

CHARTER TOWNSHIP OF SOUTH HAVEN

ORDINANCE NO. 111

ORDINANCE AMENDING ARTICLES XI (CSC COMMUNITY SERVICE DISTRICT), XV (WIND ENERGY CONVERSION (WESC) OR WIND ENERGY SYSTEMS, XVIII (ON-SITE WIND ENERGY SYSTEMS LESS THAN 100 FEET IN HEIGHT), AND ARTICLE XX (FINAL SITE PLAN REQUIREMENTS) OF THE ZONING ORDINANCE OF SOUTH HAVEN CHARTER TOWNSHIP

SOUTH HAVEN CHARTER TOWNSHIP ORDAINS:

Section 1. Purpose. South Haven Charter Township adopts the following amendments for the health, safety, and welfare of Township residents.

Section 2. Amending Section 11.03 of the Zoning Ordinance. Section 11.03, entitled *Permitted Principal Special Uses With Conditions*, of Article XI, entitled *CSC Community Service District*, of the Zoning Ordinance of the Charter Township of South Haven is hereby amended to add a new Subsection C as follows:

- C. Public parks & recreation areas in accordance with the provisions of Article XV “Special Uses”, Section 15.06 A through D and 15.22.

Section 3. Amending Section 15.26.A of the Zoning Ordinance. Subsection A of Section 15.26, entitled *Wind Energy Conversion Systems (WECS) or Wind Energy Systems*, of Article XV, entitled *Special Uses*, of the Zoning Ordinance of the Charter Township of South Haven is hereby amended as follows:

- A. Exempt On-Site Use Wind Energy Systems (less than 100 feet in height): An On-Site Use wind energy system is intended to serve an individual property only. On-Site Use Wind Energy Systems (including Anemometer Towers) with no towers or with tower height(s) less than 100 feet shall be a permitted use in all zoning classifications subject to the requirements of Article XVIII Supplemental Regulations, Section 18.47 On-Site Use Wind Energy Systems less than 100 feet in height.

Section 4. Amending Section 15.26.B of the Zoning Ordinance. Subsection B of Section 15.26, entitled *Wind Energy Conversion Systems (WECS) or Wind Energy Systems*, of Article XV, entitled *Special Uses*, of the Zoning Ordinance of the Charter Township of South Haven is hereby amended as follows:

- B. Special Use On-Site Use Wind Energy Systems (100 feet in height or more): On-Site Use Wind Energy Systems (including Anemometer Towers) with tower height(s) of 100 feet or more

shall be considered a Special Use allowed in all zoning districts where structures are allowed subject to the requirements of this Article.

Section 5. Amending Section 15.26.E.1 of the Zoning Ordinance. Subsection E.1 of Section 15.26, entitled *Wind Energy Conversion Systems (WECS) or Wind Energy Systems*, of Article XV, entitled *Special Uses*, of the Zoning Ordinance of the Charter Township of South Haven is hereby amended as follows:

1. Property Setbacks: The distance between an On-Site Use Wind Energy System and the owner's property lines (and road right-of-way lines) shall be at least 1.1 times the height of the wind energy system structure including the blade in its vertical position. No portion of the structure, including guy wire anchors, shall extend closer than ten feet to the property line.

Section 6. Amending Section 15.26.G of the Zoning Ordinance. Subsection G of Section 15.26, entitled *Wind Energy Conversion Systems (WECS) or Wind Energy Systems*, of Article XV, entitled *Special Uses*, of the Zoning Ordinance of the Charter Township of South Haven is hereby amended as follows:

G. Decommissioning:

The applicant shall submit a plan describing the intended disposition of the WECS at the end of its useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance security or equivalent financial instrument shall be posted in an amount determined by the Township Board (to be utilized in the event the decommissioning plan must be enforced with respect to tower removal, site restoration, etc.). The security deposit shall be in favor of South Haven Charter Township and shall be in an amount equal to the estimated cost of removal and shall contain a replenishment obligation.

Section 7. Amending the Title and First Paragraph of Section 18.48 of the Zoning Ordinance. The Title and first paragraph of Section 18.48, entitled *On-Site Wind Energy Systems Less than 100 Feet in Height*, of Article XVIII, entitled *Supplemental Regulations*, of the Zoning Ordinance of the Charter Township of South Haven is hereby amended as follows:

SECTION 18.48 ON-SITE WIND ENERGY SYSTEMS LESS THAN 100 FEET IN HEIGHT

An On-Site Use wind energy system is intended to serve an individual property only. On-Site Use Wind Energy Systems

(including Anemometer Towers) with no towers or with tower height(s) less than 100 feet shall be a permitted use in all zoning classifications subject to the following regulations:

Section 8. Amending Section 18.48.B of the Zoning Ordinance. Subsection B of Section 18.48, entitled *On-Site Wind Energy Systems Less than 100 Feet in Height*, of Article XVIII, entitled *Supplemental Regulations*, of the Zoning Ordinance of the Charter Township of South Haven is hereby amended as follows:

- B. Property Setbacks: The distance between an On-Site Use Wind Energy System and the owner's property lines (and road right-of-way lines) shall be at least 1.1 times the height of the wind energy system structure including the blade in its vertical position. No portion of the structure, including guy wire anchors, shall extend closer than ten feet to the property line.

Section 9. Amending Section 22.08.D of the Zoning Ordinance. Subsection D of Section 22.08, entitled *Final Site Plan Requirements*, of Article XXII, entitled *Site Plan Review Procedures*, of the Zoning Ordinance of the Charter Township of South Haven is hereby amended as follows:

D. EFFECT OF APPROVAL

- 1. Approval of a final site plan authorizes issuance of a Zoning Permit. Approval shall expire and be of no effect after six (6) months following approval by the Township Board, whichever is specified in specific Sections of this Ordinance, unless a Zoning Permit is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of issuance of a zoning permit unless authorized construction has begun on the property in conformance with the approved final site plan.
- 2. Subsequent Approval. If a site plan has been approved for a specific site and later the property is approved for a different site plan, the first site plan shall automatically expire.

Section 10. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 11. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 12. Effective Date. This Ordinance shall be effective seven days after publication.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

)

COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of South Haven, Van Buren County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on the 9th day of November, 2011.

Brenda Bertorelli, South Haven Township Clerk