

CHAPTER 11

Satellite Earth Stations; Television or Radio Antenna Towers; Wind Energy Systems

SEC. 8-11-1 SATELLITE EARTH STATIONS.

- (a) **Permit Required.** No owner shall, within the Village of Hales Corners, build, construct, use or place any type of satellite earth station until a building permit has first been obtained.
- (b) **Definitions.**
- (1) For purposes of this Section, a "satellite television dish" or "earth station" is defined as an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. They are also commonly referred to as disks, satellite communications systems or home earth stations.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Installation Restrictions.** Satellite earth stations installed in any zoning district within the Village shall comply with the following provisions:
- (1) Number of Units. Not more than one (1) satellite earth stations may be allowed per individual recorded lot except additional stations may be permitted by the Board of Appeals upon application for a variance in non-residential zones.
 - (2) Location and Setbacks.
 - a. Any satellite dish mounting post shall only be located in the rear yard of a residential lot. Satellite dishes shall comply with the front, rear and side yard requirements applicable to accessory buildings in that district.
 - b. If the dish cannot receive a usable satellite signal in the rear yard of any residential lot but can receive such a signal while located in a side yard, it may be located only in a side yard after receiving approval from the Board of Appeals. For corner lots, a side yard is only a yard that does not face a street.
 - c. No dish shall be placed in the front yard of any residential, business or industrial lot in the Village.
 - (3) Mounting. Satellite earth stations attached to the wall or roof of any principal or accessory structure shall be subject to the structure being constructed to carry all imposed loading. The Zoning Administrator may require engineering calculations.
 - (4) Diameter. The diameter of the satellite television dish shall not exceed ten (10) feet for the ground-mounted dish and six (6) feet for the roof-mounted dish, except for stations used to provide community antenna television services.
 - (5) Height.
 - a. A ground-mounted satellite dish may not exceed twelve (12) feet in height, as

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measured from the ground to the highest point of the dish.

- b. A roof-mounted satellite dish may not exceed eight (8) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
- (6) Wind Pressure. All satellite earth stations shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
- (7) Electrical Installations. Electrical installations in connection with earth satellite receiving stations, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the satellite earth station to the receivers shall be installed underground unless installation site conditions preclude underground. If a satellite earth station is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All satellite earth stations shall be grounded against direct lightning strikes.
- (8) Temporary Placement. No portable or trailer-mounted satellite earth station shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall give written notice to the Zoning Administrator of the date when such placement shall begin and end.
- (9) Advertising. No form of advertising or identification, sign or mural is allowed on the dish or framework other than the customary manufacturer's identification plates.
- (10) Interference with Broadcasting. Satellite earth stations shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the satellite earth station shall promptly take steps to eliminate the harmful interference in accordance with Federal Communication Commission regulations.
- (11) Compliance with Federal Regulations. The installation and use of every satellite earth station shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- (12) Color. The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Zoning Administrator as part of the application.
- (d) **Variances.** Request for variances from the standards established by this Section may be made to the Board of Appeals pursuant to Section 8-15-1 of this Chapter.
- (e) **Enforcement.**
 - (1) It shall be unlawful to construct, use, build or locate any satellite television dish in
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violation of any provisions of this Section. In the event of any violation, the Village Board, Zoning Administrator or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.

- (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Chapter 19.

SEC. 8-11-2 RADIO OR TELEVISION ANTENNA TOWERS.

- (a) No radio or television antenna tower shall be erected or installed within the front yard. No tower shall be erected closer than thirty (30) feet from any property line. Anchor locations for guy wires shall be located no closer than five (5) feet from any property line. The exact location of the antenna tower shall be subject to approval by the Zoning Administrator.
- (b) No radio or television tower shall exceed a height of sixty (60) feet above the ground measured at grade level, whichever is the minimum.
- (c) Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

Reference: Ordinance 97-11

SEC. 8-11-3 CONDITIONAL USE PERMITS REQUIRED -- WIND ENERGY SYSTEMS.

- (a) **Approval Required.** No owner shall, within the Village, build, construct, use or place any type or kind of wind energy system 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 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 of the immediate neighborhood in which such use would be located. Considerations as to 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.** "Wind energy systems" shall mean "windmills" which are used to produce electrical or mechanical power.

SEC. 8-11-4 PERMIT PROCEDURE - WIND ENERGY SYSTEMS.

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

- (1) The name and address of the applicant.
 - (2) The address of the property on which the system will be located.
 - (3) Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) 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.
 - (4) An accurate and complete written description of the use for which special grant is being requested, including pertinent statistics and operational characteristics.
 - (5) 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.
 - (6) Any other information which the Zoning Administrator, Plan Commission or Building Inspector may deem necessary to the proper review of the application.
 - (7) The Zoning Administrator shall review the application and, if the application is complete and contains all required information, shall refer it to the Plan Commission.
- (b) **Hearing.** Upon referral of the application, the Plan Commission shall schedule a public hearing thereof following the procedures for conditional use permits in Chapter 6.
- (c) **Determination.** Following public hearing and necessary study and investigation, the Plan Commission shall, as soon as practical, render its decision and a copy be made a permanent part of the Commission'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 Plan Commission 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 terminated by action of the Plan Commission 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 Plan Commission and if, in the opinion of the Commission, such change or addition constitutes a substantial alteration, a public hearing before the Plan Commission shall be required and notice thereof be given.
- (f) **Approval Does Not Waive Permit Requirements.** The approval of a permit under this Chapter shall not be construed to waive the requirement to obtain electrical, building or plumbing permits prior to installation of any system.

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SEC. 8-11-5 SPECIFIC REQUIREMENTS REGARDING WIND ENERGY SYSTEMS.

- (a) **Additional Standards.** Wind energy conversion systems, commonly referred to as "windmills," which are used to produce electrical power, shall also satisfy the requirements of this Section in addition to those found elsewhere in this Chapter.
- (b) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) 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.
- (c) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- (d) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- (e) **Electro-magnetic Interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) **Location and Height.** Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter; however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- (g) **Fence Required.** All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- (h) **Utility Company Notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of this application for a conditional use permit.