**DEERFIELD TOWNSHIP**

**ORDINANCE NO.**

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

**The Township of Deerfield ordains:**

**Section 1. Purpose**

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

**Section 2. Additional of subparagraph (3) to Section 7.23(k)**

Section 7.23(k) of the Township Zoning Ordinance is amended to add new subparagraph (3), entitled “Wind Energy Systems under PA 233,” which reads as follows in its entirety:

**3. Wind Energy Systems under PA 233.**

On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Wind Energy Systems with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in subsections 7.23(k)(1)-(2) above, these provisions control as to such Wind Energy Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Wind Energy Systems with a nameplate capacity of less than 100 megawatts. All provisions in subsections 7.23(k)(1)-(2) above that do not conflict with this subsection remain in full force and effect.

* 1. *Setbacks.* Wind Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

|  |  |
| --- | --- |
| **Setback Description** | **Setback Distance** |
| Occupied community buildings and dwellings on nonparticipating properties | 2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure |
| Residences and other structures on participating properties | 1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure |
| Nonparticipating property lines | 1.1 times the maximum blade tip height |
| Public road right-of-way | 1.1 times the maximum blade tip height to the center line of the public road right-of-way |
| Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings | 1.1 times the maximum blade tip height to the center line of the easement containing the overhead line |

* 1. *Shadow Flicker*. Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
	2. *Height*. Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
	3. *Noise.* The Wind Energy Conversion System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
	4. *Lighting.* The Wind Energy Conversion System must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
		1. The purpose of the exemption.
		2. The proposed length of the exemption.
		3. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
		4. The technical or economic reason a light-mitigating technology is not feasible.
		5. Any other relevant information requested by the Township.
	5. *Radar Interference.* The Wind Energy Conversion System must meet any standards concerning radar interference, lighting (subject to subparagraph (v)), or other relevant issues as determined by the Township.
	6. *Environmental Regulations.* The Wind Energy Conversion System must comply with applicable state or federal environmental regulations.
	7. *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Wind Energy Conversion System owner must pay the Township $2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

**Section 3. Amendment of Section 7.23(3)(k) (Introductory Paragraph)**

The introductory paragraph of Subsection (3)(k) of Section 7.23 of the Zoning Ordinance is amended to read as follows (not including its subsections), with deleted text shown in strikethrough and new text indicated with boldfaced font:

In addition to the information required by Section 7.23.3.c, site plans

submitted for any Wind Energy Generation Facility or Utility Scale WES

may be permitted within the area within 1,250 feet from the centerline of the transmission line that transects Deerfield Township Sections DE0-222, 223, 224, 225 as of the date of adoption of this ordinance as a Conditional Use pursuant to Section 7.21 and this subsection and shall include the

following information:

**Section 4. Validity and Severability.**

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

**Section 5. Repealer.**

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

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