



VILLAGE OF WILLIAMS BAY

250 Williams Street | PO Box 580 | Williams Bay | WI | 53191 | vi.williamsbay.wi.gov

Phone: 262-245-2700

NOTICE

PLAN COMMISSION MEETING TUESDAY, JANUARY 10, 2023 AT 6:30 PM

AGENDA

The following agenda items may be considered for Discussion, Consideration, or Action

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Minutes
 - A. Plan Commission Meeting Minutes of 11/15/2022
 - B. Joint Village Board and Plan Commission Meeting Minutes of November 21, 2022
 - C. Plan Commission Meeting Minutes of 12/7/2022
- V. Recommendation and Possible Action for a Zoning Ordinance Text Amendment
 - A. Motion to Open Public Hearing - All interested in this matter are invited to attend
 - B. Resolution R-01-23 Recommending Approval of Ordinance #2023-01
 - C. Motion to Close Public Hearing
 - D. Consideration and possible action on Zoning Ordinance Amendment
- VI. Recommendation and Possible Action for a Zoning Ordinance Text Amendment
 - A. Motion to Open Public Hearing - All interested in this matter are invited to attend
 - B. Resolution R-02-23 Recommending Approval of Ordinance #2023-02
 - C. Motion to Close Public Hearing
 - D. Consideration and possible action on Repealing and Recreating a Zoning Ordinance
- VII. Adjournment

Bill Duncan
Chairman

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Village Clerk's office in advance so the appropriate accommodations can be made.

Posted: 01/06/2023 5:00 PM



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UNOFFICIAL MINUTES JOINT VILLAGE BOARD AND PLAN COMMISSION MEETING MONDAY, NOVEMBER 21, 2022 AT 5:30 PM

I. Call to Order

President Duncan called the meeting to order at 05:30pm.

II. Roll Call

Present: William Duncan, Matthew Stanek, George Vlach, Robert Umans, Lowell Wright, Jim D'Alessandro, Adam Jaramillo, Pat Watts, Matt Robbins, Marianne Klemke, James Killian

Also Present: Administrator Tobin, Clerk Kolls, Sonya Kruesel; Vandewalle & Associates, Inc.

Excused: Maggie Gage, Jess Haak

III. Pledge of Allegiance

IV. Comprehensive Plan

A. Review and Possible Recommendation on Comprehensive Plan Draft #2

Sonya Kruesel from Vandewalle & Associates, Inc. spoke about the Comprehensive Plan and answered questions from the Village Board as well as the Plan Commission.

V. Adjournment

The motion to adjourn was initiated by Marianne Klemke and seconded by Pat Watts at 06:29pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

These are not official Minutes until approved by the Governing Body.



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UNOFFICIAL MINUTES JOINT VILLAGE BOARD AND PLAN COMMISSION MEETING MONDAY, NOVEMBER 21, 2022 AT 5:30 PM

I. Call to Order

President Duncan called the meeting to order at 05:30pm.

II. Roll Call

Present: William Duncan, Matthew Stanek, George Vlach, Robert Umans, Lowell Wright, Jim D'Alessandro, Adam Jaramillo, Pat Watts, Matt Robbins, Marianne Klemke, James Killian

Also Present: Administrator Tobin, Clerk Kolls, Sonya Kruesel; Vandewalle & Associates, Inc.

Excused: Maggie Gage, Jess Haak

III. Pledge of Allegiance

IV. Comprehensive Plan

A. Review and Possible Recommendation on Comprehensive Plan Draft #2

Sonya Kruesel from Vandewalle & Associates, Inc. spoke about the Comprehensive Plan and answered questions from the Village Board as well as the Plan Commission.

V. Adjournment

The motion to adjourn was initiated by Marianne Klemke and seconded by Pat Watts at 06:29pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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UNOFFICIAL MINUTES PLAN COMMISSION MEETING 12/07/2022 MEETING WEDNESDAY, DECEMBER 7, 2022 AT 3:00 PM

I. Call to Order

President Duncan called the meeting to order at 03:04pm.

II. Roll Call

Present: Bill Duncan, Maggie Gage, Marianne Klemke, Matt Robbins, Lowell Wright

Also Present: Administrator Tobin, Clerk Kolls, Trustee Umans, Trustee Jaramillo, Dianna Coleman, Yerkes Future Foundation Board Chair, Tom Nickols, Yerkes Future Foundation Board Vice Chair

Excused: Pat Watts, Jess Haak, James Killian

III. Pledge of Allegiance

IV. Minutes

A. Joint Village Board and Plan Commission Meeting Minutes of November 21, 2022

The Joint Village Board and Plan Commission Meeting Minutes of November 21, 2022 were declined and will be added to the next Plan Commission Meeting.

V. Comprehensive Plan Workshop

A. Discussion and Recommendations on Comp Plan Update

The meeting was handled as a round table session where the Plan Commission went over the most recent version of the Comp Plan. Dianna Coleman Yerkes Future Foundation Chair and Tom Nickols - Yerkes Future Foundation Vice Chair spoke on the possible land use of the land that abuts Yerkes on the western edge.

VI. Adjournment

The motion to adjourn was initiated by Marianne Klemke and seconded by Bill Duncan at 06:06pm. Unanimously carried.

/s/ Tina Kolls, Village Clerk

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PLAN COMMISSION RESOLUTION R-01-23

RECOMMENDING APPROVAL OF ORDINANCE #2023-01 CREATING SECTIONS 390-0207C(25) AND 390-0223C(17) OF THE CODE OF ORDINANCES OF THE VILLAGE OF WILLIAMS BAY

WHEREAS, pursuant to the provisions of Section 390-1204D., the zoning administrator having reviewed the proposed ordinance amending Section 390-1003D. of the Code of Ordinances to determine whether the proposed amendments meet the criteria of Section 390-1204D. of the Code of Ordinances and having notified the plan commission that said proposed ordinance meets the criteria of subpart (2); and

WHEREAS, the Plan Commission of the Village of Williams Bay having held a duly noticed public hearing on the 10th day of January 2023 on the proposed ordinance creating Sections 390-0207C(25) and 390-0223C(17) of the Code of Ordinances of the Village Williams Bay concerning communication towers; and

WHEREAS, following said public hearing the Plan Commission of the Village of Williams Bay having found that the proposed ordinance creating Sections 390-0207C(25) and 390-0223C(17) of the Code of Ordinances does meet the criteria set forth in Section 390-1204D. of the Code of Ordinances and that the public benefits outweigh any potential adverse effects of the proposed ordinance.

NOW, THEREFORE, the Plan Commission of the Village of Williams Bay do hereby resolve to recommend to the Village Board of the Village of Williams Bay the adoption of proposed Ordinance #2023-01 creating Sections 390-0207C(25) and 390-0223C(17). of the Code of Ordinances of the Village of Williams Bay concerning communication towers, as prepared.

Approved by the Plan Commission of the Village of Williams Bay this 10th day of January 2023.

VILLAGE OF WILLIAMS BAY

By: _____
William Duncan, Chairperson

Attest: _____
Tina Kolls, Clerk

ORDINANCE #2023-01
AN ORDINANCE AMENDING SECTION 390-0207C. AND SECTION 390-0223C.
OF THE CODE OF ORDINANCES OF THE VILLAGE OF WILLIAMS BAY CONCERNING
COMMUNICATION TOWERS

WHEREAS, the Village of Williams Bay Building, Zoning and Ordinance Committee having recommended that communication towers be allowed as a conditional use in the Agricultural Holding District (AH) and the Public and Institutional District (P & I); and

WHEREAS, the Plan Commission of the Village of Williams Bay having held a duly noticed public hearing to address the proposed creation of Section 390-0207C. (25) and the proposed creation of Section 390-0223C. (17) of the Code of Ordinances which will allow for the village to permit communication towers as a conditional use in the Agricultural Holding District (AH) and the Public and Institutional District (P & I); and

WHEREAS, following said public hearing, the plan commission having voted to recommend to the village board the above stated amendments to Chapter 390 of the Code of Ordinances of the Village of Williams Bay; and

WHEREAS, the Village Board of the Village of Williams Bay having determined that it is appropriate to accept the recommendation of the plan commission and the Building, Zoning and Ordinance Committee regarding enacting the proposed amendments to Chapter 390 of the Code of Ordinances to facilitate the location of communication towers in the Agricultural Holding District (AH) and the Public and Institutional District (P & I) as a conditional use.

NOW, THEREFORE, the Village Board of the Village of Williams Bay do hereby ordain as follows:

Section I. Section 390-0207C. (25) is hereby created to read as follows:

(25) Communication Tower (per §390-0311E.).

Section II. Section 390-0223C. (17) is hereby created to read as follows:

(17) Communication Tower (per §390-0311E.).

Section III. This ordinance shall take effect upon passage and publication as provided by law.

Approved by the Village Board of the Village of Williams Bay this _____ day of _____, 2023.

VILLAGE OF WILLIAMS BAY

By: _____
William Duncan, President

Attest: _____
Tina Kolls, Clerk

First Reading: _____
Second Reading: _____
Date Adopted: _____
Date Published: _____



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PLAN COMMISSION RESOLUTION R-02-23

RECOMMENDING APPROVAL OF ORDINANCE #2023-02 REPEALING AND RECREATING SECTION 390-0811 OF THE CODE OF ORDINANCES OF THE VILLAGE OF WILLIAMS BAY

WHEREAS, pursuant to the provisions of Section 390-1204D., the zoning administrator having reviewed the proposed ordinance repealing and recreating Section 390-0811 of the Code of Ordinances to determine whether the proposed amendments meet the criteria of Section 390-1204D. of the Code of Ordinances and having notified the plan commission that said proposed ordinance meets the criteria of subpart (2); and

WHEREAS, the Plan Commission of the Village of Williams Bay having held a duly noticed public hearing on the 10th day of January 2023 on the proposed ordinance amending Section 390-1003D. of the Code of Ordinances of the Village Williams Bay concerning communication tower performance standards; and

WHEREAS, following said public hearing the Plan Commission of the Village of Williams Bay having found that the proposed ordinance repealing and recreating Section 390-0811 of the Code of Ordinances does meet the criteria set forth in Section 390-1204D. of the Code of Ordinances and that the public benefits outweigh any potential adverse effects of the proposed ordinance.

NOW, THEREFORE, the Plan Commission of the Village of Williams Bay do hereby resolve to recommend to the Village Board of the Village of Williams Bay the adoption of proposed Ordinance #2023-02 repealing and recreating Section 390-0811 of the Code of Ordinances of the Village of Williams Bay concerning communication tower performance standards, as prepared.

Approved by the Plan Commission of the Village of Williams Bay this 10th day of January 2023.

VILLAGE OF WILLIAMS BAY

By: _____
William Duncan, Chairperson

Attest: _____
Tina Kolls, Clerk

ORDINANCE #2023 - 02
REPEALING AND RECREATING SEC. 390-0811 OF THE CODE OF ORDINANCES OF THE
VILLAGE OF WILLIAMS BAY RELATING TO COMMUNICATION TOWERS

WHEREAS, a duly noticed public hearing was held by the Plan Commission regarding repealing and recreating Sec. 390-0811 of the Code of Ordinances to bring same into conformity with the requirements of Wis. Stat. Sec. 66.0404 regarding communication towers; and

WHEREAS, after said public hearing, the Plan Commission having recommended to the Village Board to repeal the current Sec. 390.0811 and adopt the new Sec. 390-0811; and

WHEREAS, the Village Board having determined that it is appropriate to adopt such revisions to the Zoning Code to bring same into conformity with the Wisconsin Statutes regarding communication towers to regulate the siting and application requirements for new tower construction and modification of existing towers;

NOW, THEREFORE, the Village Board of the Village of Williams Bay do hereby ordain as follows:

SECTION 1: § 390-0811 of the Code of Ordinances of the Village of Williams Bay is hereby repealed and recreated to read as follows:

§ 480-111. Communication Towers.

A. Purpose. The purpose of this section is to regulate the placement and maintenance of communication towers in order to prevent the creation of nuisances and promote the health, safety and general welfare of the public.

B. Applicability. The requirements of this section apply to all communication towers as described in §390-0311E of this chapter.

C. Definitions.

Antenna shall mean communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

Collocation shall mean a Class 1 or Class 2 collocation or both.

Class 1 collocation shall mean the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

Class 2 collocation shall mean the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

Equipment compound shall mean an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

Existing structure shall mean a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Village.

Mobile service facility shall mean the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

Mobile service provider shall mean a person who provides mobile service.

Mobile service support structure shall mean a freestanding structure that is designed to support a mobile service facility.

Search ring shall mean a shape drawn on a map to indicate the general area which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

Substantial modification shall mean the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

- (1) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- (2) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
- (3) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
- (4) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

Support structure shall mean an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure.

D. Review and Approval. Through both the site plan review process (§390-1206) and the conditional use process (§390-1207), the Plan Commission shall be responsible to have authority to hear, review and act upon all proposed new communication towers and all Class 1 collocations.

E. Class 2 Collocation.

- (1) **Application.** If an applicant submits to the Village Clerk an application for a permit to engage in a Class 2 collocation, the application shall contain the following: (1) name and business address of, and the contact individual for, the applicant, (2) the location of the affected support structure, and (3) the location of the proposed mobile service facility. A fee as set by resolution of the Village Board but not to exceed five-hundred dollars (\$500.00) or other monetary amount as set by Sec. 66.0404 (4)(d), Wis. Stats.,

shall also be submitted with the application. After such information is obtained, the application shall be considered complete. If any of the required information is not in the application, the Zoning Administrator shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. 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.

(2) **Determination.** Within forty-five (45) days of its receipt of a complete application, the Zoning Administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Zoning Administrator may agree in writing to an extension of the forty-five (45) day period:

- a. Make a final decision whether to approve or disapprove the application.
- b. Notify the applicant, in writing, of its final decision.
- c. If the application is approved, issue the applicant the relevant permit.
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(3) A party who is aggrieved by the final decision of the Zoning Administrator may bring an action in the circuit court of Walworth County.

F. Class 1 Collocation and New Construction.

(1) **Conditional use permit.** A conditional use shall be allowed only after approval by the Plan Commission and issuance of a Conditional Use Permit in accordance with the procedures listed in (2)-(6).

(2) **Application.** An applicant shall submit to the Village Clerk a Conditional Use Permit Application along with the following information:

- a) The name and business address of, and the contact individual for, the applicant.
- b) The location of the proposed or affected support structure.
- c) The location of the proposed mobile service facility.
- d) A plan for Walworth County-wide coverage of the provider's antenna locations for existing and proposed towers, containing all of the following information: (1) tower height and design, including a cross section and elevation, (2) location of tower and support structure(s), equipment buildings, security structures, vegetation, lot lines, access road(s) and other significant features, and (3) height above grade for all potential mounting positions and collocated antennas and minimum separation distances between antennas;
- e) A site plan containing all of the following information: (1) tower capacity, including the number and type of antennas it can accommodate, (2) steps the applicant will take to avoid interference with established public safety telecommunications, (3) proof the proposed tower/antenna complies with the regulations set forth by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC), (4) proof provided by a qualified and

licensed professional engineer that the tower/antenna meets all applicable structural and electrical standards and requirements, and (5) engineer's stamp and registration number.

- f) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - g) If the application is to construct a mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment to be placed on or around the new mobile service support structure.
 - h) If the application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the mobile service provider.
 - i) An application fee as set by resolution of the Village Board but not to exceed three thousand dollars (\$3,000.00), or other monetary amount as set by s. 66.0404 (4) (d), Wis. Stats.
- 3) **Application Complete.** The Zoning Administrator shall provide written notice to the applicant as to the completeness of the application within ten (10) days of receipt of said application by the Village. If the application is deemed incomplete by the Zoning Administrator, said notice shall specifically describe additional application materials required by the Village.
- 4) **Application Review.**
 - a) Upon receipt of the Conditional Use Permit Application from the applicant, the Clerk shall provide notification by postal mail to the parties of interest, and all land owners and the clerk of any local government unit within one thousand (1,000) feet of the lot identified for the conditional use in the application, and shall publish a Class 2 Legal Notice, in accordance with Sec. 985, Wisconsin Statutes, listing the time and place of a public hearing at which the Conditional Use Permit Application will be reviewed by the Plan Commission, and the proposed conditional use and its location, with said postal mail notification post marked fourteen (14) days prior to said hearing.
 - b) The Plan Commission shall review a Conditional Use Permit Application for compliance with this Section, at a public hearing within ninety (90) days of receipt of a complete application in accordance with subsection (3) above, to ensure said application is in accordance with the following requirements:

1. Siting and construction of towers and antennas, and necessary associated buildings, structures, and equipment (hereafter collectively “appurtenances”), shall balance the federal interest (Sec. 704 Telecommunications Act of 1996) regarding telecommunications towers and antennas with the Village interest in regulating land uses within its borders;
2. Siting and construction of towers, antennas, and appurtenances shall be done in a manner so as to protect other uses from the potential adverse impacts of said antennas, towers, and appurtenances, encourage collocation, minimize adverse visual impact through design, landscaping, visual screening and camouflaging techniques, consider the health and safety of antennas, towers, and appurtenances, and avoid potential damage to property or individuals due to tower/antenna mechanical failure;
3. Siting and construction of towers, antennas, and appurtenances shall comply with all applicable Walworth County, state, and federal building codes, as well as applicable standards for towers and antennas published by the Electronic Industries Association;
4. Siting and construction of towers, antennas, and appurtenances shall be in a manner so as to blend in, to the fullest extent possible, with the character of adjacent and proximate lands and not be “readily visible”, except as may be required by the Federal Aeronautics Administration or Federal Communications Commission;
5. Towers shall be monopole design unless recommended otherwise by the Village Engineer. Options for alternate designs shall be reviewed by the planning commission. Towers utilizing guy wires are not allowed;
6. Towers shall be designed structurally, electronically, and in all respects to accommodate the applicant’s antenna and comparable antenna for up to two (2) additional uses, to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;
7. Towers shall not be artificially lighted unless required by the Federal Aeronautics Administration or other applicable authority, and if lighting is required it shall be designed in a manner so as to cause the least amount of disturbance as possible to any affected viewshed or property owners;
8. Towers shall comply with the “Obstruction and Marking” requirements of the Federal Aeronautics Administration in cooperation with the Federal Communications Commission, and if “Dual Lighting Systems” are proposed for use, white strobe lighting only shall be used during daylight hours and red strobe lighting only shall be utilized during night hours;

9. No signs, other than warning or equipment information signs, shall be located on a tower;
10. Towers shall be setback from lot lines, easements, and streets (roads) a minimum of one hundred and five percent (105%) of the towers height, including antennas and lights, except as modified by s. 66.0404(2)(g), Wis. Stats. If any portion of a lot is being leased for the tower, the boundary of the leased area shall be considered the lot line. Appurtenances shall comply with the requirements of the zoning district in which they are located;
11. A tower's minimum and maximum height shall be as follows:
 - Monopole: Two hundred (200) feet or more;
 - Monopole and self-support: Two hundred one (201) feet to three hundred (300) feet;
 - Monopole and guy wire: Three hundred one (301) feet or greater;
12. A tower shall be sited not less than five thousand two hundred and eighty (5,280) feet from another whether located in the Village or an adjacent local government unit, unless for reasons beyond the applicant's control, such as unusual or unique topography, with distances between towers measured by a straight line between the base of the towers;
13. Towers and antennas shall be shielded, filtered, and grounded in a manner consistent with Federal Communications Commission and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally-received transmissions;
14. Appurtenances shall be placed underground if feasible given site conditions and screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the character of the surrounding area. The tower base and appurtenances shall be fenced with materials impervious to sight and secured so as to make the site inaccessible to the general public. Fencing shall not exceed six (6) feet in height and shall be painted or coated in non-reflective material;
15. The applicant shall demonstrate that the equipment planned for the proposed tower cannot be accommodated on an existing tower. The Village may determine that it is necessary to consult with a third party considering the feasibility of accommodating said equipment on an existing tower, with all reasonable costs and expenses associated with such consultation borne by the applicant. The applicant may provide names to the village of qualified third party consultants. The

consultant shall undertake due diligence and provide a report with sufficient data to substantiate all of the following:

- a. No existing towers are located within the geographic region required to meet the applicant's engineering requirements;
- b. Existing towers are not of sufficient height to meet the engineering requirements;
- c. Existing towers do not have the structural capacity to support the applicant's proposed equipment and the existing tower cannot be reinforced, modified, or replaced to accommodate said equipment at a reasonable cost;
- d. Locating new equipment on an existing tower would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing equipment would cause interference with the applicant's proposed equipment and the interference cannot be prevented at a reasonable cost; and
- e. The fees, cost, or contractual provisions required to share an existing tower are cost prohibitive;

16. Antennas mounted on buildings or structures not built specifically for the purpose of mounting said antennas shall meet all of the following:

- a. No antenna, including all mounting structures, lights, and any additional equipment, shall exceed ten (10) feet above the roof surface upon which it is mounted;
- b. No more than four (4) non-reflective panel antennas shall be installed, with the total area of antennas per provider not to exceed one thousand four hundred forty (1,440) square inches, and no single antenna to exceed four hundred eighty (480) square inches;
- c. All antennas and support buildings/structures shall be screened from view and architecturally compatible with the building or structure on which it is mounted; and
- d. All equipment enclosures shall be located underground if site conditions permit, or located within the building/structure on which the antenna is mounted, and said equipment shall be architecturally compatible with the building/structure;

17. The tower owner shall offer space for additional antennas at current market rates, if co-location is undertaken; and

18. The application shall comply with all applicable aspects of the Village's Building Code and Zoning Ordinances.

5) **Recommendation and Action.** After review and public hearing, the Plan Commission shall take action no later than ninety (90) days from the date which the applicant was notified that the application was complete to approve, approve with conditions, or deny with substantial evidence the Conditional Use Permit Application.

6) **Issuance or Denial Notification.**

- a) The applicant shall be notified, in writing of the final decision within ten (10) days of the Plan Commission's action. If the Plan Commission's decision is to disapprove the application, a written notification with substantial evidence which supports such decision shall be sent to the applicant.
- b) If the Conditional Use Permit Application is approved, it shall be subject to all of the following:
 - 1. A performance bond in the amount of twenty thousand dollars (\$20,000.00) to guarantee that the tower/antenna and appurtenances will be removed when no longer in operation. The Village will be named as obligee in the bond and must approve the bonding company; and
 - 2. Stipulation of submittal of a "Tower/Antenna Annual Information Review Report" (hereafter "Report") on a form provided by the Village, on or before January 31 of each year. The purpose of the Report is to provide the Village with accurate current information concerning the tower/antenna owner(s) and provider(s) offering or providing wireless communication services within the Village, and information on the wireless communication tower facilities so operated or utilized, so as to assist the Village in administration and enforcement of this Section and ensuring Village compliance with Village, Walworth County, state and federal standards and requirements. The Report shall include all of the following: (1) tower/antenna owner and operator name(s), address(s), phone number(s), and relevant contact person(s); (2) proof of bond and proof of insurance; and (3) number of collocation positions designated, occupied, or vacant in the Village, and evidence of compliance with this Section.
- c) The Plan Commission may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described in subsection F.(2)(h).
- d) A party who is aggrieved by the final decision of the Plan Commission may bring an action in the circuit court of Walworth County.

G. Abandonment. Any tower or antenna not in operation for a continuous period of twelve (12) months shall be deemed abandoned. The Village shall provide said tower and antenna owner written notice requiring removal of the tower, antenna, and associated buildings and structures (hereafter collectively "appurtenances") within ninety (90) days of receipt by the owner of said notice. If the owner wishes to resume tower or antenna use after the tower or antenna has been deemed abandoned, the owner shall apply for a new Conditional Use Permit in accordance with the application process identified in this Section. If a new tower and antenna Conditional Use Permit is denied in accordance with said application process, the tower or antenna owner shall remove the tower, antenna, and appurtenances within ninety (90) days of denial action, with the owner restoring the area on which the tower, antenna, and appurtenances were located to the manner existing prior to installation. If the tower, antenna, and appurtenances are not removed within said ninety (90) day period, they shall be removed by the Village at the owner's expense. If a

single tower is utilized by two (2) or more entities, this provision shall not become effective until all said entities cease operation.

- H. Inspection.** All towers or antennas issued a Conditional Use Permit in accordance with this Section may be inspected annually by the Zoning Administrator to determine compliance with this Section and any other applicable laws or regulations. Deviation from original construction parameters for which the Conditional Use Permit was issued shall constitute a violation.

SECTION 2: This Ordinance shall take effect upon passage and publication as provided by law.

Approved by the Village Board of the Village of Williams Bay this _____ day of _____, 2023.

VILLAGE OF WILLIAMS BAY

By: _____
William Duncan, President

ATTEST:

Tina Kolls, Clerk

First Reading: _____
Second Reading: _____
Date Adopted: _____
Date Published: _____