

TOWN OF SAUKVILLE, OZAUKEE COUNTY, WISCONSIN

ORDINANCE NO. 2008-01

AN ORDINANCE AMENDING SECTION 3.0602, SECTION 3.0603, TABLE 3.0502, TABLE 3.0503 AND DIVISION 9.0100 DEFINITIONS OF THE TOWN OF SAUKVILLE ZONING ORDINANCE TO ESTABLISH A CONDITIONAL USE PERMIT PROCESS FOR ALL ZONING DISTRICTS TO AFFORD THE OPPORTUNITY TO MAKE APPLICATION FOR A PERMIT TO ERECT AND MAINTAIN A **SMALL WIND ENERGY SYSTEM**

The purpose of this ordinance is to provide a regulatory scheme for the construction and operation of small wind energy systems in the Town of Saukville subject to reasonable restriction which is intended to preserve public health and safety. A Conditional Use Permit shall be required for any small wind energy system in the Town of Saukville constructed or altered after the effective date of this ordinance.

THE TOWN BOARD OF THE TOWN OF SAUKVILLE, OZAUKEE COUNTY, STATE OF WISCONSIN DOES ORDAIN AS FOLLOWS:

SECTION I: *Table 3.0502 Residential-oriented Permitted and Conditional Uses in the Residential and Agricultural Zoning District* is amended to add small wind energy systems (as an accessory use only) to the type of use. A letter "Ca shall be added to the columns marked A-1, A-2, A-3, A-4, A-5, R-1, R-2, R-3 and R-4 to indicate a small wind energy system may be issued a conditional use permit for the private use of the owner and the owner's family and not for commercial enterprises of governmental uses in the listed zoning districts.

SECTION II: *Table 3.0503 Permitted and Conditional Uses in the Nonresidential Zoning Districts* (other uses not classified under NAICS code) is amended to change Wind Power Generation Towers (as an accessory use only) to Small Wind Energy Systems (as an accessory use only). A letter "C9a" shall be added to the columns marked B-1, M-1, SG, I-1, and P-1 to indicate a small wind energy system may be issued a conditional use permit for the private use of the owner and the owner's family and not for commercial enterprises of governmental uses in the listed zoning districts.

SECTION III: *Section 3.0602 Detailed Standards for Conditional Uses in Agricultural and Residential Districts* shall be amended to include the following subsections:

F. Small Wind Energy Systems. A small wind energy system is defined as standing less than 170 ft. in total height and designed to produce no more than 100 kW of energy. Small Wind Energy Systems are limited to one system per parcel. When considering a conditional use permit the following minimum standards shall be used:

1. **Sound:** Audible sound emanating from a small wind energy system as measured at the property lines shall not exceed the Town Zoning Ordinance noise standards as set forth in Section 3.1007.
2. **Finish:** Small wind energy systems shall remain the manufacturer's non-reflective, non-obtrusive color. No signs or other displays are allowed except for the reasonable

identification of the manufacturer of the system if that identification is part of the original appearance of the system. Warning signs are not restricted by this regulation.

3. **Lighting:** No artificial lighting of the system shall be allowed except to the extent required by the Federal Aviation Administration or other authority for the purpose of aviation safety.
4. **Setbacks:** No wind energy system shall be erected closer than the total height of the system from the ground level to the top of the highest vane multiplied by a factor of 1.5 to the following: neighboring property lines, public roads and railroad rights-of-way or overhead utility lines.
5. **Ground Clearance:** Small wind energy system blades shall be at least 15 ft. above the grade at all times. Any guy lines supporting the tower shall be marked for visibility.
6. **Access:** Access ladders shall start above 15 ft. All electrical components shall be in a locked case. Fencing of the tower is permitted by not required. All warning signs should be kept legible.
7. **Wiring and Power Lines:** All power lines must be buried to National Electric Code Standards. A plat showing the location of all buried wiring shall be provided to the Zoning Administrator to insure a record is forward to Digger's Hotline.
8. **Code Compliance:** A small wind energy system including the supporting tower shall comply with all applicable *Wisconsin Building Code* and *National Electrical Code Standards*.
9. **Utility Notification:** Utility notification is required in all cases. The owner of a small wind energy system that connects to the electric utility shall comply with Public Service Commission of Wisconsin Rule #119 – *Rules for Interconnecting Distributed Generation Facilities*.
10. **Proof of Liability Insurance:** A Certificate of Insurance showing liability coverage in the amount of one million dollars covering the small wind energy system shall be submitted to the Town annually. This insurance shall not lapse at any time.
11. **Permit Requirements:** A zoning permit and a building permit issued by the town are required before construction begins.
12. **Abandonment:** If the system is out of continuous operation for a period of six months it shall be considered abandoned and the permit allowing its use may be withdrawn. The property owner shall receive notice of abandonment from the Zoning Administrator and shall have 30 days to respond in writing to this notice stating the reasons why the permit should not be withdrawn. After 30 days have passed since the notice has been received by the property owner, the Zoning Administrator may begin action to withdraw the permit. Once the permit for the system has been withdrawn the property owner has 60 days to remove the system from the property.

SECTION IV: Section 3.0603 *Detailed Standards for Conditional Uses in Nonresidential Districts* is amended to read as follows:

- M. Small Wind Energy Systems:** A small wind energy system is defined as standing less than 170 ft. in total height and designed to produce no more than 100 kW of energy. Small Wind Energy

Systems are limited to one system per parcel. When considering a conditional use permit the following minimum standards shall be used:

1. **Sound:** Audible sound emanating from a small wind energy system as measured at the property lines shall not exceed the Town Zoning Ordinance noise standards as set forth in Section 3.1007.
2. **Finish:** Small wind energy systems shall remain the manufacturer's non-reflective, non-obtrusive color. No signs or other displays are allowed except for the reasonable identification of the manufacturer of the system if that identification is part of the original appearance of the system. Warning signs are not restricted by this regulation.
3. **Lighting:** No artificial lighting of the system shall be allowed except to the extent required by the Federal Aviation Administration or other authority for the purpose of aviation safety.
4. **Setbacks:** No wind energy system shall be erected closer than the total height of the system from the ground level to the top of the highest vane multiplied by a factor of 1.5 to the following: neighboring property lines, public roads and railroad rights-of-way or overhead utility lines.
5. **Ground Clearance:** Small wind energy system blades shall be at least 15 ft. above the grade at all times. Any guy lines supporting the tower shall be marked for visibility.
6. **Access:** Access ladders shall start above 15 ft.. All electrical components shall be in a locked case. Fencing of the tower is permitted by not required. All warning signs should be kept legible.
7. **Wiring and Power Lines:** All power lines must be buried to National Electric Code Standards. A plat showing the location of all buried wiring shall be provided to the Zoning Administrator to insure a record is forward to Digger's Hotline.
8. **Code Compliance:** A small wind energy system including the supporting tower shall comply with all applicable *Wisconsin Building Code* and *National Electrical Code Standards*.
9. **Utility Notification:** Utility notification is required in all cases. The owner of a small wind energy system that connects to the electric utility shall comply with Public Service Commission of Wisconsin Rule #119 – *Rules for Interconnecting Distributed Generation Facilities*.
10. **Proof of Liability Insurance:** A Certificate of Insurance showing liability coverage in the amount of one million dollars covering the small wind energy system shall be submitted to the Town annually. This insurance shall not lapse at any time.
11. **Permit Requirements:** A zoning permit and a building permit issued by the town are required before construction begins.
12. **Abandonment:** If the system is out of continuous operation for a period of six months it shall be considered abandoned and the permit allowing its use may be withdrawn. The property owner shall receive notice of abandonment from the Zoning Administrator and shall have 30 days to respond in writing to this notice stating the reasons why the permit should not be withdrawn. After 30 days have passed since the notice has been received by the property owner, the Zoning Administrator may begin action to withdraw the

permit. Once the permit for the system has been withdrawn the property owner has 60 days to remove the system from the property.

SECTION V: Division 9.0100 *Definitions* is amended to add the following definitions into the text in alphabetical order as follows:

1. **Hub Height:** Hub height is defined as the distance from the grade at the base of a small energy system tower to the central hub of the turbine.
2. **Operator:** The operator of a small wind energy system is assumed to be the property owner of the parcel upon which the tower is located.
3. **Rotor Diameter:** The rotor diameter of a small wind energy system is defined as the diameter of the circle created by the rotation of the blades.
4. **Siting Permit:** The siting permit shall mean the building permit and a conditional use permit granted in accordance with this ordinance.
5. **Small Wind Energy System:** For the purposes of this ordinance, a small wind energy system is defined as standing less than 170 ft. in total height and designed to produce 100 kW of energy or less.
6. **Tower:** The tower is the supporting system of a wind energy system that may be monopole or lattice in shape. Some supporting structures lay flat for maintenance. All of these structures are considered towers for the purposes of siting small wind energy systems.

SECTION VI: All other ordinances or parts of ordinances contravening the terms of this ordinance are hereby and to that extent repealed.

SECTION VII: This ordinance shall take effect and be in full force upon its passage and the day after its publication.

Approved: JIM KADOW

Jim Kadow, Town Board Chairman

Date approved: 5/20/2008

This is to certify that the foregoing ordinance was adopted by the Town Board of the Town of Saukville, Wisconsin at a meeting held on the 20th day of May, 2008.

WALTER CLARKE

Walter Clarke, Town Clerk

Date published: _____

