

LOWELL TOWNSHIP
ORDINANCE NO. 08-___

DRAFT # 2
For Planning Commission Public Hearing
October 13, 2008

MET TOWER ORDINANCE

AN ORDINANCE TO AMEND THE LOWELL TOWNSHIP ZONING ORDINANCE (ORDINANCE NO. _____, AS AMENDED) BY ADDING SECTION 4.10, MET TOWER.

THE TOWNSHIP OF LOWELL, KENT COUNTY, MICHIGAN ORDAINS:

Section 1. Addition of Section 4.10, MET (Meteorological) Tower to the Lowell Township Zoning Ordinance.

- A. A MET Tower may be permitted as a Special Use only within the AG-1, AG-2, R-1, GC, LI, OS-PUD, CPUD, and IPUD Districts, subject to the regulations and requirements of this section and also the general special use review procedures and standards of Section 4.7 of this Zoning Ordinance.
- B. For purposes of this Section a MET Tower is a structure and equipment used to determine the potential for the placement of a Wind Energy System (WES), containing instrumentation such as anemometers designed to provide wind data.
- C. Application Requirements.

An applicant for a MET Tower shall submit an application for a Special Land Use as required by Section 4.8 of this Ordinance and shall also submit the following materials. The site plan for a MET Tower shall comply with the site plan requirements of Section 4.10 C (8) instead of the requirements of Section 4.8 of this Ordinance.

- (1) A description of the number and type of MET Tower(s) to be installed and the expected length of time that the MET Tower will be operable.
- (2) A description of the height of the MET Tower **as well as standard drawings of the structural components of the MET Tower including structures, towers, bases, and footings. A registered engineer shall certify the drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.**
- (3) An explanation of the purpose of the tower, the type, height and number of wind energy systems anticipated to be proposed for installation on the site or nearby.
- (4) A statement from the applicant that the MET Tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.

- (5) A description of the tower maintenance program.
- (6) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District
- (7) Security measures including emergency contact personnel.
- (8) Nine copies of a site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The site plan shall contain at a minimum the following information unless specifically waived by the Planning Commission.
 - (a) The date on which the site plan was prepared.
 - (b) A north arrow and legal description of the property.
 - (c) Property lines and dimensions of the parcel containing the tower, the height of the MET Tower and its distance to all property lines.
 - (d) Any buildings or structures existing on the site and the use of the parcel.
 - (e) The distance to the closest building on adjacent property.
 - (f) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET Tower.
 - (g) Guy wires, guy wire anchors and any other tower supporting structure or device.
 - (h) Type and height of fencing to be installed around the tower or an equipment building.
 - (i) Elevation drawings of any buildings designed to serve the tower.
 - (j) Access road; width and construction standards.
 - (k) Any lighting proposed to be located on the tower.

D. General Requirements. A MET Tower shall comply with all of the following:

- (1) The tower shall be setback from all property lines a distance of not less than the height of the tower as measured from the base of the tower
- (2) All applicable state construction and electrical codes and local building permit requirements;
- (3) Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
- (4) The Michigan Airport Zoning Act (Public Act 23 of 1950);
- (5) The Michigan Tall Structures Act (Public Act 259 of 1959);
- (6) Any private or commercial landing strip regulations;
- (7) A MET Tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a

written notice from the Township. An extension of 90 days may be granted by the Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period.

- (8) In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.

E. Planning Commission Review The Planning Commission shall review the proposed MET Tower according to the standards for Special Uses contained in Section 4.7 herein. The Commission may approve a MET Tower for a specified period of time subject to renewal by the Planning Commission.

The Commission may impose reasonable conditions it its approval of a MET Tower in accordance with Section 4.7 herein including but not limited to a requirement that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET Tower and restoration of the site and a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.

SECTION 2 Addition to Section 4.1.1, Table Of Use Regulations, Column 3, Special Use by Planning Commission of the Zoning Ordinance.

Section 4.1.1, Table of Use Regulations, Special Use Permit by Planning Commission, Column 3, in the AG-1, AG-2, R-1, GC, and LI Zoning Districts is hereby amended by adding a new item for each zoning district to read as follows:

MET Tower pursuant to Section 4.10.

SECTION 3. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 4. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members:

NAYS: Members:

ORDINANCE DECLARED ADOPTED.

Linda Regan, Township Clerk

STATE OF MICHIGAN)

COUNTY OF KENT) ss.
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I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Charter Township of Lowell at a regular meeting held on the _____, and I further certify that public notice of such meeting was given as provided by law.

Linda Regan, Township Clerk