGY TURBINES UNDER PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to any Wind Energy Turbine (WET) with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in section A-E, these provisions control as to any WET with a nameplate capacity of 100 megawatts or more. All provisions in subsections A-E that do not conflict with this section F remain in full force and effect. This subsection F does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to a WET with a nameplate capacity of less than 100 megawatts.

A. Setbacks. WETs 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.

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- D. Noise. The WET 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 WET 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:
1. The purpose of the exemption.
  2. The proposed length of the exemption.
  3. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
  4. The technical or economic reason a light-mitigating technology is not feasible.
  5. Any other relevant information requested by the Township.
- F. Radar Interference. The WET must meet any standards concerning radar interference, lighting (subject to subparagraph (E)), or other relevant issues as determined by the Township.
- G. Environmental Regulations. The WET 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 WET 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 other projects as agreed to by the Township and the applicant.

## **Section 2. Severability and Validity.**

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 3. 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 4. Effective Date.**

This Ordinance takes effect upon the expiration of 7 days after publication as required by MCL 125.3401(7).

Approved the 21st day of November, 2024.

  
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Scott Kenny, Supervisor

  
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Tammy Ross, Clerk

I, Tammy Ross, Clerk of Watertown Township, Sanilac County, Michigan, do hereby certify that Ordinance No. 2024-6 was published in the Tribune Record on the 21 day of November, 2024.  
Leader

  
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Tammy Ross, Clerk

I, Tammy Ross, Clerk of Watertown Township, Sanilac County, Michigan, do hereby certify that Ordinance No. 2024-6 was filed with the Sanilac County Clerk on the 3 day of December, 2024.

  
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Tammy Ross, Clerk

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