

ORDINANCE NO. 2016-02

AN ORDINANCE AMENDING SECTION 13-1-142 AND 13-1-143 OF THE VILLAGE OF FREDONIA CODE OF ORDINANCES PERTAINING TO WIND ENERGY SYSTEMS

The Village Board of the Village of Fredonia does ordain as follows:

Section 13-1-142 is hereby amended to read as follows:

SEC. 13-1-142 SPECIAL USE PERMITS REQUIRED-WIND ENERGY SYSTEMS ~~AND WIRELESS COMMUNICATION FACILITIES.~~

(a) Approval Required. No owner shall, within the Village, build, construct, use or place any type or kind of wind energy system ~~or wireless communication~~ facility without holding the appropriate conditional use permit for said system.

(b) Separate Permit Required for each System. A separate conditional use permit shall be required for each system. Said permit shall be applicable solely to the systems, structures, use and property described in the permit.

(c) Basis of Approval. The Village Board and Plan Commission shall base their determinations on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the Village and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, ~~its physical attractiveness~~, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.

(d) Definitions. For the purposes of this Section:

(1) "Wind energy systems" shall mean "windmills" which are used to produce electrical or mechanical power.

(2) ~~"Wireless communication facilities" shall mean towers and structures commonly associated with cellular telephone use as regulated under Section 704 of the Federal Telecommunications Act of 1996 and as subsequently amended.~~

Section 13-1-143 is hereby amended to read as follows:

SEC. 13-1-143 PERMIT PROCEDURE-WIND ENERGY SYSTEMS ~~AND WIRELESS COMMUNICATION FACILITIES.~~

(a) Application. The permit application for a wind energy system ~~or wireless communication facility~~ shall be made to the Zoning Administrator on forms provided by the Village. The application shall include the following information:

- (1) The name and address of the applicant along with a primary contact name and phone number.
 - (2) The address(es) of the property on which the system and support structures will be located.
 - (3) Written permission of the property owner if that is someone other than the applicant.
 - (4) Applications for the erection of a wind energy system ~~or wireless communication facility~~ shall be accompanied by a plat or survey for the property to be served showing the property lines, adjacent streets, easements, drainage paths, existing structures on or within 100' of the property, existing utilities, existing trees 6" dbh or larger, the location of the tower and any accessory buildings and the means by which the facility will provide power to structures. ~~In the case of wind energy systems, if~~ the system is intended to provide power to more than one premises, the plat or survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements shall accompany the application.
 - (5) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
 - (6) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable. The plans shall also show the main structure and support structures, equipment, and network components, including base stations, power supplies, cabling, and related equipment to be placed on or around the site.
 - ~~(7) Any other information which the Zoning Administrator, Village Board or Building Inspector may deem to be necessary to the proper review of the application.~~
 - (78)** If an applicant submits to the Village an application for a permit which contains all of the information required in paragraphs 1-6 and Articles 13-1-145 and 13-1-146 as applicable, the Zoning Administrator shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant in writing, within 10 days of receiving the application. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete. ~~The Zoning Administrator shall review the application and,~~ if the application is complete and contains all required information, the Zoning Administrator shall refer it for Plan Commission review prior to Village Board action.
- (b) Hearing.** Following receipt and review of Plan Commission findings, the ~~Village Board~~ Plan Commission shall schedule a public hearing following the procedures for conditional use permits in Article D.
- (c) Determination.** Within 90 days of receipt of a complete application, the Village shall complete the following or the applicant may consider the application approved except that the applicant and the Village may agree in writing to an extension of the 90 day period:
- (1) Review the application to determine whether it is complete with all applicable aspects of the Village's building code and zoning ordinances.
 - (2) Make a final decision whether to approve or disapprove the application.
 - (3) Notify the applicant, in writing, of the final decision.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision. A party who is aggrieved by the final decision of the Village may bring an action in the circuit court of Ozaukee County.

FEES

New structure or substantial modification permit - \$3,000

Payment of a 3rd Party consultants fee for review of the plans and specifications

SURETY

The applicant will provide a surety in the form of a bond for the amount \$20,000

Following public hearing and necessary study and investigation, the Village Board shall, ~~as soon as practical~~, render its decision and a copy be made a permanent part of the Board's minutes. Such decision shall include an accurate description of the special use permitted, of the property on which permitted, and any and all conditions made applicable thereto, ~~or, if disapproved, shall indicate the reasons for disapproval~~. The Village Board may impose any conditions or exemptions ~~necessary to minimize any burden~~ on the persons affected by granting the special use permit.

(d) Termination. When a special use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the special grant may be terminate by the action of the Village Board following a public hearing thereon.

(e) Changes. Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Village Board and if in the opinion of the Board, such change or addition constitutes a substantial alteration, a public hearing before the Village Board shall be required and notice thereof be given.

(f) Approval Does Not Waive Permit Requirements. The approval of a permit under this Article shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

This ordinance shall take effect and be in force one day after its passage and posting as provided by law.

PASSED AND ADOPTED by the village board of the Village of Fredonia, Ozaukee County, Wisconsin, this _____ day of _____, 2016.

ATTEST:

Donald Dohrwardt, Village President

Sandra Tretow, Village Clerk