

**27.05 Exempt From Permitting** The following are exempt from the requirement to obtain a zoning permit unless otherwise noted.

- (1) Structures for the support of television antennas and other receive-only antennas provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.
- (2) Structures for the support of amateur radio antennas that are owned and/or operated by a federally licensed amateur radio operator, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.
- (3) Structures for the support of mobile antennas for services providing public information coverage of news events or of a temporary or emergency nature.
- (4) Telecommunications towers mounted on the ground that do not exceed 100 feet in height, except that such towers located in Agricultural (A) zoning district shall be authorized as to comply with s. 91.46(4), Wis. Stats.
- (5) Telecommunications towers mounted on buildings that do not exceed 100 feet in height above grade.
- (6) All new public safety towers owned and operated by federal, state, county, or other local municipal governments, will be subject to section 27.07 (1) Information Report, below.
- (7) Co-locations will be subject to section 27.07 (1) Information Report, below.

Communication structures not meeting one or more of the conditions in 27.05 above are not regulated under this section but may be subject to regulation under other sections of this ordinance or other applicable regulations.

**27.06 Siting and Construction of New Wireless Service Support Structure, Facilities and Class 1 Co-location**

- (1) *Application Process.*
  - (a) A zoning permit is required for the siting and construction of a new wireless service support structure and facilities and for Class 1 Co-location.
  - (b) An application form must be completed by an applicant and submitted to the Planning and Zoning Department. The application must contain the following information:
    1. The name and business address of, and the contact individual for, the applicant.
    2. The site location address, legal description and computer tax parcel number of the proposed or affected wireless support structure and/or the proposed wireless service facility.
    3. If the application is to substantially modify an existing wireless support structure, a construction plan which describes the proposed modifications to the wireless 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.
    4. If the application is to construct a new wireless service support structure, a construction plan which describes the proposed wireless 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 wireless service support structure.

5. If an application is to construct a new wireless service support structure, a written explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a written sworn statement from an individual who has responsibility over the placement of the wireless service support structure attesting that co-location within the applicant's search ring would not result in the same wireless service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the wireless service provider.
  - (c) A Zoning permit application will be provided by the Planning and Zoning Department upon request to any applicant.
  - (d) *Completed Applications.*  
If an applicant submits to the Planning and Zoning Department an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Planning and Zoning Department shall consider the application complete. If the Planning and Zoning Department does not believe that the application is complete, the Planning and Zoning Department shall notify the applicant in writing, within 10 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) **County Responsibilities.**  
Within 90 days of its receipt of a complete application, the Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Planning and Zoning Department may agree in writing to an extension of the 90 day period:
- (a) Review the application to determine whether it complies with all applicable aspects of the County's Ordinance and statutory limitations.
  - (b) Make a final decision whether to approve or disapprove the application.
  - (c) Notify the applicant, in writing, of its final decision.
  - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - (e) The Planning and Zoning Department may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under paragraph 27.06(1)(b)5 above.
  - (f) If an applicant provides the Planning and Zoning Department with an engineering certification showing that a wireless service support structure, or an existing structure, is designed to collapse within a smaller area than the setback/fall zone area, that setback does not apply to such a structure unless the Planning and Zoning Department provides the applicant with substantial evidence that the engineering certification is flawed.
- (3) **Applicant Requirements.**  
(a) An applicant to construct a new wireless structure and/or wireless service structure shall notify the Town Clerk and adjacent property owners in which the structure is to be located, within ten working days of submission of the application to the County. The notice shall include as a minimum the location and intended changes to such features of an existing structure, and a telephone number and/or address where additional information on the application can be obtained. The notice shall be sent to all other municipalities and counties located within one-mile radius of the site.
- (4) **Fees.** The fee for the Zoning permit described in this section is \$ 500.00.
- (5) **Limitations.**  
Zoning Permits for Siting and Construction of any new wireless service support structure and facilities and zoning permits for Class 1 Co-locations shall only be granted provided the following conditions exist:

- (a) Design and installation of all towers and antennas shall comply with the manufacturers and engineers specifications. Plans shall be approved by an engineer licensed by the State of Wisconsin certifying the structural design.
- (b) The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting, etc.).
- (c) For new wireless service support structures, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
- (d) The applicant and/or agent have proof of liability coverage.
- (e) The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail and proof that the tower meets airport height restrictions.
- (f) The facility or co-location is designed to promote site sharing, such that space is reasonably available to co-locators and such that communication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities, are shared by site users whenever possible.
- (g) The applicant and/or agent have obtained all Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
  - 1. A of Findings of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable; a copy of which shall be submitted to the Vilas County Zoning Office prior to construction.
  - 2. Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable; a copy of which shall be submitted to the Vilas County Zoning Office prior to construction.
  - 3. FAA approval letters shall be submitted to Vilas County Zoning Office prior to construction.
- (h) No application to place, construct or modify a telecommunications tower may be denied on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with applicable FCC emissions standards.
- (i) No land may be subdivided for the purpose of providing space for a tower unless all lot size requirements for the applicable zoning district are met and subdivision approval is obtained. On a parcel that already has a principal use, the facilities shall be considered an accessory use. A pre-existing lot of record may be leased provided that all requirements of this ordinance can be met and a Zoning Permit is issued.
- (j) If the location of the proposed wireless service support structure or wireless service facility is on leased land, the lease agreement may not preclude the lessee from entering into leases on the site with other provider(s) and no other lease provision shall operate as a bar to co-location of other providers. Written authorization for siting the wireless communication facilities from the property owner must be provided.

**27.07 Class 2 Co-location and Public Safety Towers That are Owned and Operated by Federal, State, County, or other Local Municipal Governments**

(1) Application Process

- (a) *Information Report.* A Zoning permit is not required for a class 2 co-location or a public safety tower owned and operated by federal, state, county, or other local municipal governments. It is a permitted use with the submittal of an Information Report. The Information Report must contain the following information: