

PARMA TOWNSHIP
WIND PARK/WECS ZONING ORDINANCE AMENDMENT

ORDINANCE NO. 18-12

An Ordinance to amend the Parma Township Zoning Ordinance to establish standards and regulations applying to wind energy conversion systems and wind parks within the Township.

PARMA TOWNSHIP, JACKSON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE ARTICLE II, SECTION 2.7: Zoning Ordinance Article II, Section 2.7, is amended to add definitions for the following terms, and shall read as follows:

Section 2.7

2.7.1 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).

2.7.2 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.

2.7.3 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 transmission company. 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 contiguous lots and parcels located within the Township that are in whole or in part within a radius of 2,640 feet from the bases of any and all WECS within the Wind Park, unless the Planning Commission expressly provides the permit for

the conditional use that the applicant may use a smaller radius or that any properties may be excluded from the Wind Park. If the Planning Commission 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.

2.7.4 Single WECS for On-Site Service Only: 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 single WECS is placed.

SECTION 2. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.1(C): Zoning Ordinance Article IV, Section 4.1(C), entitled “Conditional Uses,” is amended to add “Wind Parks” and “Single WECS for On-Site Service Only” as conditional uses, and shall read as follows:

Conditional Uses

1. Airports.
2. Cemeteries.
3. Country Clubs; public swimming pools; recreation centers; and parks, play-grounds, and play fields.
4. Commercial Medical Marihuana Facilities.
5. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
6. Extraction of raw materials and aggregate.
7. Facilities used for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
8. Facilities used in the research and testing of agricultural products and techniques.
9. Facilities used to provide veterinarian services for livestock.
10. Feedlots or concentrate animal-feeding industrial units. (See Article II, Section 2.1.25, Definitions and also Article VI, conditional Uses, Section 6.7(M)).
11. Golf courses, but not including golf driving ranges.
12. Group or organized camps, camping grounds, and resorts.
13. Hospitals and medical clinics.
14. Large Solar Energy Systems.
15. Mobile homes (14’) in accordance with Section 8.7 of this ordinance.
16. Planned-unit residential developments.
17. Production of methane and alcohol.
18. Public and private nursery; primary and secondary non-profit schools.
19. Sale and service of machinery used in agricultural production.
20. Sanitary landfill.

21. Places of Assembly.
22. Storage for sale of seed, feed, fertilizer, fuels and other products essential to agricultural production.
23. Single WECS for On-Site Service Only
24. Travel trailer parks.
25. Wind Parks

SECTION 3. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.2(C): Zoning Ordinance Article IV, Section 4.2(C), entitled "Conditional Uses," is amended to add "Single WECS for On-Site Service Only" as a conditional use, and shall read as follows:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Places of Assembly.
2. Country clubs, public swimming pools, recreation clubs, and public and private parks and playgrounds.
3. Golf courses, but not including golf driving ranges.
4. Government- or community owned buildings.
5. Home occupations in accordance with Article VIII, Section 8.9.
6. Public and private nurseries, primary, and secondary non-profit schools.
7. Single WECS for On-Site Service Only.
8. Two-family dwellings.

SECTION 4. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.3(C): Zoning Ordinance Article IV, Section 4.3(C), entitled "Conditional Uses," is amended to add "Single WECS for On-Site Service Only" as a conditional use, and shall read as follows:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Automobile repair garages.
2. Automobile service stations.
3. Drive-in theaters.
4. Establishments serving alcoholic beverages and/or providing entertainment, excluding Sexually Oriented Businesses.
5. Funeral establishments or mortuaries.
6. Places of Assembly.
7. Motels or Hotels.
8. Open-air display areas for the sale of manufactured products such as, or similar to, garden

furniture, earthenware, hardware items, and nursery stock; or, the rental of manufactured products or equipment, such as household equipment, small tools, two-wheeled and four-wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers, and similar products or equipment.

9. Outdoor commercial amusements
10. Single WECS for On-Site Service Only
11. Veterinary Clinics

SECTION 5. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.4(C): Zoning Ordinance Article IV, Section 4.4(C), entitled “Conditional Uses,” is amended to add “Single WECS for On-Site Service Only” as a conditional use, and shall read as follows:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Drive-in theaters.
2. Establishments serving alcoholic beverages and/or providing entertainment, including Sexually Oriented Businesses (subject to conditions in Articles VI, VII, and VIII).
3. Hospitals.
4. Outdoor commercial amusements.
5. Places of Assembly.
6. Sexually Oriented Businesses (subject to conditions in Articles VI, VII, and VIII).
7. Single WECS for On-Site Service Only.

SECTION 6. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.5(C): Zoning Ordinance Article IV, Section 4.5(C), entitled “Conditional Uses,” is amended to add “Single WECS for On-Site Service Only” as a conditional use, and shall read as follows:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI:

1. Bulk fuel storage.
2. Bus, truck, taxi, and rail terminals.
3. Places of Assembly.
4. Junk Yards.
5. Restaurants.
6. Sanitary landfill.
7. Single WECS for On-Site Service Only.
8. Trucking and cartage facilities, including repair facilities, and washing facilities and equipment, and storage yards.

SECTION 7. AMENDMENT TO ZONING ORDINANCE ARTICLE IV, SECTION 4.6(C): Zoning Ordinance Article IV, Section 4.6(C), entitled “Conditional Uses,” is amended to add “Single WECS for On-Site Service Only” as a conditional use, and shall read as follows:

Permitted Uses

1. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
2. Places of Assembly.
3. Single WECS for On-Site Service Only.

SECTION 8. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.20: Zoning Ordinance, Article VIII, is amended to add the following new Subsection:

8.20 Wind Parks.

- a. Purpose: The purpose of this Section is to establish standards for the siting, installation, operation, and removal or repair of Wind Parks within the A-1 District as a conditional use.
- b. Applicability: Wind Parks may be allowed as a conditional use only within the A-1 District, subject to the regulations and requirements of this Section and the general conditional use procedures, standards and criteria.
- c. Application; Signatures: The application for conditional use for a Wind Park shall be submitted on a form prepared for that purpose by the Township, and shall demonstrate the support in writing of each and every legal and equitable owner of each lot or parcel within the Township that is located in whole or in part within the Wind Park. If any owners of property within the Township that is proposed to be within the Wind Park do not support the application, the application shall identify those owners by name, address and telephone number, and a copy of the last offer the applicant made to that owner. If no offer was made to the owner, a copy of any and all communications between the applicant and the owner shall be submitted to the Planning Commission. The Planning Commission shall investigate the basis for each owner’s objections. The record of the investigation shall be made a part of the record in the consideration of the conditional use proceedings and the Planning Commission shall give due consideration to the basis for the objections in determining whether to permit any properties to be excluded from the Wind Park.
- d. Submission Requirements: The applicant shall submit eight (8) copies of the application and all supporting materials to the Township Zoning Administrator. The Zoning Administrator will cause the application to be placed on the Planning Commission’s next regular meeting agenda.
- e. Site Plan Drawing and Supporting Materials: All applications for a Wind Park conditional 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:

1. All requirements for a site plan contained in the Township's Zoning Ordinance.
2. All lot lines and dimensions, including a legal description of each lot or parcel within the Wind Park.
3. Names of owners of each lot or parcel within the Township that is proposed to be within the Wind Park.
4. 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
5. Location and height of all buildings, structures, and above ground utilities located or proposed within the Wind Park.
6. Specific distances to all onsite buildings, structures, and utilities shall be provided.
7. 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.
8. Proposed setbacks between each WECS and from each WECS to all existing and proposed structures within the Wind Park.
9. Land elevations at each proposed WECS location and its relationship to the land elevations of all existing and proposed structures within the Wind Park.
10. 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 Jackson County Department of Transportation approval, and the use of the drives shall be planned so as to minimize the use of lands for that purpose.
11. 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.
12. 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.
13. 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.
14. A copy of the manufacturer's safety measures to prevent uncontrolled rotation or over speeding.
15. Planned lighting protection measures.

16. Additional detail(s) and information as required by the conditional use requirements of the Zoning Ordinance, or as requested by the Planning Commission.

- f. 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.
- g. Farmland Preservation: Farmland 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 agricultural uses and purposes through the execution and recording of appropriate farmland easements, restrictive covenants, or other documents approved by the Planning Commission. Although such preservation measures are not required, they will be favorably considered by the Planning Commission in the review of a conditional use application under this Section.
- h. Design Standards:
 - 1. Height: The permitted maximum total height of each WECS (i.e., WECS height) shall be 430 feet including the blade in vertical position.
 - a. State and federal regulations may require a lesser height.
 - b. As a condition of approval, the Township may require a lesser height for WECS if it is determined that it is reasonably necessary.
 - c. Each WECS shall be constructed with a tubular tower, not a lattice tower.
 - d. The Planning Commission may approve a WECS height greater than 430 feet if the applicant clearly demonstrates that such greater height would be in the interest of persons and properties surrounding the Wind Park.
 - 2. Setbacks: No part of a WECS (including guy wire anchors) shall be located closer than 150% of the WECS height to any habitable structure and no closer than 100% of the WECS height to any road or utility.
 - 3. Isolation: No WECS shall be located closer than 2,640 feet from the base of the WECS to any point outside the Wind Park within the Township, unless the Planning Commission otherwise expressly provides in the permit for the conditional use. If the applicant seeks approval of an isolation distance less than 2,640 feet, the applicant shall be required to demonstrate to the Planning Commission 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 residences, businesses, schools, churches or other places of human habitation within the requested isolation distance from the WECS, as determined by a licensed qualified professional. Such evidence shall include, at a minimum, baseline readings, using state-of-the-art noise modeling data demonstrating that the anticipated noise generated

by the WECS will not increase the existing noise levels above a maximum of fifty (50) decibels on the dBA scale at any of those representative residences, as determined in the conditional use permit. As a condition of approval for any such lesser isolation distance, the applicant shall also post a performance guarantee in an amount fixed by the Planning Commission to assure that the WECS when installed will not have any material adverse effects on any residences, businesses, schools, churches or other places of human habitation within the requested isolation distance from the WECS, as determined by a licensed qualified professional.

4. 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.
5. 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.
6. Tower Access: To prevent unauthorized climbing, WECS must comply with at least one of the following provisions:
 - a. External tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - b. A locked anti-climb device shall be installed and maintained
 - c. 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.
7. 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:
 - a. Warning: High Voltage.
 - b. Warning: Falling Ice.
 - c. Manufacturer's name.
 - d. Emergency numbers (list more than one number).
 - e. 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.
 - f. If fenced, place signs on the fence.
8. Lighting: A lighting plan for each WECS shall be approved by the Planning Commission. 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.

9. 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.
10. Noise Emissions: All WECS shall be manufactured and constructed with the best available noise reduction technology available at the time of their construction. Noise emissions from the operation of one or more WECS operating within a Wind Park shall not in any case exceed fifty (50) decibels on the dBA scale as measured at any point on the boundary between land within the Wind Park and land outside the Wind Park and not more than fifty (50) decibels on the dBA scale as measured at residences outside the Wind Park. A state-of-the-art baseline noise emission study of the proposed site and impact of estimated operating noise levels upon all areas within one (1) mile radius of each proposed WECS location shall be performed (at the applicant's cost) and submitted to the Township with the application for conditional use.
11. 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 Planning Commission may waive the requirement that collection lines and interconnections be located and maintained underground if the Planning Commission determines that it would be impractical or unreasonably expensive to install, place, or maintain such collection lines and interconnections underground.
12. Approved Standards: In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any Wind Park conditional use unless it finds that all of the following standards are met:
 - a. The general conditional use standards contained in this Ordinance; and
 - b. The Wind Park will not pose a safety hazard or unreasonable risk of harm to the occupants of any surrounding properties or area wildlife.
13. Conditions and Modifications: Any conditions or modifications approved by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission Meeting. The Planning Commission 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 Agricultural District. After approval, at least two (2) copies of the final approved Site Plan shall be signed

and dated by the Chairman of the Planning Commission 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.

14. Completion; Testing: The applicant shall complete the Wind Park construction within twelve (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, demonstrating that the Wind Park while in operation meets the requirements of this Ordinance and the permit for conditional use with respect to noise emissions and electromagnetic interference, and shadow flicker effect.
15. Inspection: The Township shall have the right upon issuing any Wind Park conditional 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.
16. Maintenance and Repair: Each WECS must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a WECS fails at any time to meet the requirements of this Ordinance and the permit for conditional use with respect to noise emissions, electromagnetic interference, or shadow flicker effect, 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.
17. 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 appropriate County 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 County 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.
18. 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.
19. Abandonment: Any WECS that is not used for the production of energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property, unless the applicant receives a written extension of that period from the Township Zoning Administrator in a case involving an extended repair schedule for good cause. All above and below ground

materials (down 4 feet below the ground) must be removed. The ground must be restored to its original condition within 180 days of abandonment. The cost of such removal shall be borne solely by the applicant or its successor(s) or assign(s).

20. 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:

- a. *Continuing Security*: If a conditional use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, irrevocable letter of credit, corporate bond 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 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 the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a conditional use has been approved but before construction commences upon a WECS within the Wind Park. At a minimum, the financial security 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 conditional 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).
- b. *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 conditional 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 conditional 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.
- c. *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 conditional 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 conditional use.

21. 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 2017 dollars based on CPI).
22. 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.
23. Shadow Flicker Effect: All reasonable efforts shall be made not to affect any resident with any shadow flicker effect in the operation of any WECS.
24. Vibrations or Wind Currents: Under no circumstances shall a WECS produce vibrations or wind currents humanly perceptible beyond the perimeter of the Wind Park.
25. 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.
26. 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 Planning Commission makes its final decision regarding the conditional use.
27. Application Escrow Account: An escrow account shall be funded by the applicant when the applicant applies for a conditional use 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 conditional use 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 conditional use 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 conditional use 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.

28. Reasonable conditions: In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a Wind Park as a conditional use.

29. 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 9. AMENDMENT TO ZONING ORDINANCE ARTICLE VIII, SECTION 8.21: Zoning Ordinance, Article VIII, is amended to add the following new Subsection:

8.21 Single WECS for On-Site Service Only.

- a. Single WECS applications of wind energy conversion system, including WECS testing facilities, to service the energy needs of only the property where the structure is located may be approved in any zoning district as a conditional use, provided the property upon which the WECS is located is at least three and one-half (3-1/2) acres in size, complies with all applicable federal, state, and local laws, rules, and regulations.
- b. Single WECS are subject to the conditional use permit and 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 100 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 the height of the tower to the top of the rotor.

SECTION 10. 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 11. EFFECTIVE DATE: This Ordinance shall become effective seven (7) days after its publication following final adoption or as required by law.

SECTION 12. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Following its introduction and publication, the above Ordinance was offered for final adoption by Chamberlain and was supported by Motney at a regular meeting of the Parma Township Board, held at the Parma Township Hall on the 27 day of Dec, 2017, at 12:00 p.m., the vote being: 2018

YEAS: Chamberlain, Motney, Engelter, Spangler, Dearmyer
NAYS: None

ABSENT/ABSTAIN: none

ORDINANCE DECLARED ADOPTED.

Wendy Chamberlain

Wendy Chamberlain Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Parma Township Board at a duly scheduled and noticed meeting of that Township Board held on 12-27, 2017¹⁸, pursuant to the required statutory procedures.
2. A ^{notice} summary of the above Ordinance ^{adoption} was duly published in the Morningstar newspaper, a newspaper that circulates within Parma Township, on 1-13, 2017²⁰¹⁹.
3. Within 1 week after such publication, I recorded the above Ordinance 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.
4. I filed an attested copy of the ~~the~~ above Ordinance with the Jackson County Clerk on _____, 2017.

ATTESTED:

Donald E Spangler

Donald Spangler, Township Clerk