

**SUTTONS BAY TOWNSHIP**

**ORDINANCE NO. 6 OF 2009**

**(ZONING ORDINANCE AMENDMENT 09-003)**

**ARTICLE III GENERAL PROVISIONS  
SECTION 3.15 SMALL WIND ENERGY SYSTEMS**

AN AMENDMENT TO THE SUTTONS BAY TOWNSHIP ZONING ORDINANCE BY ADDING CERTAIN DEFINITIONS TO ARTICLE II DEFINITIONS AND BY AMENDING ARTICLE III GENERAL PROVISIONS, BY ADDING SECTION 3.15 SMALL WIND ENERGY SYSTEMS IN ITS ENTIRETY.

THE TOWNSHIP OF SUTTONS BAY ORDAINS:

**SECTION 1. AMENDMENT OF ARTICLE II DEFINITIONS**

The Suttons Bay Township Zoning Ordinance is hereby amended by the addition of the following definitions in their alphabetical locations and in their entirety, in Article II Definitions Section 2.2 as follows:

SMALL WIND ENERGY SYSTEM TOWER HEIGHT: The height above grade measured to the top including the tower and blades when fully extended.

WIND ENERGY CONVERSION SYSTEM (WECS): A tower, pylon, or other structure, including all accessory facilities, upon which is mounted a wind vane, blade, or series of wind vanes or blades, or other devices connected to a rotor for the purpose of converting wind into mechanical or electrical energy.

WIND ENERGY SYSTEM, COMMERCIAL: Wind turbine generators whose energy generation is not intended for primary consumption within the property on which the generator is located.

WIND ENERGY SYSTEM, SMALL: A WECS designed and used to generate electricity or produce mechanical energy for use on the property where located to primarily reduce on-site consumption of utility power.

## **SECTION 2. AMENDMENT OF SECTION 3.15 SMALL WIND ENERGY SYSTEMS**

The Suttons Bay Township Zoning Ordinance is hereby amended by the addition of the following new language as Article III General Provisions Section 3.15 Small Wind Energy Systems, which shall read in its entirety as follows:

### **SECTION 3.15 SMALL WIND ENERGY SYSTEMS**

#### **SECTION 3.15.1 INTENT**

The intent of this section is to recognize the concern for the conservation of energy resources and the desire of residents of Suttons Bay Township to contribute to such conservation with the installation of privately owned devices for the generation of electricity or mechanical energy for their own use. It is the purpose of this Section to promote the safe, effective and efficient use of small wind energy systems.

#### **SECTION 3.15.2 PERMITTED USE**

Small Wind Energy Systems are permitted by right in all districts, provided the Zoning Administrator finds that all of the requirements of this section are met.

This Section of the Ordinance allows for private wind turbine generators and is not intended to allow for the leasing of private lands for energy production intended for use on other properties. The language in this Section is solely to allow for and to regulate the production of energy for consumption on the property in which the system is located.

Small wind energy systems require a Land Use Permit and are subject to certain requirements as set forth below:

- A. Small Wind Energy System Tower Height:** Regardless of the structure height limitations of the zoning district in which a Small Wind Energy System is located, the height of a Small Wind Energy System tower can extend to no more than eighty (80) feet.
  
- B. Clearance of Blade:** The lowest point of the arc created by rotating wind vanes or blades on a Small Wind Energy System shall be no less than twenty (20) feet above ground and no blade sweep shall extend over parking areas, driveways, sidewalks, decks or required setback areas.

- C. Set-back:** Towers shall be setback from any property line no less than the height of the tower.
- D. Appearance:** Towers and/or small wind energy systems shall not be painted such as to stand out from the surrounding foliage and buildings. There shall be no advertising or signage other than the manufacturer's logo and cautionary signage, both of which are allowed at the base. Towers shall not be lighted.
- E. Safety:** Towers must be equipped with an appropriate anti-climbing device or be enclosed by security fencing not less than six (6) feet in height.
- F. Noise:** When operating, small wind energy systems shall not generate more than 60 decibels of sound, as measured at any lot line. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- G. Code Compliance:** Small wind energy systems shall comply with all applicable federal, state, and local construction and electrical codes and local building permit requirements.
- H. Utility Connection:** All utility lines leading to or from the wind energy generating device shall be underground.
- I. Non Use:** Towers must be maintained in a safe condition or be removed at the property owner's expense.
- J. Requirements for Land Use Permit:** A Land Use Permit application shall include a plot plan including existing structures, lot lines, roads, overhead utility lines, and the small wind energy system itself. A cross section drawing of the structure, base and footings must also accompany the application.

**SECTION 3. SEVERABILITY**

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional in any court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE: \_\_\_\_\_**

This Ordinance shall become effective eight (8) days after publication in a newspaper of general circulation within the township.

SUTTONS BAY TOWNSHIP

By: \_\_\_\_\_  
Richard Bahle, Township Supervisor

Ordinance No. \_\_\_\_ of 2009 was adopted on the \_\_\_\_ day of \_\_\_\_\_ 2009 by the Suttons Bay Township Board of Trustees, as follows:

Motion by:  
Seconded by:  
Roll Call Vote: Yeas:  
Nays:  
Absent:

Motion Carried:

I certify that this true copy of Ordinance No. \_\_\_\_ of 2009 was adopted at a regular meeting of the Suttons Bay Township Board of Trustees on \_\_\_\_\_, 2009 and published in the Leelanau Enterprise on \_\_\_\_\_, 2009.

Dated: \_\_\_\_\_  
Sandra VanHuystee, Suttons Bay Township Clerk