

**BLOOMER TOWNSHIP
MONTCALM COUNTY, MICHIGAN
SOLAR AND WIND ENERGY ZONING ORDINANCE AMENDMENTS
Ordinance No. _____**

At a meeting of the Bloomer Township Board, Montcalm County, Michigan, held at the Township Hall on _____, 2022, at _____ p.m., Member _____ moved to adopt the following Ordinance, whose motion was seconded by Member _____:

An Ordinance to amend the Bloomer Township Zoning Ordinance, as amended, to authorize Small Solar Energy Systems and Small Wind Energy Conversion Systems as permitted uses in certain Zoning Districts, authorize Large Solar Energy Systems and Wind Parks as special land uses in certain Zoning Districts, and establish standards for these uses to maintain the public health, safety, and welfare of the citizens of Bloomer Township.

BLOOMER TOWNSHIP, MONTCALM COUNTY, MICHIGAN ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE, ARTICLE III, SEC. 3.02 DEFINITIONS: Zoning Ordinance Article III, Sec. 3.02 Definitions, is amended to add the definitions for “Occupied Property,” “Participating Property,” “Photovoltaic Device,” “Shadow Flicker,” “Solar Array,” “Solar Energy System, Abandoned,” “Solar Energy System, Large,” “Solar Energy System, Small,” “Unreasonable Safety Hazard,” “Wind Energy Conversion System (WECS),” “WECS for On-Site Service Only, Single,” “WECS Height,” and “Wind Park.” The added definitions are below and placed amongst the current definitions for context:

Sec. 3.02 Definitions: For purposes of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as “altered” or “reconstructed.”

Apartment: A dwelling unit in a “multiple family dwelling” as defined herein.

Average Grade: The ground elevation along the walls of a structure where the ground at the structure walls is not level, and the average grade is established by averaging the elevation of the ground for each face of the structure.

Automobile Repair Garage: A premises where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting and under-coating of automobiles.

Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See Figure III-I)

Bed and Breakfast Establishment: A use within a single-family dwelling unit in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.

Board of Appeals or Zoning Board of Appeals: The Zoning Board of Appeals of Bloomer Township.

Bloomer Township Master Land Use Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for land use and the best of community living conditions.

Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements such buildings shall be considered as one integral unit.

Buffer Yard: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, for the shelter, support, enclosure of persons, animals or property or carrying on business activities. This definition includes: mobile homes, tents, sheds, garages, greenhouses, and other accessory structures.

Building Height: The vertical distance measured from the ground elevation to the highest point of the roof surface. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls. (See Figure III-2)

Building Line: A line which defines the minimum distance (as determined by the minimum front, rear, or side yard setback) which any building shall be located from a property line, existing street right-of-way, or easement line of an approved private street.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.

Carport: A partially open structure intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to private garages.

Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party or parties intending to initiate any work or change any use of property in the Township.

Child Care Center: A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child care center does not include a Sunday school, a vacation bible school, or religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day of an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

Condominium Unit: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Condominium Project: A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59, 1978), as amended.

Density: The number of dwelling units situated on or to be developed on an acre of land.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

Dwelling: A detached building or portion thereof designed or used exclusively as the home, residence or sleeping place of one or more persons. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings. Garage space, whether in an attached or detached garage shall not be considered as part of a dwelling for meeting area requirements.

Dwelling, Single-Family: A detached building, designed exclusively for, and containing one (1) dwelling unit only.

Dwelling, Two Family: A detached building, designed exclusively for, and containing two (2) dwelling units only.

Dwelling, Multiple Family: A building designed exclusively for, and containing, three (3) or more dwelling units.

Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site-built units.

Dwelling Unit, Attached: A dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling Unit, Detached: A dwelling unit which is not attached by any means.

Easement: The right to use the land (or water rights) of another person for certain special and/or limited purposes, usually for the purpose to have access to property and/or to cross over property for lawful purposes. If the "person" is a public body, the easement shall be a "public easement". All other easements are "private easements".

Dwelling Unit, Efficiency: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate designated bedroom.

Earth-Sheltered Home: A dwelling which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

Erected: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavation, fill, drainage, and the like, shall be considered a part of erection

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

Excavation: Any breaking of ground, except common household gardening, general farming and grounds care.

Family: An individual or a group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Family Day Care Home: A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Family, Functional: A group of persons which does not meet the definition of "Family" herein, living in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. This definition shall not include any fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

Fence: An accessory structure intended for use as a barrier to property ingress or egress, a screen for objectionable vistas and noise, and/or for decorative use.

Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

Flag Lot: A lot which has minimum frontage on a public or private street, is provided access via a private drive or lane, and whose width some distance back from the street right-of-way, meets all ordinance requirements.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland waters; or (2) The unusual and rapid accumulation of runoff or surface waters from any source.

Flood Hazard Area: Land which, based on available flood plain information, is subject to a one (1) percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM): A map of the township prepared by the Federal Emergency Management Agency, which identifies the 100-year and 500-year flood plain and other related flood information; and which is used as the official floodplain map for flood insurance purposes.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevations of the base flood.

Flood Plain, 100 Year: Same as Flood Hazard Area.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which shall be reserved in order to discharge the base flood. Floodway is also the same as the regulatory floodway.

Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, whether covered or uncovered shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.

Floor Area Ratio: A ratio derived by dividing the total floor area of a building including accessory building floor area by the base site area.

Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Frontage Road: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Garage, Private: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.

Gasoline Service Station: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. (See definition of "Average Grade".)

Home Occupations: See Sec. 16.22.

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and/or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power. This definition shall not be deemed to include farm machinery other than automobiles or trucks.

Junk Yard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions or machinery or parts thereof.

Kennel, Commercial: Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.

Kennel, Private: Any lot or premises used for the private maintenance of up to four (4) dogs, cats, or other household pets, four (4) months of age or older, not involving any commercial activities. The keeping of more than four (4) animals shall be considered a commercial kennel regardless of ownership or species of animals.

Lot: A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this ordinance for: minimum area, setbacks, coverage, and open space. (See Figure III-4)

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees, a lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (See Figure III-3)

Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Depth Of: The average distance from the front lot line of the lot to its opposite rear line measured along the midpoint between side lot lines. (See Figure III-4)

Lot, Interior: A lot other than a corner lot or a through lot.

Lot Line(s): Any of the lines bounding a lot as defined herein (See Figure III-5).

- a) **Front Lot Line:** In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit application, the designated front lot line shall remain as such.
- b) **Rear Lot Line:** That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- c) **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Montcalm County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Montcalm County, Michigan, prior to the adoption of this Ordinance.

Lot, Nonconforming: A lot of record which does not meet the dimensional requirements of this ordinance.

Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.

Lot Width: The straight-line horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

Major Thoroughfare: An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond.

Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.

Master Deed: The document recorded as part of a condominium or site condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

Maximum Lot Coverage: That portion of a lot which may be made impervious and includes paved driveways, paved parking areas, buildings, sidewalks, and patios.

Mobile Home: A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Mobile Home Park: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A series of attached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the traveling public. The term "motel" shall include tourist cabins and homes, motor courts, and hotels.

Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of the district in which it is situated.

Nonconforming Use: A use which existed prior to the effective date of this ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

Nursing Home: An installation other than hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Occupied Building: A residence, school, office, business, hospital, church, public library, or any other building habitually occupied by human presence.

Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Parking Space: Any space used for the off-street parking or motor vehicles.

Participating Property: With respect to a Wind Park or Wind Energy Conversion System, a parcel of property which is owned by a person(s) and/or entity(ies) which have authorized the use of their property

for a Wind Energy Conversion System and/or Wind Park. Any other property shall be referred to as a “**Non-Participating Property.**”

Peak Hour: The hour during a typical day in which traffic volumes are the highest.

Photovoltaic Device: A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, regardless of whether the device can store the electric energy produced for later use.

Planned Unit Development (PUD): A tract of land developed under single ownership or management as a separate neighborhood or community unit. The PUD may contain a mixture of housing types, common open space and other land uses and is provided a degree of flexibility regarding District provisions.

Planning Commission: The Township Planning Commission of the Township of Bloomer.

Principal Use: The main use to which the premises are devoted and the principal use for which the premises exist.

Private Road: Any road or thoroughfare for vehicular traffic which is privately owned and maintained, and which provides the principal means of access to abutting properties.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready to-consume state, for consumption: within the restaurant building; or within a motor vehicle parked on the premises; or off the premises as carry-out orders, and whose principal method of preparation includes the following characteristics; food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed; or a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Sanitary Landfill: A method of disposing of refuse on land without creating nuisance or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals, as necessary and developed, designed, and operated in accordance with the provisions of Act 641 of 1978, as amended.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum dimension of three (3) feet or greater. Such a device shall be used to transmit and/or receive television, radio or other electromagnetic communication signals between terrestrial and/or extraterrestrial-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings and structures, as required herein.

Setback, Front: The minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.

Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

Shadow Flicker: Alternating changes in light intensity caused by the moving blades of a Wind Energy Conversion System casting shadows on the ground and stationary objects, such as but not limited to a window of an occupied building.

Shopping Center: Is a business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.

Sign: See Article XIX.

Site Condominium Subdivision: A division of land based on condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Site Condominium Subdivision Plan: The drawings attached to the master deed for a site condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the site condominium subdivision, as well as the nature, location and size of common elements.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Solar Array: Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

Solar Energy System, Abandoned: Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it not used to generate electric energy for a continuous period of twelve months or any Solar Energy System that due to lack of maintenance or state of disrepair cannot reasonably be used for its original intended purpose.

Solar Energy System, Large: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.

Solar Energy System, Small: A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located, with a generating capacity of less than 25 kW.

Special Use Permit: A permit approved by the Township Board to a person or persons intending to undertake the operation of an activity upon land or within a structure and for those uses specifically

mentioned as special uses in this Ordinance which possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

Stable, Riding or Boarding: A facility where more than three (3) horses for hire, sale or boarding are kept.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground. (See Figure III-1)

Story, Half: That part of building between a pitched and the uppermost full story, said part having a finished floor area which does not exceed one-half (1/2) of the floor area of a full story.

Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.

Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, free-standing signs, and patios.

Structural Alterations: Any change in the supporting members of a building such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.

Substantial Improvement: Any repair, reconstruction or improvement of a structure located within the 100-year floodplain, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

Township Board: The Township Board of Bloomer Township.

Trip Ends: A one-direction movement which begins at an origin and ends at a destination. A development with 100 trip ends per day would include 50 entering (ingress) and 50 exiting (egress) movements over an average period.

Trip Generation (Rates): The number of trip ends associated with a development, based on building area, lot size, number of units/employees or other parameters. The number can be estimated using actual data from comparable developments or information given in nationally accepted sources such as the "Trip Generation Manual" developed by the Institute of Transportation Engineers (ITE) or the Federal Highway Administration (FHWA).

Unreasonable Safety Hazard: Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner or occupants to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

Variance: A modification of the literal provisions of the Zoning Ordinance, granted when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

Wind Energy Conversion System (WECS): A wind-powered device for the generation of energy, commonly referred to as a wind generating tower, windmill, or wind-powered generator, consisting of a combination of: (a) The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical generating powers; and (b) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and (c) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and (d) The tower, pylon or other structure upon which any, all, or some combination of the above are mounted. A WECS can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.

WECS for On-Site Service Only, Small: A single WECS placed upon a lot or parcel with the intent to service the energy needs of or supplement other energy sources for only that lot or parcel upon which the Small WECS is placed, with a generating capacity less than 25 kW.

WECS Height: The distance between the ground (at a normal grade) and the highest point of the WECS, as measured from the ground (at a normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at a normal grade) and highest point of the WECS (being the tip of the blade, when the blade in the full vertical position).

Wind Park: One or more WECS placed upon one or more contiguous lots or parcels with the intent to sell or provide electricity to a utility or for resale at retail or wholesale on the electric transmission grid. Although the WECS within a Wind Park may or may not be owned by the owner of the property or properties within the Wind Park, the Wind Park shall consist of all the lots and parcels located within the Township that are in whole or in part within a radius of 2,000 feet from the bases of any and all WECS within the Wind Park, unless the Township expressly provides in the special use permit that the applicant may use a smaller radius or that any properties may be excluded from the Wind Park. If the Township Board permits any properties within the approved radius to be excluded from the Wind Park, then such properties shall be treated for all purposes as outside the Wind Park under this Ordinance.

Yard:

- a) **Yard, Front:** An open space extending the full width of the lot and lying between the front line of the lot and the nearest line or point of the principal building.
- b) **Yard, Rear:** An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line or point of the principal building.
- c) **Yard, Side:** An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

Zoning Administrator: The authorized representative charged with the responsibility of administering this Ordinance, as appointed by the Township Board.

SECTION 2. AMENDMENT TO ZONING ORDINANCE ARTICLE VI - CONSERVATION DISTRICT (CO): Zoning Ordinance Article VI, Sec. 6.02 Uses Permitted by Right, is amended to add “Small Solar Energy Systems” and “Small WECS for on-site service only” as permitted uses, and shall read as follows:

Sec. 6.02 Uses Permitted by Right:

- A. Agricultural or horticultural activities, including general and specialized farming and related activities not limited to:

1. Dairying.
2. Raising of grain, grass, mint and seed crops.
3. Orchards.
4. Apiculture (Beekeeping).
5. Floriculture (Cultivation of ornamental flowering plants).
6. Raising of tree fruits, nuts and berries.
7. Sod Farming.
8. Raising or growing of ornamental trees, shrubs and nursery stock, including retail sales on the premises.
9. Vegetable raising.
10. Greenhouses.

11. Small Solar Energy Systems in conformance with Sec. 16.24.

12. Small WECS for on-site service only in conformance with Sec. 16.25.

- B. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources.
- C. Public or private recreational facilities including parks, playgrounds, camps, centers, parkways and similar recreational facilities.
- D. Wildlife research centers.
- E. Roadside stands selling agricultural products and set back from the right-of-way at least fifty (50) feet and with off-street parking for at least 5 cars for each fifty (50) square feet of structure.
- F. Single-family detached dwellings.

SECTION 3. AMENDMENT TO ZONING ORDINANCE ARTICLE VI - CONSERVATION DISTRICT (CO): Zoning Ordinance Article VI, Sec. 6.04 Uses Permitted by Special Use Permit, is amended to add “Large Solar Energy Systems” and “Wind Parks” as special land uses, and shall read as follows:

Sec. 6.04 Uses Permitted by Special Use Permit:

The following are uses of land and structure may be permitted in this District by the application for and the issuance of a Special Use Permit as provided for in Article XX.

- A. Commercial recreation facilities of an open space character including golf courses, stables, campgrounds, and similar facilities.

B. Large Solar Energy Systems in conformance with Sec. 20.14.

C. Wind Parks in conformance with Sec. 20.15.

SECTION 4. AMENDMENT TO ZONING ORDINANCE ARTICLE VII - FARMLAND DISTRICT (FM): Zoning Ordinance Article VII, Sec. 7.03 Uses Permitted by Right, is amended to add “Small Solar Energy Systems” and “Small WECS for on-site service only” as permitted uses, and shall read as follows:

Sec. 7.03 Uses Permitted by Right:

The following uses and structures are permitted in the FM-Farmland District:

- A. Commercial agriculture
- B. Conservation area for fauna, flora
- C. Dairy Farm
- D. Dwelling unit, farm
- E. Dwelling unit, nonfarm
- F. Farm
- G. Farm buildings
- H. Farm drainage and irrigation systems
- I. Forest preserve
- J. Game refuge
- K. Grazing and forage
- L. Historic sites and structures
- M. Reserved for Future Use
- N. Nursery
- O. Raising of farm animals, and production of farm products
- P. Tree, sod farms
- Q. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of way
- R. Small Solar Energy Systems in conformance with Sec. 16.24.
- S. Small WECS for on-site service only in conformance with Sec. 16.25.

SECTION 5. AMENDMENT TO ZONING ORDINANCE ARTICLE VII - FARMLAND DISTRICT (FM): Zoning Ordinance Article VII, Sec. 7.05 Uses Permitted by Special Use Permit, is amended to add “Large Solar Energy Systems” and “Wind Parks” as special land uses, and shall read as follows:

Sec. 7.05 Uses Permitted by Special Use Permit:

The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article XX.

- A. Agricultural service establishments
- B. Essential service structures including, but not limited to: any new rights of way across farmland, telephone exchange and/or repeater buildings and towers, electrical station and substation buildings, gas regulator stations and regulator buildings as well as other structures and buildings related to essential or public services.
- C. Agricultural labor housing, provided the setbacks of Sec. 7.06 and the provisions of Public Act 289 of 1965, as amended, and the Administrative Rules promulgated thereunder are met.
- D. Confined feedlots.
- E. Roadside stands selling agricultural products and setback from the right-of-way at least 50 feet and with off-street parking for at least 5 cars for each 50 square feet of structure.

F. Large Solar Energy Systems in conformance with Sec. 20.14.

G. Wind Parks in conformance with Sec. 20.15.

SECTION 6. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII – RURAL RESIDENTIAL DISTRICT (RR): Zoning Ordinance Article VIII, Sec. 8.02 Uses Permitted by Right, is amended to “Small Solar Energy Systems” and “Small WECS for on-site service only” as permitted uses, and shall read as follows:

Sec. 8.02 Uses Permitted by Right:

The following uses and structures are permitted in the RR District as a matter of right.

- A. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources.
- B. Public or private recreational facilities including parks, playgrounds, camps, centers, parkways and similar recreational facilities.
- C. Public buildings and public service installations, including federal, state or municipal, administrative or public service buildings, public service facilities and uses, excluding storage yards, transformer stations, and substations.
- D. Public cemeteries.
- E. Wildlife research centers.
- F. Agricultural or horticultural activities, including general and specialized farming and related activities not limited to:
 - 1. Dairying.
 - 2. Raising of grain, grass, mint and seed crops.
 - 3. Orchards.
 - 4. Apiculture (beekeeping).
 - 5. Floriculture (cultivation of ornamental flowering plants).
 - 6. Raising of tree fruits, nuts and berries.
 - 7. Sod farming.
 - 8. Raising or growing of ornamental trees, shrubs and nursery stock, including retail sales on the premises.
 - 9. Vegetable raising.
 - 10. Greenhouses.
- G. Educational institutions including public or private elementary and secondary schools, nursery schools, and day care centers.
- H. Religious institutions including churches and parsonages, provided no more than one (1) dwelling unit is provided within.
- I. Single family detached dwellings.
- J. Duplexes.
- K. Family Day Care Homes.

H. Small Solar Energy Systems in conformance with Sec. 16.24.

I. **Small WECS for on-site service only in conformance with Sec. 16.25.**

SECTION 7. AMENDMENT TO ZONING ORDINANCE ARTICLE IX – URBAN RESIDENTIAL DISTRICT (UR): Zoning Ordinance Article IX, Sec. 9.02 Uses Permitted by Right, is amended to add “Small Solar Energy Systems” and “Small WECS for on-site service only” as permitted uses, and shall read as follows:

Sec. 9.02 Uses Permitted by Right:

The following uses and structures are permitted in the UR-Urban Residential District:

- A. Religious institutions including churches and parsonages provided no more than one (1) dwelling unit is provided within.
- B. Educational institutions including public or private elementary and secondary schools, nursery schools and day care centers.
- C. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses, excluding storage yards, transformer stations and substations.
- D. Public cemeteries.
- E. Public recreation facilities and public conservation areas and structures for the development, protection and conservation of open spaces, watersheds, water, soil, forests and wildlife resources.
- F. Single-family detached dwellings.
- G. Two-family dwellings (duplexes).
- H. Family Day Care Homes.

J. **Small Solar Energy Systems in conformance with Sec. 16.24.**

K. **Small WECS for on-site service only in conformance with Sec. 16.25.**

SECTION 8. AMENDMENT TO ZONING ORDINANCE ARTICLE X – COMMUNITY SERVICES DISTRICT (CS): Zoning Ordinance Article X, Sec. 10.02 Uses Permitted by Right, is amended to add “Small Solar Energy Systems” and “Small WECS for on-site service only” as permitted uses, and shall read as follows:

Sec. 10.02 Uses Permitted by Right:

The following uses and structures are permitted in the CS-community Services District as a matter of right.

- A. Religious institutions including churches and parsonages, provided no more than one (1) dwelling unit is provided within.
- B. Educational institutions including public or private elementary and secondary schools, nursery schools and day care centers.
- C. Public or private recreational facilities of a non-commercial nature, including parks, playgrounds, camps, parkways and similar recreational facilities.
- D. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses, including storage yards, transformer stations and substations.
- E. Office establishments which perform services on the premises, including but not limited to:
 - 1. Financial institutions.

2. Insurance offices.
 3. Real estate offices.
 4. Offices for attorneys, accountants, architects, engineers and similar professionals.
 5. Photographic studios.
 6. Other office establishments similar to and compatible with the above establishments.
- F. Professional service establishments providing human health care, on an out-patient basis.
- G. Establishments customarily related to medical and dental uses when located in a medical or dental building or complex and when intended primarily to serve the occupants of the building or complex in which they are located; including but not limited to:
1. Pharmacies.
 2. Medical, dental and optical laboratories.
 3. Stores offering supportive or corrective garments and prosthetic appliances.
 4. Other establishments similar to and compatible with the above establishments.
- H. Miscellaneous business service establishments:
1. Consumer credit reporting agencies.
 2. Mailing list and stenographic services.
 3. Business management consulting services.
 4. Duplicating services.
 5. Other establishments similar to and compatible with the above establishments.
- I. Offices of non-profit organizations, such as professional membership organizations, labor union, civic, social and fraternal associations, political organizations.
- J. Retail establishments marketing convenience goods such as groceries, fruit, meats, dairy products, produce, baked goods and alcoholic beverages, stores selling drugs, hardware, novelties and gifts, flowers, books, stationery, tobacco and sundry small household articles.
- K. General retail establishments whose principal activity is the sale of new merchandise to the public. These include such establishments as household appliance stores, furniture stores, drug stores, hardware stores, clothing stores, specialty stores selling flowers, books, stationery, jewelry, novelties and gifts, tobacco, and sundry small household articles; convenience stores selling fruit, meat, dairy products, produce, and alcoholic beverages, and other retail establishments similar to and compatible with the above.
- L. Office or convenience commercial uses located in a structure originally erected for residential purposes, provided all commercial structure standards of the Township Building Code are complied with.
- M. Retail sales typically incidental to contractors' establishments which require a workshop and retail outlet or show room as accessory uses, including:
1. Plumbing and electrical contractors.
 2. Building material suppliers and wholesalers such as lumber yards and other similar uses.
 3. Carpenter shops including door, sash or trim manufacturing.

4. Jobbing and repair machine shops.
 5. Plastic products forming and molding.
 6. Printing and publishing.
 7. Trade and industrial schools.
 8. Air conditioning and heating dealers including incidental sheet metal work.
 9. Sign painting establishments.
 10. Establishments producing and selling monuments, cut stone, stone and similar products.
 11. Other uses similar to and compatible with the above uses.
- N. Theaters, restaurants (standard), bars, night clubs and other similar entertainment facilities, where the patrons are seated within a building.

L. Small Solar Energy Systems in conformance with Sec. 16.24.

M. Small WECS for on-site service only in conformance with Sec. 16.25.

SECTION 9. AMENDMENT TO ZONING ORDINANCE ARTICLE XI – MANUFACTURING DISTRICT (MA): Zoning Ordinance Article XI, Sec. 11.02 Uses Permitted by Right, is amended to add “Small Solar Energy Systems” and “Small WECS for on-site service only” as permitted uses, and shall read as follows:

Sec. 11.02 Uses Permitted by Right:

The following uses and structures are permitted in the MA-Manufacturing District:

- A. Any production, processing, cleaning, testing, repair, storage, and distribution of materials, goods, foodstuffs, and products not involving a retail activity on the lot.
- B. Public buildings and public service installations including municipal, administrative or public service buildings, utility and public service facilities and uses, including storage yards and transformer stations.
- C. Contractor's establishment not engaging in any retail activities on the site.
- D. Bump shops or automobile repair garages doing general automobile repair work including body and fender work, painting, and upholstery.
- E. Non-manufacturing research and development establishment, including:
 1. Laboratories, offices and other facilities for research, both basic and applied, conducted by or for any individual, organization or concern.
 2. Production of prototype products limited to the scale necessary for full investigation of the merits of the product.
- F. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; and, any commodity the manufacture of which is permitted in this District; also storage or transfer buildings, commercial laundries or cleaning establishments and frozen food lockers.

G. Small Solar Energy Systems in conformance with Sec. 16.24.

H. Small WECS for on-site service only in conformance with Sec. 16.25.

SECTION 10. AMENDMENT TO ZONING ORDINANCE ARTICLE XXI – SITE PLAN REVIEW: Zoning Ordinance Article XXI, Sec. 21.02 Approval Required, is amended to add “Construction of a Small Solar Energy System” and “Construction of a Small WECS for On-Site Service Only” as actions that require site plan review, and shall read as follows:

Sec. 21.02 Approval Required:

Site plan review approval is required as follows:

- A. For those uses requiring Special Use Permit review, as specified.
- B. All land uses, excepting single-family detached dwellings, two-family dwellings and non-residential uses requiring less than five (5) parking spaces.
- C. For construction of a Small Solar Energy System in conformance with Sec. 16.24.
- D. For construction of a Small WECS for On-Site Service Only in conformance with Sec. 16.25.

SECTION 11. AMENDMENT TO ZONING ORDINANCE ARTICLE XVI - SPECIAL PROVISIONS: Zoning Ordinance Article XVI is amended to add Sec. 16.24, entitled “Small Solar Energy Systems,” providing as follows:

Sec. 16.24 Small Solar Energy Systems:

- A. Small Solar Energy Systems are subject to site plan review and approval procedures under Sec. 21.02 and the standards and criteria of this Ordinance, as well as the following:
 - 1. Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building under Sec. 16.09, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.
 - 2. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
 - 3. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
 - 4. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
 - 5. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
 - 6. No Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.
 - 7. All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
 - 8. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.

9. Any Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of fencing consistent with Sec. 16.08, and greenbelts and landscaping sufficient to provide an all-seasons complete visual barrier.
10. All power transmission lines from a ground mounted Solar Energy System to any building or other structure shall be located underground. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
11. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.
12. An Abandoned Small Solar Energy System shall be removed by the property owner within six (6) months.
13. Small Solar Energy Systems are expressly exempt from any requirement under this Zoning Ordinance that more than one permitted use cannot be placed on one parcel.

SECTION 12. AMENDMENT TO ZONING ORDINANCE ARTICLE XVI - SPECIAL PROVISIONS: Zoning Ordinance Article XVI is amended to add Sec. 16.25, entitled “Small WECS for On-Site Service Only,” providing as follows:

Sec. 16.25 Small WECS for On-Site Service Only:

- A. Small WECS applications of wind energy conversion systems to service the energy needs of only the property where the structure is located may be approved in any zoning district as a permitted use subject to site plan review, provided the property upon which the WECS is located is at least three and one-half (3-1/2) acres in size and complies with all applicable federal, state, and local laws, rules, and regulations. Small WECS for On-Site Service Only are expressly exempt from any requirement under this Zoning Ordinance that more than one permitted use cannot be placed on one parcel.
- B. Small WECS are subject to site plan review and approval procedures and standards/criteria of this Ordinance, as well as the following:
 1. The tower shall not exceed 100 feet.
 2. The blade diameter (tip to tip) shall not exceed 60 feet.
 3. The height of the overall WECS (with the blade in vertical position) shall not exceed 130 feet above ground level (at a normal grade).
 4. The distance of the structure from all property lines shall be at least 150% of the height of the tower to the top of the rotor.

SECTION 13. AMENDMENT TO ZONING ORDINANCE ARTICLE XX - SPECIAL USE PERMITS: Zoning Ordinance Article XX is amended to add Sec. 20.14, entitled “Large Solar Energy Systems,” providing as follows:

Sec. 20.14 Large Solar Energy Systems:

- A. Purpose and Intent: The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning, and removal of Large Solar Energy Systems as a special land use.

- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information, in addition to the information required by Article XXI:
1. A site plan.
 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
 4. Vicinity map showing the location of all surrounding land uses.
 5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
 6. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
 8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
 9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
 10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Montcalm County Road Commission or Michigan Department of Transportation approval as appropriate and shall be planned to minimize the use of lands for that purpose.
 11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
 12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic, or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomical, or an Abandoned Solar Energy System.
 13. A copy of the manufacturer's safety measures.
 14. Planned lighting protection measures.
 15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - i. Impact on area water resources;
 - ii. Impact on air quality;

- iii. Noise impacts caused by the Solar Energy System;
 - iv. Impact on utilities and infrastructure;
 - v. Protection of neighboring property owners and children;
 - vi. Impact on wildlife;
 - vii. Effects on floodplains and wetlands;
 - viii. Unique farmlands or soils;
 - ix. Areas of aesthetic or historical importance;
 - x. Archeological or cultural concerns; and
 - xi. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility.
16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Montcalm County Drain Commissioner.
17. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential only to the extent and as authorized by law.
18. Additional detail(s) and information as required by the special land use requirements of the Zoning Ordinance, or as required by the Township Planning Commission or Township Board.
- C. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a special use permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special use permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special use permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
- D. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township or County (as shown by approval by the Township or County) as a condition of any special use permit under this section.
- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.

- F. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- H. Setbacks: A minimum setback distance of one-hundred (100) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by greenbelts whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by a special use permit.
 2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of 4 feet in height and shrubs 2 feet in height. The evergreen trees shall be spaced no more than 15 feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than 30 feet apart on center and shrubs shall be spaced no more than 7 feet apart on center. All unhealthy (60 percent dead or greater) and dead material shall be replaced by the applicant within 6 months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than 6 consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any special use permit previously granted.
 3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to 1.5 times the cost of any planting deficiencies that the

Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

- K. Signage: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the special permit or other applicable law.
- L. Noise Emissions: No component of any Large Solar Energy System shall emit noise exceeding a sound pressure level of 50dBA as measured at the outside perimeter of the project. This sound pressure level shall not be exceeded for more than 6 minutes (L 10) in any hour of the day. If the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- N. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- O. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- P. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a decommissioning plan, agreement, and bond and for submittal to the Township Board for review prior to issuance of the special use permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- Q. General Standards: The Planning Commission shall not recommend for approval any Large Solar Energy System special use permit unless it finds that all the applicable standards for special use permit contained in this Ordinance are met.
- R. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System special use permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- S. Conditions and Modifications: Any conditions and modifications approved by the Township Board shall be recorded in the Township Board's meeting minutes. The Township Board may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved site plan shall be signed and dated by the

Township Supervisor and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk and one copy shall be returned to the applicant's authorized representative.

- T. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- U. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the special use permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- V. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Montcalm County Road Commission or Michigan Department of Transportation (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
- W. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
 - 1. Continuing Restoration Security: If a special use permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.
 - 2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently

decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the special use permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

- X. Conditions: In addition to the requirements of this Section, the Township Board may impose additional reasonable conditions on the approval of a Large Solar Energy System as a special land use.
- Y. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a special use permit is granted and must be completed within a period of three (3) consecutive years from the date a special use permit is granted. The Township Board may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the special land use approval. Failure to complete construction within the permitted time period shall result in the approved special use permit being rendered null and void.
- Z. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent authorized by law.
- AA. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

SECTION 14. AMENDMENT TO ZONING ORDINANCE ARTICLE XX - SPECIAL USE PERMITS: Zoning Ordinance Article XX is amended to add Sec. 20.15, entitled "Wind Parks" providing as follows:

Sec. 20.15 Wind Parks:

- A. Purpose: The purpose of this Section is to establish standards for the siting, installation, operation, and removal or repair of WECS within Wind Parks as a special land use.
- B. Application Materials:
 - 1. Application; Signatures: The application for special use permit for a Wind Park shall be submitted on a form prepared for that purpose by the Township and shall demonstrate with written support the location of all participating properties within the Wind Park. Any properties not so identified shall be presumed to be non-participating properties and shall not be part of the Wind Park.
 - 2. Submission Requirements: The applicant shall submit 12 copies of the application and all supporting materials to the Township Zoning Administrator. The Zoning Administrator will cause a complete application to be transmitted to the Planning Commission for review.

3. Site Plan Drawing and Supporting Materials: All applications for a Wind Park special use must be accompanied by a detailed Site Plan, drawn to scale and dimensioned, and certified by a registered engineer licensed in the State of Michigan, displaying the following information.
 - i. All requirements for a site plan contained in this Ordinance unless determined inapplicable by the Township Planning Commission.
 - ii. All lot lines and dimensions, including a legal description of each lot or parcel within the Wind Park.
 - iii. Names of owners of each participating lot or parcel within the Township that is proposed to be within the Wind Park.
 - iv. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and all above ground structures associated with each WECS.
 - v. Location and height of all buildings, structures, and above ground utilities located or proposed within the Wind Park.
 - vi. Specific distances to all onsite buildings, structures, and utilities shall be provided.
 - vii. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Wind Park, as well as within 1,000 feet of the outside perimeter of the Wind Park.
 - viii. Proposed setbacks between each WECS and from each WECS to all existing and proposed structures within the Wind Park.
 - ix. Land elevations at each proposed WECS location and its relationship to the land elevations of all existing and proposed structures within the Wind Park.
 - x. Access driveways to each WECS, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Montcalm County Road Commission approval, and the use of the drives shall be planned to minimize the use of lands for that purpose.
 - xi. The location of all farmland within the Wind Park that is designated for preservation, a written description of the plan for preservation of farmland within the Wind Park, and copies of all easements, restrictive covenants and other documents proposed to be used to achieve that plan.
 - xii. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers, during the construction, operation, removal, remodeling or repair of the WECS.
 - xiii. A written description of the maintenance program to be used to maintain each WECS, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS become obsolete or abandoned.
 - xiv. A copy of the manufacturer's safety measures to prevent uncontrolled rotation or over speeding.
 - xv. Planned lighting protection measures.
 - xvi. Additional detail(s) and information as required by the special use requirements of the Zoning Ordinance, or as requested by the Planning Commission.
- C. Construction Codes, Towers & Interconnection Standards: Each WECS shall comply with all applicable state construction codes, as well as Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act, and local jurisdiction airport overlay zone regulations. The tower shaft shall not be illuminated unless required by the FAA. Each

WECS shall comply with the applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.

D. Preservation: Property located within the Wind Park that is not designated as an immediate location of any WECS and WECS accessory structures is encouraged to be preserved for its existing uses and purposes through the execution and recording of appropriate easements, restrictive covenants, or other documents approved by the Township Board. Although such preservation measures are not required, they will be favorably considered by the Township Board in the review of a special use application under this Section.

E. Design Standards:

1. Height: The permitted maximum total height of each WECS (i.e., WECS height) shall be 500 feet including the blade in vertical position.
 - i. State and federal regulations may require a lesser height.
 - ii. As a condition of approval, the Township may require a lesser height for WECS if it is determined that it is reasonably necessary.
 - iii. Each WECS shall be constructed with a tubular tower, not a lattice tower.
 - iv. ~~The Township Board may approve a WECS height greater than 500 feet if the applicant clearly demonstrates that such greater height would be in the interest of persons and properties within and surrounding the Wind Park.~~ Delete
2. Setbacks: No part of a WECS (including guy wire anchors) shall be located closer than 200% of the WECS height to any occupied structure and no closer than 150% of the WECS height to any road or utility.
3. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least seventy-five (75) feet.
4. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the braking system.
5. Tower Access: To prevent unauthorized climbing, WECS must comply with at least one of the following provisions:
 - i. External tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - ii. A locked anti-climb device shall be installed and maintained.
 - iii. A tower capable of being climbed externally shall be enclosed by a locked protective fence at least ten (10) feet high with barbed wire fence.
6. Signs: Each WECS shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
 - i. Warning: High Voltage.
 - ii. Warning: Falling Ice.
 - iii. Manufacturer's name.
 - iv. Emergency numbers (list more than one number).

- v. FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over the Township.
 - vi. If fenced, place signs on the fence.
7. Lighting: A lighting plan for each WECS shall be approved by the Township Board. Such plans must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. All tower lighting will comply with FAA regulations and guidance and shall be consistent with the USFWS/MDNR guidelines. Applicant shall submit to the Township for approval the detailed plans for an Aircraft Detection Lighting System (ADLS) that manages the WECS' aircraft detection lighting to reduce their illumination when unnecessary and must pursue approvals for installing an ADLS on a Wind Park with any applicable governing state and federal agency in good faith. All Wind Parks must be equipped with an ADLS unless installation of such system is prohibited on a particular project by state or federal laws or regulations.
 8. Electromagnetic Interference: Each WECS shall be designed; constructed and operated so far as possible so as not to cause radio, television and other wireless signal interference. If electromagnetic interference is experienced by properties outside the Wind Park, and the WECS is determined to cause radio, television or other wireless signal reception to be degraded from the conditions prior to the installation of the Wind Park through the proper utilization by an expert of relevant facts, data and reliable scientific principles and methods, the WECS owner shall provide alternate service to each individual resident or property owner affected. If a property owner or resident is successful in demonstrating degradation of their radio, television or other wireless signal reception caused by a WECS, then the WECS owner shall also reimburse the property owner or resident for their reasonable costs and fees incurred to prove the existence and cause of the degradation.
 9. Noise Emissions: All WECS within a Wind Park shall be manufactured and constructed with the best available noise reduction technology available at the time of their construction. The sound pressure level generated by a WECS in a Wind Park shall not exceed 50 dB(A) as measured at a participating occupied structure, 45 dB(A) as measured at any non-participating property line, and 40 dB(A) as measured at any existing, non-participating occupied structure. This sound pressure level shall not be exceeded for more than 6 minutes (L 10) in any hour of the day. If the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613 or other industry standard as approved by the Township. After installation of WECS in a Wind Park, sound pressure level measurements shall be done by a third-party, qualified professional according to the procedures in the most current version of ANSI S12.18 or other applicable industry standard as approved by the Township. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter unless other method is expressly approved by the Township. Documentation of the sound pressure level measurements shall be provided to the Township within 6 months of the commercial operation of a project.
 10. Ice Detection: Applicants shall install an ice detection system on each WECS, such as a system installed by a turbine manufacturer, to monitor ice formations on a WECS and to facilitate immediate shutdown of any WECS if ice is detected that would present a safety risk to nearby persons or property. The Township may waive this requirement if an applicant demonstrates that a

mechanical or other function of a WECS (including operation activities) prevents risks of injury to persons or property caused by ice formations.

11. Fire Suppression: Applicants shall install on any WECS a fire suppression system and ensure that such a system is operable at all times.
12. Avian Protection: An applicant must install an avian sensor on each WECS that operates at all times to monitor and mitigate impacts to airborne wildlife such as bats and birds. In lieu of installing sensors on each WECS, applicants may also fulfill this requirement by installing a continuously-operating system for a Wind Park used to monitor and mitigate impacts to airborne wildlife.
13. Isolation from Non-Participating Properties: No WECS shall be located closer than 2,000 feet to any non-participating property, unless the Township Board otherwise expressly provides in the special use permit. If the applicant seeks approval of an isolation distance less than 2,000 feet, the applicant shall be required to demonstrate to the Township Board with clear and convincing evidence and state-of-the-art modeling, monitoring and measurement techniques that the proposed WECS will have no material adverse effects on any occupied buildings on non-participating properties within the requested isolation distance from the WECS, as determined by a licensed qualified professional. Such evidence shall include, at a minimum, demonstration of data, modeling and analysis of noise emissions conforming with subparagraph 9 above.
14. Distribution; Transmission and Interconnection: All collection lines and interconnections from the WECS to the electrical substation shall be located and maintained underground inside the Wind Park. The Township Board may waive the requirement that collection lines and interconnections be located and maintained underground if the Township Board determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground.
15. Approved Standards: In addition to the other requirements and standards contained in this section, the Township Board shall not approve any Wind Park special use permit unless it finds that all of the following standards are met:
 - i. The general special use standards contained in this Ordinance; and
 - ii. The Wind Park will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
16. Conditions and Modifications: Any conditions or modifications approved by the Township Board shall be recorded in the minutes of the appropriate Township Board Meeting. The Township Board may, in addition to other reasonable conditions, require landscaping, walls, fences, and other improvements that are reasonable in relation to and consistent with the nature of the district in which the WECS is located. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Township Supervisor and authorized representative of the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
17. Completion; Testing: The applicant shall complete the Wind Park construction within 12 months after commencement of construction. Within 12 months of completion and commencement of operation, the applicant shall be required to present a report prepared by a third-party qualified professional acceptable to the Township, demonstrating that the Wind Park while in operation meets the requirements of this Ordinance and the permit for special use with respect to noise emissions, electromagnetic interference, and shadow flicker.

18. Inspection: The Township shall have the right upon issuing any Wind Park special use to inspect the premises on which each WECS is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at the applicant's reasonable cost.
19. Maintenance and Repair: Each WECS must always be kept and maintained in good repair and condition. If the Zoning Administrator determines that a WECS fails at any time to meet the requirements and conditions of this Ordinance, the special use permit or the site plan approval with respect to noise emissions, electromagnetic interference, or shadow flicker, or that it poses a potential safety hazard, the applicant shall shut down the WECS within 48 hours after notice by the Zoning Administrator and not start the WECS until the condition has been corrected. The applicant shall keep a maintenance log on each WECS, which shall be available for the Township's review on a monthly basis. The applicant shall keep all sites within the Wind Park neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
20. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS shall be repaired at the applicant's expense. In addition, the applicant shall submit to the Montcalm County Road Commission or appropriate agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Wind Park or any of its elements.
21. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents and property owners concerning the construction and operation of the Wind Park. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the Township from acting on a complaint. During construction and operation, the applicant shall maintain a telephone number during business hours where nearby residents and landowners can reach a project representative.
22. Abandonment and Decommissioning: Any WECS that is not used to produce energy equal to at least 5% of the energy capacity described in the site plan for a period of 12 successive months or longer shall be deemed to be abandoned and shall be promptly decommissioned, unless the applicant receives a written extension of that period from the Zoning Administrator in a case involving an extended repair schedule for good cause. The applicant shall prepare a decommissioning plan, decommissioning agreement, and decommissioning bond for submittal to the Township Board for review prior to issuance of the special use permit. Under the plan, agreement and bond, all structures and facilities shall be removed, including all above and below ground materials (at least 4 feet below the ground) and removed offsite for disposal. No concrete, piping and other materials (less than 4 feet below the ground) may be left in place. The ground must be restored to its original condition within 180 days of abandonment. The cost of such removal, decommissioning and restoration shall be borne solely by the applicant or its successor(s) or assign(s).
23. Continuing Security and Escrow: If any WECS is approved for construction under this Ordinance, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the WECS has been finally removed, as provided below:
 - i. Continuing Security: If a special use permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, irrevocable letter of credit, or surety bond in a form, amount, time and duration deemed acceptable to the Township, which will be

furnished by the applicant to the Township in order to ensure full compliance with this Ordinance and all conditions of approval. When determining the amount of each required security, the Township may also require an annual cost escalator or increase based on the Consumer Price Index (or other appropriate cost index). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use permit has been approved but before construction commences within the Wind Park. At a minimum, the financial guarantee shall be in an amount determined by the Township to be reasonably sufficient to have each WECS fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use permit. Such financial security shall be kept in full force and effect during the entire time a WECS exists or is in place, and such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the WECS).

- ii. Continuing Escrow Deposit: A continuing escrow deposit to be held by the Township shall be funded in cash by the applicant prior to the commencement of construction of any WECS and shall be maintained by the WECS owner until the WECS has been permanently removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the special use permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner, and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to enforcement of the Ordinance and the special use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the WECS owner to place additional monies into escrow with the Township.
 - iii. Continuing Obligations: Failure to keep such financial security and escrow deposit in full force and effect at all times while a WECS exists or is in place shall constitute a material and significant violation of a special use and this Ordinance and will subject the WECS owner to all remedies available to the Township, including possible enforcement action and revocation of the special use.
24. Liability: The applicant shall insure each WECS at all times and shall maintain such insurance on its own behalf and on behalf of the Township as a co-insured, with limits of liability not less than \$2,000,000.00 per occurrence for damages to persons and property (to be adjusted annually to an amount equivalent to 2022 dollars based on CPI).
 25. Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
 26. Shadow Flicker: All reasonable efforts shall be made not to affect any occupied structure with shadow flicker in the operation of any WECS. The application for special use permit shall contain an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the shadow flicker at these locations from sunrise to sunset over the course of a year. WECS shall be placed such that shadow flicker to any occupied buildings occurs no more than 30 hours per year.
 27. Vibrations or Wind Currents: Under no circumstances shall a WECS produce vibrations or wind currents humanly perceptible beyond the perimeter of the Wind Park.

28. Stray Voltage: The applicant shall be responsible for compensation for damages due to any stray voltage caused by a WECS in accordance with the rules of the Michigan Public Service Commission.
29. Environmental Impact Assessment: At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, plants, and/or other wildlife) as required by the Township for review by the Township regarding the Wind Park or surrounding areas. Each study or report shall be provided to the Township prior to the time when the Township Board makes its final decision regarding the special use permit.
30. Application Escrow Account: An escrow account shall be funded by the applicant when the applicant applies for a special use permit for a Wind Park. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs can include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies which the Township anticipates it may have done that are reasonably related to the zoning review process for the particular application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the special use permit review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the special use permit review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.
31. Reasonable conditions: In addition to the requirements of this section, the Township Board may impose additional reasonable conditions on the approval of a Wind Park as a special use.
32. Other Requirements: Each Wind Park and WECS shall also comply with all applicable federal, state, and county requirements, in addition to other Township Ordinances.

SECTION 15. SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any provision, section or part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall only affect the particular provisions, section or part involved in such decision and shall not affect or invalidate the remainder of such Ordinance, which shall continue in full force and effect.

SECTION 16. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 17. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following a public hearing before the Township Planning Commission and recommendations by the Township Planning Commission and the County Planning Commission, the above Ordinance was moved for adoption by Township Board Member _____ and was supported by Township Board Member _____ at a regular meeting of the Bloomer Township Board, held at the Bloomer Township Hall on the __ day of _____, 2022, at _____ p.m., the vote being:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED:

Dan Ryan, Supervisor
Bloomer Township, Montcalm County

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance that was:

1. Adopted by the Bloomer Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2022.
2. Published by summary following its adoption in the _____ newspaper, a newspaper that circulates within Bloomer Township, on _____, 2022.
3. Recorded one (1) week after such publication in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted; and
4. Filed as an attested copy with the Montcalm County Clerk on _____, 2022.

ATTESTED:

Sharon Miller, Clerk
Bloomer Township, Montcalm County