

**TABLE OF CONTENTS**  
**CHAPTER 170 ZONING CODE**

<b>Section #</b>	<b>Section Description</b>	<b>Page Number</b>
170-A	Introduction and Definitions -----	2
170-B	General Requirements -----	17
170-C	Zoning Districts -----	21
170-D	Traditional Residential District (TR-RES) -----	22
170-E	Agricultural Residential District (AG-RES) -----	23
170-F	Exclusive Agricultural District (AG) -----	29
170-G	Conservancy District (C) -----	31
170-H	Manufactured Home District (MH) -----	32
170-I	Traditional Commercial District (TR-COM) -----	37
170-J	Land Eligible for Commercial Zoning Overlay District (LECR) -----	38
170-K	Commercial Districts: General Standards for All Categories of Commercial District -----	39
170-L	Office Park – Medical Clinic Commercial District (COM-OP/MC) -----	53
170-M	General Retail and Service Commercial District (COM-GR/S) -----	53
170-N	Town Center – Commercial District (COM-TC) -----	54
170-O	Limited Commercial District (COM-LTD) -----	54
170-P	Industrial District (I) -----	55
170-Q	Traffic, Visibility, Parking and Access -----	56
170-R	Home Occupations -----	59
170-S	Signs, Canopies, Awnings and Billboards -----	62
170-T	Antennas, Mobile Service Facilities and Mobile Service Support Structures -----	77
170-U	Non-Conforming Uses, Structures and Lots -----	86
170-V	Conditional Uses -----	87
170-W	Performance Standards -----	92
170-X	Changes and Amendments -----	94
170-Y	Board of Appeals; Variances -----	95
170-Z	Administration -----	98

**Chapter 170**

**Section A**

**Introduction and Definitions**

**1. Title**

The Title of this Chapter is the “Town of Troy Zoning Ordinance”, referred to herein as the “Ordinance” or “this Chapter”.

**2. Authority**

The Town Board of the Town of Troy has general zoning authority, powers and duties pursuant to Wis. Stats. §§ 60.10; 60.22; 61.35; 60.62; and 62.23; also pursuant to the other specific statutory authority as noted elsewhere in this Ordinance; also pursuant to the Town’s assumption of village powers at its Annual Town Meeting on April 7, 1959 and pursuant to the action by Town electors at a Special Town Meeting on January 8, 1990, to authorize the Town Board to enact Town zoning ordinances.

**3. Purpose**

The purpose of this Chapter is to promote the health, safety, prosperity and general welfare of the residents and landowners in the Town of Troy, through the establishment and enforcement of regulations governing the use of land in the Town and by providing penalties for the violation of its provisions. To these ends, this Ordinance shall divide the Town into districts and regulate the location, construction, alteration, enlargement and use of structures and land in the Town.

**4. Intent**

It is the general intent of this Chapter to:

- a) Aid in implementing the Town’s Comprehensive Plan;
- b) Regulate the use of all structures, lands and waters;
- c) Provide for compatibility of land uses;
- d) Promote the preservation of agricultural and conservation areas within the Town.
- e) Provide opportunities for limited, desirable commercial development while reducing the property tax burden for residential property.
- f) Further the appropriate use of land and conservation of natural resources;
- g) Preserve and promote the beauty and rural atmosphere of the Town;
- h) Promote a fair, equitable and balanced application of reasonable zoning regulations for the Town and its residents.
- i) Regulate lot and population density so as to lessen congestion and promote the safety and efficiency of the streets and highways and protect farm land and open space uses;
- j) Prevent overcrowding; avoid undue population concentration;
- k) Facilitate the provision of public facilities and utilities;
- l) Stabilize and protect property values;
- m) Secure safety from fire, flooding, panic and other dangers;
- n) Provide adequate light, air, sanitation and drainage;
- o) Provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

**5. Repeal of Prior Chapter 170, Abrogation and Greater Restrictions**

The current Chapter 170 in this Code of Ordinances, adopted by the Town Board on March 12, 1990, and as amended thereafter, is repealed on the effective date of this Chapter. With this exception, it is not otherwise intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

**6. Severability**

If any specific portion of this Chapter is held to be unconstitutional, unlawful or invalid by a court of competent jurisdiction, the remainder of this Chapter shall be unaffected and remain in full force and effect.

**7. Effective Date**

This Chapter shall be effective after a public hearing, adoption by the Town Board and publication or posting as provided by law.

**8. Interpretation**

The provisions of this Chapter shall be held, interpreted and applied as minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or in conflict with the provisions of any other ordinances of the Town of Troy.

- a) For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
  - (1) Words used in the present tense include the future: in the singular include the plural and in the plural include the singular.
  - (2) The word "shall" is mandatory, not permissive.
  - (3) All distances, unless otherwise specified shall be measured horizontally.
  - (4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

**9. Definitions**

- a) For the purposes of this Chapter, the following definitions shall be used:
  - (1) Accessory Structure. A subordinate structure, the use of which is incidental to and customarily found in connection with the principal structure or use of the property. Subject to more specific requirements and limitations contained in the specific zoning districts, accessory residential structures may include, but are not limited to, garages, carports, sheds, barns, gazebos, boathouses, swimming pools, guest houses or cottages, bunk houses and garden houses. Attached garages, attached carports and decks are considered part of a residential structure, not an accessory structure or building.
  - (2) Accessory Use. A use subordinate to and serving the principal use located on the same lot and customarily incidental thereto. It must also be subordinate in area, extent or purpose to the principal building or use served. Accessory uses include, but are not limited to, family daycare, home occupations, and seasonal roadside stands.
  - (3) Advertising Sign, Outdoor. A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
  - (4) Advertising Structure, Outdoor. Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
  - (5) Agricultural Related Use. A facility, whether or not located on a farm, with at least one of the following as a primary, and not incidental, purpose: (a) providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms; (b) storing, processing or handling raw agricultural commodities obtained directly from farms. Manufacturing and implement dealerships are excluded.
  - (6) Agricultural Tourism. An enterprise or business that is farm-based and that combines the elements and characteristics of agriculture and tourism. Agricultural Tourism includes a wide array of farm

Town of Troy Zoning Ordinance, Chapter 170

and farm-related activities including nature based tourism, fishing, hunting, wildlife study, horseback riding, day camps, hands-on-chores, cannery tours, cooking classes, wine tasting, on-farm museums, harvest festivals, seasonal craft sales offering predominantly locally produced craft items, barn dances, "petting" farms, weddings, overnight farm or ranch stays, guided tours, on-farm direct sales, "pick-your-own" operations, roadside stands, and farmers markets.

- (7) Agricultural Use. General farming including beekeeping, egg production, floriculture, forest management, domestic livestock, dairy, poultry raising, sod farming, roadside stands selling only produce from the farm operation on the premises by members of the farm family, nurseries, greenhouses, vegetable raising, raising of crops and other similar uses, including placing land in federal programs for commodity payments or enrolling land in the conservation reserve program under 16USC 3831 to 3836 but excluding farms operated for the disposal or reduction of garbage, sewage, rubbish or offal.
- (8) Animal Waste. Manure, milking center waste and other organic waste generated by livestock, farm animals, or any number combination of animal units or portion thereof. It includes animal bedding, water, soil, hair feathers and other debris that becomes intermingled with animal excreta in normal waste handling operations.
- (9) Animal Waste Storage Facility. One or more animal waste storage structures used for temporary storage of animal waste, including stationary equipment and piping used to load and unload an animal waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. It does not include equipment used to apply animal waste to land or animal waste that is confined within an animal housing structure.
- (10) Animal Waste Storage Structure. A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. It does not include equipment used to apply waste to land. For purposes of Wis. Admin. Code Ch. ATCP 51.12 (2) (setbacks) and 51.14 (odor), does not include any of the following:
  - (a) A structure used to collect and store animal waste under a livestock structure (housing facility).
  - (b) A waste digester consisting of a sealed structure in which animal waste is subjected to managed biological decomposition.
- (11) Antenna. Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omni-directional antenna (rod), a directional antenna (panel) or a parabolic antenna (disc).
- (12) Apartment. A portion of a residential or commercial building used as a separate dwelling unit.
- (13) Apartment House. See "Dwelling, Multiple."
- (14) Arterial Road or Street. A public street or highway that provides for rapid movement of high volumes of traffic between areas. Their function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.
- (15) Automotive Service, Repair & Towing. Repairs, incidental body and fender work, replacement of parts and motor services, towing and steam cleaning to passenger automobiles and trucks not exceeding 12,000 pounds gross weight.
- (16) Awning. A hood or cover which projects from the wall of the building, which may be retracted, folded or collapsed against the face of a supporting structure. Awnings are not projecting signs.

Town of Troy Zoning Ordinance, Chapter 170

- (17) Banner. Any sign of lightweight fabric or similar material that is intended to promote a business, special event, building, or district and mounted to a pole or a building. National, state or municipal flags, or the official flag of any educational institution shall not be considered a banner under this definition.
- (18) Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- (19) Bed and Breakfast. A place of lodging for transient guests that is the owner's personal residence, that is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- (20) Board of Appeals. The Town of Troy Board of Appeals.
- (21) Boarding House. A building other than a hotel or motel where meals or lodging and meals are served for compensation for not more than six (6) persons.
- (22) Building. A structure used, designed or intended for the protection, shelter, enclosure or support of person, animals or property. When a building is divided into separate parts by a division wall without openings, extending from the ground up, each part shall be deemed a separate building.
- (23) Building, Alterations. Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (24) Building, Height of. The vertical distance from the base point of elevation to the highest point of a flat roof, to the deckline of a mansard roof or to the average height of the highest gambrel hip or pitch roof.
- (25) Building, Line. A line measured across the width of a lot at that point where the principal structure is placed in accordance with setback provisions.
- (26) Buffer Space. Undeveloped area(s) in any major subdivision that cannot be further subdivided and is/are owned in common by the owners of the subdivision lots and where the primary purpose is to separate residential areas from areas being preserved for agricultural uses. Buffer spaces also serve as open space.
- (27) Camouflage Design. A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.
- (28) Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- (29) Camping Unit. Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping or travel trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- (30) Canopy. A Canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalks. Canopies are not projecting signs.
- (31) Centerline. A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.

Town of Troy Zoning Ordinance, Chapter 170

- (32) Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (33) Church. A building together with its accessory buildings where people regularly assemble for religious worship and which building(s) is maintained and controlled by a religious body organized to sustain public worship.
- (34) Clinic. A building used by a group of physicians, chiropractors, dentists or similar professional for the medical examination or treatment of persons on an outpatient or nonboarding basis only.
- (35) Club. An association of persons for some common purpose but not including any groups organized primarily to render a service which is customarily carried on as a business.
- (36) Commercial Speech. Any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.
- (37) Commission. The Town of Troy Plan Commission.
- (38) Community Living Arrangement. The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Wis. Stats. § 48.60, group homes for children under Wis. Stats. § 48.02(7) and community-based residential facilities under Wis. Stats. § 50.01 but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including §§ 46.03(22), 62.23(7)(i), and amendments thereto, and also the Wisconsin Administrative Code.
- (39) Compliant Building location. An area on a lot where a building could be located in compliance with all applicable ordinance requirements.
- (40) Concentrated Animal Feeding Operation (CAFO). An animal feeding operation with 300 animal units or more that meets the criteria set out in Wis. Admin. Code Chapter NR243.
- (41) Conditional Use. A use of land, water or building which is allowable only after review, public hearing and recommendation by the Plan Commission and after the Town Board, under conditions specified in this Chapter, has determined that the applicable conditions specified in this Chapter have been met and has created any additional site or operation – specific conditions as are necessary for public and neighborhood health, safety and welfare.
- (42) Condominium. A residential, commercial or industrial building and property subject to condominium declaration as established under Wis. Stats. Chapter 703.
- (43) Conservation Easement. An enforceable nonpossessory interest in real property imposing any limitation or affirmative obligation, the purposes of which include permanently protecting farmland so as to better preserve the rural character of the Town by permanently preserving scenic vistas and environmentally significant areas including wetlands, lakes, streams and woodlots, creating and preserving open areas around significant environmental areas and agricultural areas; protecting the Town of Troy from the encroachment of neighboring cities; permanently restricting land divisions, subdivision and/or residential, commercial or industrial development; permanently retaining or protecting natural, scenic or open space values of real property; permanently assuring the availability of real property for agricultural, forest, recreational or open space use; permanently protecting natural resources, maintaining or enhancing air or water quality; and/or permanently preserving the historical, architectural archeological or cultural aspects of real property.

Town of Troy Zoning Ordinance, Chapter 170

- (44) Contractor's Storage Yard. The outdoor portion of a lot or parcel, where a construction or service contractor maintains a permanent business office, that is used to store and maintain construction or service equipment and other materials customarily used by the construction or service contractor. If used in this manner, the entire lot or parcel would then be classified as a contractor's storage yard and will be required to conform to all applicable zoning district standards and regulations.
- (45) Convenience Store. A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and consumer goods, primarily for self-service by the consumer. Hot beverages, fountain type beverages and pastries may be included in the food items offered for sale.
- (46) Crops. Cultivated plants including but not limited to field crops such as corn, wheat, oats, barley, hay, potatoes and dry beans; fruits such as apples, grapes, cranberries, cherries and berries; vegetables such as tomatoes, sweet corn, carrots and squash; plants raised for culinary, medicinal or aesthetic purposes such as flowers, herbs, spices, ornamental shrubs and trees and ginseng; plants raised for energy production such as switch-grass; and plants raised for textile use, such as cotton or bamboo.
- (47) Cul-de-sac. A dead-end road with a circular turn-around at the end for vehicular use.
- (48) Day Care Center. A place or home which provides care for at least four (4) and not more than eight (8) children for less than twenty-four(24)hours a day and is licensed as provided for in Wis. Stats, Sec. 48.65.
- (49) Deck. An unenclosed exterior structure that has no roof or sides, but has a permeable floor. An attached deck is part of the structure to which it is attached. An unattached deck is an accessory structure.
- (50) Density. The acreage-to-dwelling unit ratio used to calculate the maximum number of dwelling units allowed under the Town's Subdivision Ordinance in an area for which subdivision is planned, and based on the zoning classifications of land on July 1, 1999.
- (51) Department. The Department of Natural Resources.
- (52) Development. Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining dredging, filling, grading, paving excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- (53) District. Parcels or sections of the Town of Troy, for which the regulations governing the use of land and buildings are uniform.
- (54) Dock Piers and Wharves. Structures extending into the water to facilitate the launching or mooring of water craft or for fishing during the open water season.
- (55) Driveway. Any roadway providing a single, temporary or permanent point for vehicular access from a private or public Town road to a building located on public or private property. Driveways are not field roads. (from Town Road ordinance)

Town of Troy Zoning Ordinance, Chapter 170

- (56) Dwelling Unit. A self-contained living unit consisting of sleeping quarters, bathroom(s), and kitchen, for occupancy exclusively by one family, more than one which may be located in our building.
- (57) Dwelling, Multiple. A building or portions thereof designed for and used by more than two families. Classification of a residential structure shall be determined by its present or projected occupancy and design and not by the characteristics of ownership and tenancy such as condominium arrangements.
- (58) Dwelling, One-Family. A building designed for one dwelling unit occupied exclusively by one family.
- (59) Dwelling, Two-Family (Duplex). A building owned by a single entity designed for two separate dwelling units each occupied exclusively by separate families.
- (60) Exotic Animals. Animals not normally adapted to live and breed in a tame or domestic condition, and/or that originate in or are introduced from another country and/or are not normally kept as livestock or as household pets.
- (61) Expansion. An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.
- (62) Family. One (1) or more persons who live together in one dwelling unit as a single housekeeping entity.
- (63) Family Day Care Home. A dwelling licensed as a day care center by the State of Wisconsin where care is provided for not more than eight (8) children.
- (64) Farmette. A lot created by the subdivision of land, with the combined area of all farmettes included in the major or minor subdivision in which the lot will be located averaging not less than 1 lot per 12 acres, with each lot having a minimum size of 6 acres, that cannot be further subdivided and that contain no more than one dwelling unit.
- (65) Farm Plan. A landowner's plan to preserve the best farmland in an existing farm for agricultural uses and purposes under a conservation easement that limits subdivision and development in such area and that also designates other Plan areas for subdivision into lots less than 35 acres in size to be located on the less desirable farmland in the Plan area, all in conformity with the requirements of the Town's Subdivision Ordinance.
- (66) Field Road. Any roadway providing a single, temporary or permanent point for vehicular access from a private or public road to non-residential land and used solely for farm purposes, or to undeveloped, non-residential land. Field roads are not driveways.
- (67) Flag. Any fabric, bunting or other flexible material that contains one or more colors, patterns symbols or words.
- (68) Floor Area. The area within the exterior wall lines of a building, provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, unfinished basements or utility rooms, garages, breezeways, unenclosed porches or terraces.
- (69) Footprint. The areas of land that is covered by a structure at ground level, measured on a horizontal plane. The footprint of a structure includes cantilevered or pier supported horizontal expansions or similar expansions that enlarge the area of the structure without using a ground level foundation.



Town of Troy Zoning Ordinance, Chapter 170

- (70) Foundation. The underlying base of a building or other structure, including, but not limited to, pillars, footings and concrete and masonry walls.
- (71) Frontage. All of the property abutting on one (1) side of a street measured along the street or road between two intersecting roads or streets.
- (72) Garage, Private. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.
- (73) Garage, Service. Any commercial premises used for the storage or care of motor-driven vehicles for the general public or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
- (74) Garden Center. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery and gardening tools.
- (75) Grade, Building. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground of the highest and lowest grades adjacent to the building.
- (76) Greenhouse. A temporary or permanent accessory structure typically made of, but not limited to, glass, plastic or fiberglass in which plants are cultivated. Allowed as a primary structure only as a conditional use in the General Retail and Service Commercial District.
- (77) Group Day Care. A facility licensed as a day care center by the State Department of Children and Families under Wis. Stat. § 48.65 where a person or persons provide for nine or more children. It includes preschools and nursery schools.
- (78) Group Home. A facility designed to fit into the community to provide living quarters and services for individuals of medical or social needs and to be staffed by qualified professionals pursuant to Wis. Stats. § 48.60, foster homes, and Wis. Stats. §§ 46.03(22) and 62.23(7)(i), community and other living arrangements.
- (79) Hard Surface. Commercial or industrial zoned area on which is located building footprint(s), delivery area(s), new interior service road(s), parking lot(s), unloading and loading facilities and outdoor storage.
- (80) Home Occupation. A business or commercial activity conducted on property zoned for residential, agricultural-residential, exclusive agricultural or manufactured homes. Home occupations are categorized as major or minor.
- (81) Hotel or Motel. A building in which lodging, with or without meals, is offered to transient guests for compensation and where there is no permanent occupancy of any unit other than by the owner or the owner's employees.
- (82) Household Pets. Domestic animals commonly found in residences, kept as pets and not raised for commercial resale including dogs, cats, birds and other small animals.

Town of Troy Zoning Ordinance, Chapter 170

- (83) Indoor Maintenance and Repair of Goods and Equipment. A use inside a building including repair and service of small motors, such as lawn mowers, washing machines, sewing machines, jet ski, four wheelers and small equipment such as guns, chain saws, shoes, etc.
- (84) Indoor Recreation Facility. A building used for indoor recreation, including but not limited to tennis, racquet ball, driving ranges, curling dance schools, ice arenas, shooting ranges, pool hall and health club.
- (85) Institutional. A use including but not limited to government building, library and public, private or charter school.
- (86) Junk. Items, materials or products that are no longer usable as originally intended and/or though capable of being converted to another use are not actually still being used. A motor vehicle is junk for purposes of this chapter if: (a) it is not currently registered or (b) it is not capable of operation, lawful or otherwise, on public highways of Wisconsin and remains in that condition for more than 10 days after receipt of a registered or certified letter from the Town notifying the owner, occupant or custodian of the premises of the violation. An automobile licensable as an antique or special interest vehicle under Wis. Stats. § 341.265, 341.266, or any part thereof is not considered junk, provided such vehicle is stored in the manner required by Wis. Stats. § 341.266(4).
- (87) Junk Yard. An open space where junk, waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "Junk Yard" also includes an auto wrecking yard, but does not include uses conducted entirely within enclosed buildings.
- (88) Kenel, Commercial. An establishment, structure or premises open to the public and/or operated with intent of making a profit where more than a certain number of dogs or cats that are six months of age or older are kept, that number being determined by the size of the lot on which the establishment, structure or premises is located, and where said dogs, or any of them, are bred and raised for sale, boarded, groomed and/or trained as a service.
- (89) Land Division. Any division of a parcel of land by the owner or the owner's agent, for the purpose of transfer of ownership or building development, which creates one or more parcels or building sites of 35 acres or less.
- (90) Large Footprint Commercial Structure. A commercial building, open to the public, with 50,000 square feet or more of enclosed area on the ground level.
- (91) Light Industry. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including research, development, processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing, and which activities are conducted wholly within an enclosed building.
- (92) Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised beef, farm-raised game birds, camelids, ratites and farm-raised fish.
- (93) Livestock Facility. A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. It includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single livestock facility for the purposes of this Chapter, except that an operator may elect to treat a separate species facility as a separate livestock facility.

Town of Troy Zoning Ordinance, Chapter 170

- (94) Livestock Structure. A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or animal waste storage structure. Livestock structure does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (95) Lot. A parcel of land (excluding outlots created by subdivisions for use as a site for one or more dwelling units, as a parcel for conveyance or as a building site of any kind. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds. Land included in the street, highway, access easement or railroad right-of-way shall not be included in computing lot size.
- (96) Lot Lines and Area. The peripheral boundaries of a lot and the total area lying within such boundaries.
- (97) Lot Width. The width of a lot measured at the shortest distance between the side lot lines and the setback lines.
- (98) Lot, Through. A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (99) Marquee or Canopy. A roof-like structure of permanent nature which projects from the wall of a building, generally designed and constructed to provide protection from the weather.
- (100) Mitigation. Action taken to minimize the adverse impacts of development. Mitigation includes but is not limited to the installation of vegetative buffers, removal of nonconforming structures from setback areas and implementation of best management practices for erosion control and storm water management.
- (101) Modification. Includes but not limited to, any addition, alteration, rebuilding or replacement of any existing building, accessory building or accessory use.
- (102) Motor Vehicle. Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
- (103) Net Project Area. The area of a lot minus slope preservation zones, floodplains, road rights-of-way and wetlands. Net project area need not be contiguous.
- (104) Noncommercial Speech. Any sign wording, logo or other representation that is not commercial speech. This includes messages concerning political, religious, social, ideological, public service and informational topics.
- (105) Nonconforming Lot. A legally created and recorded lot existing on the effective date of this ordinance or amendment to it and that does not comply with the area-based or spatial requirements for the zoning district in which it is located, or where the footprint of any structure on the lot does not comply with the area-based or spatial requirements for the zoning district in which it is located.
- (106) Nonconforming Structure. A structure that existed lawfully on the effective date of this ordinance or amendment to it and that does not conform to spatial or area-based regulation for the zoning district in which it is located or otherwise created by this ordinance or by a later amendment such, as regulations determining setbacks, height and lot coverage.

Town of Troy Zoning Ordinance, Chapter 170

- (107) Nonconforming Use. A use of land, a dwelling or a building that existed lawfully on the effective date of this ordinance or amendment to it and that does not conform to the use restrictions for the zoning district in which it is located or as otherwise created by this ordinance or by later amendment.
- (108) Nursery, Wholesale. The onsite propagation and growing of plants, shrubs, trees, or vines. Products raised onsite may be sold onsite. Retail sales of any other products are not allowed. Garden centers are not included.
- (109) Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically or mentally incapable of caring for their own personal needs.
- (110) Open Acres. Acreage included in residential subdivision that is dedicated and use-restricted in perpetuity by restrictive covenant or conservation easement as undeveloped acreage, adjacent to subdivision lots and/or accumulated and grouped within a subdivision, to provide walking paths, nature trails, wildlife habitat, forests, prairies, parks, farmland, farmland buffers, and other similar undeveloped uses.
- (111) Open Space. Open, unoccupied areas of land, including open acres, parks, nature areas, forest, wildlife and forest management areas, playgrounds, trails, and buffer space.
- (112) Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- (113) Ordinary Maintenance and Repair. Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.
- (114) Outdoor Recreation Facility. A use including but not limited to athletic fields, golf courses, club house, miniature golf, batting cages, driving range, paint ball and go-kart tracks.
- (115) Outlot. A parcel of land other than a lot or block so designated on a plat or certified survey map and for which no development is intended, other than that which supports use of the outlot as open space or open acres.
- (116) Parcel. Contiguous land under single ownership.
- (117) Parking Lot. A lot where automobiles are parked or stored temporarily but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.
- (118) Parking Space. An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto and fully accessible for the parking of permitted vehicles.
- (119) Permitted Uses. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standards of such districts.
- (120) Person. An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (121) Plan Commission. The Town of Troy Plan Commission.

Town of Troy Zoning Ordinance, Chapter 170

- (122) Planned Unit Development (PUD). A tract of land which contains or will contain one (1) or more principal buildings, developed under single ownership or control, the development of which is unique and may be of a substantially different character than that of surrounding areas.
- (123) Porch. The area of a principal structure, with a roof over it, providing access to a building.
- (124) Preschool. Any building used routinely for the daytime care and education of preschool age children, other than the child's own home or the homes of relatives or guardians, and including all accessory buildings and play areas.
- (125) Principal Use. The primary purpose for which a lot or parcel is used.
- (126) Property Lines. The lines bounding a lot.
- (127) Professional Home Offices. A home occupation conducted by doctors of medicine, chiropractors, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, and used to conduct their professions.
- (128) Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm water.
- (129) Public Way. Any sidewalk, street, alley, highway or other public thoroughfare.
- (130) Quarrying. The removal of nonmetallic mineral aggregates, topsoil or other natural materials from the earth by excavation, stripping or any other process.
- (131) Reconstruction. The replacement of all or substantially all of the components of a structure other than the foundation.
- (132) Residential Property. A property where dwelling units for personal residences are allowed as the principal use including accessory structures and uses.
- (133) Retail Sales and Services. The provision of goods and/or services such as cards or gifts, clothing, video games, lumber or building supplies, hardware, sports equipment, etc.
- (134) Road. A public way for vehicular traffic; this term includes highways.
- (135) Roadside Stand. A structure not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of locally grown produced or created products.
- (136) Salvage Operation. Operations in which substantial numbers of automotive vehicles, other machinery or equipment or parts thereof which are no longer usable as originally intended are accumulated and stored outside of building for purposes of ultimate repair, reuse, sale or trade.
- (137) School, Private. A school limited to specialized instruction such as business, art, music, trades, handicraft, dancing or riding or a school conducted for profit.
- (138) School, Public. An elementary, intermediate or secondary school that offers regular instruction capable of meeting the requirements of state compulsory education laws, operating at least five (5) days a week for a normal school year and supported by public funds, not including colleges or other institutions of higher learning.

Town of Troy Zoning Ordinance, Chapter 170

- (139) Screening. A solid fence at least six feet high or a planted vegetative belt at least fifteen feet wide and at least six feet high.
- (140) Self-Storage. Indoor storage of customer's items within partitioned buildings with individual access to each partitioned area.
- (141) Service Contractor. Contractors engaged in providing property maintenance services including but not limited to lawn, pool and garden care; snow plowing and removal; and tree trimming and removal.
- (142) Service Station. Any building, structure, premises or place used for the dispensing, sale or offering for sale of any motor fuel or oils, having fuel pumps and storage tanks; also where battery, tire, polishing, greasing, washing, cleaning and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles. A service station may also include a convenience store which is used for the dispensing, sale or offering for sale of groceries, food, and other general retail merchandise.
- (143) Setback. The minimum horizontal distance between a structure and the road, side or rear lot lines, OHWM or bluff line. Distance is measured from the most outwardly extended portion of the structure at ground level.
- (144) Setback Lines. Lines established adjacent to highways, lot lines, lakes and streams or other places for the purpose of defining limits within which any or certain buildings, structure or uses may not be constructed, maintained, or conducted. "Within a setback line" means between the setback line and the highway right of way lot line, lake or stream to which the setback line is adjacent.
- (145) Shelterwood Cut. Means a partial removal of mature trees leaving trees of desirable species and form to provide shade, seed source and a desirable seedbed for natural regeneration with the final removal of the over story after adequate regeneration is established.
- (146) Sign. A display, illustration, structure or device that directs attention to an idea, object, product, place, activity, person, institution, organization or business.
- (147) Sign, Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building at one or more edges.
- (148) Sign, Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- (149) Sign, Building. Any single-faced sign painted on, attached to or erected against the exterior wall of a building, structure, marquee, canopy or awning. Also including any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.
- (150) Sign Component. Any element of a sign or its source of support (excluding a building), including but not limited to support structure, accessories, wiring, framing. Paint, vinyl, paper, fabric, light bulbs, diodes, or plastic copy panels on a sign do not constitute components.
- (151) Sign, Freestanding. Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including, but not limited to, a ground mounted sign, detached sign, pole sign, pylon sign or monument sign.
- (152) Sign, Incidental. A sign that is no legible to a person of ordinary eyesight with vision adequate to pass a state driver's license exam standing at ground level at a location on the public right-of-way or on other private property.

Town of Troy Zoning Ordinance, Chapter 170

- (153) Sign, Monument. A freestanding sign where the base of the sign structure is on the ground.
- (154) Sign, Off-Premise. A sign, which displays a commodity, product, service, activity or any other person, place, thing or idea other than noncommercial speech, which is not located, found or sold on the premises upon which such sign is located.
- (155) Sign, Off-Premise Directional. A sign displayed for the sole purpose of assisting wayfinding through disclosure of no more than the name of a place, its distance from the sign and one directional arrow.
- (156) Sign, On-Premise. A sign which only displays a commodity, product, service, activity or any other person, place, thing or idea, which is located, found or sold on the premises upon which such sign is located, or a noncommercial speech.
- (157) Sign, On-Premise Directional. A sign at the exit or entrance of a premises that has two or more driveways.
- (158) Sign, Pornographic. Any sign that, in whole or in part, is obscene or pornographic as defined in Miller v. California and subsequent decisions, or shows specified anatomical areas or specified sexual activities.
- (159) Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used for transportation in the normal day-to-day operations of the business.
- (160) Sign, Projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
- (161) Sign, Property Address. A reflective red sign with white lettering that identifies the property address at a minimum and may provide limited additional information such as town name and road name.
- (162) Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.
- (163) Sign, Special Event. A sign that is temporary in nature and is not permanently mounted or attached to the ground or sign surface, and is used for special events, such as but not limited to, grand openings, promotions, seasonal sales, garage sales, craft sales, graduation or birthday parties, festivals or fairs.
- (164) Sign, Temporary. Any sign that is used only for a limited period of time and is not permanently mounted.
- (165) Story. The vertical distance between the surface of any floor and the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it.
- (166) Story, half. A story under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.
- (167) Street. A public or private thoroughfare which affords the principal means of access to abutting property.

Town of Troy Zoning Ordinance, Chapter 170

- (168) Street Line. A dividing line between a street and the abutting lot.
- (169) Structural Alteration. The replacement or alteration of one or more of the structural components of any of a structure's exterior walls.
- (170) Structural Component. Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and door sills and headers. A structural component may be non-load-bearing, such as the framework of a wall at the gable end of a one-story house. Wallcoverings, such as siding on the exterior and dry wall on the interior, are not included in the definition of "structural component."
- (171) Structure. Any man-made object with form, shape and utility, that is constructed or otherwise erected, attached to or permanently or temporarily placed upon the ground, a riverbed, streambed or lakebed or upon another structure. The term "structure" includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. The term "structure" does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, bird baths and bird houses.
- (172) Structure, Principal. The primary structure on a lot utilized for the property's principal use. The term "principal structure" includes attached porches, attached decks and attached garages.
- (173) Structure, Principal Residential. The primary residential structure serving a single family or a platted residential lot, notwithstanding that a single family may have more than one building on the lot for that family's residential use.
- (174) Subdivision. The division of land into lots, parcels or tracts by the owner for the purpose of building development or transfer of ownership where the act of division creates one or more new lots or building sites that are 35 acres or smaller in size.
- (175) Town Board – The Town Board of the Town of Troy, St. Croix County, Wis.
- (176) Town Center. A commercial Zoning District that contains elements of traditional community centers with a mixture of retail, restaurants, service providers and entertainment, planned to create a "sense of place" for Town residents and developed under P.U.D. regulations.
- (177) Townhouse. A multiple-family dwelling structure. Townhouses allow several single-entry, single-family dwelling units with common vertical walls to be constructed in one structure along a street or court.
- (178) Transmission Services. Electric power lines, telephone and telegraph lines, communication towers, cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between 2 points, other than wireless communication service facilities.
- (179) Truck, Service, Repair & Towing. Repairs, incidental body and fender work, replacement of parts and motor services, towing and steam cleaning to passenger automobiles and trucks equal to or exceeding 12,000 pounds gross weight.
- (180) Unnecessary Hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.



## Town of Troy Zoning Ordinance, Chapter 170

- (181) Use. The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (182) Use, Principal. The primary use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."
- (183) Variance. Authorization from the Board of Appeals for the use, construction or location of a building, structure or land in a manner that deviates from the standards required or uses authorized in this Chapter.
- (184) Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a street, road or highway, including any car, truck, trailer, semi-trailer, watercraft, mobile home or other motorcraft whether or not it is self-powered or remains capable of travel in its present state.
- (185) Wastewater Treatment System. A wastewater treatment and disposal system serving one structure with a septic tank and soil absorption field, located on the same parcel as the structure. It also means an alternative wastewater treatment system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure, a.k.a POWTS (Private Onsite Waste Treatment System).
- (186) Well. An excavated opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of its intended use.
- (187) Wetland. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
- (188) Yard. Open space on the same lot with a building that is unoccupied and unobstructed from the ground upward.
- (189) Yard, Front. The yard extending the full width of the lot between the front lot line and the nearest part of the main building excluding uncovered steps.
- (190) Yard, Rear. The yard, unoccupied except for accessory buildings, extending from the rear lot line to the rear line of the main building for the entire width of the lot, excluding such projections as are permitted in this Chapter.
- (191) Yard, Side. A yard or open space on each side of the Principal Structure extending from the side wall of the building to the side lot line and from the front yard to the rear yard. When an accessory building is constructed on the side of the Principal Structure the setback requirements are the same for the accessory building as for the Principal Structure.

### Chapter 170 Section B General Requirements

#### 1. Jurisdiction and Compliance

- a) **Jurisdiction**. The jurisdiction of this Chapter extends to all structures, land, water and air within the Town of Troy. Land in the Town that is located in the Lower St. Croix Riverway Rural Residential Overlay District is also under the Town Zoning jurisdiction of Chapter 171 of this Code, the Town's Lower St. Croix Riverway Zoning Ordinance. Chapter 171 creates a zoning overlay district more specifically designed to implement

## Town of Troy Zoning Ordinance, Chapter 170

zoning regulations in the area of the Town located in the overlay district. The Official Zoning Map for the Town shows the underlying zoning categories in the overlay district; and to the extent that Chapter 171 creates more extensive, restrictive, or different zoning regulations, the terms, conditions and requirements of Chapter 171 are intended to take priority, and remain in full force and effect in the Lower St. Croix Riverway Rural Residential Overlay District in the Town.

- b) **Compliance.** No structure or land shall hereafter be used, no land use shall be substantially changed, and no structure or part thereof in the Town shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable Town, regulations, specifically including Chapter 171 of this Code of Ordinances. State and St. Croix County regulations also affect and regulate land use in the Town and in the Riverway Overlay District.

### 2. Use, How Described and Allowed

- a) **Permitted Uses.** Permitted uses are uses that are expressly allowed by this Chapter in specific zoning districts shown on the Official Zoning Map. Permitted uses are not conditional uses.
- b) **Accessory Uses.** Accessory uses and specified accessory structures are permitted in any district only after the principal structure to which they are accessory has come into existence or is under construction.
- c) **Conditional Uses.**
  - (1) Conditional uses are not inherently incompatible with permitted uses but could create special problems and hazards if allowed without the imposition of conditions by the Town. A permit is required under this Chapter to engage in a conditional use. Conditional use permits require application, review, public hearing and recommendation by the Plan Commission and approval by the Town Board in accordance with Section V. of this Chapter. Conditional uses are not permitted uses.
  - (2) When a conditional use becomes a permitted use by Town action, as by amending this Chapter, the conditional use permit terminates. The establishment of new or different conditional use(s) for such property with or without a conditional use permit requires review, public hearing and recommendation by the Plan Commission and approval by the Town Board in accordance with Section V.
  - (3) If such a conditional use is discontinued, abandon or terminated for a twelve (12) month period, the conditional use permit becomes null and void.

### 3. Reduction or Joint Use

No lot, yard, parking area, setback, building area, open space requirement, or other space shall be reduced in area or dimension so as not to meet the provisions of this Code.

### 4. Site Regulations

- a) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, slope, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that any land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its recommendation to the Town Board.

## Town of Troy Zoning Ordinance, Chapter 170

- b) **Road Frontage.** All lots and parcels shall abut upon a public road or other officially approved means of access to a public road.
- c) **Principal Structures, Principal Residential Structures.** There shall be no more than one (1) principal structure located, erected or moved onto any lot of record. Principal residential structures on platted, residential lots on which a single-family resides may have more than one building on the lot for that family's residential use where all requirements of this Chapter and other applicable regulations, particularly including those concerning waste treatment and water, are also met. Where additional principal residential structures are permitted the Town Board, taking into consideration the recommendation of the Plan Commission, may impose restrictions or requirements in addition to those generally required by district regulations, including requiring a PUD, enhanced yard, landscaping or parking requirements and establishing minimum separation distance from principal structures on adjoining lots.

### 5. Event Plans.

Event plans are required for permitted and conditional uses in all zones when events or activities are planned for, or expected to, have more than 300 people in attendance during a 24 hour period unless the event or activity being planned has previously been specifically authorized and adequately planned for in a conditional use permit affecting the subject property. Town review and approval of event plans protects the health, safety and welfare of Town residents and event attendees, volunteers and staff by requiring an adequate level of advance planning and by allowing for adequate notification of the planned event to area residents and to emergency and protective services that serve the area. No event or activity for which an event plan is required shall be held in the Town unless the property owner has first presented an event plan for approval, verified that the event will be held in conformity with the plan and obtained Town approval of the event plan.

- a) The property owner shall prepare and submit an event plan to the Town for review and response. The event plan shall be distributed to affected area emergency and protective services by the Town once approved, and must be ready for distribution at least 30 days prior to the date of the planned event or activity. To this end, it is suggested that event plan applications be submitted to the Town at least 90 days prior to the planned event, as the event or activity cannot be held if timely notice of it cannot be provided to area emergency responders by way of an approved event plan.
- b) Event plans will usually be submitted for individual planned events or activities. Event plans can also be submitted on an annual basis when more than one event or activity is planned for the same location so long as each such planned event or activity has a full and separate event plan presented for it within the annual event plan approval request. Annual event plans shall be submitted for Town approval every year.
- c) Event plans shall be submitted by the property owner to the Zoning Administrator, who is authorized to review and approve them on behalf of the Town. In situations where the Zoning Administrator is unable to conclude from the event plan and other materials submitted that it is readily apparent that all requirements of this sub-section will be met and that the health, safety and welfare of Town residents, event attendees, staff and volunteers can be adequately protected by the property owner when the event plan is implemented, the event plan can be amended and re-submitted to the Zoning Administrator. The Zoning Administrator can also refer event plans to the Plan Commission, which is then authorized to hold a public hearing concerning it, and which shall review and make recommendations on the event plan to the Town Board, which ultimately takes action concerning it. A property owner can also request that the Plan Commission review an event plan, hold a public hearing concerning it and make recommendations to the Town Board and that the Town Board then take final action on an event plan application instead of the Zoning Administrator.
- d) The Zoning Administrator, Plan Commission and Town Board are authorized to request additional information as part of event plan review and to approve, approve with conditions or reject event plan proposals. The decision-making standards for the Plan Commission and the Town Board are the same as for the Zoning Administrator. Event plans may be revised and additional materials submitted during Zoning Administrator, Plan Commission or Town Board review. The Town will also consider the prior success or failure of the property owner to protect the health, safety and welfare of Town residents, event attendees,

## Town of Troy Zoning Ordinance, Chapter 170

- staff and volunteers at events and to conduct past events in conformity with previously approved event plans when considering event plan approval requests.
- e) Event plans shall be submitted on forms provided by the Town and shall provide all information and supplemental material necessary to adequately address each of the following topics:
- (1) Date and hours of the event, such hours to be no earlier than 7:00 a.m. and no later than 11:00 p.m. the same day.
  - (2) A site plan showing the specific location of the event, on the property and in relationship to public access, showing adequate parking, points of public road ingress and egress, addressing whether an ingress and egress permit is required by the appropriate road jurisdiction and showing the location of all temporary barricades, fencing and access/exterior signs.
  - (3) The name and address of the owners, operators and sponsors of all food booths and food trucks, with property owner verification that all food vendors at the event shall comply with all food, sanitation and health requirements of the State of Wisconsin and St. Croix County.
  - (4) Whether application will be made for any temporary license to sell wine or fermented malt beverages during the event, and if so by what organization.
  - (5) The quantity, capacity and location of trash and recycling receptacles, portable toilets and sources of potable water, all of which shall be more than adequate for the expected number of guests, volunteers and staff.
  - (6) The names and addresses of all owners of and residents on the property on which the event is proposed to occur plus all property owners and residents within 300 feet of the property line, with verification of how and when the applicant property owner has notified all adjoining owners and residents of the proposed event and provided them with contact information for the Zoning Administrator in the event that those given notice have questions, concerns or want to register support or opposition in advance of Town action on the event plan.
  - (7) The company name, address and details on any private security measures that will be in place during the event.
  - (8) When live music or motorized sport of any kind will be conducted, played or broadcast out of doors on the premises during the event, the event plan shall state the hours during which such activity will occur, whether the music will be amplified and shall verify that no event-related sound will be audible beyond the property line after 11:00 p.m. on the day of the event.
  - (9) Proof of adequate event liability insurance coverage in the form of insurance binder or certificate, naming the Town as additional insured.
  - (10) Identification and discussion of all other anticipated public safety issues known to the property owner and how the owner proposes to manage each issue.
- f) After approval the Town shall distribute the event plan to the area fire department, emergency medical service provider, St. Croix County Sheriff's Department Dispatch and any local law enforcement agency serving the area of the event, at least 30 days prior to the occurrence of the approved event or, in the case of annual permits, on an annual basis.
- g) Given the finite public resources available to protect the health, safety and welfare of Town residents, event attendees, staff and volunteers, the maximum number of event attendees for which an event plan will be considered for approval is 3,500.
- h) An event plan application fee shall be paid to the Town by the property owner when the event plan is presented to the Town and in the amount set from time to time by the Town Board. The fee shall be set in an amount that recovers the Town's initial cost of administrative review and processing. When the event plan requires staff extra attention or Plan Commission and Town Board review will be undertaken, the Town may also require an additional deposit to defray the costs of additional review and processing, notices and

## Town of Troy Zoning Ordinance, Chapter 170

conduct of public hearings, additional technical and professional services and any court reporter services deemed necessary by the Town, as a condition of continuing the event approval process.

- i) Event plans are not required for the conduct of public general or special elections or primaries in the Town.

### **Chapter 170 Section C Zoning Districts**

#### **1. Introduction**

This Section contains general zoning provisions and establishes what uses may be made of property, permissible lot sizes, required setbacks, dimensions and open space and height of buildings.

- a) The Town has established current and potential zoning districts. Each has its own set of regulations in separate Sections of this Chapter.
- b) The location of currently existing Town zoning districts are as shown on the official Town of Troy Zoning Map, located at the Troy Town Hall and maintained by the Town.
- c) Potential zoning districts, not yet shown on the official map, are described in this Chapter and may be created upon petition to the Town to create such districts in specific and designated areas of the Town.

#### **2. Zoning Districts**

For the purpose of this Chapter, present and future provision is hereby made for the division of the Town of Troy into the following zoning districts:

- a) Traditional Residential (TR-RES)
- b) Agricultural Residential District (AG-RES)
- c) Exclusive Agricultural District (AG)
- d) Conservancy District (C)
- e) Manufactured Home District (MH)
- f) Traditional Commercial District (COM-TR)
- g) Land Eligible for Commercial Rezoning Overlay District (LECR)
- h) General Retail and Service Commercial District (COM-GRIS)
- i) Town Center Commercial District (COM-TC)
- j) Limited Commercial District (COM-LTD)
- k) Industrial District (I)

Overlay districts shown on the Official Zoning Map are Land Eligible for Commercial Rezoning (LECR), and the Lower St. Croix Riverway Rural Residential Overlay District, separately administered pursuant to Chapter 171 of the Town Code. The Extraterritorial Zone (ETZ) is jointly administered by the Town and the City of River Falls. The City maintains the Official ETZ Zoning Map.

#### **3. Zoning Map**

- a) The Town of Troy is hereby divided into the zoning districts now shown upon a map designated as the Official Zoning Map of the Town of Troy. The Official Zoning Map and the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said Map were fully described herein. The Official Zoning Map shall be properly attested and kept on file, along with the official text of this Chapter, in the office of the Clerk of the Town of Troy.
- b) Zoning district boundaries shall be determined by measurement from and as shown on the Official Zoning Map. In case of any question as to the interpretation of such boundary lines, the Town Board shall interpret the map according to the reasonable intent of this Code. Unless otherwise specifically indicated or

## Town of Troy Zoning Ordinance, Chapter 170

dimensioned on the Map, the zoning district boundaries shall follow lot lines, U.S. Public Land Survey lines, the centerlines of roads, highways, streets, easements, alleys and of railroad rights of way.

### 4. **Effect of Zoning Actions by St. Croix County Prior to Effective Date of this Chapter.**

- a) The Town will assume zoning authority in place of St. Croix County on the effective date of this Chapter. The Town's Official Zoning Map is initially intended to initially show zoning districts and boundaries that are similar in location and effect on land use to the districts and boundaries shown on St. Croix County's Official Zoning Map on the effective date of this Chapter. To the extent that permitted use differences do exist, legal and permitted uses under the St. Croix County Zoning Ordinance on the effective date of this Chapter and that are not completely consistent with permitted uses under this Chapter shall be treated as non-conforming uses to the extent inconsistent with this Chapter. Landowners with such nonconforming use rights can also apply for a conditional use permit under the terms of this Chapter.
- b) Property in the Town that is the subject of special exception permits, conditional use permits and variances previously issued by St. Croix County and being exercised on the effective date of this Chapter, including those in support of commercial activity in non-commercial zones, shall be treated as nonconforming uses that are separately and additionally subject to, and protected by, the terms and conditions of the applicable County-issued special exception permit, conditional use permit or grant of variance, where adopted by specific reference thereto in the Town resolution enacting this Chapter, or where after the effective date of this Chapter a landowner is able to produce specific proof of such prior official County action as is sufficient and satisfactory to the Town. The holder of such a conditional use permit, special exception permit or variance may also seek a conditional use permit from the Town where the use is otherwise eligible for such a permit under this Chapter.

### 5. **Effect of Other Regulations**

The fact that a use is shown as permitted in any district created by this Chapter does not guarantee that a particular land use being sought will be achieved. Land use in the Town is subject to other regulations, including the Chapter 135, the Town's Subdivision Ordinance and Chapter 171, the Town's Lower St. Croix Riverway Zoning Ordinance. St. Croix County also administers certain ordinances in the Town, including but not limited to St. Croix County Code of Ordinances Chapter 11, Animal Waste, Chapter 12, Sanitary Code, Chapter 14, Non-Metallic Mining, and Chapter 17 Subchapter III, on Shoreland Overlay Zoning, Subchapter III.V., the County's Lower St. Croix Riverway Overlay District, Subchapter IV, on Floodplain Overlay Zoning and Chapter 21, Recycling/Solid Waste. The County's Subdivision Ordinance is also enforced in the Town. A proposed land use that is permitted under this Chapter may not be allowed to proceed, depending on how other applicable regulations apply.

## **Chapter 170**

### **Section D**

#### **Traditional Residential District (TR-RES)**

### 1. **Purpose**

The purpose of the Traditional Residential District is to provide for the orderly continuation of the platted area of high density residential development established and zoned residential by action of St. Croix County prior to the effective date of this Chapter. This district is intended to include only that platted subdivision zoned Residential by St. Croix County prior to the effective date of this Chapter, shown on the Town's Official Zoning Map. Other areas of high density residential development platted by St. Croix County before the effective date of this Chapter and zoned Ag. Residential by the County shall remain in the Ag. Residential zone under this Chapter, with any area and spatial nonconformities preserved and protected under Section U of this Chapter and to the extent consistent with Chapter 171 in situations involving land in the Lower St. Croix River Overlay District. Where there is inconsistency Chapter 171 will control.

### 2. **Permitted Uses**

- a) Permitted Uses.
  - (1) One single-family residence

## Town of Troy Zoning Ordinance, Chapter 170

- (2) Poultry raising without male birds, and when no more than ten (10) birds are housed on lots in major subdivisions that are smaller than 2.5 acres and no more than twenty (20) birds are housed on lots in major subdivisions 2.5 acres or more in size. Five (5) birds per acre are allowed on lots and parcels not in a major subdivisions. Male birds are permitted in such lots or parcels when the property owner demonstrates to the Zoning Administrator that all owners of contiguous property do not object. Restrictive covenants may prohibit or otherwise limit poultry raising or other permitted uses.

b) Permitted Accessory Structures.

- (1) Private garages and carports, gazebos and swimming pools.
- (2) Tool and storage sheds incidental to residential use
- (3) Other structures clearly incidental to the residential use of the property.

- c) Dogs as Household Pets. Lots or parcels under five (5) acres in size may have no more than three (3) dogs over six (6) months of age as household pets. Lots or parcels that are five (5) acres to twenty (20) acres in size may have no more than five (5) dogs over six (6) months of age as household pets. Lots and parcels greater than twenty (20) acres in size may have no more than seven (7) dogs over six (6) months of age as household pets. Greater dog populations and dog populations that are not household pets are regulated as Commercial Kennels.

### 3. Conditional Uses

- a) Major home occupations.
- b) Duplexes.
- c) .

### 4. Area, Setback and Height Requirements

- a) Minimum Lot Area
  - (1) one acre
  
- b) Minimum Setback.
  - (1) Front Yard: Forty (40).
  - (2) Side Yard: Fifteen (15) feet from property boundary to the building line.
  - (3) Rear Yard: Twenty-five (25) feet from property boundary to the building line of the principal residential structure and five (5) feet from any accessory building.
  
- d) Maximum Height  
35 feet
  
- e) Any future subdivision of previously platted lots after the effective date of this Chapter shall comply with the Town's Subdivision Ordinance and treated under that Ordinance as though the property had been zoned Ag-Residential.

## Chapter 170

### Section E

#### Agricultural Residential District (AG-RES)

### 1. Purpose

The Agricultural Residential District is intended to provide for the maintenance, preservation and enhancement of agricultural and rural residential lands and include lands that:

- a) Historically were used for crop or related agricultural activity but not included in the Exclusive Agricultural District because generally better suited for small farm units and other similar small scale agricultural related activities; or

## Town of Troy Zoning Ordinance, Chapter 170

- b) Include areas where exclusive agricultural uses would not be warranted because mixed uses in existence prior to the effective date of this Chapter would not be compatible if such exclusive agricultural and non-agricultural uses are allowed in close proximity; or
- c) Include scattered rural residential sites within agricultural areas that, because of parcel size and other limiting physical characteristics, are not suitable for exclusive agricultural uses; or
- d) Include areas zoned Agricultural Residential and Agricultural District Two (Ag-2) by St. Croix County on the effective date of this Chapter. Area zoned Agricultural Residential of Ag-2 by St. Croix County on that date and not of size or use to qualify as a permitted use under this Chapter shall be treated as nonconforming. Landowners with such nonconforming use rights can also apply for a conditional use permit where available under the terms of this Chapter.

### 2. Permitted Uses

- a) Parcels 20 acres or larger.
  - (1) Permitted Uses:
    - (a) A single-family principal residential structure
    - (b) Dairy farming
    - (c) Livestock raising excluding commercial feed lots or fur farms
    - (d) Grazing or pasturing of livestock
    - (e) Horse paddocks
    - (f) Poultry raising, limited to 100 birds when the parcel is in a major subdivision.
    - (g) Apiculture (beekeeping)
    - (h) Orchards
    - (i) Sod farming
    - (j) Plant nurseries, Wholesale
    - (k) Raising of crops
    - (l) Aquaculture
    - (m) Agricultural Tourism, for up to 130 consecutive days or 24 nonconsecutive days (as could be eight three-day weekends) in any 12 month period. Agricultural Tourism activities may also be Home Occupations
    - (n) Event plans are required under certain circumstances. See Section B.
  - (2) Permitted Accessory Structures:
    - (a) General farm buildings (barns, silos, sheds, chicken coops and storage bins)
    - (b) Private garages and carports, gazebos, swimming pools, stables, and greenhouses.
- b) Parcels 5 acres to less than 20 acres in size.
  - (1) Permitted Uses:
    - (a) A single-family principal residential structure
    - (b) Livestock raising, excluding commercial feed lots or fur farms
    - (c) Grazing or pasturing of livestock
    - (d) Horse paddocks
    - (e) Poultry raising excluding male birds, and limited to 20 birds when the lot or parcel is a major subdivision. 5 birds per acre are allowed on lots and parcels not in a major subdivision. Male birds are permitted in such lots or parcels when the property owner demonstrates to the Zoning Administrator that all owners of contiguous property do not object.
    - (f) Apiculture (beekeeping)
    - (g) Orchards
    - (h) Plant nurseries, Wholesale
    - (i) Raising of crops
    - (j) Aquaculture
    - (k) Agricultural Tourism, for up to 130 consecutive days or 24 non-consecutive days (as could be eight three-day weekends) in any 12 month period. Agricultural Tourism activities may also be Home Occupations.



## Town of Troy Zoning Ordinance, Chapter 170

- (l) Event plans are required under certain circumstances. See Section B.
- (2) Permitted Accessory Structures:
  - (a) General farm building (barns, silos, sheds, chicken coops and storage bins)
  - (b) Private garages and carports, gazebos, swimming pools and greenhouses
- c) Parcels less than 5 acres in size.
  - (1) Permitted Uses:
    - (a) Single-family principal residential structure
    - (b) Poultry raising, excluding male birds, and limited to 10 birds on lots smaller than 2.5 acres and up to 20 birds on lots 2.5 acres or more in size, when the lot or parcel is in a major subdivision. 5 birds per acre are allowed on lots and parcels not in a major subdivision. Male birds are permitted in such lots or parcels when the property owner demonstrates to the Zoning Administrator that all owners of contiguous property do not object.
    - (c) Event plans are required under certain circumstances. See Section B.
  - (2) Permitted Accessory Structures:
    - (a) Private garages and carports, gazebos, swimming pools, and greenhouses
    - (b) Tool, chicken coops and storage sheds incidental to residential use
- d) Restrictive covenants may prohibit or limit poultry raising or other uses permitted by this ordinance.

### 3. Conditional Uses

- a) Parcels 20 acres or larger.
  - (1) Conditional use permit required under Section V:
    - (a) Contractor's storage yard. Any such yard shall be so placed or screened by planting as not to be visible at any time during the year from any public highway or any residential building other than that of the owner of such yard, his agent, or employee.
    - (b) Commercial kennels.
    - (c) Quarrying or gravel pits, subject to the provisions of the St. Croix County Nonmetallic Mining Ordinance.
    - (d) Dams, power plants, flowage areas, telephone, telegraph, cable television and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housing and other similar necessary appurtenant facilities, radio relay towers; provided that such facilities are found to be necessary and are located to avoid unreasonable interference with other uses permitted or existing in the district. See requirements of Section T.
    - (e) Agricultural Tourism activities for more than 130 consecutive days or 24 nonconsecutive days (as could be eight three-day weekend) in any 12 month period. Agricultural Tourism activities may also be Home Occupations.
    - (f) Temporary establishment and operation of a portable asphalt hot mix plant for the production of material used in the construction or maintenance of public roads and limited in time by contract to a specific project duration.
    - (g) Temporary establishment and operation of a portable ready-mix concrete plant for the production of material used in the construction or maintenance of public roads and limited in time by contract to a specific project duration.
    - (h) Bed and breakfast establishment as defined in Wis. Stats. § 254.61(1).

Town of Troy Zoning Ordinance, Chapter 170

- (i) Golf course and uses incidental to a golf course, including a clubhouse/restaurant facility serving food and beverage.
  - (j) Major Home occupations. See requirements of Section R.
  - (k) Recreational vehicle and boat storage.
  - (l) One roadside stand operated seasonally, where the majority of the items for sale are grown, produced, or created on the premises or in the Town of Troy, and which does not exceed three hundred (300) square feet in area.
  - (m) Horse boarding or training facilities.
  - (n) Non-profit religious, community service, recreational and educational retreat facilities uses, structures and accessory structures.
  - (o) Event plans are required under certain circumstances. See Section B.
- b) Parcels 5 acres to less than 20 acres in size.
- (1) Conditional use permit required under Section V:
    - (a) Contractor's storage yard. Any such yard shall be so placed or screened by planting as not to be visible from any public highway or any residential building other than that of the owner of such yard, his agent, or employee.
    - (b) Commercial Kennels.
    - (c) Dams, power plants, flowage areas, telephone, telegraph, cable television, cellular and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housing and other similar necessary appurtenant facilities, radio relay towers, provided that such facilities are found to be necessary and to be located as to avoid unreasonable interference with other uses permitted or existing in the district. See requirements of Section T.
    - (d) Temporary establishment and operation of a portable asphalt hot mix plant for the production of material used in the construction or maintenance of public roads and limited in time by contract to a specific project duration.
    - (e) Temporary establishment and operation of a portable ready-mix concrete plant for the production of material to be used in the construction or maintenance of public roads and limited in time by contract to a specific project duration.
    - (f) Bed and breakfast establishment as defined in Wis. Stats. § 254.61(1).
    - (g) Major home occupations. See requirements of Section R.
    - (h) Recreational vehicle and boat storage.
    - (i) One roadside stand operated seasonally, where the majority of the items for sale are grown, produced or created on the premises or in the Town of Troy, and which does not exceed 300 square feet in area.
    - (j) Horse boarding or training facilities.

Town of Troy Zoning Ordinance, Chapter 170

- (k) Non-profit religious, community service, recreational and educational retreat facilities, uses, structures and accessory structures.
  - (l) Agricultural tourism activities for more than 130 consecutive days or 24 nonconsecutive days (as could be eight three-day weekend) in any 12 month period. Agricultural Tourism activities may also be Home Occupations.
  - (m) Event plans are required under certain circumstances. See Section B.
- c) Parcels less than 5 acres in size.
- (1) Conditional use permit required under Section V:
    - (a) Home occupations. See requirements of Section R.
    - (b) Bed and breakfast establishment as defined in Wis. Stats. § 254.61(1).
    - (c) One roadside stand operated seasonally where the majority of the items for sale are grown, produced or created on the premises or in the Town of Troy, and which does not exceed 300 square feet in area.
    - (d) Event plans are required under certain circumstances. See Section B.

**4. Area, Setback, and Height Requirements**

The intent of these requirements is to be consistent with and subject to all applicable provisions of Chapter 135, the Town Subdivision Ordinance, specifically including Sec. 135-6 dealing with subdivision design standards and Sec. 135-7 dealing with density ratio, minimum lot size and other development standards. In the event of any inconsistency, the requirements of Chapter 135 shall prevail.

- a) Parcels 20 acres or larger.
- (1) Minimum Setback:
    - (a) Front Yard: 150 feet from right-of-way to building line or 170 feet from paved road surface, whichever is greater.
    - (b) Side Yard: 50 feet from property boundary to the building line.
    - (c) Rear Yard: 50 feet from property boundary to the building line.
  - (2) Maximum Height:
    - (a) Principal residence and accessory building except silos, 45 feet
    - (b) Silos, 85 feet
- b) Parcels 5 acres to less than 20 acres in size.
- (1) Minimum Setback:
    - (a) Front Yard: 150 feet from right-of-way to building line or 170 feet from paved road surface, whichever is greater.
    - (b) Side Yard: 50 feet from property boundary to the building line.
    - (c) Rear Yard: 50 feet from property boundary to the building line.
  - (2) Maximum Height:
    - (a) Principal residence and accessory building except silos: 45 feet
    - (b) Silos: 85 feet
- c) Parcels between 2.5 acres and 5 acres in size.
- (1) Minimum Setback:

Town of Troy Zoning Ordinance, Chapter 170

- (a) Front Yard: 150 feet from right-of-way to building line or 170 feet from paved road surface, whichever is greater.
  - (b) Side Yard: 50 feet from property boundary to the building line.
  - (c) Rear Yard: 50 feet from property boundary to the building line.
- (2) Maximum Height: 45 feet.
- d) Parcels less than 2.5 acres in size.
- (1) Minimum Setback:
    - (a) Front Yard: 75 feet from right-of-way to building line or 95 feet from paved road surface, whichever is greater.
    - (b) Side Yard: 25 feet from property boundary to the building line.
    - (c) Rear Yard: 25 feet from property boundary to the building line.
  - (2) Maximum Height:  
45 feet

**5. Limitation on Animals and Animal Units**

- a) Animal Units. The keeping and raising of livestock and including poultry for show, breeding or other purposes is generally permitted, but is limited in terms of “animal units”. “Animal units” are defined and calculated under the provisions of Wis. Admin. Code Chapter NR § 243.05. Domestic animals not specifically listed there are permitted based upon one thousand (1000) total pounds of animals being equivalent to one animal unit. The following regulations apply to all animal units:
  - (1) No animal units may be kept on lots or parcels in a major subdivision unless provided for in the plat and/or the restrictive covenants affecting the plat.
  - (2) On parcels and lots not in a major subdivision, one animal unit is allowed per acre of land available and suitable for animal waste utilization, consistent with NRCS 590 Nutrient Management Conservation Practice Standard.
- b) Livestock facilities of all sizes are also subject to all applicable requirements of Wis. Admin. Code Chapters NR 243 (Animal Feeding Operations), NR 151 (Run Off Management, ATCP 51 (Livestock Facility Siting), St. Croix County Code of Ordinances Chapter 11 (Animal Waste Storage Facilities) and Natural Resources Conservation Service (NRCS) Conservation Practices Standard Code 590, on Nutrient Management.
- c) Dogs as Household Pets. Lots or parcels under 5 acres in size may have no more than 3 dogs over 6 months of age as household pets. Lots or parcels that are 5 acres to 20 acres in size may have no more than 5 dogs over 6 months of age as household pets. Lots and parcels greater than 20 acres in size may have no more than 7 dogs over 6 months of age as household pets. Greater dog populations, and dog populations that are not household pets, are regulated as Commercial Kennels.
- d) Exotic Animals. The raising and housing of exotic animals is not permitted in the Agricultural Residential District. Llamas, ostriches and emus kept for purposes of husbandry and sale are not considered to be exotic animals and are instead treated as livestock and as animal units under all applicable provisions of Wisconsin Statutes and the Administrative Code.

**Chapter 170**  
**Section F**  
**Exclusive Agricultural District (AG)**

**1. Purpose**

The Exclusive Agricultural District is created to establish and protect areas within which agricultural uses may exist and prosper, free from future conflict with residential development and other urban land uses, and to avoid the operational conflicts which can occur when farm and nonfarm residential uses become too interspersed. The Exclusive Agricultural District includes all areas that had been zoned Agricultural by St. Croix County on the effective date of this Chapter, and as shown on the Town's Official Zoning Map. Areas zoned Agricultural by St. Croix County on that date and not of a size or use to qualify as a permitted use under this Chapter shall be treated as nonconforming. Landowners with such nonconforming rights can also apply for a conditional use permit where available under the terms of this Chapter. The Exclusive Ag District is not a farmland preservation zoning district as defined by Wis. Stats. § 91.01(18).

**2. Permitted Uses**

a) Permitted Uses

- (1) General farming, including beekeeping, egg production, floriculture, dairy, forest management, roadside stands selling only produce from the farm operation on the premises by members of the farm family, aquaculture, sod farming, livestock, poultry raising, nurseries, greenhouses, vegetable raising, raising of crops, grass, and other similar uses, including placing land in federal programs for commodity payments or enrolling land in the conservation reserve program under 16 U.S.C. § 3831 to 3836, but excluding farms operated for the disposal or reduction or garbage, sewage, rubbish or offal; subject to the following restrictions:
  - (a) No new, non-replacement livestock facilities, structures and other buildings for the housing of livestock or poultry for which a building permit is issued after the effective date of this Chapter shall be located within 100 feet of any property line or public right of way if said building will have fewer than 1,000 animal units. If the said livestock facility, structure or other building will have 1,000 animal units or more, it shall be set back 200 feet from any property line and 150 feet from a public road right of way.
  - (b) No general agricultural farming operations shall have facilities containing more animal units than permitted under Subsection 5 of this Section.
- (2) Properly constructed and permitted concentrated animal feeding operations, livestock facilities and waste storage facilities or structures, subject to all applicable state and county requirements.
- (3) Agricultural Related Uses.
- (4) Agricultural Tourism, for up to 130 consecutive days or 24 nonconsecutive days, (as could be eight three-day weekends) in any twelve month period. Agricultural Tourism activities may also be Home Occupations.
- (5) Event plans are required in certain circumstances. See Section B.
- (6) A single-family principal residential structure occupied by any of the following:
  - (a) An owner of the parcel on which the dwelling is located.
  - (b) A person who, or a family at least one adult member of which, currently earns the majority of his or her gross income from conducting the farm operations on the parcel.
  - (c) A parent or child of an owner of the parcel who conducts the majority of the farm operations on the parcel.
  - (d) A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.

Town of Troy Zoning Ordinance, Chapter 170

- (7) Single-family residential dwellings and related farm structures existing on the effective date of this Chapter and remaining after farm consolidation may be separated from the original farm parcel as part of a farm consolidation, provided that the parcel and improvements conform with all applicable Town regulations.

b) Permitted Accessory Structures

- (1) General farm buildings including barns, silos, sheds and storage bins and properly permitted livestock facilities, waste storage facilities and structures.
- (2) A barn, silo, shed or storage structure used solely for farming shall be permitted before a single-family residential dwelling is constructed.
- (3) Private garages and carports, gazebos, swimming pools, and greenhouses.
- (4) One roadside stand operated seasonally where the majority of items for sale are grown, produced or created on the premises or in the Town of Troy, and that does not exceed three hundred (300) square feet in area.

**3. Conditional Uses.**

- (a) Licensed game management or fur farms governed by Wisconsin Statutes Chapter 29 and similar specialized operations.
- (b) Electrical generating facilities designed for nominal operation at a capacity of less than 12,000 kilowatts, telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities, natural gas transmission facilities, cellular, radio and television transmission towers and microwave radio relay towers, provided that such facilities are found to be necessary and are so located as to avoid unreasonable interference with other uses permitted or existing in the district. See requirements of Section T.
- (c) Agricultural Tourism activities for more than 130 consecutive days or 24 nonconsecutive days (as if in eight three day weekends) in any twelve month period. Agricultural Tourism activities may also be Home Occupations.
- (d) Communication, wind power or similar towers, not including silos or elevators. See requirements of Section T.
- (e) Home occupations. See requirements of Section R.
- (f) Horse boarding or training facilities.
- (g) One roadside stand, operated seasonally, where the majority of the items for sale are grown, produced or created on the premises or locally, as in the Town of Troy, and that is larger than three hundred (300) square feet in area but does not exceed three thousand (3,000) square feet in area.
- (h) Commercial Kennels.
- (i) Event plans are required in certain circumstances. See Section B.

**4. Area, Setback, and Height Requirements**

- a) Minimum Lot Area  
35 acres
- b) Minimum Setback
  - (1) Front Yard: One hundred (100) feet from right-of-way to building line.
  - (2) Side Yard: Fifty (50) feet from property boundary to building line.
  - (3) Rear Yard: Fifty (50) feet from property boundary to building line.
  - (4) Livestock facilities, structures and other buildings for the housing of livestock or poultry are separately and additionally subject to the setback requirements of Subsection 2 of this Section
- c) Maximum Height
  - (1) Principal residence and accessory buildings except silos – Forty- five (45) feet.

Town of Troy Zoning Ordinance, Chapter 170

- (2) Silos – Eighty-five (85) feet.

**5. Limitations on Animal Units**

- a) The keeping and raising of livestock for -business, show, breeding or other purposes is permitted but limited in terms of “animals units”. Where concentrated animal feeding operations, livestock facilities and waste storage facilities or structures are not involved, such activity is limited to one animal unit for each one (1) acre of contiguous lot or parcel area suitable for animal waste utilization, consistent with NRCS 590 Nutrient Management Conservation Practice Standard. “Animal units” are defined and calculated under the provisions of Wis. Admin. Code Chapter NR § 243.05. Animals not specifically mentioned there shall be permitted based upon one thousand (1,000) total pounds of animals being equivalent to one animal unit.
- b) Concentrated animal feeding operations, livestock facilities and waste storage facilities are also subject to all applicable standards under the following regulations as enforced by State, County and Town, and as amended from time to time, including but not limited to:
  - (1) Wis. Stats. § 93.90 and Wis. Admin. Code Chapter ATP 51, on Livestock Facility Siting.
  - (2) Wis. Stats. Chapter 92, Soil and Water Conservation and Animal Waste Management.
  - (3) Wis. Admin. Code Chapter NR 243, Animal Feeding Operations.
  - (4) Wis. Admin. Code Chapter NR 151, Runoff Management.
  - (5) St. Croix County Code of Ordinances Chapter 11, Animal Waste Storage Facilities.
  - (6) USDA Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590: Nutrient Management Conservation Practice Standard.
- c) Exotic Animals. The raising and housing of exotic animals is not permitted in the Exclusive Agricultural District. Llamas, ostriches and emus kept for purposes of animals husbandry and sale are not considered to be exotic animals and are instead treated as animal units under all applicable provisions of Wisconsin Statutes and the Administrative Code.

**6. Dogs as Household Pets.**

Lots or parcels under 5 acres in size may have no more than 3 dogs over 6 months of age as household pets. Lots or parcels that are 5 acres to 20 acres in size may have no more than 5 dogs over 6 months of age as household pets. Lots and parcels greater than 20 acres in size may have no more than 7 dogs over 6 months of age as household pets. Greater dog populations, and dog populations that are not household pets, are regulated as Commercial Kennels.

**Chapter 170**  
**Section G**  
**Conservancy District (C)**

**1. Purpose**

The purpose of the Conservancy District is to preserve the natural state of unique, irreplaceable or scenic areas for the benefit of this and future generations, to provide areas where native flora and fauna can thrive in a natural habitat, to provide areas for outdoor recreational use and parks, to prevent the inappropriate spread of development into such areas, to protect wetlands and lands subject to periodic flooding, to prevent development which would deplete or destroy natural resources or be otherwise incompatible with the public welfare and to protect the community and the Town from the costs and consequences that may be incurred when unsuitable development occurs in such areas. Conservancy-zoned land is not available to be treated or counted as “open acres” or “open space” under Chapter 135, the Town’s Subdivision Ordinance.

**2. Permitted Uses**

- a) Permitted Uses
  - (1) Outdoor uses including preserves, scenic areas, historic, scientific, educational and research areas, fishing, soil conservation practices, sustained yield forestry, stream bank protection and

## Town of Troy Zoning Ordinance, Chapter 170

water management and control practices; provided, however, that no such use shall involve structures or fill in, soil or peat removal from, or the disruption of, the natural flow of any watercourse and otherwise preserves natural topography.

- (2) Public education and research for natural, scenic, conservation, wildlife or plant habitat, and conservation preservation management.
- (3) Forest reserves used for wilderness and wildlife areas.
- (4) Parks and natural recreation areas including athletic fields, playgrounds, nature centers, camps, picnic areas, hiking, walking, bicycle trails, swimming, beaches and other, non-motorized recreational uses.
- (5) Roads and parking areas to serve on-site uses.

### b) Permitted Accessory Uses

- (1) Structures used in conjunction with and necessary to support permitted uses.
- (2) Horse trails
- (3) General crop farming; raising native or prairie grasses; and orchards
- (4) Public utilities.

## 3. Area, Setback and Height Requirements

### a) Minimum Lot Area

- (1) There is no minimum lot area because the district is not intended for lot-based development, other than permitted uses allowed in the district.

### b) Minimum Setback for Parcels less than 2.5 acres.

- (1) Roadside: 75 feet from right-of-way to building line.
- (2) Side Yard: 25 feet from property line to building line.
- (3) Rear Yard: 25 feet from property line to building line.

### c) Maximum Setback for Parcels 2.5 acres or larger

- (1) Roadside: 150 feet from right-of-way to building line.
- (2) Side Yard: 50 feet from property line to building line.
- (3) Rear Yard: 50 feet from property line to building line.

### d) Setbacks in the Lower St. Croix Riverway Overlay District are separately subject to Town (Chapter 17, Subchapter III.V.) requirements.

### e) Minimum Lot Area

- (1) 45 feet

## Chapter 170

### Section H

#### Manufactured Home District (MH)

## 1. Purpose and Intent

- a) Manufactured home communities may be established in the Manufactured Home District in accordance with the procedures, requirements and limitations set forth in this Section. Within such manufactured home communities, manufactured homes, with such additional supporting uses as are permitted herein, may be located subject to the requirements and limitations set forth in this Chapter and this Section.
- b) It is the purpose of this Section to recognize mobile homes that were manufactured or assembled prior to June 15, 1976, as distinct and different from units designated in this Section as manufactured homes, and



## Town of Troy Zoning Ordinance, Chapter 170

to prohibit mobile dwelling units not meeting the definition of manufactured homes from permanent placement or location in the Town after the effective date of this Chapter. To this end, mobile homes now located in the Town shall become nonconforming uses after the effective date of this Chapter, and the location of additional mobile homes in the Town is prohibited. Modular homes meeting the requirements of the Wisconsin Uniform Dwelling Code shall not be permitted in a manufactured home community except as a conditional use.

- c) After the effective date of this Chapter, no person shall park, locate or place any manufactured home outside of a licensed manufactured home community in the Town, except that manufactured homes may be located in a manufactured home subdivision in the Manufactured Home District under a conditional use permit.

## 2. Definitions

The following definitions are used in this Section:

- a) Manufactured Home Community: Any plot or plots of ground upon which are located three or more manufactured homes that are occupied for dwelling or sleeping purposes, not including a farm where the occupants of the manufactured homes are the father, mother, children or siblings of the farm owner or operator, or where the occupants of the manufactured homes work on the farm. Manufactured home communities are distinguished from manufactured home subdivisions, which have no common facilities or continuing management services.
- b) Manufactured Home Subdivision: A parcel of land platted and subdivided to meet all requirements of Chapter 135, Town of Troy Subdivision Ordinance, and designed or intended for lots to be conveyed by deed to individual owners for residential occupancy by manufactured homes. A manufactured home subdivision shall be allowed only as a conditional use under the requirements of Section V of this Chapter.
- c) Manufactured Home: The term “manufactured home” is defined in Wis. Stats. § 101.91(2)(am) as a structure designed to be used as a dwelling, with or without a permanent foundation, and certified by the federal Department of Housing and Urban Development as complying with the standards established under 42 USC 5401 to 5425. Manufactured homes are not mobile homes. Manufactured homes are not modular homes.
- d) Mobile Home: The term “mobile home” is defined in Wis. Stats. § 101.91 (10), as a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle, equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction and an overall length in excess of 45 feet. “Mobile home” includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment carrying a manufacturer’s warranty and any additions, attachments, annexes, foundations, and appurtenances. Mobile homes are not manufactured homes. Mobile homes are not modular homes.
- e) Modular Home: The term “modular home” is defined in Wis. Stats. § 101.71(6) as any structure or component thereof that is intended for use as a dwelling and is either of closed construction, fabricated or assembled in manufacturing facilities away from the building site for assembly, connection or installation at the building site; or of open construction and fabricated or assembled in manufacturing facilities away from the building site for assembly, connection or installation at the building site, and built to the state one or two-family building code, in either event. Modular homes are a dwelling code-compliant alternative to a “stick built home”, are not manufactured or mobile homes and are not regulated as such.
- f) Other Statutory Definitions: In addition to the above definitions, related term definitions in Wis. Stats. §§ 101.91 and 66.0435 are also applicable.

Town of Troy Zoning Ordinance, Chapter 170

**3. Nonconforming Manufactured Homes and Mobile Homes.**

- a) Mobile homes and manufactured homes that are legally located on a premises outside a licensed manufactured home community prior to the effective date of this Chapter may remain in such location as a nonconforming use. The owner of any such premises on which multiple mobile homes are located shall continue to comply with Chapter 92 of the Town Code of Ordinances regulating mobile homes and mobile home parks.

**4. Permitted Uses**

- a) Permitted Uses
  - (1) Manufactured home communities.
  - (2) One-family detached manufactured homes, location in a manufactured home community.
  - (3) Structures in a manufactured home community and used for storm shelter, community gatherings, laundry, and/or limited, miscellaneous retail sales for community resident convenience.
- b) Permitted Accessory Uses and Structures.
  - (1) Uses and structures that are customarily accessory and clearly incidental to permitted principal structures, including uses and structures utilized for garages, safety, maintenance and recreation.

**5. Conditional Uses**

- a) One-family modular homes placed in a manufactured home community.
- b) One-family detached manufactured homes located in a manufactured home subdivision.
- c) Major home occupations.

**6. Area, Density, Lot Size, Setback, Height and Related Manufactured Home Community Requirements**

- a) Area: All manufactured home communities shall have a minimum area of fifty (50) acres and a maximum area of one hundred (100) acres.
- b) Density: Manufactured homes are treated as “dwelling units”, and manufactured home communities shall have a density ratio consistent with and subject to the applicable provisions of Chapter 135 of the Town Code, (its Subdivision Ordinance) specifically including Sec. 135-6 (design standards), Sec. 135-7 (standards in areas not zoned for exclusive agricultural use), Sec. 135-8 (standards in areas zoned for exclusive agricultural use), and Sec. 135-9 (transfer of development rights). It is the intent and purpose of this Section that the density requirement for the property proposed for use as a manufactured home community and as zoned on the effective date of this Chapter (e.g., exclusive agricultural district, agricultural residential district, etc.) shall be applied to determine the available number of dwelling units that can be placed in a manufactured home community or subdivision when said property is rezoned to the manufactured home district.
- c) Lot Size and Setback: Manufactured home spaces in a manufactured home community shall be a minimum of seventy (70) feet wide and one hundred (100) feet in depth, have a setback of twenty-four (24) feet from all street right-of-ways, and have a side yard clearance of twelve (12) feet between basic units, except that driveways may extend to within six (6) feet of a space boundary line. Accessory structures, such as awnings, cabanas, storage cabinets, carports, windbreaks or attached porches are considered part of the basic unit for purposes of determining compliance with this provision.
- d) Maximum Height: Principal dwelling unit - 35 feet.

**7. In all Manufactured Home Communities and Manufactured Home Subdivisions in the Town:**

- a) The requirements and standards of Chapter ATCP 125, and Chapter SPS 326, Wisconsin Administrative Code, as now existing or hereafter amended, are incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any unrelated requirement of this Section or any other applicable law or ordinance of the State or Town.

## Town of Troy Zoning Ordinance, Chapter 170

- b) No manufactured home plot or lot in a manufactured home subdivision shall be rented for a period of less than six (6) months.
- c) No manufactured home community or subdivision shall be laid out, constructed or operated without an operational private sanitary sewer service system designed to be in compliance with Wis. Admin. Code SPS § 326.14
- d) All liquid wastes originating at units, service or other buildings shall be discharged into the required sewerage system. Such system shall comply with all applicable provisions of the state code and County and Town ordinances relating to plumbing and sanitation.
- e) Adequate provision shall be made for the disposal of solid and liquid wastes. Open burnings of waste or refuse is prohibited. All garbage receptacles shall be securely covered.
- f) All television cable systems, electrical and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new, and all parts and installations shall comply with all applicable federal, state and local codes.
- g) Each home shall comply with Wisconsin Administrative Code § SPS 326.16, and shall be provided with direct, separately metered electrical service.
- h) Exposed ground surfaces in all parts of every manufactured home community or subdivision shall be covered with grass or other vegetative growth.
- i) The ground surface in all parts of every manufactured home community or subdivision shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner.
- j) All manufactured home communities and subdivisions are subject to the stormwater, drainage, groundwater and soil erosion requirements in all applicable state statutes, state administrative code, and County and Town ordinances.
- k) All manufactured home communities and subdivisions shall be furnished with individual outdoor space lighting of twenty-five to sixty (25-60) watts, spaced and equipped with luminaires placed for the safe movement of pedestrians and vehicles at night. All outdoor and street lighting fixtures in the park shall be fully shielded to direct lighting downward.
- l) All manufactured home communities and subdivisions streets shall be laid out, designed and constructed in compliance with town road standards for public roads.
- m) All manufactured home communities and subdivisions shall be provided with concrete or blacktop pedestrian walks between individual manufactured homes, park streets and community facilities of not less than three (3) feet in width. Grade and surfacing of walks shall be subject to the approval by the Town Engineer.
- n) All manufactured home communities and subdivisions shall have a berm, greenbelt and/or buffer strip of trees along the full property perimeter. Screening or planting requirements may be waived or modified by the Town Board if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
- o) No signs shall be erected in manufactured home communities and subdivisions other than those provided and approved as part of the developer's permit required under Subsection 8 of this Section.
- p) All manufactured home communities and subdivisions shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home space. Entrances shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

Town of Troy Zoning Ordinance, Chapter 170

- q) All manufactured home communities and subdivisions shall provide emergency shelter sufficient to withstand severe wind and/or tornadic activity that is readily accessible to all residents and sized to hold 110% of the maximum capacity of the manufactured homes being served.

**8. Manufactured Home Community Development Permit**

- a) No person shall locate manufactured homes in a manufactured home community or construct or extend any manufactured home community general use building or facility within the Town without zoning being correct and without first securing a manufactured home community development permit from the Town, in addition to the permit required by Wis. Stats. § 101.935. Such Permit may be issued only after the report and recommendation of the Plan Commission and approval by the Town Board.
- b) Applications for manufactured home community development permits shall be filed with the Town Clerk with sufficient copies for the Town Clerk to forward one (1) each to the Building Inspector, and Town Engineer, who shall review said application to determine whether the applicant, the premises on which said community will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with all applicable regulations, ordinances and laws and report their findings in writing within sixty (60) days.
- c) Applications for manufactured home community development permits shall be accompanied by all applicable fees as established by the Town to cover the cost of review, investigation, processing, and all other administrative actions of the Town. This does not include regular building permit fees for any building or structure to be erected within the proposed community.
- d) Applications shall be made on forms furnished by the Town Clerk and shall include the following information:
  - (1) Name and address of applicant.
  - (2) Location and legal description of the proposed community, addition, modification or extension.
  - (3) Names and addresses of all property owners within 1,000 feet of the proposed community property line.
  - (4) A complete plot plan showing compliance or plan for compliance with all applicable provisions of this Chapter, the municipal building code and subdivision ordinance, consistent with and subject to all applicable standards of the State of Wisconsin.
  - (5) Complete preliminary engineering plans and specifications, including a scale drawing of the proposed community showing but not limited to:
    - (a) Plans and specifications for all utilities, including sewage collection and disposal storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV cable or antenna systems.
    - (b) Location and width of internal roadways and walkways, buffer strips, recreational and other common areas.
    - (c) The location of manufactured home stands within the manufactured home spaces, including a detailed sketch of at least one (1) typical manufactured home space and stand therein.
    - (d) Landscape plan showing all plantings.
    - (e) Plans and specifications of all park buildings and structures, including all signs and entrance monuments.

Town of Troy Zoning Ordinance, Chapter 170

- (6) Interest of applicant in proposed manufactured home community or extension: if the owner of land on which the manufactured home community will be located is a person other than applicant, the verified statement from the owner that applicant is authorized to construct and maintain the proposed community, addition, modification or extension and make the application on the property owner's behalf, with attendant contractual documentation.
  - (7) Written statements describing proposed community operations, management and maintenance, including proposed fees, charges and other requirements to be imposed on manufactured home occupants by the community operator.
  - (8) The state permit required by Wis. Admin. Code Ch. SPS 326, as soon as it is issued.
- e) Developer's Agreement.
- (1) Anyone proposing to construct or enlarge any manufactured home community shall enter into a developer's agreement with the Town as a condition of the Town's approval of a manufactured home community developer's permit.
  - (2) Components. The developer's agreement shall contain, among other requirements, all relevant components, as solely determined by the Town, as outlined and described in Article III and related requirements of Chapter 135 of the Town's Subdivision Ordinance.
  - (3) The developer's agreement shall specifically provide that the developer shall pay to or reimburse all of the Town's professional, administrative, and related fees and expenses related to the review and consideration the application and to the preparation of the developer's agreement. An approved developer's agreement shall be executed and delivered to the Town prior to final action on zoning, conditional use or community development permit being taken by the Town Board.
- f) After submission of all components of the application for manufactured home community development permit the Town Clerk shall forward copies of such application materials to the Plan Commission for a public hearing. The Plan Commission shall hold a public hearing on the permit application not more than sixty (60) days after the application has been forwarded by the Town Clerk and after first giving notice of the time and place by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, which hearing may be combined with a hearing on any rezoning or conditional use applications related to the project. At least ten (10) days prior to the said public hearing, written notice shall also be given to the owners of all parcels of property located within one thousand (1,000) feet of the property subject to the application. Not more than thirty (30) days following the public hearing, the Plan Commission shall provide a written report and recommendation to the Town Board as to whether the application should be denied, approved, or conditionally approved subject to modifications or additional requirements. Within thirty (30) days of receipt of the report and recommendation from the Plan Commission, the Town Board shall take action on the application.
- g) All final engineering plans and specifications complying with the provisions of this Section and all other zoning regulations as well as any modifications or conditions imposed by the Town Board shall be submitted to the Town Clerk and checked by the proper municipal officials for compliance before the manufactured home community development permit is issued.

**Chapter 170**

**Section I**

**Traditional Commercial District (TR-COM)**

**1. Purpose and Intent.**

- a) The purpose of the Traditional Commercial District is to provide for the orderly continuation of existing commercial activity in the Town. The intent of this District is to include only those areas of the Town that were

## Town of Troy Zoning Ordinance, Chapter 170

zoned commercial prior to the effective date of this Chapter, and to accommodate the continuation of commercial activities zoned as such and operating in the Town on the effective date of this Chapter.

- b) The Traditional Commercial District does not provide for commercial activities and uses other than those zoned as such and operating in the Town on the effective date of this Chapter. However, land in the Traditional Commercial District is eligible for a conditional use permit for similar commercial uses that are compatible with the uses to which the property is being put on the effective date of this Chapter. Land in the Traditional Commercial District and in the Land Eligible for Commercial Rezoning Overlay District is also eligible for additional commercial district rezoning.
- c) The owner of a lot or parcel of land in the Traditional Commercial District that is reduced in area as the result of proceedings in eminent domain or inverse condemnation and who then acquires title to contiguous land to replace the area lost in this manner or to rezone contiguous land already owned for the same purpose is eligible for and may apply to the Town to rezone the contiguous land so acquired or already owned to the Traditional Commercial District in an amount sufficient to replace the land that was lost.

### 2. Permitted Uses.

- a) Permitted Uses.
  - (1) Cemetery monument manufacturing and sales.
  - (2) Golf Clubhouses with a restaurant and bar.
  - (3) Taxidermy studios with modeling clay production and sales.
  - (4) Bottling production plant.
  - (5) General trucking and empty truck trailer storage.
- b) Permitted Accessory Uses
  - (1) Office, storage, power supply and related uses in conjunction with a permitted use.
  - (2) Garages for storage of vehicles used in conjunction with a permitted use.
  - (3) Off street parking, loading and service facilities used in conjunction with a permitted use.

### 3. Area Setback and Height Requirements.

- a) Minimum Lot Area. Lots shall have a minimum of two acres.
- b) Minimum Setback, new construction:
  - (1) Front Yard: 150 feet
  - (2) Side Yard: 50 feet
  - (3) Rear Yard: 50 feet
- c) Maximum Height
  - (1) 45 feet
- d) Maximum Hard Surface Lot Coverage: Impervious hard surface shall not exceed 20% of the lot.

## Chapter 170

### Section J

#### Land Eligible for Commercial Zoning Overlay District (LECR)

##### 1. Purpose and Intent.

- a) The purpose of the LECR overlay district is to implement certain objectives of the Town's Comprehensive Plan, which designates certain state highway corridor area as the planned location for future commercial development. Area generally shown for future commercial development in the Town's Comprehensive Plan is more specifically designated on the Town's Official Zoning Map as Land Eligible for Commercial Rezoning ("LECR"), an overlay zoning district. Land in the LECR Overlay District remains in its underlying zoning district, shown on the Town's Official Zoning Map. Commercial rezoning and development of land in the LECR Overlay

## Town of Troy Zoning Ordinance, Chapter 170

District will be encouraged by the Town when it is the subject of a specific commercial development proposal that is consistent with the Town's Comprehensive Plan, meets the requirements of applicable Town ordinances, and after considering the nature of the proposed use(s) and its value and desirability to Town residents and landowners.

- b) For land in the LECR Overlay District meaningful, informal discussion between the property owner and the Town, with landowner and public notification and participation when appropriate, can take place without the initial need to incur the substantial cost associated with developing the type of specific and detailed commercial development proposal that would have to accompany a petition to rezone land for commercial uses. Informal discussion of which commercial district is appropriate for the commercial development under consideration for LECR land may occur at any time, but the actual determination of the type of commercial zoning district appropriate for specific land in the LECR Overlay District, will only be made by the Town following receipt of a petition for rezoning to a specified commercial district.

### **2. Rezoning and LECR Overlay District.**

- a) Land that is rezoned for any type of commercial use after the effective date of this Chapter must be located in an LECR Overlay District as shown on the Official Zoning Map, save only for the limited rezoning available to add replacement land to the Traditional Commercial District following eminent domain proceedings. A petition to amend the Official Zoning Map to rezone land as commercial shall either seek the rezoning of land already designated as "LECR" or be preceded by a proposal to amend the Town's Comprehensive Plan to include the land as area for future commercial development area and shown as such in the Town's Comprehensive Plan, which proposal shall be separately considered by the Town in advance consideration of any petition to amend the Official Zoning Map to place the land in the LECR Overlay District.
- b) The requirement that the Comprehensive Plan be amended before including additional land in the LECR Overlay District does not apply to land that is fully contiguous to land located in the LECR Overlay District on the effective date of this Chapter, where it is determined during the process required to amend the Official Zoning Map that adding the contiguous land is compatible with development design in the area, that the range of uses being proposed for the land is not incompatible with existing uses of neighboring land, and that the neighboring landowners have been informed of the proposed inclusion and have had full opportunity to be heard and have their concerns addressed.
- c) Land designated as LECR will be processed for removal from the Overlay District upon receipt of a petition to amend the Town's Official Zoning Map, submitted by all record owners of the designated property, including the property description for the land sought to be removed and processed under Section X of this Chapter.

### **3. Development Rights.**

The right to create and sell development rights remains with land in the LECR Overlay District, subject to the requirements of the Town's Subdivision Ordinance. The type and quantity of available development rights is calculated based on the land's underlying zoning classification, determined pursuant to that Ordinance.

## **Chapter 170**

### **Section K**

#### **Commercial Districts: General Standards for All Categories of Commercial District**

### **1. Purpose and Intent.**

The purpose of the commercial zoning districts other than the Traditional Commercial District is to provide for present and future commercial activity in the Town and for future development of a Town Center. Commercial districts should provide services and employment opportunities for Town residents, increase the Town's tax base and lessen the tax burden on residential and agricultural properties. Each commercial zoning district is intended to facilitate quality, attractive development appropriate to the allowed uses. Regardless of the type of commercial

## Town of Troy Zoning Ordinance, Chapter 170

district, innovative design, quality materials and inviting landscaping will be important considerations for the Town as it reviews and considers commercial rezoning and development proposals.

The Town Center district is intended to facilitate a sense of place for Town and area residents and to serve as a community gathering place. Development in that district will incorporate diverse, smaller scale structures reminiscent of historic small town main streets and include locations for governmental and other service businesses, retail shops, dining and entertainment establishments while incorporating parks and other green areas.

The design standards and requirements set out in this Section apply in all commercial districts unless more specific requirements are set forth elsewhere in this Chapter.

### 2. **Land Eligible for Commercial Rezoning (LECR) Overlay District**

Land that is rezoned to any type of commercial use after the effective date of this Chapter shall first be located in the Overlay District shown on the Official Zoning Map and described as "Land Eligible for Commercial Rezoning" (LECR). Discussion of which commercial district is appropriate for the commercial development under consideration for land in the LECR overlay district may occur at any time, but the actual determination, and Town approval of the type of commercial zoning district that is appropriate for specific land in the LECR overlay district, will be made only at time of actual rezoning to a specified commercial district.

A formal application to rezone land in the LECR overlay district to a specific type of commercial zone category shall include detailed descriptions of all uses being requested, development and construction details, infrastructure, landscaping and other design specifications and any other information required by the Town Engineer, Plan Commission or Town Board.

### 3. **Hard Surface and Density Requirements: All Commercial Districts**

#### a) Land in LECR Overlay District and Zoned Ag-Residential.

Land in the LECR overlay district and zoned ag-residential may create 1.5 acres of hard surface when it rezones to any commercial district for every lot that is available for subdivision in the area, based on the applicable requirements of the Town's Subdivision Ordinance and on its zoning classification as determined under that Ordinance. For this purpose only, the calculation to determine the number of available lots is rounded to the nearest hundredth. The total number of lots, carried to the second decimal point and multiplied times 1.5, determines the allowable hard surface area, in acres.

Land zoned ag-residential and located in an LECR overlay district that is rezoning to commercial may elect to be treated for purposes of hard surface and development as though it was zoned Exclusive-Agriculture. A developer may transfer Development Rights into land being zoned commercial, up to double the number of presumptively available lots. Each transferred Development Right will allow an additional 1.5 acres of hard surface.

#### b) Land Zoned in LECR and Zoned Exclusive-Ag.

Land in the LECR overlay district and zoned exclusive-ag may create 1.5 acres of hard surface when it rezones to any commercial district for every lot that is available for subdivision in the area, based on the applicable requirements of the Town's Subdivision Ordinance and on its zoning classification as determined under that Ordinance. For this purpose only, the calculation to determine the number of available lots is rounded to the nearest hundredth, and the number of lots at three and twelve acres densities is added together. The combined number of lots that can be created, carried to the second decimal point and multiplied by 1.5, determines the number of acres of allowable hard surface area, in acres.

#### c) A developer may transfer Development Rights into land being zoned commercial, up to double the number of presumptively available lots. Each transferred Development Right will allow an additional 1.5 acres of hard surface.



Town of Troy Zoning Ordinance, Chapter 170

**4. Uses in Commercial Districts.**

Uses in each category of commercial district are either permitted, conditionally permitted or not allowed. See Table 1 and requirements for each commercial district in Sections L-O.

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Town of Troy Zoning Ordinance, Chapter 170

Town of Troy Table 1 - Commercial Zoning District Summary				
Proposed Use	Office Park - Medical Clinic	General Retail And Service	Town Center	Limited
	170 Section L (COM-OP/MC)	170 Section M (COM-GR/S)	170 Section N (COM-TC)	170 Section O (COM-LTD)
	P = PERMITTED   C = CONDITIONAL   A = ACCESSORY USES			
Accountants	P	P	P	A
All Forms Of Small Shop Retail And Everyday Services		P	P	
Animal Food Stores		P	P	
Automobile And Truck Repair				P
Automobile Body Shops				P
B&Bs			P	
Bakeries		P	P	
Bars		P	P	P
Boat And Marine Sales		C		C
Branch Banks		P	P	
Churches		C		
Clinics	P	C	C	
Clothing And Other Discount Retailers		P	C	
Contractor Storage Yards				C
Day Care		C	C	
Delis	A	P	P	
Delis And Fast Food/Eat-In Providers	A	P	P	
Dentists	P	P	P	
Dry Cleaning		P	P	
Entertainment		P	P	
Farm And Home Equipment Repair				C
Fast Food Drive Thru		P		
Garden Stores		C	C	
Government Services		P	P	
Heliports	C			
Home Product		P	P	
Hotels		A	C	
Indoor And Outdoor Recreational Venues		P	C	
Indoor Farm Supply		A		
Indoor Garden Center		A		
Indoor Recreational Facilities		P	P	
Indoor Seasonal Boat Storage				A
Laboratories	P			
Landscaping Contractors And General Warehousing (Where Such Use Involves The Outdoor Storage Of Vehicles, Equipment, Or Material)		C		P
Large Footprint Grocery		P		
Law And Other Professional Services	P	P	C	
Law Practices	P	P	C	
Lifestyle Centers		P	C	
Limited Propane Or Other Fuel Storage Facilities Where Fuel Is Held For Delivery And Sale				C
Liquor Stores		P	P	
Medical And Technical Research Facilities (Including Limited Clean Room Assembly Operations)	C			
Medical Equipment Sales	A			
Medical Specialties	P	P	C	
Mortuaries Providing On-Site Cremation		C		
Mortuary Not Providing On-Site Cremation		A		

Town of Troy Zoning Ordinance, Chapter 170

Town of Troy Table 1 - Commercial Zoning District Summary				
Proposed Use	Office Park - Medical Clinic	General Retail And Service	Town Center	Limited
	170 Section L (COM-OP/MC)	170 Section M (COM-GR/S)	170 Section N (COM-TC)	170 Section O (COM-LTD)
	P = PERMITTED   C = CONDITIONAL   A = ACCESSORY			
Motels		A		
Multiple Occupancy Medical Clinics And Office Buildings Providing Facilities For Doctors	P			
Multiplex Movie Theaters		P		
New And Used Vehicle Sales		C		C
Nursing Homes		C	C	
Office	A	P	A	A
Office Supply And Other Retail And Service Support Located Within An Office Park Or Larger Scale Medical Or Office Facility	A			
Opticians	P	P	P	
Outdoor boat or recreational vehicle storage				C
Outdoor Farm Feed And Supply Stores		C		C
Outdoor Garden Centers		C		C
Outdoor Recreational Facilities		C	C	
Outdoor Retail And Food Kiosks		P	P	
Pharmacies	A	P	C	
Post Office Annex		P	P	
Professional Services	P	P	P	
Restaurants		P	P	
Retail Fuel Sales And Delivery Facilities				C
Single Office Service Providers (Including Medical Providers And Attorneys)		P	P	
Single Screen Movie Theaters		P	P	
Small Day Care Facilities		P	P	
Small Grocery		P	P	
Small Hardware Stores		P	P	
Small Office And Governmental Services		P	P	
Small Office Medical		P	P	
Small Specialty Food Stores		P	P	
Smaller Service And Retail Providers		P	P	
Specialty Grocery Stores		P	P	
Strip Shopping Centers		C		
Temporary Or Seasonal Sales Or Services		C	C	
Temporary Seasonal Sales Such As Christmas Trees		C		C
Uses Typically Found On Main Streets In Small Town America			A	
Veterinarian Clinics		C		C
Vision Sales	A	P	P	
Warehouses For Commercial And Individual Use				A

Town of Troy Zoning Ordinance, Chapter 170

**5. Area, Setback and Height Requirements.**

- a) Minimum Setback: all commercial districts Except Town Center.
  - (1) Front Yard: 150 feet, subject to (4), below.
  - (2) Side Yard: 50 feet, subject to (4), below.
  - (3) Rear Yard: 50 feet, subject to (4), below.
  - (4) No front, side or rear setback shall be less than the height of the commercial structure without an exception to the design standards in this Section being received from the Town Board.
- b) Maximum Height: 45 feet

**6. Off-Street Parking and Signage**

- a) Development in all commercial districts is subject to the requirements of Section Q: Traffic Visibility, Parking, and Access; and Section S: Signs, in addition to all other applicable requirements of this Chapter.

**7. Architectural, Landscaping, and Other Requirements**

Plans for architectural, landscaping, and other requirements of this Chapter shall be reviewed by the Plan Commission to determine if the minimum requirements are met. The Plan Commission shall provide a report to the Town Board. Where the minimum requirements are met, the Town Board shall then determine, after receiving the recommendation of the Plan Commission, the terms of the necessary development agreement with the Town providing for, among other things, appropriate deposits, fees, bonding, or other financial security to assure the satisfactory completion of all project construction, including all proposed private or public infrastructure and roads.

Minimum requirements for all commercial rezone and development proposals include, but are not limited to:

- a) Architectural Standards. It is in the best interest of the Town to promote high standards of architectural design. New building proposals shall include architectural and site plans that include but are not limited to the following:
  - (1) Elevations of all sides of all buildings.
  - (2) Type and color of exterior building materials, which shall be of attractive quality. The building façade may have varied materials including brick, stone, glass, stucco, architectural block, or equivalent material.
  - (3) General floor plans.
  - (4) Dimensions of all structures.
  - (5) Location of trash containers, utilities, heating, cooling, and ventilation equipment and systems, indoors and outdoors. All exterior equipment, trash, and recycling storage areas and dock areas shall be screened with materials used in the principal structure. Low profile, self-contained HVAC units which blend in with the building architecture are exempt from the screening requirement. Underground utilities shall be provided for all structures.
  - (6) Description of unique architectural features specific to the particular request.
- b) Landscaping. All yard area shall either be landscaped green areas or open space, left in a natural state. Yards to be landscaped shall be landscaped attractively with lawn, trees, and shrubs in accordance with a plan prepared by a landscape architect and approved by the Town. Areas left in a natural state shall be subject to an approved maintenance plan to ensure that all such areas are kept free of litter, debris,

## Town of Troy Zoning Ordinance, Chapter 170

and noxious weeds. Reasonable attempts shall be made to preserve as many existing trees as is practical and to incorporate them into the site plan. Where commercially rezoned and developed area will abut residential area or districts, a buffer area that is bermed, landscaped and/or fenced, adequate in all respects to screen noise, sight, sound and glare from reaching adjoining, pre-existing residences and of a minimum depth of 100 feet will be required. The buffer area shall be completely defined and approved by the Town.

### c) Miscellaneous Requirements.

- (1) All storage, service, repair, or processing equipment and activities shall be designed, located and conducted wholly within an enclosed building or behind an opaque fence or wall not less than 6 feet high.
- (2) Incineration of waste material shall be conducted only in approved equipment located within the building where the allowed use is conducted.
- (3) New buildings shall be designed to harmonize with existing or previously approved development and to maintain the architectural theme and character of the district through application of the following design elements:
  - (a) Exterior materials, colors, building accents, styles and rooflines shall be compatible with existing buildings within designated segments of the district.
  - (b) In the event that the exterior area of a building (at least 50 percent) will be modified, remodeled, replaced and/or reconstructed, said building shall conform to the standards established by this section.
  - (c) No accessory buildings shall exceed the height of a principal building.
  - (d) No outdoor display, sales or storage shall be allowed.
  - (e) Demonstrated environmental compatibility and enhancement of existing natural features and facilities is strongly encouraged.

## 8. **Planned Unit Development Requirements.**

a) General Purpose and Provisions. Planned development districts, also called planned unit developments ("PUD") may be created in any commercial district category and may be required in the Town Center district. All approved PUDs shall provide for safe and efficient systems for pedestrian and vehicular traffic, attractive recreation and landscaped open space, economic and attractive design and location of public and private utilities and community facilities and shall require sound and adequate standards of construction and planning as determined by the Town. Applied to a specific area, the PUD may have the effect of allowing development to be designed, constructed and managed according to the provisions of this Section, rather than as required by the underlying zoning district, provided that the underlying zoning district shall determine the permitted and conditional uses of all land in the PUD. A PUD shall be subject to all applicable requirements of the Town of Troy Subdivision Ordinance (Chapter 135), modified in this Chapter with reference to hard surface regulations and their augmentation using the incoming transfer of development rights.

- (1) The PUD approval process is required for all categories of commercial-zoned development applications where:
  - (a) Variations in lot sizes, dimensional standards, clustering of principal buildings on one lot, provisions for common open space, or other design considerations, including, but not limited to, parking, loading docks, signage and landscaping,

## Town of Troy Zoning Ordinance, Chapter 170

not normally allowed in the zoning district and subdivision provisions are desired.

(b) A commercial or multi-family residential development with a shopping center, office park, business park, clustered multiple-family dwellings or other unified development theme is proposed.

(2) Public or private improvements consistent with current Town standards or plans including the Town's Comprehensive Plan, Bike Plan, Capital Improvements Plan, and Park Plan, may be required as a condition of Town approval.

(3) Public or private improvements required by the Town may include and are not limited to public roads, curbs, gutters, parking areas, sidewalks, bikeways, water lines, sewer lines, drainage works, streetlights and landscaping.

b) Application Process. A PUD application shall be submitted to the Town on forms provided for this purpose and with all initially required information and materials.

(1) Preapplication Conference. The purpose of the preapplication conference is to provide early and meaningful communication between the developer and Town staff regarding the legal, planning and engineering aspects of the potential development. The developers shall provide sketches and other pertinent information to the Town for review and discussion prior to submittal of a general development plan. Sketches shall include the entire area of a proposed PUD, even if the PUD will be developed in phases.

Preapplication conference review shall look for success in achieving the general purposes of PUD requirements, adequacy of public and private services and facilities, ability to conform to all applicable codes and ordinances, utilization of commonly accepted principles of good site planning, and consistency with the Town's Comprehensive Plan.

Submittal requirements for the general development plan will be reviewed during the preapplication conference.

(2) General Development Plan. The purpose of the PUD general development plan is to establish a clear framework in terms of development timing, overall building layout and site design, land uses, density or intensity of development, traffic circulation/access, off-street parking, storm drainage, general utility locations, active and passive open space, location and management of common areas, general landscaping treatment and similar development components.

The general development plan shall include the entire area of the intended PUD, even if the PUD will be developed in phases. All subsequent final plans for such area shall be prepared to be in conformance with the approved general development plan. The general development plan may be amended using the same procedure as for general development plan approval.

Submittal requirements for a general development plan shall include the following items:

(a) Identification and Description Information.

1. Location of the property by legal description and address.
2. Names and address of owners, applicant, surveyor and designer.
3. Graphic scale, north arrow, date of plan preparation.
4. Proposed name of the project.

## Town of Troy Zoning Ordinance, Chapter 170

5. Names and addresses of all owners of land within five hundred (500) feet of proposed development.

### (b) Existing Condition Information.

1. Total square feet or acreage of site.
2. Location of present utility systems including private well and septic systems, sanitary sewers, water mains, storm sewer/drainage, telephone, gas, cable and electrical supply.
3. Zoning district designation.
4. High-water mark of any adjacent watercourses.
5. Areas of existing wetland, water bodies and vegetation.
6. Railroad and utility rights of way, parks, easements, section lines and corporate boundaries, if on the lot or an adjacent lot.
7. Preliminary plat or certified survey map.
8. Location and use of any existing buildings within one hundred (100) feet of the site boundaries.
9. Location within the Town.
10. Mapped two (2) foot contour intervals describing existing topography.
11. Center line location, width, rights of way and names of all adjacent existing or previously platted streets or other public ways.
12. Size of any existing sewer, water main, culverts or other underground facilities within the site, including site grades, invert elevations and locations of catch basins, manholes and hydrants.

### (c) Site Design Information.

1. Approximate external dimensions of proposed buildings and distances to lot lines.
2. Proposed layout of streets and roads with right-of-way widths and proposed street names.
3. Intended use of all proposed structures and number of intended occupants.
4. Driveway locations and widths and projected traffic flows through the site.
5. Areas where existing vegetation will be removed and/or modified during development.
6. Proposed off-street parking area, allocation and parking lot landscape islands.
7. Proposed loading areas including stacking or storage areas.
8. Preliminary storm drainage system.
9. Surface material being proposed for drives, parking, access and storage areas.
10. Any exterior lighting concept.
11. All proposed landscaping areas and plans.
12. Refuse collection areas and screening.
13. List of all required Federal, State, County and Town permits and status of applications for each; copies of permits as obtained.
14. Water main and sanitary sewer main location, if applicable.
15. Proposed parks, pedestrian/bicycle ways or other areas that will be dedicated or reserved for public use.
16. Locations and widths of alleys, pedestrian-ways and utility easements.
17. Proposed signage.
18. Proposed plat drawing showing detailed information indicating square footage of allowable building footprint and hard surface in all phases of the development.
19. Scale. One inch equals ten feet (1" = 10') or one inch equals twenty feet (1" = 20').

## Town of Troy Zoning Ordinance, Chapter 170

- (3) Town Review of General Development Plan
- (a) Upon receipt of all the required submittal items for the general development plan, and an application for a PUD, the Town Engineer and Building Inspector shall coordinate with other staff of the Town to review the plan, and formulate recommendations for the Plan Commission. When the recommendation is ready, the Town Clerk shall schedule and give notice of public hearing before the Plan Commission, following the procedure required by Section 170-Section U of this Chapter.
  - (b) The Plan Commission shall review the proposed general development plan in accordance with the review criteria set forth in this Section. It shall also consider the recommendation of the Town staff and other comments received. The Plan Commission shall then make its recommendation to the Town Board for approval, approval with conditions, or denial.
  - (c) Final action on the general development plans lies with the Town Board.
  - (d) Approval by the Town Board of a general development plan shall be processed as and constitute an amendment to this Chapter, establishing an overlay PUD district that shall be noted on the Official Zoning Map. If the general development plan requires rezoning for a permitted use or a conditional use permit, Town Board approval of the general development plan is conditional upon the rezoning or conditional use permit also being granted.
- (4) Final Plan. Following approval of a general development plan, a final plan for the PUD shall be submitted to the Building Inspector for review. In the case of a single phase PUD, the applicant may combine the general development plan and final plan stages of the review process and follow the procedure set forth in this sub-section. The purpose of the final PUD plan is to finalize the detailed planning, engineering, design, ownership, management, maintenance and timing aspects of the development. For this reason, the final plan will be prepared only for those portions of a PUD which will be developed in the immediate future.

The final plan shall be in conformance with the approved general development plan. If a proposed final plan differs from the approved general development plan, the applicant must submit a new general development plan, beginning with a new pre-application conference.

No building permits shall be issued for construction within the area of PUD until after development agreement has been completed, the necessary financial guarantees are in place and without first obtaining Town Board approval of a final plan for that portion of the PUD. All grading, construction, landscaping and other activities associated with land development shall be carried out in strict conformance with the approved final plan.

The list of items required to be submitted with a final plan are as follows:

- (a) Actual external dimensions of buildings and distances to lot lines.
- (b) Storm drainage system including calculations, sizing, materials and location.
- (c) Landscaping plans, including plant species, fence and retaining wall placement and specifications.
- (d) Water main sizing, fire flows, materials and location.
- (e) Sanitary sewer main sizing, materials and location. If a grinder pump or lift station is proposed, design calculations will be required.
- (f) Certified survey map.



## Town of Troy Zoning Ordinance, Chapter 170

Upon receipt of all the required items for the final plan, the Building Inspector and Town Engineer shall coordinate their review with other Town staff for the purpose of reviewing the final plan for compliance with the approved general development plan. The proposed final plan shall then be brought to the Town Board for final approval and creation of the PUD overlay district, and development may then commence.

### c) Review Criteria.

(1) General Development Plan. In reviewing the general development plan, the following criteria shall be considered and determined by the Town.

- (a) Conformance with the applicable provisions of the underlying zoning district;
- (b) Conformance with the provisions of this Section;
- (c) Suitability of the site itself for development as proposed;
- (d) Compatibility of the proposed development with adjacent and nearby existing or planned unit developments in terms of scale, mass, height, bulk, uses, activities, traffic, design, structure placement, privacy, views and similar concerns;
- (e) Conformance with Town development and design standards and policies;
- (f) Availability, both on and off the site, of adequate public or private utilities and services including water, sanitary sewer, storm sewer or other means of surface drainage, streets, sidewalks, traffic control, fire protection and police protection;
- (g) Effective mitigation of any potential negative impacts of the proposed development either on the site itself or off the site;
- (h) Adequate provision for preservation and maintenance of areas set aside for common ownership;
- (i) Consistency with the Town's Comprehensive Plan;
- (j) Any exceptions or deviations from the requirements of this and other Chapters of the Town Code, including but not limited to setbacks height, and density, which must be justified by the design and amenities incorporated in the development plan.
- (k) Land surrounding the proposed development must be planned in coordination with the proposed development so that there is compatibility of use.
- (l) Existing and proposed streets are suitable and adequate to carry anticipated traffic, especially within a Town Center PUD, and in the vicinity of any proposed PUD.
- (m) Existing and proposed sewer, water, storm sewers and holding ponds are adequate for the proposed PUD.
- (n) Each phase of the proposed PUD, as it is completed, must contain the required parking spaces, landscaping and utility areas necessary for creating and sustaining a desirable and stable environment.
- (o) The proposed PUD and all proposed buildings, parking spaces and landscape and utility areas can be completely developed within a reasonable time after approval of the plan, as determined by the Town.
- (p) There will be adequate development valuation or direct contribution to support necessary public safety services.
- (q) Landscaping and architectural detail (signing, lighting, planting species, etc.) are in compliance with any Town Center theme as established by the Town Board.
- (r) There is demonstrated compliance with the objectives, policies and development of the Design Review Standards for a Town Center PUD as provided under regulations and criteria to be adopted from time to time by the Town Board.

The Plan Commission, in making its recommendation to the Town Board, shall consider said criteria as noted above and also take into consideration the recommendations of Town staff and comments received at its public hearing.

(2) In addition to all other requirements under this Section, the applicant shall provide to the Town Attorney, not less than ten (10) days before the public hearing of the Plan

## Town of Troy Zoning Ordinance, Chapter 170

Commission on the general development plan, all signed documents as may be required by the Town Attorney, and including those that will be recorded with the Register of Deeds, such as a conservation easement or development agreement. Within fifteen (15) days after the approval of the Final Plan by the Town Board, the Town Attorney shall record the applicable documents with the Register of Deeds.

- (3) Final Plan. In reviewing a final plan, the Town Board shall consider the following criteria:
- (a) Strict conformance of the final plan to the approved general development plan, particularly in terms of the general layout and design of the PUD; the overall density of dwelling units and completion of any related transfers of development rights; the number and type of dwelling units; the major categories of land use; the mix, magnitude and intensity of nonresidential types of land uses; the parking and traffic circulation system; and major features of the open space area.
  - (b) All review criteria set forth in Subsection 8.c)(1) of this Section (general development plan review criteria) and all applicable standards and special requirements under Subsection 8.d) (Additional Standards and Requirements) below.
- (4) Recording; Conditions to Run With the Land.
- (a) A document shall be recorded by the applicant in the office of the St. Croix County Register of Deeds within thirty (30) days of PUD final plan approval. Said document shall identify the property as being part of a PUD that has been approved by the Town. Applicant shall furnish evidence of such recording to the Town prior to its issuance of any building permits, any final plan approval for multiple phased projects, or within fifteen (15) days of final approval for single phased projects.
  - (b) Conditions attached to a general development plan or final plan shall run with the land and shall not lapse or be waived as the result of any subsequent change in the tenancy or ownership of any or all of said lands. Such conditions shall be deemed to be part of the building permit issued for any use or structure within the PUD.
- (5) Fees. Fees for PUD general development plan approval and for PUD final plan approval shall be established from time to time by the Town Board. Fees are due from the applicant at the time of plan submittal.

d) Additional Standards and Requirements.

- (1) Residential PUD.
- (a) The maximum number of dwelling units per acre (project density) within a residential PUD shall be calculated based upon the requirements of the Town of Troy Subdivision Ordinance, Chapter 135 of the Town Code.
  - (b) Adequate public and private facilities and services must be available both on and off the site to support the number of dwelling units being proposed, including but not limited to streets, parking, traffic control, water, sewer, drainage, fire and police protection, recreational facilities, and schools.
  - (c) Residential PUD proposals will be evaluated using the following additional criteria:
    - 1. Appropriateness of the scale and massing of structures;
    - 2. Presence of varied building elevations and staggered setbacks;

## Town of Troy Zoning Ordinance, Chapter 170

3. Effectiveness of landscaping, screening and buffering within the PUD and along its perimeter;
  4. Overall quality of development design including streetscape, parking lots, open space, buildings, lighting, signs, and pedestrian pathways;
  5. Placement of buildings that demonstrates sensitivity to the natural topographic features of the site;
  6. Retention of unique natural features of the site and incorporation of such features into the project's overall design;
  7. Presence and development of recreation areas that are directly accessible to a majority of the dwellings and are well designed for their intended purpose.
- (2) Lot Area, Lot Width, Setbacks. Lot area, lot width and setback requirements for all PUDs may vary from the requirement of the underlying zoning district when the developer demonstrates that the proposed design and layout will meet the intent and requirements of this Section. Lot area, lot width and setbacks within the PUD shall be designed to be compatible to existing or planned land uses immediately adjacent to or outside the development.
- (3) Building and Structure Heights. Building and structure heights for any PUD can only exceed the maximum established by the underlying zoning district when expressly requested by the applicant and upon approval of such as part of the general development plan.
- (4) Open Acres
- (a) Because the PUD concept for development is intended to provide functional open space and to make more efficient use of land, utilities and other improvements, the applicable open acres requirements of the Town of Troy Subdivision Ordinance based on the underlying zoning of the land on the effective date of this Chapter shall apply to the total gross land area in the PUD, excluding hard surface area available before any transfer of development rights.
  - (b) Open acres may be held in common, be privately owned, dedicated to the public, or any combination thereof. Any land dedicated to the public must be officially accepted by the Town Board before such dedication becomes valid. Land dedicated to the public shall be considered part of the required open acres for the PUD.
  - (c) Hard surface areas shall not be included in calculating the minimum required amount of open acres in a PUD.
  - (d) When a PUD will be developed in phases, the appropriate proportion of the gross area of each phase (subject to final implementation plan approval) shall be reserved for required open space unless this requirement is waived by the Town Board.
  - (e) At the time of final plan approval, provision shall be made for the ownership and perpetual care and maintenance of all open acres in the PUD. Areas designated as open acres shall be permanently preserved as such, using appropriate legal instruments as approved by the Town Attorney, and put into place at the time of final plan approval. Covenants or other legal arrangements shall specify ownership of the acres space, method of maintenance, responsibility for maintenance, maintenance taxes and insurance, compulsory membership and assessment provisions and

## Town of Troy Zoning Ordinance, Chapter 170

guarantees that assure that the entity formed to own and maintain the common open acres will not be dissolved without the consent of the Town Board, and any other requirements deemed reasonably necessary by the Town Board.

- (5) Building Spacing and Orientation. The minimum spacing allowed between buildings shall not be less than required by applicable building codes. Greater distances may be required after taking into consideration the need for privacy, light and ventilation, fire and safety, traffic circulation and open space.
- (6) Off-Street Parking. Unless modified by the PUD Development Plan, off-street parking spaces shall be provided as required by Section Q.
- (7) Streets, Utilities and Drainage.
  - (a) All publicly dedicated streets, utilities and all drainage facilities shall be designed in accordance with Town code and policy.
  - (b) Private streets shall only be allowed if approved in the general development plan.
- (8) Circulation/Access.
  - (a) Vehicular access to individual lots adjoining an arterial street as defined under the functional street classification system of the Town shall be by way of a frontage road, service road, or other local street. Local street access to arterial streets shall be minimized to the maximum possible extent. Lot access to collector streets shall be minimized to the maximum possible extent.
  - (b) Each PUD shall be designed to provide at least two (2) separate points of vehicular ingress and egress unless waived by the Town Board. Principal vehicular access points shall be designed to encourage smooth traffic flow, with controlled turning movements and minimum hazard to vehicular and pedestrian traffic.
  - (c) Internal streets, drives, sidewalks and parking surface area shall be paved and provide safe and convenient access to dwelling units and recreational facilities, and for service and emergency vehicles. Streets shall not be designed to encourage outside traffic to traverse the PUD on local streets, nor create unnecessary fragmentation of the PUD into the smaller sub-areas.
- (9) Landscaping, Screening and Buffering.

In order to protect the integrity of a PUD and as deemed necessary to provide protection to adjacent properties, landscaping, screening and buffering may be required as part of the general development plan. When required, a screening and landscape plan shall be submitted to the Town for approval in conjunction with final plan approval for each phase of a PUD. Landscape plans shall show the location, species of plant material and the size of all plant materials. Screening plans shall include typical details of fences, berm, and plant material to be used.
- (10) Signs. Unless modified by the PUD Development Plan, all signs shall conform with Section S.

### 9. **Design Standards for Town Center Planned Unit Developments**

In addition to compliance with all other provisions of this Section, a Town Center PUD shall be subject to the specific requirements of the "Design Standards for a Town Center Development" as established and adopted from time to time by the Town of Troy.

**Chapter 170**  
**Section L**  
**Office Park – Medical Clinic Commercial District (COM-OP/MC)**

- 1. Purpose.**  
Provide area for larger scale office and medical facilities to support the growing medical community in the surrounding area, including two excellent, expanding hospitals; provide additional office park opportunities that could utilize the Town’s fiber-optic network. Promote local, well-paying and challenging employment opportunities that can utilize the Town’s fiber-optic network.
- 2. Permitted Uses.**  
Multiple occupancy medical clinics and office buildings providing facilities for doctors, clinics, medical specialties, opticians, laboratories, dentists, law practices, accountants and other professional services.
- 3. Accessory Uses for Development With or After Permitted Uses.**  
Pharmacies, medical equipment sales, visions sales, delis and fast food/eat-in providers, office supply and other retail and service support located within an office park or larger scale medical or office facility.
- 4. Conditional Uses.**  
Medical and technical research facilities, including limited clean room assembly operations.
- 5. General Standards.**  
See Section K of this Chapter.

**Chapter 170**  
**Section M**  
**General Retail and Service Commercial District (COM-GR/S)**

- 1. Purpose.**  
Provide area for typical retail and service providers, including large footprint structures, and smaller structures and volume retailers. Provide a mixture of local shopping venues for Town residents including access to low cost retailers. Create entry level and other employment opportunities for Town residents.
- 2. Permitted Uses.**  
Large footprint grocery, office, home product, clothing and other discount retailers. Single office service providers including medical providers, and attorneys. Smaller service and retail providers including dry cleaning, liquor stores, bakeries, post office annex, animal food stores, branch banks, government service, restaurants, fast food drive thru, bars, multiplex movie theaters, specialty grocery stores, lifestyle centers, and other similar retail and service businesses. Indoor recreational facilities.
- 3. Accessory Uses for Development With or After Permitted Uses.**  
Motels, hotels, indoor garden center or indoor farm supply, mortuary not providing on-site cremation.
- 4. Conditional Uses.**  
Churches, nursing homes, day care, new and used vehicle sales, greenhouses, outdoor garden centers or garden stores, outdoor recreational facilities, outdoor farm feed and supply stores, veterinarian clinics, mortuaries providing on-site cremation, strip shopping centers, boat and marine sales, temporary seasonal sales such as Christmas trees.
- 5. General Standards.**  
See Section K of this Chapter.

**Chapter 170**  
**Section N**  
**Town Center – Commercial District (COM-TC)**

- 1. Purpose.**  
This District is intended to provide the opportunity to develop a commercial area with a sense of place, or a “downtown” for Town and area residents. A Town Center is a place where residents can go to get a sense of being in a community more than in a shopping center. A Town Center is characterized by smaller shops and open, green space as in old fashioned town squares, shorter street setbacks and more dispersed and screened parking area. The Town Center should offer a variety of retail, service and recreational opportunities. Since the layout and appearance of a Town Center will be very different from typical commercial developments, the PUD process will regulate the Town Center development with emphasis on achieving a unique, desirable unified outcome.
- 2. Permitted Uses.**  
All forms of small shop retail and everyday services. Small office and governmental services, small office medical, law and other professional services. Restaurants, entertainment, delis, bakeries, single screen movie theaters, indoor and outdoor recreational venues, outdoor retail and food kiosks, small day care facilities, B&Bs, small specialty food stores, small grocery and hardware stores.
- 3. Accessory Uses for Development With or After Permitted Uses.**  
Other uses typically found on main streets in small town America.
- 4. Conditional Uses.**  
Temporary or seasonal sales or services.
- 5. General Standards.**  
See Section K of this Chapter.

**Chapter 170**  
**Section O**  
**Limited Commercial District (COM-LTD)**

- 1. Purpose.**  
Provide area for commercial development that can be incompatible with other kinds of commercial development, is difficult to screen properly or that may otherwise conflict with the required esthetic and quality standards required of other commercial development. These are uses that provide service to Town residents and may be allowed in specific areas, while requiring special attention to screening and the mitigation of adverse effect on nearby properties.
- 2. Permitted Uses.**  
Automobile and truck repair, automobile body shops, contractor’s storage yards, farm and home equipment repair, landscaping contractors and general warehousing where such use involves the outdoor storage of vehicles, equipment or material.
- 3. Accessory Uses for Development With or After Permitted Uses.**  
Warehouses for commercial and individual use; indoor seasonal boat storage.
- 4. Conditional Uses.**  
Limited propane or other fuel storage facilities where fuel is held for delivery and sale, retail fuel sales and delivery facilities.

**5. General Standards.**

See Section K of this Chapter.

**Chapter 170**  
**Section P**  
**Industrial District (I)**

**1. Purpose**

The purpose of the Industrial District is to provide for light manufacturing and industrial development in the Town.

**2. Permitted Uses**

a) Permitted Uses:

- (1) Light industry.
- (2) Printing and publishing facilities and related activities.

b) Permitted Accessory Structures

- (1) Office, storage, power supply and other such uses as are normally auxiliary to the permitted use.
- (2) Off-street parking, loading and service facilities, auxiliary to the permitted use.

**3. Conditional Uses**

- a) Truck transportation terminals.
- b) Experimental testing and research facilities not involving the keeping of animals.
- c) An adult oriented or sexually oriented establishment as defined and further regulated under Chapter 80 of the Town Code.
- d) Contractor and outdoor storage, including storage of dumpsters, tractor-trailers.

**4. Area, Setback, Height and Density Requirements**

- a) Minimum Lot Area  
Five (5) acres

b) Minimum Setback

- (1) Front Yard: 150 feet from right-of-way to building line or 170 feet from paved road surface, whichever is greater.
- (2) Side Yard: 50 feet from property boundary to the building line.
- (3) Rear Yard: 50 feet from property boundary to the building line.

- c) Maximum Height  
50 feet

d) Density

Land in the Industrial District shall meet the density and hard surface requirements in the General Standards for the Commercial Districts in Section I, and shall be further subject to any applicable provisions of Chapter 135 of the Town of Troy Subdivision Ordinance, specifically including Sec. 135-6 (design standards), Sec. 135-7 (standards in areas not zoned for exclusive agricultural use), Sec. 135-8 (standards in areas zoned for exclusive agricultural use) and Sec. 135-9 (standards and requirements for transfer of development rights). The density requirements for the property as determined under the Town's Subdivision Ordinance and before it is rezoned to industrial shall be applied to determine the base density and hard surface requirements for the property.

**5. Separation Distances Between Designated Uses and Adult Oriented or Sexually Oriented Establishments**

- a) Adult oriented or sexually oriented establishments may not be located within the distance set out below of the uses described below, whether in or outside the territorial limits of the Town:
  - 1. 2,000 feet of a church, chapel, synagogue or regular place of religious worship;
  - 2. 2,000 feet of any school (preschool, elementary, middle or high school, public or private);
  - 3. 2,000 feet of a licensed daycare center;
  - 4. 2,000 feet of any public park;
  - 5. 1,500 feet of any residential, ag-residential or agriculturally-zoned district, or from any single-family, two-family, or multi-family residential use;
  - 6. 1,000 feet of any premises licensed for any sale or consumption of alcoholic beverages;
  - 7. 1,000 feet of another adult oriented or sexually oriented establishment.
  - 8. For the purpose of these separations measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult oriented or sexually oriented establishment is conducted, to the nearest property line or boundary of a property listed above.
- b) An adult oriented or sexually oriented establishment may not be operated in the same building, structure, or portion thereof as another adult oriented or sexually oriented establishment.

**Chapter 170**

**Section Q**

**Traffic Visibility, Parking and Access**

**1. Traffic Visibility**

No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2-1/2) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of twenty (20) feet from their intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

**2. Loading Space Requirements**

- a) On every lot in any commercial or industrial district or on which a business, trade, or other use is hereafter established, sufficient space for the off-street and unloading of vehicles with access to a public street or other public way shall be provided as indicated below so that public streets and sidewalks are free and unobstructed to the passage of vehicular and pedestrian traffic:

Gross Floor Area (sq. ft.) <u>Of Building Served</u>	Minimum <u>Loading Space(s)</u>
0 – 2,999	1
3,000 – 5,999	2
6,000 – 10,000	3, plus one additional space for each additional 10,000 square feet



## Town of Troy Zoning Ordinance, Chapter 170

- b) Location. Off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- c) Design Standards. Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty (40) feet, and a vertical clearance of at least fifteen (15) feet. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight (8) feet in height.
- d) Surfacing. All open—street loading berths shall be improved with a compacted gravel base not less than seven (7) inches thick, surfaced with not less than three (3) inches of asphalt or treated with some comparable all-weather material providing a hard, durable, dustless surface. Unless impractical and waived by the Town Engineer, all such areas shall be graded and drained to a point or points within the private lot such that no runoff shall exit the property into the public street.
- e) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any loading facilities that may be provided in any residential district.
- f) Utilization. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

### 3. Parking Requirements

All new parking lots and all alterations of existing lots except for single family residences shall be subject to review and recommendation from the Plan Commission and approval of the Town Board. Requests for said parking lots shall be accompanied with a detailed plan on landscaping, parking layout including overflow parking, drainage provisions and driveway locations. In all districts except for single family residences, there shall be provided at the time any use or building is proposed, an off-street parking plan for all vehicles in accordance with the following:

- a) Adequate driveway access to a public street shall be provided for each parking space. Driveways are subject to the requirements for roads and driveways under Chapter 125 of the Town Code of Ordinances.
- b) The size of each parking space shall have a stall width of at least ten (10) feet, a stall length of at least twenty (20) feet and vertical clearance of at least six and one-half (6-1/2) feet. Aisles providing access to stalls shall be not less than twenty-four (24) feet wide.
- c) The location is to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district, except in residential districts.
- d) Curbs or barriers shall be installed in parking lots that prevent the parked vehicles from extending over any adjoining lot line.
- e) All open off-street parking areas except for parking spaces accessory to a single-family dwelling shall be surfaced with a dustless all weather material or other appropriate impermeable surface material capable of carrying a wheel load of four thousand (4,000) pounds [normally, a three (3) inch blacktop on a compacted gravel base of not less than seven (7) inches, or five (5) inches of Portland cement will meet this requirement]. Any off-street parking area under this section for five (5) or more vehicles shall have the aisles and spaces clearly marked.
- f) Irregular or other creative parking layout designs may be required to prevent or minimize the undesirable appearance of large undifferentiated spaces. No part of a special purpose off-street parking facility shall extend closer to a street than one-half of the setback that would be required

## Town of Troy Zoning Ordinance, Chapter 170

for a building on the premises. No part of a special purpose off-street parking facility shall encroach into setback areas. Screen plantings, decorative fences, walls or combination thereof shall be provided in setback area to protect and buffer adjacent properties.

- g) **Number of Required Parking Stalls:**  
All commercial and industrial use structures shall provide one off street parking stall for every three persons contained in the maximum allowable occupancy of the structure as calculated under the applicable building code except that the Town Plan Commission may recommend and the Town Board may require, fewer or greater numbers of parking stalls than required above after taking into consideration the availability of public transportation, walkability to the site, shared parking areas with different peak times of use, the availability of non-parking areas for temporary use, the need to prevent commercial user parking in residential areas, particularly where there is night-time use and any other criteria that may impact the desirability of requiring more or fewer commercial parking stalls.
- h) **Uses not listed; Exceptions to Design Standards.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply as determined by the Town Engineer, subject to review by the Plan Commission and Town Board. Proposals for exceptions to design standards providing the required number of parking stalls will be considered by the Plan Commission and Town Board where parking can be shared due to different hours of use, on the basis of available overflow parking or other grounds that will protect public convenience and safety.
- i) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Floor space area is gross area in support of the described business or activity.
- j) Where a parking area is primarily used at peak times, an applicant may apply to waive specific requirements of this subsection when a more attractive, environmentally desirable and versatile parking area is proposed.

### **4. Off-Street Parking Restrictions in Residential Areas**

- a) Where Permitted. Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property located in the Traditional Residential District:
  - (1) A rear yard.
  - (2) A side yard not adjoining a street
  - (3) A front yard, but only on one (1) paved or graveled driveway not exceeding twenty-four (24) feet in width and for not more than three (3) vehicles parked not nearer than five (5) feet to a front property line or three (3) feet to a side lot line.
- b) Regardless of the provisions of Subsection 4a) above, the Town Board may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and a design for such development, in the judgment of the Board is substantially improved thereby, as compared to where off-street parking is limited by Subsection 3 above, and where sole access from such development is to local and collector streets. In this Subsection, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted only after a conditional use proceeding under this Section V of this Chapter. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.

### **5. Regulations in a Planned Unit Development in a Commercial District.**

In addition to general requirements of this section, the regulation of traffic visibility, public or off-street parking, off-street loading space requirements and access to public rights of way in a planned unit

## Town of Troy Zoning Ordinance, Chapter 170

development in an area zoned commercial shall be determined and controlled by the review and approval process as part of a planned unit development under Section K of this Chapter.

### 6. **Handicapped Parking Requirements.**

The provisions of Wis. Stats. §§ 101.13, 346.503 and 346.56 and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities constructed in the Town.

## **Chapter 170 Section R Home Occupations**

### 1. **Purpose, Intent and Definitions**

- a) **Purpose.** The purpose of this Section is to protect residential and agricultural areas from potential diminishing property values and other potential adverse impacts of activities associated with home occupations while allowing residents of the Town an opportunity to conduct a limited business at their place of residence. In addition, the purpose of this Section is to create reasonable standards and requirements that will apply to home occupations conducted in dwelling units and accessory structures in the Agricultural Residential District, Exclusive Agricultural District and Manufactured Home District.
- b) **Intent.** The intent of this section is to provide a means to accommodate small family businesses without the necessity for relocation or rezone to a commercial district, when such business is incidental to the use of the property as a private family residence or farm, is compatible with residential or agricultural uses in the area, is limited in extent and does not detract from the residential or agricultural character of the neighborhood. Approval of expansion of a home occupation at a future time beyond the limitations of this Chapter should not be relied upon or anticipated; relocation of an expanding business to an area that is appropriately zoned may be necessary.
- c) **Definitions.**
  - (1) A minor home occupation is a home occupation authorized by this section and that does not require conditional use permit.
  - (2) A major home occupation is a home occupation that requires a conditional use permit from the Town under the provisions of Section V.
  - (3) A major home occupation that was established and operating prior to the effective date of this Chapter pursuant to a conditional use permit or special exception for the home occupation from St. Croix County may continue operating under this Ordinance in conformity with the permit and/or conditions established by St. Croix County. To the extent inconsistent with regulations under this Chapter, such a major home occupation shall be treated as a nonconforming use that is separately and additionally subject to and protected by all terms and conditions of the applicable County conditional use permit or special exception, where adopted by specific reference thereto in the Town resolution enacting this Chapter. The holder of such a County-issued conditional use or special exception permit may also apply for a Town conditional use permit where the use is otherwise eligible for such a permit under this Chapter.

### 2. **General Requirements**

All home occupations are subject to the following conditions:

## Town of Troy Zoning Ordinance, Chapter 170

- a) The person principally operating the home occupation shall be a permanent residence of the location of the home occupation.
- b) The use shall be clearly secondary and incidental to the residential use of the premises and compatible with residential or agricultural uses.
- c) There shall be no home occupation-related exterior alterations which change the residential character of the dwelling unless necessary to meet requirements for accessibility under the Americans with Disabilities Act (ADA) or any similarly applicable state or federal regulations.
- d) No storage or display of materials, good, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
- e) No use of the property or use of any equipment or machinery on the property shall create light, smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district beyond the lot line of the parcel on which the home occupation is located.
- f) No home occupation shall illegally discharge any materials, fluids, gases, or any other substance into a private septic system, municipal sewer system or in any other manner discharge such items in violation of any applicable governmental regulation.
- g) All home occupations shall be conducted within the principal dwelling unit, an existing attached garage or other permitted structures.
- h) The area set aside for a home occupation shall not exceed twenty-five percent (25%) of the total finished floor area of the principal dwelling unit.

### **3. Allowable Home Occupations**

- a) The following are examples of home occupation uses permitted within the Town of Troy, subject to compliance with the conditions of this section:
  - (1) The office or studio of an accountant, architect, attorney, ceramicist, engineer, interior designer, landscape architect, photographer, dentist, physician, or other licensed medical practitioner, teacher and practitioners in similar fields of service;
  - (2) Dressmaking, tailoring, millinery, catering, and telephone or mail services;
  - (3) Beauty parlors, salons, and barbershops; and
  - (4) Family day care home services, not to exceed eight children, and provided that the family day care home is licensed by the Wisconsin Department of Health and Family Services as a day care center; or adult day care home services not to exceed four persons.
  - (5) Individual student tutoring.
  - (6) Wholesale plant nurseries and Ag Tourism activity.

### **4. Minor Home Occupations**

- a) A home occupation shall be considered a minor home occupation that for which no permit or hearing is required when said home occupation conforms to all of the following standards:
  - (1) No person other than a resident of the principal dwelling is engaged or employed in a minor home occupation.

## Town of Troy Zoning Ordinance, Chapter 170

- (2) No more than one (1) non-illuminated exterior business sign, limited to two (2) square feet in size, that complies with all applicable requirements of Section S (Signs) is displayed outside.
  - (3) No direct sale of stocks of merchandise, supplies or products takes place on or from the premises.
- b) Minor home occupations may include, but are not limited, to the following:
- (1) Dressmaking, sewing and tailoring;
  - (2) Painting, sculpturing or writing;
  - (3) Telephone answering or marketing;
  - (4) Home crafts for sale off-site;
  - (5) Providing professional services including, but not limited to, an accountant, architect, attorney or educational tutor for not more than one (1) client at a time.
  - (6) Home cooking and preserving for sale off-site;
  - (7) Computer programming, data entry or other data processing services;
  - (8) Secretarial services.

### 5. Major Home Occupations

- a) A major home occupation is any proposed or existing home occupation that does not meet the standards for a minor home occupation in Subsection 4, above.
- b) A major home occupation may only be authorized as a conditional use, and requires a conditional use permit under this Section and Section V of this Chapter.
- c) To ensure that a major home occupation, once permitted, will not be incompatible with allowed uses or become a nuisance to the neighbors or otherwise violate these guidelines, the Town may impose reasonable site-specific conditions necessary to protect the public health, safety and welfare.
- d) In addition to any specific conditions imposed by the Town, major home occupations shall also meet all of the following guidelines:
  - (1) Major home occupations shall be subject to appropriate setback requirements from public right-of-way, property boundaries and adjoining structures, and shall not be located within three hundred (300) feet of a pre-existing neighboring residence.
  - (2) Exterior business signs shall be limited to one non-illuminated sign that conforms to all other sign regulations provided under Section S of this Chapter.
  - (3) The home occupation shall limit employees to those persons who are permanent residents of the permitted premises plus up to four (4) persons who are not permanent residents of the premises.
  - (4) Only merchandise directly incidental to the business activity or to the service provided may be displayed or sold within the dwelling or structure used for a major home occupation.
  - (5) No home occupation other than family daycare home services shall be open to the public at times earlier than 8:00 a.m. or later than 7:00 p.m.
  - (6) Agricultural Tourism activities may be conducted in outdoor area on the permitted premises, preferably adjacent to the dwelling unit, existing attached garage or other

## Town of Troy Zoning Ordinance, Chapter 170

existing accessory structure. Permitted activities that are planned for or are expected to have an attendance of more than 100 people in a 24 hour period are subject to all requirements of Section E and F of this Chapter. The limitations of employees at Subsection 5d)(3) above, the storage or display restrictions at Subsection 5d)(4) above, and the parking limitations at Subsection 5d)(7) below may be modified as appropriate during the conditional use permit process.

- (7) No premises shall have more than five parking spaces allocated to accommodating employees, customers or clients of the home occupation.
- (8) The home occupation shall not involve the use of commercial vehicles or more than occasional delivery of materials to or from the premises.
- (9) Under no circumstances shall a vehicle repair or auto body work business qualify as a home occupation.
- (10) The property use shall remain subject to all other applicable ordinances of the Town of Troy in effect at time of application for a conditional use permit.

### **6. General Provisions**

- a) Conditional use permits for major home occupations are temporary in nature and granted to a designated person who resides at the location of the home occupation. They are not transferable from person to person or from address to address.
- b) Applications for a conditional use permit for a major home occupation shall be filed with the Town Clerk with an application fee. The application shall be forwarded to the Plan Commission for public hearing as provided under Section V of this Chapter.
- c) Inspections. The Building Inspector, Town Engineer or designee shall have the right, upon reasonable request, to enter and inspect the premises for safety and compliance purposes.
- d) Transfers. Should a home occupation permit holder sell the premises, die or move to a new location, the existing permit shall be automatically terminated; except that if a permit-holder dies, a surviving spouse or adult child residing at the same address and who desires to continue operation of the home occupation may receive continuation of the permit upon written request, by action of the Town Board, and without further hearing.
- e) Revocation. Conditional use permits for a major home occupation, once granted, may be revoked for cause as provided under Section V of this Chapter.

## **CHAPTER 170**

### **Section S**

#### **Signs, Canopies, Awnings and Billboards**

### **1. Findings and Purpose**

#### **a) Findings of Fact**

- 1) The Town Board finds that:
  - (a) Exterior signs have a substantial impact on the character and quality of the environment.

## Town of Troy Zoning Ordinance, Chapter 170

- (b) Signs provide an important medium through which individuals may convey a variety of messages.
- (c) Signs can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for signs that are structurally inadequate, or that may confuse or distract drivers or pedestrians, or that may interfere with official directional or warning signs.
- (d) Signs can also threaten the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas.
- (e) The ability to erect signs serving certain functions, such as an address sign or a sign announcing that the property on which it sits is for sale or for lease, is an integral part of nearly every property owner's ability to realize the fundamental attributes of property ownership. The same cannot be said for signs serving other functions, such as billboards erected so as to be visible from public rights-of-way. Such signs are primarily designed to take advantage of an audience drawn to that location by the public's substantial investment in rights-of-way and other public property.
- (f) Signs serving certain other functions, such as small signs that serve a purely directional function, are necessary to enable visitors or residents to efficiently reach their intended destinations. Experience teaches that citizens often plan as if such signs will be present in those settings, so in the absence of such signs, frustration and disorientation will result, and time and fuel will be wasted.
- (g) With one narrow exception, only static signs (which change, if at all, only on rare occasions when they are repainted or covered with a new picture) constitute the customary use of signage in the Town. The only non-static signs that constitute a customary use of signage in the Town are electronic reader boards (signs that use electronic means to convey a message and that change the message from one message to another). Such signs are unique because their accuracy depends upon their ability to frequently change, and because in their customary use such signs are less apt to distract drivers or pedestrians to a dangerous degree than other types of non-static signs.
- (h) No signs that exceed the size or spacing limitations of this Section constitute a customary use of signage in the Town of Troy.
- (i) The Town's land-use regulations address the regulation of signs in an effort to foster adequate information and means of expression and to promote the economic viability of the Town, while protecting it and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community or threaten health, safety or the welfare of the community. The appropriate regulation of the physical characteristics of signs by the Town has a positive impact on the safety and the appearance of the Town.
- (j) The Town in the establishment of Chapter 80 of the Town Code identified its intent to protect the health, safety, general welfare and morals of the residents of the Town, to preserve the quality of family life, to preserve the rural and urban characteristics of its neighborhoods and to prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods. Being mindful of the effects of adult entertainment upon minors and of the criminal activity and disruption of public peace associated with such establishments,

while also giving due consideration to civil rights of persons partaking in such entertainment, it continues to be the intent of Chapter 80 and this Section to regulate the advertisement of such establishments of adult entertainment.

**b) Purpose**

- (1) The purpose of this Section is to:
  - (a) Regulate signage in a manner that does not create an impermissible conflict with statutory, administrative, or constitutional standards, or impose an undue financial burden on the Town.
  - (b) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the Town.
  - (c) Improve the visual appearance of the Town while providing for effective means of communication and orientation, particularly in those settings in which the need for such communication or orientation is greater, consistent with constitutional guarantees and the Findings and Purposes set out in this Section.
  - (d) Maintain, enhance and improve the aesthetic environment of the Town, including its scenic views and rural character consistent with the Town's Comprehensive Plan and the purpose of its zoning districts, by preventing visual clutter that is harmful to the appearance of the community, protecting vistas and other scenic views from spoliation, and preventing or reducing commercialism in noncommercial areas.
  - (e) Regulate the number, location, size, type, illumination and other physical characteristics of signs in the Town in order to promote the public health, safety and welfare.

**2. GENERAL PROVISIONS**

**a) Applicability**

- (1) The following regulations and standards are applicable to all signs in all zoning districts, including permanent, temporary, on-premise and off-premise signs, unless otherwise provided in this Section.

**b) Substitution Clause & Sign Content**

- (1) Subject to the landowner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech, provided that the sign structure or mounting device is legal without consideration of message content. Such a substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this Chapter. The purpose of this provision is to prevent any inadvertent preference by the Town for commercial speech over noncommercial speech, or for any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
- (2) All noncommercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this section.
- (3) No commercial speech is allowed on a sign, other than a message drawing attention to a business or service legally offered on the premises, except as otherwise expressly allowed in this Section.



**c) Signs in the Public Right-of-Way**

- (1) No sign or any sign component shall be erected or temporarily placed within any road, highway, right-of-way, public easement or upon any public property, except for the following, all of which may be placed without a permit from the Town:
  - (a) Public signs erected by or on behalf of a government body for the purpose of carrying out an official duty or responsibility, including but not limited to posting legal notices, identifying property, directing or regulating pedestrian or vehicular movements or pertaining to traffic control or safety.
  - (b) Reflective property address signs, maximum size 20 inches wide by 12 inches high.
  - (c) Information signs from a public utility regarding its poles, lines, pipes or facilities.
  - (d) Signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way, for the purpose of ensuring safety.
- (2) Unauthorized signs erected or temporarily placed within any road, highway, right-of-way, public easement or upon any public property may be removed by the Town in which the sign is located at the sign owner's expense.

**d) Signs Exempt from Regulation**

- (1) The following signs shall be exempt from regulation under this section:
  - (a) Public signs erected by or on behalf of a government body for the purpose of carrying out an official duty or responsibility, including but not limited to posting legal notices, identifying public property and indicating a public use. Such signs in the Lower St. Croix Riverway Overlay District, are subject to additional regulation in this section and in zoning regulations specifically applicable in that District.
  - (b) Signs that are traffic control devices and are permitted or allowed by the Wisconsin Manual on Uniform Traffic Control Devices, published by the Wisconsin Department of Transportation.
  - (c) Up to three flags or banners on a single lot or parcel containing only non-commercial speech, the combined area of which is less than 100 square feet in size. Flags not within this definition are deemed banners and/or freestanding signs that are subject to permit. For purposes of this paragraph, a "single lot" includes but is not limited to areas to which a member of a condominium association, cooperative association, or residential real estate management association has a separate ownership interest or a right to exclusive possession or use.
  - (d) Interior signs located completely within a building and not visible from outside the building.
  - (e) Incidental signs.
  - (f) Temporary freestanding signs, containing no commercial speech, three square feet or less in size in farm fields or any lawn.

**e) Suspension of Certain Size, Shape, Placement and Content Restrictions during an Election Campaign Period.**

- (1) Subject only to the exceptions in paragraph (5) below, during an election campaign period, signs containing noncommercial speech may be placed upon residential property notwithstanding any other restriction in this section of the size, shape, placement or content of any sign.
- (2) For purposes of this subsection, “election campaign period” means:
  - (a) In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending one week after the election.
  - (b) In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day one week after the referendum is held.
- (3) If the owner of the property has rented some or all of their property to another, the renter may exercise rights under this subsection in any area of the property that he or she occupies exclusively, and the owner of residential property may exercise such rights in any portion of the property not occupied exclusively by a renter.
- (4) If another part of this Section, including the substitution clause provisions of subsection 2(b), creates a right to erect or display a particular type of sign, this subsection does not in any way limit the exercise of that right, whether or not the sign is erected or displayed during an election campaign period.
- (5) Exceptions.
  - (a) No owner or renter may place any sign that is contrary to a size, shape, or placement regulation of this Section if:
    - 1) The regulation at issue is necessary to ensure traffic or pedestrian safety, or
    - 2) The sign has an electrical, mechanical or audio auxiliary.
  - (b) This Section does not affect the Town’s authority to enforce any regulation against a sign that is prohibited from being erected or displayed under Wis. Stats. §§13.02, 12.035, or 84.30

**f) Prohibited Signs**

- (1) All signs other than those permitted herein shall be prohibited, including but not limited to:
  - (a) Signs that fail to satisfy one or more of the applicable regulations in this Chapter.
  - (b) Beacons, except those associated with emergencies and aircraft facilities.
  - (c) Bench signs.
  - (d) Bus shelter signs.
  - (e) Flying signs, such as blimps or kites, designed to be kept aloft by mechanical, wind, chemical or hot air means that are attached to the property, ground or other permanent structure.
  - (f) Inflatable signs that are attached to the property, ground or other permanent structure, including but not limited to balloons.

## Town of Troy Zoning Ordinance, Chapter 170

- (g) Signs and components and elements of faces of signs that move, shimmer, or contain reflective devices.
- (h) Signs which emit any odor, noise or visible matter other than light.
- (i) Signs painted directly on a building, fence, tree, stone or similar object, except those on windows or buildings that are allowed by Sections 4. a) (1) and 4. b) (5).
- (j) Pornographic signs.
- (k) Projecting signs.
- (l) Roof signs.
- (m) Signs on utility poles.
- (n) Advertising message or sign affixed to any transmission facility.
- (o) Vehicle or trailers used as a sign or as the base for a sign, where the primary purpose of the vehicle or trailer in that location is its use as a sign.

### 3. STANDARDS

#### a) Placement Standards

- (1) Signs shall not be placed on any property without the property owner's written approval.
- (2) Building signs shall be placed below the roof line.
- (3) No person shall place a sign which will obstruct or interfere with a driver's or pedestrian's ability to see a road, highway, traffic sign, signal, railway crossing, crossroad or crosswalk. No sign or its structural components shall be erected or temporarily placed within the vision triangle of a road or highway.
- (4) Double faced signs shall be placed back-to-back (parallel) with no more than 18 inches between the faces.

#### b) Dimensional Standards

- (1) Every portion of any sign and all of its structural components and mounting devices must meet the setbacks for the zoning district in which located or the setbacks in this Section, whichever is greater.
- (2) Signs shall be set back at least 5 feet from any right-of-way.
- (3) Signs over 100 square feet shall be at least 500 feet from any preexisting residence or residential district.
- (4) Freestanding sign(s) shall be separated from other structures by a minimum of 10 feet, measured from edge of roof overhang to sign.
- (5) The maximum height of any freestanding sign shall be 20 feet above the average ground elevation at the site of the sign.
- (6) Sign area or size is measured by the smallest square, rectangle or combination thereof that encompasses the entire sign, including the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. It does not include the base, apron, supports, structural members, framework, poles, roof, embellishments or decorative base when such area meets the other regulations of this ordinance.

## Town of Troy Zoning Ordinance, Chapter 170

- (7) The combined area of double-faced signs shall not exceed twice the allowed area of single-faced signs.

### **c) Illumination Standards**

- (1) Externally illuminated signs shall have a shielded light source, directed downward.
- (2) All illuminated signs shall be designed so as not to direct any light or produce glare onto adjacent properties or toward navigable waters, and shall not be illuminated by lighting that is flashing, intermittent or of varying intensity or color.
- (3) The Town may specify the hours where a sign may be illuminated and may limit its brightness while illuminated. The hours of illumination or brightness limitations may be established at any time, including during the life of the sign.
- (4) The lighted portions of any canopy shall be backlit, considered sign area, subject to any wall sign regulations in the underlying zoning district.
- (5) Signs, sign components and elements of faces of signs shall not flash, move, travel or use animation of any type or kind.
- (6) Unless a sign's only illumination is external and uncolored, the following additional regulations apply to that sign:
  - (a) A sign that regularly or automatically ceases illumination for the purpose of causing the color or intensity to have changed when illumination resumes is prohibited.
  - (b) This Section's prohibitions also include, and are not limited to, any sign face that includes a video display, LED lights that change in color or intensity, 'digital ink,' and any other method or technology that causes a sign face to present a series of two or more images or displays, excepting only those electronic reader boards that meet all of the following standards:
    - 1) The electronic reader board portion of the sign does not exceed sixty percent of the overall sign area.
    - 2) Messages are displayed on the electronic reader board in one of two colors: either amber or red.
    - 3) Messages displayed on the electronic reader board are not changed more than once per hour.
    - 4) Electronic reader boards are equipped with photosensitive equipment that automatically adjusts the brightness and contrast of the sign in direct relation to ambient outdoor illumination.
    - 5) Commercial messages displayed on the electronic reader board promote only those goods or services provided by the business occupying the site on which the sign is erected.
    - 6) Messages displayed on an electronic reader board sign shall not scroll or flash.

### **d) Construction & Maintenance Standards**

- (1) All signs, supports, accessories and construction shall meet applicable State of Wisconsin building codes and the Uniform Sign Code and the Uniform Building Code as published by the International Conference of Building Officials, to ensure that the signs and their construction are structurally sound and safe.

## Town of Troy Zoning Ordinance, Chapter 170

- (2) Sign display surfaces shall be properly coated or covered, attached and maintained.
- (3) Off-premise signs shall contain the sign owner's name, address and phone number in the lower left corner.
- (4) All signs using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached.
- (5) All signs, supports and accessories shall be maintained in good repair.
- (6) When any use of land or buildings is discontinued for a period of 180 consecutive days, all signs and sign supports relating to that use shall be removed.
- (7) Signs that do not carry fully readable messages, are in structural disrepair or damaged and are left without repair for 60 consecutive days shall be removed.

### **e) Sign Maintenance & Repair**

- (1) Signs and their structural components may be maintained or repaired with a land use permit for sign maintenance and repair, provided there is no enlargement or alteration to the sign, mounting device(s) or structural components of the sign.
- (2) A new permit is not required when the only change is to a sign's message or copy, provided there is no enlargement or alteration to the sign or structural components of the sign. This does not relieve the owner of the need to comply with every other applicable requirement of this Section.

### **f) Overlay Districts**

- (1) Signs in an overlay district are allowed subject to the standards and permitting requirements of the underlying zoning district.
- (2) An On-Premise Sign in the St. Croix County's Shoreland Overlay Districts under Sec. 17.30 is subject to the following additional standard:
- (3) An On-Premise Sign in the Town's Lower St. Croix Riverway Overlay District is allowed, subject to one or more of the following additional standards:
  - (a) A County land use permit is required for all permanent signs.
  - (b) The sign is approved by State or St. Croix County and is necessary for public health or safety.
  - (c) The sign is not visible from the river and is legally allowed or permitted in the underlying zoning district.
- (4) An On-Premise Sign in the St. Croix County's Floodplain Overlay District is allowed subject to the following additional standards:
  - (a) A County land use permit for signage is required for all permanent signs.

## **4. SIGN TYPES**

### **a) Permanent On-Premise Signs**

- (1) Permanent on-premise signs that are not prohibited are permitted subject to the standards in this Section and so long as those signs also satisfy all other applicable regulations including the standards specific to the zoning district in which they are located.

Town of Troy Zoning Ordinance, Chapter 170

- (2) An On-Premise Sign is allowed on property in the Traditional Residential, Agricultural Residential, Exclusive Agricultural, Manufactured Homes and Conservancy Zoning Districts, subject to the following additional standards:
  - (a) A permit is required.
  - (b) One sign per lot or parcel.
  - (c) Maximum area of any such sign shall be six square feet.
  - (d) Maximum height shall be six feet.
  - (e) Any such sign shall be a freestanding design.
  - (f) Any such sign shall not be illuminated.
- (3) An On-Premise Sign is allowed on property used for nonresidential uses that are legally allowed or permitted in the Traditional Residential, Agricultural Residential, Exclusive Agricultural, Manufactured Homes and Conservancy zoning districts subject to the following additional standards:
  - (a) A permit is required.
  - (b) One sign per road or highway frontage.
  - (c) Maximum area of any such sign shall be 32 square feet per sign.
  - (d) Any such sign area shall not exceed 64 square feet in aggregate.
  - (e) Maximum height shall be six feet in the Traditional Residential, Agricultural Residential and Manufactured Home zoning districts and 12 feet in the Exclusive Agricultural and Conservancy zoning districts.
  - (f) Any such sign shall be a monument design.
- (4) An On-Premise Sign is allowed in all Commercial districts and Industrial zoning districts subject to the following additional standards:
  - (a) Signage complies with all required commercial district requirements (Section K). Signs in a Planned Unit Development (PUD) are also subject to the review and approval process that is part of PUD review under Sections K and M.
  - (b) One sign per road or highway frontage.
  - (c) Maximum area of any such sign shall be 80 square feet per sign.
  - (d) Any such sign area shall not exceed 120 square feet in aggregate.
  - (e) Maximum height shall be 20 feet.
  - (f) Any such sign shall be a freestanding design.
- (5) An On-Premise Building Sign on a building used for agricultural, commercial or industrial purposes is allowed subject to the following additional standards:
  - (a) A permit is required.
  - (b) Any number of signs may be installed on a building wall or window.
  - (c) The total area of all building signs on any face shall not exceed 10 percent of the area of that building face including wall and window, subject to a maximum allowable sign area of 80 square feet per face and 240 square feet in total.

Town of Troy Zoning Ordinance, Chapter 170

- (d) The allowable area of building signs for multi-tenant buildings with individual entrances from the outside shall be calculated based on the exterior wall/window area of the space the tenant occupies. Each tenant frontage shall be considered a separate wall/window.
- (e) Auxiliary canopies are allowed building signs, with area based on the surface area of the canopy (i.e., vertical surface below the roof line).
- (f) Location.
  - 1) Building signs may be placed on not more than three walls/windows of rectangular shaped structures or not more than 50 percent of the major walls/windows on non-rectangular shaped structures.
  - 2) Signs may be attached flat against or pinned away from a building wall/window, but shall not extend or protrude more than 18 inches from the wall/window.
  - 3) Signs may be attached to the facade of a building, but shall not extend above the roof line.
  - 4) Signs may be on a building canopy, awning or marquee. Such sign will be considered a building sign on the wall, canopy, marquee or awning on which it is attached.
  - 5) An Area or Neighborhood Sign on property used for residential, commercial or industrial uses is considered an On-Premise Sign if it does no more than identify that area or neighborhood. Such signs are subject to the following additional standards:
    - (i) A permit is required.
    - (ii) No more than one sign is allowed for every road or highway entrance to a development.
    - (iii) The maximum area of any such sign shall be 32 square feet per sign.
    - (iv) Any such sign shall be set back at least 10 feet from the right-of-way, unless incorporated into a Town-approved entrance design.
    - (v) The sign shall be a freestanding design.
    - (vi) The sign shall not be internally lighted.
  - 6) A sign on property on which agricultural products are legally grown and legally offered for sale is considered an On-Premise Sign if it does no more than draw attention to a product legally offered on the premises. Such signs are allowed subject to the following additional standards:
    - (i) A permit is required.
    - (ii) One sign per road or highway frontage.
    - (iii) Maximum area of any such sign shall be 32 square feet per sign.
    - (iv) Maximum cumulative sign area per sale location shall be 64 square feet.
    - (v) Maximum height shall be 12 feet.

Town of Troy Zoning Ordinance, Chapter 170

- (vi) The sign shall be a freestanding design.
  - (vii) The sign shall not be illuminated.
  - (viii) Agricultural products shall be produced on the site or within the Town.
  - (ix) Sign(s) for Seasonal Roadside Stands shall be placed only when products are available.
- 7) A sign on property on which a Minor or Major Home Occupation within the meaning of Section R is lawfully taking place is considered an On-Premises sign if it does no more than draw attention to a product or service lawfully offered on the premises. Such signs are allowed subject to the following additional standards:
- (i) A permit is required.
  - (ii) One sign per home occupation, exterior or interior, visible from the outside.
  - (iii) Minor Home Occupation sign maximum area shall be two square feet.
  - (iv) Major Home Occupation sign maximum area shall be six square feet.
  - (v) Maximum height shall be six feet.
  - (vi) The sign shall be a freestanding design.
  - (vii) The sign shall not be illuminated.
- 8) An On-Premise Directional Sign is allowed in any zoning district subject to the following additional standards:
- (i) A permit is required.
  - (ii) A maximum of two signs for each place may be displayed. For purposes of this paragraph, one business, farm or organization shall constitute only one place.
  - (iii) Maximum area of any such sign shall be two square feet per sign at a controlled intersection or on a two-lane road or highway or four square feet per sign on a multi-lane highway.
  - (iv) Maximum height shall be six feet for the Traditional Residential, Agricultural-Residential and Manufactured Home zoning districts and 12 feet for any other zoning district.
  - (v) Any such sign shall be a freestanding design.
  - (vi) Signs shall be placed outside the right-of-way. In no case shall any part of the sign or its structural components be located within the right-of-way.
  - (vii) To ensure that the sign serves only a directional purpose, it shall contain only the name of a place and direction arrow to the place and may not also be used to advertise.



**b) Permanent Off-Premise Signs**

- (1) A permanent Off-Premise Directional Sign is allowed in any zoning district subject to the following additional standards:
  - (a) A permit is required for each sign pole or support structure.
  - (b) There shall be no more than one sign pole or other support structure per each 500 lineal feet of frontage on a road or highway.
  - (c) Signs shall be co-located and stacked on a single support structure where possible.
  - (d) A maximum of two signs for each location may be displayed. For purposes of this paragraph, one business, farm, residence or organization shall constitute only one place.
  - (e) Maximum area of any such sign shall be two square feet per sign at a controlled intersection or on a two-lane road or highway or four square feet per sign on a multi-lane highway.
  - (f) Maximum height shall be 12 feet.
  - (g) Maximum width of any such sign shall be four feet per sign.
  - (h) Signs shall be placed outside the right-of-way. No part of the sign or its structural components may be located within the right-of-way.
  - (i) To ensure that the sign serves only a directional purpose, it shall contain only the name of a place, distance and direction arrow to the place and may not also be used to advertise.
  - (j) Any such sign shall be a freestanding design.
  - (k) Signs on a pole or support structure shall have a similar background and have white or black text.
  - (l) All sign designs shall maintain consistency in design standards.
- (2) All signs placed off-premise shall have the property owner's permission.

**c) Temporary On-Premise Signs**

- (1) The placement of any sign that exceeds the permitted timeframe requires a permit.
- (2) The following temporary signs are permitted to be placed on the lot or parcel to which they refer, subject to the applicable standards:
  - (a) A Temporary On-Premise Sign on a construction site is allowed in any zoning district, subject to the following additional standards:
    - 1) Maximum of two signs per construction site.
    - 2) Any such sign area shall not exceed 80 square feet in aggregate.
    - 3) Maximum height shall be 12 feet.
    - 4) The sign shall be a freestanding design.
    - 5) The such sign shall be removed within seven days of when construction is completed.

Town of Troy Zoning Ordinance, Chapter 170

- (b) A Temporary On-Premise Sign erected on a non-residential development project, or erected on a residential subdivision development project during the time that the development includes 10 or more dwelling units for sale or lease, is allowed in any zoning district subject to the following additional standards:
  - 1) One sign per road or highway frontage for each project.
  - 2) Maximum area of any such sign shall be 64 square feet.
  - 3) Maximum height shall be 12 feet.
  - 4) The sign shall be a freestanding design.
  - 5) The sign shall be at least 200 feet from any pre-existing residence.
  - 6) The sign shall not be installed until construction has started or the project is approved by the Town.
  - 7) The sign shall be removed when the residential subdivision development project is 80 percent completed, sold or leased.
  
- (c) Temporary On-Premise Real Estate sign for the sale, rent or lease of property is allowed in any zoning district subject to the following additional standards:
  - 1) One sign per road or highway frontage.
  - 2) For residential property including model homes, the maximum sign area shall be six square feet and maximum sign height shall be six feet.
  - 3) For non-residential property, the maximum sign area shall be 32 square feet and maximum sign height shall be 12 feet.
  - 4) The sign shall be a freestanding design.
  - 5) The sign shall be removed within seven days following the sale or lease of the property.
  
- (d) A Temporary On-Premise Sign on non-residential property for which one or more positions of employment are open is allowed subject to the following additional standards:
  - 1) One sign per road or highway frontage.
  - 2) Maximum area of any such sign shall be six square feet.
  - 3) Maximum height shall be six feet.
  - 4) The sign shall be removed when all positions of employment on the property have been filled.
  
- (e) A Temporary On-Premise Sign on property to be used for a special event is allowed in any zoning district, subject to the following additional standards:
  - 1) One sign per road or highway frontage.
  - 2) Maximum height shall be 12 feet and the maximum sign area shall be 32 square feet.
  - 3) Sign(s) may be displayed for not more than 10 days per event.
  - 4) If a sign is displayed on residential property one banner or one freestanding sign is allowed for each event.

Town of Troy Zoning Ordinance, Chapter 170

- 5) If a sign is displayed on nonresidential property, any combination of two banners or freestanding signs, with a total sign area of 64 square feet, is allowed for each event.
- 6) Signs shall only be placed before and during such events and removed within 24 hours after completion of the event.

**d) Temporary Off-Premise Signs**

- (1) A Temporary Off-Premise Directional Sign is allowed in any zoning district, subject to the following additional standards:
  - (a) A maximum of three signs for each event or activity may be displayed.
  - (b) All signs placed off-premise shall have the property owner's permission.
  - (c) Maximum area of each sign shall be six square feet.
  - (d) Maximum height shall be six feet.
  - (e) Signs shall be placed outside of the right-of-way areas.
  - (f) Signs shall only be placed during the event, up to 48 hours before and 24 hours after the completion of the event.
  - (g) Any such sign shall be a freestanding design.
  - (h) To ensure that the sign serves only a directional purpose, it shall contain only the name of a place, distance and direction arrow to the place and may not also be used to advertise.

**5. ADMINISTRATION**

**a) Nonconforming Signs**

- (1) Nonconforming permanent freestanding signs lawfully existing on the effective date of this Chapter shall be allowed to continue in use, but shall not be altered (other than to change the message) relocated, added to, or repaired in excess of 50 percent of the assessed value of the sign, without being brought into compliance with this Section.
- (2) Nonconforming permanent building signs lawfully existing on the effective date of this Chapter shall be allowed to continue in use and may be repaired, provided the repair does not increase the nonconforming aspect of the sign, and shall not otherwise be altered (other than to change the message), relocated, added to, or repaired without being brought into compliance with this Section.
- (3) After a nonconforming sign has been removed, it shall not be replaced by another nonconforming sign.
- (4) Nonconforming temporary signs lawfully existing on the effective date of this Chapter shall be removed no later than three years after said effective date, or by an earlier date if so required by a regulation in place when the sign was erected. Nonconforming temporary signs shall not be rebuilt, relocated or altered other than to change the message.
- (5) If a nonconforming permanent sign's use is discontinued for a period of 12 months, the nonconforming sign shall be removed or brought into compliance with this Section within 60 days of notification from the Town.
- (6) If a nonconforming temporary sign's use is discontinued for 60 consecutive days, the nonconforming sign shall be removed or brought into compliance with this section within 60 days of notification from the Town.

**b) Permit Required**

- (1) A Town permit is required prior to the location, improvement, erection, movement, construction, reconstruction, enlargement or alteration of any sign, structural component or mounting device unless otherwise provided by this Section.

**c) Permit**

- (1) A properly completed application for a sign permit shall be made to the Zoning Administrator upon forms furnished by the Town. The following information shall be provided; along with the permit application fee, as established from time to time by resolution of the Town Board, before the application will be considered to be complete.

- (a) Applicant contact information.
- (b) Property owner contact information.
- (c) Property information for the sign location including the site address, legal description, tax identification number and zoning district.
- (d) Project information including a description of the sign plan for the site and total proposed signage, including all permanent and temporary signage.
- (e) A site plan, drawn to scale, to include:
  - 1) Dimensions and area of the lot or parcel.
  - 2) Location of all existing and proposed structures and signs with distances measured from the lot lines and right-of-way of all abutting roads or highways.
  - 3) In the Town and County Lower St. Croix Riverway, and the County Shoreland and Floodplain Overlay Districts, show the location of the bluffline, OHWM of any abutting navigable waterways, floodplain, floodway and flood fringe limits, as determined from floodplain zoning maps used to delineate floodplain areas, and as provided to St. Croix County.
  - 4) Location of existing or future access driveways and roads or highways.
- (f) Conceptual drawings of all proposed signs with dimensions.
- (g) Information on all lighting and electrical components.
- (h) Method of construction and/or attachment to a building or in the ground shall be explained in the plans and specifications.
- (i) Contact information from whomever will be erecting the sign(s).
- (j) Copies of all related State or County permits or permit applications.
- (k) Calculations for compliance with the Uniform Building Code and the Uniform Sign Code for construction.
- (l) Additional relevant information deemed necessary by the Town to apply all applicable ordinance requirements and standards, such as photos, cross-section drawings, specialized engineering plans and landscaping.
- (m) If additional information is requested, the application shall not be considered a properly completed application and timeframes for processing shall not commence until the additional information is received.

Town of Troy Zoning Ordinance, Chapter 170

**d) Permit Decision & Appeal Process**

- (1) A sign permit applicant or permit holder may appeal a Town determination or an order made under this Section. Appeal procedures are in Section Y, Board of Appeals.
- (2) When a permit of any kind is required for a sign, the Zoning Administrator or designee shall deny, approve with conditions, or approve without conditions such permit, no more than 45 days from the receipt of a complete application for such a permit, including the applicable fee.
  - (a) If the permit is denied or approved with conditions, the Zoning Administrator or designee shall prepare a written decision within 10 days of its decision, stating a reason or reasons for the action and describing the applicant's appeal rights under Section Y and provide it to the applicant.
  - (b) When the Board of Appeals receives an appeal from the Zoning Administrator's denial or approval with conditions of a permit required for a sign, the Board shall arrive at a decision on such an appeal no more than 90 days from the receipt of a complete application for such an appeal, including the applicable fee.
  - (c) If the appeal is denied or approved with conditions, the Board of Appeals shall prepare a written decision within 15 days of its decision, stating a reason or reasons for the action and provide it to the applicant.
- (3) When the permit application or permit appeal demonstrates that the sign would comply with all applicable requirements of this Section, the permit application or permit appeal shall not be denied.

**e) Expiration**

- (1) Sign maintenance or construction authorized by a permit issued under this Section shall commence within one year from the date of approval and be substantially completed or implemented within two years, after which time the Town permit automatically expires.
- (2) Prior to expiration of a permit, applicants can request extensions of up to six months from the Zoning Administrator.
- (3) The total time granted for extensions shall not exceed one year.

**f) Permit Revocation**

- (1) Where the terms or conditions on any sign permit is violated, the permit may be administratively revoked by the Zoning Administrator or designee, which revocation is subject to the same Decision and Appeal process established under this Section as is available for permit issuance.

**Chapter 170**

**Section T**

**Antennas, Mobile Service Facilities and Mobile Service Support Structures**

**1. Signal Receiving Antennas**

- a) **Purpose.** This subsection regulating the placement of signal receiving antennas is adopted to:
  - (1) Provide uniform regulation of all signal receiving antenna devices.

Town of Troy Zoning Ordinance, Chapter 170

- (2) Protect the public health and safety from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna.
  - (3) Provide for public health and safety by requiring the placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- b) **Permit Required.** No type of signal receiving antenna shall be built, used or located in the Town until a permit has first been obtained from the Town, except that residential satellite discs with a diameter of two feet or less, amateur radio antennas and residential UHF and VHF antennas shall not require a permit.
- c) **Definitions.**
  - (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite discs, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
- d) **Application.**
  - (1) Application for a signal receiving antenna permit shall be made in writing to the Town Clerk. The application requires a processing fee as may be established from time to time by resolution of the Town Board and a set of mounting plans and specifications including a general plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings.
  - (2) The Town Clerk may direct the application to the Town Engineer for review, comment, and recommendation before it is referred to the Town Board for action.
- e) **Installation Standards.** Permitted signal receiving antennas installed in any zoning district within the Town shall meet the following requirements:
  - (1) Setbacks.
    - (a) The signal receiving antenna and any mounting post shall be located a minimum of twenty (20) feet from any property line.
    - (b) Unless expressly allowed because reasonable reception is at issue, signal receiving antennas are to be located only in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, signal receiving antenna may be placed in the side yard of the lot. If reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, the side yard is the yard that does not face a street.
    - (c) If side yard, front yard or roof mounting is requested, the Town separately determines whether reasonable reception is possible from the rear yard, based on evidence provided by the person seeking to erect or construct the antenna.

Town of Troy Zoning Ordinance, Chapter 170

- (2) Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only after the applicant demonstrates that the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. Engineering calculations may be required.
- (3) Height.
  - (a) A ground-mounted signal receiving antenna, including any mounting platform or structure shall not exceed twenty (20) feet in height measured from the ground to the highest point of the antenna.
  - (b) A roof-mounted antenna shall not exceed eight (8) feet in height above the roof line, measured from the highest point of the existing roof line.
- (4) Wind Pressure. Signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation and all applicable regulations of the Federal Communications Commission (FCC). All such installations shall have minimum wind velocity design of eighty (80) mph.
- (5) Electrical Installations. Electrical installations serving signal receiving antennas, including grounding, shall meet all applicable requirements of the National Electrical Safety Code, Wisconsin State Electrical Code and manufacturer instructions. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. When a signal receiving antenna serves two (2) or more residences, all interconnecting electrical connections, cables and conduits shall be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
- (6) Temporary Placement. No portable or trailer-mounted signal receiving antenna are allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. Such trial placement shall comply with all provisions of this Section. Any person making such temporary placement shall first give written notice to the Town Clerk of the date when such placement shall begin and end.
- (7) Advertising. No form of advertising or identification, sign or mural is allowed on any signal receiving antenna other than the customary manufacturer's identification plates.
- (8) Interference with Broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of any electro-magnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that any interference is caused after installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference.
- (9) Compliance with Federal Regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 as amended from time to time and regulations adopted there under.
- (10) Aesthetic Considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

Town of Troy Zoning Ordinance, Chapter 170

- (11) A signal receiving antenna that exceeds the height limitation standard under this Section can only be constructed and installed after first obtaining a Conditional Use Permit under the requirements of Section V of the Town of Troy Zoning Code.

**2. Placement, Construction and Modification of Mobile Service Facilities and Mobile Service Support Structures.**

a) **Purpose.**

- (1) Accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare.
- (2) Facilitate the provision of mobile service facilities, mobile service support structures and related collocations to the residents and businesses of the Town.
- (3) Minimize adverse visual effects of mobile service facilities, mobile service support structures and related collocations to the residents and businesses of the Town through balanced siting and design standards.
- (4) Avoid potential damage to adjacent properties from the construction and operation of mobile service facilities, mobile service support structures and related collocations, with structural and setback requirements.
- (5) Maximize the use of existing and approved structures to accommodate new or additional mobile service facilities and mobile service support structures through collocations to reduce the number of separate support structures needed to serve the Town.
- (6) Regulate by conditional use permit the siting and construction of new mobile service support structure and facilities, the substantial modification of an existing support structure and collocations.

b) **Definitions.** For purposes of this section, the following terms have the following meanings:

- (1) Antenna. Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- (2) Class 1 Collocation. 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.
- (3) Class 2 Collocation. 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.
- (4) Collocation. Class 1 Collocation, Class 2 Collocation, or both.
- (5) Distributed Antenna System. A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- (6) Equipment Compound. The area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- (7) Existing Structure. A support structure that exists at the time an application to place mobile service facilities on it is filed with the Town.



## Town of Troy Zoning Ordinance, Chapter 170

- (8) Fall Zone. The area over which a mobile service support structure is designed to collapse.
- (9) Mobile Service. As described in 47 USC 153(33).
- (10) Mobile Service Facility. The set of equipment and network components, including antennas, receivers, transmitters, base stations, power supplies, cabling and associated equipment, necessary to provide mobile service to a discrete geographic area, not including the underlying support structure.
- (11) Mobile Service Provider. A person or entity who provides mobile service.
- (12) Mobile Service Support Structure. A free-standing structure designed to support a mobile service facility.
- (13) Search Ring. A shape, drawn on a map, showing the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account factors including topography and the demographics of the service area.
- (14) Substantial Modification. The modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:
  - (a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
  - (b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
  - (c) 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.
  - (d) Increases the square footage of an existing equipment compound to a total area of more than 2500 square feet.
- (15) Support Structure. An existing or new structure that supports or can support a mobile service facility, including a mobile service support structures, utility pole, water tower, building or other structure.
- (16) Utility Pole. A structure owned or operated by: an alternative telecommunications utility, as defined in Wis. Stats. Sec. 196.01(1d); public utility, as defined in Wis. Stats. Sec. 196.01(5); telecommunications utility, as defined in Wis. Stats. Sec. 196.01(10); political subdivision; or cooperative association organized under Wis. Stats. Chapter 185; and that is designed specifically for and used to carry lines, cables or wires for telecommunication service, as defined in Wis. Stats. § 182.017(1g)(cq); video service as defined in Wis. Stats. § 66.0420(2)(y); for electricity; or to provide light.

### 3. **Siting and Construction of New Mobile Service Support Structures and Facilities.**

#### a) **Application process:**

- (1) A conditional use permit from the Town is required for the siting and location of any new mobile service support structure and facilities built after the effective date of this Chapter. The siting and construction of any new mobile service support structure and facility requires a conditional use permit but is subject to the procedure, conditions and

## Town of Troy Zoning Ordinance, Chapter 170

requirements set out in this subsection to the extent inconsistent with any portion of Section V.

- (2) A written conditional use permit application shall be completed by an applicant and submitted to the Town Clerk. The application shall provide the following information:
  - (a) The name and business address of the applicant, the property owner and of any agent or contact individual designated by the applicant.
  - (b) The location of the proposed or affected support structure, shown by map of survey.
  - (c) The location of the proposed mobile service facility, shown by map of survey.
  - (d) For an application to substantially modify an existing support structure, a construction plan describing in detail the proposed modifications to the support structure, the equipment and network components including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.
  - (e) For an application to construct a new mobile service support structure, a construction plan that describes in detail the proposed mobile service support structure, its equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment that will be placed on, around or near the new mobile service support structure and within its equipment compound.
  - (f) For an application to construct a new mobile service support structure, a full and reasoned explanation as to why the applicant has chosen the proposed location and why the applicant has not chosen collocation, including a sworn statement from the individual with responsibility over placement of the mobile service support structure, attesting that either collocation within the applicant's search ring will not result in the same mobile service functionality, coverage and capacity, is technically infeasible or is economically burdensome to the mobile service provider, and providing data and explanation to support the position taken in the attestation.
- (3) The Town Clerk shall provide an application form to an applicant, upon request.
- (4) When applicant delivers an application for a permit to engage in an activity described in this Chapter to the Town Clerk that contains all of the information required under this section, the application is complete. If the application is not complete when submitted, the Clerk shall notify the applicant in writing, within 10 days of receiving it, that the application is not complete, identifying in detail the required information that was not provided. An applicant may re-submit an application as often as necessary until it is complete.
- (5) Within 90 days of receipt by the Town Clerk of a complete application, the Town shall do all of the following:
  - (a) The Plan Commission shall review the application to determine whether it complies with all applicable aspects of the Town's Building Code and this Chapter, subject to the more specific aspects of this Section, and advise the Town Board of its determination.

Town of Troy Zoning Ordinance, Chapter 170

- (b) The Town Board, after receiving the determination of the Plan Commission, shall make a final decision on whether to approve or disapprove the application.
  - (c) The Town Clerk shall notify the applicant of the Town's Board's final decision, in writing.
  - (d) If the decision is to deny the application, the Town shall provide substantial evidence supporting the denial in a final, written decision issued by the Town Board.
- (6) The Town and applicant may agree in writing to an extension to the 90 day limit on processing completed applications received by the Town.
  - (7) The Town may deny an application when an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement required by subsection (3)a)(1)(f).
  - (8) An applicant that provides the Town with certification from a structural engineer establishing that a mobile service support structure or existing structure is designed to collapse within a smaller area than the setback required by Section M of this Chapter for other commercial structures shall receive an exception to design standards for a smaller setback area, consistent with the proposed structure's collapse design, unless the Town provides the applicant with substantial evidence indicating that the applicant's engineering certification is flawed.
  - (9) The fee for a Town conditional use permit for siting and location of new mobile service support structures and facilities shall be separately and periodically established by resolution of the Town Board.

**4. Class 1 Collocation**

a)

- (1) A conditional use permit from the Town is required under this Chapter for a Class 1 Collocation for which application is received after the effective date of this Chapter. A Class 1 Collocation requires a conditional use permit but is subject to the procedures set out in this subsection, to the extent inconsistent with any portion of Section V.
- (2) The written permit application process follows the same procedures as set forth in Subsection 3.a) of this Section.

**5. Class 2 Collocation**

a)

- (1) A conditional use permit from the Town is required under this Chapter for a Class 2 Collocation for which application is received after the effective date of this Chapter. A Class 2 Collocation requires a conditional use permit but is subject to the procedures set out in this subsection, to the extent inconsistent with any portion of Section V.
- (2) The written permit application process follows the same procedure as set forth in Subsection 3.a) of this Section.

**6. Design and Performance Standards.** These design and performance standards shall apply to the erection, constructions, placement, modification or replacement of mobile service facilities, mobile service support structures, Class 1 Collocations and Class 2 Collocations for which a conditional use permit is applied for after the effective date of this Chapter. In general, all such activities and installations should be designed,

## Town of Troy Zoning Ordinance, Chapter 170

located and situated to be visually unobtrusive, to minimize their impact on neighboring uses and to conform to the following minimum design and performance standards:

- a) Area. The minimum area for an equipment compound shall be three acres, except that the Town Board may consider a smaller parcel during the conditional use permit process when the basic requirements of this Section will otherwise be met and where the mobile service facility, mobile service support structure, Class 1 Collocation or Class 2 Collocations are designed and situated to be unobtrusive, with minimal impact on neighboring residents.
- b) Setbacks. Mobile service support structures, mobile service facilities, Class 1 Collocations and Class 2 Collocations shall be set back from the nearest property line a distance equal to the height of the said mobile service support structure, mobile service facility, Class 1 Collocation or Class 2 Collocation, including antennas. An exception to this performance and design standard is available when the Town is able to conclude, during the permit process, that the structure for which a permit is being sought is effectively designed to collapse within a smaller area than the setback required.
- c) Equipment Compound Screening. The equipment compound shall be adequately screened or architecturally designed to blend in with the surrounding environment.
- d) Fencing. The equipment compound shall be reasonably protected against unauthorized access, shall be enclosed by chain link fencing at least six feet high and secured by a locked gate. The first fifteen feet of any mobile service support structure shall be designed to prevent unauthorized climbing.
- e) Landscaping and Screening. The Town may require landscaping and vegetative screening to be incorporated into the site design for an equipment compound to effectively screen the view at ground level from adjacent property.
- f) Color. All mobile service facilities, mobile service support structures, Class 1 and Class 2 Collocations shall use materials and colors that minimize visibility and blend in with the surrounding environment.
- g) Construction Type and Materials. All mobile service facilities, mobile service support structures, Class 1 and Class 2 Collocations shall be designed to withstand applicable wind load requirements and shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be provided as part of the application for a conditional use permit, and such schedule, if and when approved, shall be a material provision of any such permit granted.
- h) Lights. Except as may be required by the FAA, no mobile service facility, mobile service support structure, Class 1 or Class 2 Collocation shall have attached to it any light, reflector, flasher, daytime strobe, steady nighttime light or other illuminating device.
- i) Signs and Advertising. No sign or advertising message shall be affixed to any mobile service facility, mobile service support structure, Class 1 or Class 2 Collocation shall have attached to it any antenna, tower or structure. Small identification or safety warning signs or tags which are allowed. The signs shall be provided in the conditional use permit application.
- j) Other Attachments. No mobile service facility, mobile service support structure, Class 1 or Class 2 Collocation shall have constructed thereon or attached to any platform, catwalk, crow's nest, or like structure except during periods of construction and repair.
- k) Height Limitations. The height of newly constructed mobile service support structures is limited to 200 hundred feet.

Town of Troy Zoning Ordinance, Chapter 170

- l) Obsolete or Unused Mobile Service Facilities, Mobile Service Support Structures and Class 1 and 2 Collocations. All obsolete, damaged, unused, or abandoned mobile service facilities, mobile service support structures, Class 1 and Class 2 Collocations and equipment compounds shall be removed within twelve months of the cessation of operations from said facility unless a time extension is approved by the Town Board. Any such structure not removed in a timely fashion may be deemed a nuisance pursuant to Wisconsin Statutes. In that event, the Town may act to abate such nuisance and require the removal of the mobile service facility, mobile service support structure, Class 1 or Class 2 Collocation or equipment compound at the property owner's and/or facility operator's expense. In the event the owner or facility operator applies for and receives FCC permission to cease operations, the owner or operator shall provide the Town with such application and a copy of the notice of intent to cease operations. The owner or operator shall then have twelve months from the date of ceasing operations to remove the installation. In the case of multiple operators sharing the use of a single installation, this provision shall not become effective until all users cease operations for a period of twelve consecutive months. The equipment on the ground shall not be removed until the mobile service support structure, mobile service facility, Class 1 and Class 2 Collocations have first been dismantled. After the installation is removed, the site shall be restored to its original, or to an improved, state.
- m) Building Permits. No person shall place, construct, or modify, repair or replace a mobile service facility, mobile service support structure, Class 1 Collocation, Class 2 Collocation without having first obtained a building permit from the Town. All such facilities are subject to site plan review and inspection by the Town to determine compliance with applicable Uniform Building Code construction standards as part of the permitting process. No building permit shall be issued by the Town without the prior approval of a conditional use permit by the Town Board. The Town may charge a separate building permit fee.
- n) Retention of Expert Assistance and Reimbursement by Applicant.
- (1) The Town may hire any consultant it determines is necessary to assist in reviewing and evaluating an application, including the initial construction, modification and any requests for recertification.
  - (2) An Applicant shall deposit with the Town funds sufficient to reimburse it for all reasonable costs of outside evaluation and consultation to the Town, excluding any travel expenses incurred in the consultant's review of mobile service permits or applications, in connection with the review of an application including the construction and modification of the site, once permitted. The initial deposit shall be \$7,500.00, payment of which shall accompany the application. The Town will maintain a separate escrow account for all such funds. If at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000.00. Additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the conditional use permit process, the remaining balance shall be promptly refunded to the applicant.
  - (3) The total amount of the funds needed as set forth in subsection (2) above may vary with the scope and complexity of the project.
- o) Inspection. The Town, by any designee, shall have access to any equipment compound, mobile service support structure, mobile service facility, Class 1 or Class 2 Collocation at any time to inspect and verify its structural integrity. If the Town determines that the facility fails to comply with the terms of its permit or applicable code and that such failure or other condition is a danger to persons or property, then notice shall be provided to the owner of the structure, who shall have thirty days to bring the facility into compliance with the terms of its permit and any applicable

## Town of Troy Zoning Ordinance, Chapter 170

code. Failure to bring the facility into compliance within the said thirty days is cause for Town removal of facility at the owner's expense.

- m) Non-Interference. Mobile service support structures, mobile service facilities, Class 1 or Class 2 Collocations and equipment compounds shall fully comply with Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) standards and shall not interfere with public safety or other Town and private telecommunications operations.
- n) Surety Requirement. A surety requirement of a minimum of \$20,000.00 is hereby imposed as a condition of any conditional use permit issued under this section. The surety requirement shall be deposited with the Town in cash or as an irrevocable letter of credit, which amount shall be held in a separate account as a surety against a failure by the permit holder to maintain structural integrity and for removal of obsolete or unused structures. The amount of the surety requirement may be increased during the conditional use application process where the Town's consultant determines that this amount is insufficient and provides its reasoning therefore and an increased recommended amount.

### Chapter 170

#### Section U

#### Nonconforming Uses, Structures and Lots

##### 1. Purpose and Intent.

It is the purpose and intent of this Section to comply with state law protecting nonconforming uses and structures as the law requires. It is the additional purpose of this Section to clarify how pre-existing uses and structures built on non-conforming lots will be treated under this Chapter as the Town assumes zoning jurisdiction from St. Croix County.

##### 2. Nonconforming Uses.

- a) The continued lawful use of a building, premises, structure or fixture existing on the effective date of this Chapter or on any later amendment to this Chapter that makes the use non-conforming may not be prohibited, even though the use does not conform to the provisions of this Chapter. Nonconforming uses shall not be extended, enlarged or expanded except as provided for in this Section.
- b) Otherwise legal uses of land in the Town on the effective date of this Chapter shall be treated as non-conforming uses to the extent that the existing use is not a fully permitted use in the zoning district in which the use is located on the Town's Official Zoning Map. Landowners with non-conforming use rights can also seek conditional use permits under this Chapter to more fully protect their use rights where the use is otherwise eligible for such a permit.
- c) Nonconforming uses shall not be extended. The total structural repairs or alterations to a building, premises, structure or fixture that supports a non-conforming use shall not, during its life, exceed 50% of the assessed value of the said building, premises, structure or fixture unless permanently changed to a conforming use.
- d) Legal nonconforming uses run with the land. However, if a nonconforming use is discontinued for a period of twelve months, any future use of the building, premises, structure or fixture shall conform to this Chapter.
- e) The illegal expansion of a nonconforming use invalidates the legal nonconforming use as well as the illegal expansion.

## Town of Troy Zoning Ordinance, Chapter 170

- f) Any use that was authorized by St. Croix County as a conditional use, special exception or variance on the effective date of this Chapter shall be treated as a nonconforming use that is separately and additionally subject to and protected by all terms and conditions of the applicable County conditional use permit, special exception permit or grant of variance where adopted by specific reference thereto in the Town resolution enacting this Chapter. The holder of such a conditional use permit, special exception permit or variance may also apply for a Town conditional use permit where the use is otherwise eligible for such a permit under this Chapter.
- 3. Nonconforming Structures.**
- a) Except as set forth in Subsection 4 (below), the restoration of a damaged or destroyed nonconforming structure to the size, location and use that it had immediately before such damage or destruction occurred is permitted in only situations where the damage or destruction is caused by violent wind, vandalism, fire, flood, snow, mold or infestation. Such a restored nonconforming structure may be larger than the size it was immediately before it was damaged or destroyed only to the extent necessary to comply with applicable state or federal regulations.
  - b) Structures with a footprint in the setback area of lots that otherwise conform to the area or spatial requirements in effect when the lots was created can be removed, replaced, repaired, maintained, renovated and remodeled.
- 4. Nonconforming Lots.**
- a) Structures located on nonconforming lots where the structure is also nonconforming can be removed, replaced, repaired, maintained, renovated and remodeled. The structure's footprint may expand as a result, so long as the expanded footprint encroaches no further into the public road right of way area, side or rear setbacks, and the resulting structure's appearance will be neither inconsistent with, nor atypical of, similarly purposed and existing structures in the neighborhood, and consistent with any measure of nonconformity of such other structures.
  - b) Structures with a footprint on the effective date of this Chapter located in the setback area of a lot and that conformed to the area or spatial requirements in effect when the lot was created can be removed, replaced, repaired, maintained, renovated and remodeled. The structure's footprint may expand as a result, so long as the expanded footprint encroaches no further into the public road right of way area, side or rear setbacks and the resulting structure's appearance will be neither inconsistent with, nor atypical of, similarly purposed and existing structures in the neighborhood, and consistent with any measure of nonconformity of such other structures.
  - c) Certain nonconforming lots in the Town were created so long ago that spatial requirements such as setbacks are not shown on the plat, certified survey map or otherwise discernable from site-specific documents of record that created the lot. In this situation, the more restrictive of the County or Town setback requirements in effect at the time the lot was created shall determine the spatial requirements that apply to the lot and to the placement of new structures on the lot after the effective date of this Chapter.

### **Chapter 170 Section V Conditional Uses**

**1. Purpose.**

This Chapter is premised upon the division of the Town into zoning districts where the use of land and buildings, and the location of buildings and structures in relation to the land for that use are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any district because it is necessary to take into account the impact of the proposed use upon neighboring land or public facilities,

## Town of Troy Zoning Ordinance, Chapter 170

and the public benefit of locating particular kinds of uses in specified zoning districts. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district where not otherwise permitted when due consideration is first given to location, development and operation of such uses and their compatibility with permitted uses in a particular zoning district. Such uses are classified as conditional uses. A conditional use is one where a use of land, lot or building that is not expressly authorized in this Chapter can be allowed after review, public hearing, recommendation by the Plan Commission, specific approval by the Town Board by issuance of a conditional use permit and subject to such site and neighborhood-specific conditions as are developed during that process.

### **2. Authority of the Plan Commission and Town Board; Requirements.**

- a) The Town Board may issue a conditional use permit after review, public hearing, recommendation of the Plan Commission and approval by Town Board, when such conditional use and involved structure(s) are found to be compatible with the purpose and intent of this Chapter and further found to be not incompatible, hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community in which the conditional use will take place. All conditional use permits shall specifically describe the permitted use and specify the period of time for which the permit is effective and any events, such as transfer of title to the permitted premises, change in the type of business being conducted or death of the business operator, that would cause the permit to be terminated by the Town.
- b) Conditional use permit requirements including but not limited to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yard or parking requirements may be required by the Plan Commission and Town Board where appropriate or necessary to fulfill the purpose and intent of this Chapter.
- c) Compliance with all applicable provisions of this Chapter and all other provisions of the Town Code of Ordinances including but not limited to lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all permitted conditional uses.

### **3. Initiation of Conditional Use Permit Application.**

Any person or entity with full ownership rights, a tenant with the owner's consent, or the purchaser under a signed purchase agreement for the land at issue may file a conditional use permit application.

### **4. Application for Conditional Use Permit.**

- a) Conditional use permit application materials shall be prepared and submitted in conformity with current Town requirements, available in written form from the Town Clerk, describing the information required and general application deadline requirements.
- b) The application shall be accompanied by any required application fee established by the Town Board, a scaled site plan showing the location, size and shape of the lot(s) involved and of any proposed structures or planned modification modifications to existing structures, the existing and proposed use of each structure and lot, and include a written statement from the applicant with adequate evidence to show how the proposed conditional use shall meet and be consistent with the standards set forth in this Chapter.
- c) A conditional use permit application shall not be deemed to have been validly submitted to the Town until the complete written application, signed by the applicant(s) and accompanied by all applicable required materials, has been personally delivered to the Town Clerk with sufficient copies of all application materials to be delivered to the Town Attorney, Town Engineer and owners of land entitled to notice, and until receipt of the application has been acknowledged by the Plan



## Town of Troy Zoning Ordinance, Chapter 170

Commission at its next regular monthly meeting following delivery of the complete application materials. The applicant is responsible for providing all such materials in conformity with all applicable requirements as established from time to time by the Town, and at the applicant's expense.

- d) The Town Board, Town Plan Commission, the Town Attorney or Town Engineer can require such other information as may be necessary for processing an application and for the enforcement of this Section, including, without limitation because of enumeration, a site plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and specifics of proposed operations.
- e) Application fees shall be paid to the Town of Troy to defray the cost of review and processing, official notification and posting and conduct of the public hearing. Costs incurred by the Town in obtaining legal, planning, engineering, publication, and notice requirements, and other technical and professional advice and any court reporter services in connection with review of the application and preparation of conditions to be imposed on such uses shall be paid by the applicant. When required by the Town a pre-payment deposit or other required guarantee covering such costs shall accompany the application or be provided during the application process as a condition of continuing with the process.

### 5. **Site Review**

In making its recommendation, the Plan Commission shall review and evaluate each application, shall visit the proposed site and may request assistance from any source which can provide technical assistance. The Commission shall review and consider the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, slopes, soils, drainage, sewerage and water systems and the proposed operation/use.

### 6. **Notice of Hearing on Application.**

Notice of the time, place and purpose of such a hearing shall be given by publication of a Class 2 Notice in the official Town newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, Plan Commission members, and the owners of record as listed in the office of the Town Treasurer who own property located in whole or in part within three hundred (300) feet of the boundaries of the properties affected, with notice to be mailed at least twenty (20) days prior to the date of the public hearing. The Plan Commission shall provide its report and recommendation to the Town Board within sixty (60) days after the public hearing, after which the Town Board shall take formal action on the permit application.

### 7. **Hearing on Application**

Requests for conditional use permits shall be first directed to the Plan Commission for its review and recommendation to the Town Board. After receipt of all required fees, deposits, application, and all related materials, the Plan Commission shall hold a public hearing on each application for a conditional use at a time and place set by the Commission. A record of the proceedings shall be preserved.

### 8. **Standards for Conditional Use Permit.**

- a) **Standards.** No conditional use permit shall be recommended by the Plan Commission or approved by the Town Board unless based upon findings that all of the following conditions are present:
  - (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare of Town residents or the general public.

## Town of Troy Zoning Ordinance, Chapter 170

- (2) That the uses, values and enjoyment of other property in the neighborhood for permitted purposes shall in no foreseeable manner be substantially impaired by the establishment, maintenance or operation of the conditional use, and that the proposed use is sufficiently compatible with the current use of adjacent land.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and other necessary site improvements presently exist or will be undertaken and developed within a reasonable time, as determined by the Town.
- (5) That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets within a reasonable time, as determined by the Town.
- (6) That the conditional use shall conform to all applicable regulations of the district in which it is located and all applicable state and county regulations. This may include compliance with requirements affecting land in the Lower St. Croix Riverway Overlay District.
- (7) That the proposed use does not violate St. Croix County shoreland or flood plain regulations governing the site.
- (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (9) Land in the Traditional Commercial District is eligible for a conditional use permit for similar commercial uses that are compatible with the uses to which the property is being put on the effective date of this Chapter.
- (10) Conditional Use permits for commercial kennels shall meet all of the following requirements:
  - (a) All kennel structures and runs shall be located at least 300 feet from all property lines and 50 feet from any potable water supply.
  - (b) All kennel structures housing animals shall be soundproofed so that no audible animal noise can be heard at the property line.
  - (c) Outside pens, runs, kennel structures and parking areas shall be screened by landscaping or other means to be reasonably obscured from view at adjoining property lines.
  - (d) Animal waste shall be continuously managed and disposed of in a manner that leaves no perceptible odor at adjoining property lines.
  - (e) No more than two animals six months or older shall be outside at any time, unless the terms of the conditional use permit provide otherwise.
  - (f) No more than two animals six months or older shall be kept in a single enclosure.

Town of Troy Zoning Ordinance, Chapter 170

- (g) Bark suppression devices shall be used on all dogs six months or older when outside, unless the terms of the conditional use permit provide otherwise.
  - (h) All animals shall be housed indoors from 9:00 p.m. to 6:00 a.m. daily.
  - (i) Commercial kennels shall not be located in major subdivisions.
- b) **Architectural Treatment.** Proposed architectural treatment should be in general harmony with surrounding uses and the landscape. To this end, the use of certain general types of exterior construction materials, architectural treatment or landscaping may be required.
- c) **Application of Standards.** When applying standards for conditional uses to any proposed building construction or addition, the Plan Commission and Town Board shall also apply the statement of purpose for the zoning district in which the conditional use is being proposed, so that the proposed building, addition and use proposed for the location does not conflict with or contradict the purposes and objectives of the zoning district.
- d) **Additional Considerations.** When considering an application for a conditional use permit the Plan Commission and Town Board shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions on the site for which application has been made and at properties whose owners are to receive notice under this Section.
  - (2) Existing topographic and drainage features and vegetative cover on the site.
  - (3) The location of the site with respect to floodplains and floodways of rivers and streams.
  - (4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - (5) The location of the site with respect to existing or future access roads.
  - (6) The need of the proposed use for a shoreland location.
  - (7) The compatibility of the proposed use with uses on adjacent land.
  - (8) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems serving the site.

**9. Conditions and Guarantees.**

- a) **Conditions.** Prior to making recommendation on any conditional use permit application, the Plan Commission may consider and recommend conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as it deems necessary or appropriate to promote and protect the public health, safety and general welfare of the community, and to secure compliance with site-specific requirements and with the standards and requirements of this Section. In all cases in which conditional use permits are issued, the Town Board shall require such evidence and guarantees as it deems necessary as assurance that the conditions being required will be met on a continuous basis.

**10. Validity of Conditional Use Permit.**

- a) After a conditional use permit has been approved, such permit shall become null and void after twelve (12) months from the date of the approval unless the use is commenced, construction is underway and the current owner possesses a valid building permit before that time. Forty-five (45) days prior to the automatic revocation of such permit, the Town Clerk shall notify the holder by certified mail of

## Town of Troy Zoning Ordinance, Chapter 170

the approaching revocation date, though failure to do so shall not stay or invalidate the expiration of the permit. The Town Board may extend such permit for a period of time for justifiable cause, if application is made to the Town Board at least thirty (30) days before the expiration of said permit.

- b) No alternation or expansion of a use permitted by conditional use permit shall be permitted unless a new conditional use permit is approved by the Town Board upon recommendation of the Plan Commission and pursuant to the procedures and standards set out in this Section.

### **11. Complaints Regarding Conditional Uses.**

a) The Town Board retains continuing jurisdiction over all conditional use permits for the purpose of resolving complaints made against permit holders. This includes the power to order the removal or discontinuance of unauthorized alterations to an approved conditional use, and to order the elimination, removal or discontinuance of any violation of a condition imposed, prior to or after approval, to revoke the permit or to take action for violation of any other provision of this Chapter.

b) Upon written complaint specifying alleged conditional use permit violations by any citizen or Town official, the matter shall be referred to the Plan Commission for review. The Plan Commission shall review the complaint to determine whether said complaint shows to a reasonable probability that a conditional use is in violation of one or more of the standards set forth in this Section, a specific condition of approval of the conditional use permit for the premises or other requirement imposed hereunder.

c) The Plan Commission shall make findings and provide a recommendation to the Town Board. Thereafter, if the Town Board determines that the complaint process should proceed, a hearing shall be held by the Town Board upon notice in the manner set forth in Subsection 6. Any person may appear at such hearing and testify in person or be represented by an agent or attorney.

d) The Town Board may, in order to bring the holder of the conditional use permit into compliance with the standards set forth in this Section or conditions previously imposed by the Town Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made or where the Town Board has grounds to believe that continuing conditional use permit violations will not be corrected, the Town Board may revoke the conditional use permit and direct the Town Clerk or Town Attorney to take action to seek elimination of the use.

e) Following any such hearing, the decision of the Town Board shall be furnished to holder of the revoked conditional use permit in writing, stating the reasons for the Town Board's action.

## **Chapter 170 Section W Performance Standards**

### **1. Intent.**

The Town of Troy is an agricultural based community with areas of planned and developing commercial and residential use. It is not the intent of this Chapter to curb or restrict usual and customary agricultural standard practices. Rather, it is the intent of this Chapter and Town regulations in general to employ performance standards in the regulation of uses in the Town to facilitate an objective and equitable basis for land use controls and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. These performance standards are designed to limit, restrict and prohibit the effects of permissible or permitted uses outside the premises or district at issue. No structure, land or water shall hereafter be used unless in compliance with the following environmental performance standards.

**2. Noise.**

- a) **General.** No activity in any zoning district shall produce a sound level beyond the lot line of the parcel or contiguous parcels under single ownership for such length of time as to be a nuisance that substantially annoys, injures, endangers or otherwise adversely affects the comfort, health, peace or safety of the public.
  
- b) **Exempt Noises.** The following noises are exempt from the regulations:
  - (1) Noises not under the direct control of the property owner.
  - (2) Noises from temporary construction or maintenance activities during daylight hours.
  - (3) Noises from emergency, safety or warning devices including emergency pressure relief valves and emergency electric generators.
  - (4) Chain saws, lawn mowers, and snow blowers in private use (not commercial repair services).
  - (5) The sounds of cattle, fowl, horses, or other sounds of reasonably well-cared for agricultural or domestic animals, and the sound of necessary farming equipment for a bona fide agricultural operation.
  - (6) Noises from moving sources such as automobiles and trucks on public right-of-way, railroad equipment on railroad rights-of-way and railroad spurs on private property, airplanes and helicopters.

**3. Odor**

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in applicable provisions of the Wisconsin Administrative Code or any applicable provisions of the Wisconsin Statutes as amended from time to time.

**4. Fire and Explosive Hazards**

All activities involving the manufacturing, utilization, processing or storage of any inflammable and explosive materials shall be provided and equipped with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings with incombustible exterior walls and an automatic fire extinguishing system.

**5. Air Pollution**

- a) No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Wis. Stats. Chapter 285 as amended from time to time.
  
- b) No activity or operation shall be established or maintained which by reason of its nature causes emission of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property as provided under Wis. Stats. Chapter 285 as amended from time to time.

**6. Hazardous Pollution**

- a) **Pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and no emissions of hazardous substances shall exceed the limitations established in Wis. Stats. Chapter 285 as amended from time to time.
  
- b) **Liquid or Solid Wastes.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature as can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or

## Town of Troy Zoning Ordinance, Chapter 170

offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

### 7. **Radioactivity and Electrical Disturbances**

No activity shall emit radioactivity or cause electrical disturbances beyond the lot line of the parcel or contiguous parcels under single ownership in which the activity is conducted that are dangerous or that adversely affect the use of neighboring premises.

### 8. **Refuse**

All waste material, debris, refuse or garbage not properly disposed of in a sanitary sewer system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

### 9. **Light Pollution**

Street lights are not normally compatible with the rural character of the Town. The Town may limit light or prohibit output where not necessary for public and private safety and welfare and where not appropriate for the advertising and conduct of business. Where outside lighting is allowed, the Town may require shields and other light control devices to prevent nighttime light pollution in any area in which such lighting is permitted.

## **Chapter 170 Section X Changes and Amendments**

### 1. **Authority**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Town Board may, by ordinance, change the district boundaries established by this Chapter and the Official Zoning Map incorporated herein or amend the text of this Chapter. Such change or amendments require the review and recommendations of the Plan Commission, Town Board enactment and approval by the St. Croix County Board of Supervisors, as provided by Wisconsin Statutes.

### 2. **Initiation of Changes or Amendments**

A change or amendment to the text of this Chapter or to the accompanying Official Zoning Map may be initiated by the Town Board, Plan Commission, Zoning Board of Appeals, or by a petition of one (1) or more owners or lessees of property within the area for which zoning is proposed to be changed.

### 3. **Procedure for Changes or Amendments**

a) **Petition.** A petition for any change to the Official Zoning Map or for amendments to the text of this Chapter shall be addressed to the Town Board and shall be filed with the Town Clerk along with any required filing fee. It shall describe the premises to be rezoned, or the portions of text to be amended, list the reasons justifying the petition, specify the proposed use or district change, if applicable, and if the petition is requesting a change of district boundaries or district type, shall provide all information required by Section Z of this Chapter and show all property lying within three hundred (300) feet of the area proposed to be rezoned, with the names and addresses of all owners of such property.

(1) Additional information may be required by the Plan Commission or Town Board.

b) **Recommendations.** The Town Clerk, on behalf of the Town Board, shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text of this Chapter and/or the Official Zoning Map and provide a recommendation that the petition be granted as requested, as modified or denied, in conformity with the requirements of Section Z. The recommendation shall be recorded in the Plan Commission's official minutes. In arriving at its recommendation, the

## Town of Troy Zoning Ordinance, Chapter 170

Commission may, of its own volition, conduct a public hearing on proposed amendment(s).

- c) **Hearings.**
- (1) Following receipt of recommendation of the Plan Commission, the Town Board shall hold a public hearing to hear and consider each proposed change or amendment, giving notice of the time, place and the change or amendment being proposed, by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior to the public hearing, written notice shall also be given to the clerk of any other municipality located within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
  - (2) The Town Board may delegate to the Plan Commission the responsibility to hold the public hearing required under this Subsection.
- d) **Town Board Action.** Following such hearing and after considering the Plan Commission's recommendations, the Town Board shall vote on the proposed Official Zoning Map change or Chapter text amendment. Amendments to the text of this Chapter are subject to County Board approval as provided by Wisconsin Statutes. The Town's administrative application of this Chapter to specific parcels of land in the Town, as by processing and acting on applications for conditional use permits, home occupation permits, any other permit required under this Chapter and variances, does not require County Board approval.

### 4. **Protest**

- a) In the event of a written protest against a proposed amendment to the text of this Chapter or to the Official Zoning Map, duly signed and acknowledged by the owners of at least twenty percent (20%) of the areas of the land included in such proposed change, by the owners of at least twenty percent (20%) of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of at least twenty percent (20%) of the land directly opposite thereto extending one hundred (100) feet from the road frontage of such opposite land, the proposed changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the Town Board members present and voting on the proposed change.

## Chapter 170

### Section Y

#### Board of Appeals; Variances

### 1. **Board of Appeals.**

A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Town Chairperson, subject to confirmation by the Town Board. Compensation for service on the Board of Appeals shall be at the rate established from time to time by action of the Town Board. Members shall serve without compensation, shall reside within the Town of Troy, and shall be removable by the Town Chairperson for cause, upon written charges and after public hearing. Two alternate members shall be appointed by the Town Chairperson. The Board of Appeals shall appoint one of its members as Secretary of the Board, unless the Town Board shall authorize the employment of a secretary.

### 2. **Rules.**

The Board of Appeals has separately adopted Rules for its operation and procedure. At all times such Rules shall operate in accordance with the provisions of this Chapter, shall regulate procedural and substantive aspects of Board operations and in that way shall serve to implement, without being part of, this Chapter and of Chapter 171, which regulates the Lower St. Croix Riverway Rural Residential Overlay District.

**3. Records.**

The Board of Appeals shall keep minutes of its proceeding, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, in the office of the Board.

**4. Appeals.**

a) Taking of Appeals. Appeals to the Board of Appeals alleging error in administration of this Chapter may be taken by any person aggrieved, or by any officer, department, board or committee of the Town of Troy affected, by a decision of the Town Board in administering said ordinances, and shall be processed pursuant to the Rules of the Board of Appeals.

b) Stay. An appeal to the Board of Appeals shall stay all legal proceedings in furtherance of the action being appealed from unless the Town Board or administrative officer whose decision is being appealed to the Board certifies to the Board after the appeal has been filed and that, by reason of facts stated in the certificate, a stay would, in the opinion of the Town Board or administrative officer, cause imminent peril to life or property. In such case, legal proceedings shall not be stayed except by a restraining order which may be granted by a court of record on application, on notice to the Town and on due cause shown.

c) Powers of Board of Appeals.

(1) The Board of Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made in the enforcement of this Chapter, and to authorize upon appeal in specific cases such variance from the requirements of this Chapter as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of any provision of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured and substantial justice done.

**5. Variance Standards.**

a) A Use Variance allows an exception to be made to the requirement of this Chapter that land be used only for such activities, purposes and uses as are specifically authorized for the zoning district in which the land is located and is available only when a property owner will have no reasonable use of the property without a use variance.

b) An Area Variance is available only when strict compliance with Town regulations governing area, setbacks, frontage, height, bulk or density will unreasonably prevent an owner from using property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

**6. Variance Procedure**

a) Application. A variance application shall be filed with the Town Clerk/Treasurer. Applications may be made by the owner or authorized agent of the owner of the land affected by the application. The application shall contain the following information:

(1) Name and address of applicant and all abutting and opposite property owners of record.

(2) Address and legal description of the property.

(3) A to-scale drawing showing the boundaries and location of the property, the location and dimensions of all buildings and structures, slopes, public and private roads crossing or contiguous to the property and the location of and distance to the nearest residences in all directions.



Town of Troy Zoning Ordinance, Chapter 170

- (4) Such additional information as may be required by the Plan Commission, Town Engineer or Board of Appeals or pursuant to its Rules.
  - (5) Fee in the amount set by the Town Board.
  - (6) Applicants shall consult the Rules of the Board before submitting an application and shall fully comply with the Rules' requirements.
- b) Burden of Proof. An applicant seeking a variance has the burden of proof.
- (1) To show the level of practical difficulty or unnecessary hardship needed for an area variance, an applicant must show that compliance with this Chapter's requirement from which relief is sought either prevents the use of the land for an otherwise permitted purpose or is unnecessarily burdensome. The unnecessary hardship or practical difficulty being shown cannot be self-created, must be unique to the property and must be linked to the physical characteristics of the land for which the variance is sought. The applicant should be prepared to show what actions would be necessary to comply with the ordinance requirement from which relief is being sought.
  - (2) To show the level of practical difficulty or unnecessary hardship needed for a use variance, an applicant must show that no reasonable use of the property can be made without the variance.
- c) Hearings. Board hearings on variance applications shall be conducted in compliance with the Rules and By-Laws of the Board. Meaningful advance notice of such hearings shall be given at least ten (10) days before the hearing to all abutting landowners and owners of non-abutting property located within 300 feet of the perimeter property lines of the parcel that is the subject of the application, by or under the direction of the Town Clerk/Treasurer.
- d) Action of the Board of Appeals. Following the hearing on the application, the Board of Appeals shall determine whether the applicant has shown unnecessary hardship or practical difficulty after first reviewing the information provided to it, after examining what the zoning regulation at issue is intended to accomplish and after considering concerns related to the welfare of the public such as safety, especially in the immediate area, property values, especially in the immediate area, uniformity of appearance and uniformity of treatment.
- e) Findings Required. Before the Board can grant a variance it must evaluate the hardship in light of the purpose of the zoning restriction at issue and find that:
- (1) The applicant has established specific unnecessary hardship or practical difficulty that will result in the absence of the granting of the variance being sought, that is unique to the property involved and that is not self-created.
  - (2) Granting the variance is necessary, will do substantial justice and secure public safety and welfare and is consistent with the intent and purpose of the regulations in this Chapter from which relief is being sought.
  - (3) Granting the variance will not enlarge any pre-existing non-conformity with this Chapter.
  - (4) Granting the variance will not damage the rights or property values of other persons in the area and will not interfere with or increase the cost of known plans of the Town, County, State or Federal governments in the area, absent the most unusual, extreme or compelling circumstances.

## Town of Troy Zoning Ordinance, Chapter 170

- (5) A request for a variance to lot density or hard surface requirements shall be evaluated in the context of the availability of multiple density choices available with density elections, transfer of development rights and related portions of the Town's subdivision ordinance.
- (f) Conditions. The Board of Appeals shall impose such conditions and restrictions upon the premises receiving a variance as it determines to be necessary for consistency of result with the standards and requirements herein and with special emphasis on requirements for area variances that will maintain and protect consistency with the character, appearance and parcel-based proportion of area-to-structure found in adjacent and neighborhood development and on requiring mitigating measures such as plant, fence or earth-based screening that will avoid or permanently reduce the adverse effect of the variance on present and planned adjacent and neighborhood development.

### 7. **Review by Court of Record.**

Any person or persons aggrieved by any decision of the Board of Appeals or any taxpayer or any officer, department, board or bureau of the Town may within 30 days after the filing of the decision in the office of the Board of Appeals, commence an action seeking certiorari review and related remedies.

## **Chapter 170 Section Z Administration**

### 1. **General Administrative System**

This Chapter creates the functions of a "Zoning Administrator" to administer and enforce its requirements. Certain administration and enforcement matters under this Chapter such as the granting of permitted conditional uses, planned unit development oversight, conditional uses, changes in zoning districts and the Official Zoning Map, and amending the text of this Chapter also require review by the Plan Commission and action by the Town Board or Town Board of Appeals.

### 2. **Zoning Administrator**

The Zoning Administrator is the Town official with primary responsibility for administering the provisions of this Chapter. As used in this Chapter, "Zoning Administrator" refers to the Town Chair or to the Zoning Administrator selected and appointed by the Town Board. The duty of the Zoning Administrator shall be to administer, interpret and enforce this Chapter and to issue all permits required by this Chapter that do not require action by the Town Board or Town Board of Appeals. The Zoning Administrator shall:

- a) Advise applicants for permits as to the provisions of this Chapter and be available to applicants while preparing applications.
- b) Issue any administrative level permits now or later authorized by this Chapter. The function of processing sign permits is delegated to the Building Inspector.
- c) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
- d) Maintain and update the permanent and current records of this Code, including but not limited to, the Official Zoning Map, text amendments to this Chapter, conditional use permits, variances, appeals and applications, which function is hereby delegated to the Town Clerk.
- e) Provide and maintain a public information function relative to all matters arising out of this Chapter.
- f) Receive, file and forward to the Plan Commission all applications for amendments to this Chapter, which function is hereby delegated to the Town Clerk.

## Town of Troy Zoning Ordinance, Chapter 170

- g) Receive, file and forward to the Plan Commission applications for all conditional use permits, which function is hereby delegated to the Town Clerk.
- h) Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter, and attend all Board of Appeals meetings to provide technical assistance which function is hereby delegated to the Town Clerk, the Building Inspector and the Town Engineer.
- i) Initiate, direct and review from time to time a study of the provisions of this Chapter, and make periodic reports with recommendations concerning it to the Plan Commission not less than once a year.
- j) Make on-site investigations related to the enforcement of this Chapter and related to the enforcement of this Chapter and any related ordinances of the Town and have access to any structure or premises for this purpose, or in reviewing permit applications, exercised at a reasonable hour and after a twenty-four hour notice.
- k) Review and approve, approve with conditions or reject event plan proposals and refer event plan proposals to the Plan Commission for review and recommendation and to the Town Board for final action, when the event plans that fails to make it readily apparent that the health and safety of the attendees and of the public will be adequately protected, or upon property owner request.
- l) Coordinate duties and responsibilities with the Building Inspector to ensure consistent and fair application of this Chapter and avoid unnecessary duplication of the specific requirements in the administration of this Chapter and the Town's Subdivision, Building and other ordinances.
- m) Coordinate with the Town Attorney regarding enforcement of this Chapter and related legal issues.

### 3. Role of Specific Town Officials in Zoning Administration.

- a) **Zoning Administrator.** The Zoning Administrator serves at the pleasure of the Town Board and has the authority to delegate responsibility for performance of duties assigned to that position by this Chapter on a specific or continuing basis to any of the following: Town Staff (elected, appointed or employee), the Building Inspector, the Town Engineer and Town Attorney.
- b) **Plan Commission.** The Plan Commission makes reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. In general, the Plan Commission has such powers as are necessary to enable it to perform its functions, promote municipal planning and as set out in Chapter 21 of the Town Code. One of its functions is to make recommendations to the Town Board. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- c) **Town Board.** The Town Board has ultimate authority to make changes and amendments to the boundaries of zoning districts, and to amend the text of this Chapter, subject to County Board approval as provided by Wisconsin Statutes. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.
- d) **Zoning Board of Appeals.** A Zoning Board of Appeals has been established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Section Y.

**4. Zoning Review for One and Two Family Residential Uses**

- a) No building permit for a new structure, new use of land, water or air, or change in the use of land, water or air for one or two family residential use shall hereafter be issued and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered unless the application for such permit has been reviewed by the Zoning Administrator or designee and it has been verified that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all applicable provisions of this Chapter and other applicable portions of the Town Code.
- b) A building permit issued in conflict with the provisions of this Chapter is null and void.

**5. Zoning Review for Uses Other Than One and Two Family Residential Uses**

- a) **Zoning, Use and Site Plan Approval.** Applications for re-zoning and development for uses other than a one or two family residence require a site plan, development plan, review and approval by the Plan Commission and the Town Board, in accordance with all applicable requirements of this Chapter and of the Code of the Town of Troy.
- b) **Rezoning.** Applications and all required fees shall be directed to the Zoning Administrator or designee and shall include the following information:
  - (1) Names and addresses of the applicant, owner of the site and architect, professional engineer and contractor involved.
  - (2) Description of the subject site by recorded subdivision lot or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; the present zoning district within which the subject site lies, and explanation of how the proposed rezoning and development is consistent with the Town's Comprehensive Plan.
  - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administrator: the location, boundaries, dimensions, uses, and size of the subject site; existing and proposed structures; existing and proposed easements, streets and other utilities; the area of all existing and proposed hard surfaces such as off-street parking, loading areas and driveways, drainage plans and waterways and existing and proposed side and rear yards.
  - (4) Additional information as may be required by the Zoning Administrator, Plan Commission, Town Engineer or other Sections of this Chapter.
  - (5) In addition an applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission, Town Board or expert consultants retained by the Town to determine whether the proposed application meets all the requirements applicable thereto.
- c) **Adding Contiguous Land to the LECR Overlay District.**
  - (1) To amend the Official Zoning Map to add to the LECR Overlay District land fully contiguous to land in the LECR Overlay District an applicant must provide the written request of all land owners and the legal description of the land at issue. The Zoning Administrator, Plan Commission or Town Board may request additional information needed to process the request.

## Town of Troy Zoning Ordinance, Chapter 170

- d) **Administration.**
- (1) The Zoning Administrator shall make a preliminary review of rezoning applications and development plans before referring them, with a report of initial findings on completeness, to the Plan Commission within thirty (30) days of receipt of a completed application. The Plan Commission shall then review the application and plans and refer it to any expert consultants selected by the Zoning Administrator and/or Town Engineer to advise whether the application and plans meet all applicable requirements of the Town Code. Within sixty (60) days of its receipt of the completed application, the Plan Commission shall provide its report and recommendation to the Town Board as to whether the proposed rezoning and related development proposal should proceed. This deadline may be extended by agreement of the Plan Commission and property owner of the land in the rezoning and development plan.
  - (2) Upon receipt of the report and recommendation from the Plan Commission, the Town Board shall review the application to determine if such rezoning application and development plans meet all of the requirements of this Chapter and the other applicable provisions of the ordinances of the Town of Troy. Within forty-five (45) days of its receipt of the report and recommendation from the Plan Commission, the Town Board shall act on the application, following the notice and hearing requirements in Section X of this Chapter.
- e) **Requirements.** In acting on any rezoning application and development plan, the Town Board may address the following issues during its decision.
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas and the Town's Comprehensive Plan.
  - (2) The layout of the site with regard to entrances and exists to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and loading and unloading, whether the traffic pattern generated by the proposed rezoning and proposed development will be developed in a manner consistent with the safety of residents and the community, and to minimize any traffic hazard created thereby.
  - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
  - (4) The landscaping and appearance of the completed site, whether those portions of all front, rear and side yards not used for off-street parking will be attractively planted with trees, shrubs, plants, or grass lawns and whether the site be effectively screened so as not to impair the value of adjacent properties not impair the intent or purposes of this Chapter.
- f) **Effect on Municipal Services.** During a decision on rezoning and proposed development the Town Board may secure such advice as may be deemed necessary from the Town Engineer, other municipal officials or consultants, with special attention to the effect of the proposal upon existing municipal services and utilities. Where additional or upgraded municipal facilities will be needed, the Town Board shall agree with the applicant regarding financial responsibility and payment for the development and construction of such facilities prior to taking action on a rezoning request.

### 6. **Certification of Occupancy**

No lot or parcel now vacant shall be used for residential purposes, and no buildings or other structure shall be occupied or used for residential, commercial or industrial purposes until a certificate of occupancy has first been obtained by the owner from the Zoning Administrator. When the Zoning Administrator is presented with information to establish, and separately concludes, that the proposed land use and occupancy will comply in every respect with all applicable ordinances of the Town and of St. Croix County

## Town of Troy Zoning Ordinance, Chapter 170

and with all laws and orders of the State of Wisconsin, he/she shall issue a certificate of occupancy therefore, within ten (10) days after application is approved.

### 7. **Violations and Penalties**

- a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any provision or requirement of this Chapter or any portion of the Town Code. Landowners, occupants and the agents of both are responsible for compliance with all provisions of this Chapter that bear upon their area of competence and responsibility. In case of any violation, the Town Board, Plan Commission, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Code or cause a structure to be vacated or removed.
- b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Town Board, the Zoning Administrator or the Town Attorney may institute appropriate legal action or proceedings.
- c) **Penalties.** Any person or entity who fails to comply with the provisions of this Code or any order of the Zoning Administrator issued in accordance with this Code or resists enforcement shall, upon conviction thereof, be likewise subject to a forfeiture and such additional penalties as provided for under Chapter 39 of the Town of Troy Code of Ordinances. Each day a violation exists or continues shall constitute a separate offense.

### 8. **Fee Schedule**

Application, review and related fees shall be established by separate resolution enacted from time to time by the Town Board for, but not limited to, the following categories of activities, functions and permits:

Board of Appeals Variance – First request  
Board of Appeals Variance – Second request  
Certified Survey Map  
Certified Survey Map – Amended / Revised  
Concept Plan  
Conditional Use Permit  
Condo Development  
Event Plans: basic and detailed review  
Final Plat  
Final Plat – Amended / Revised  
Mobile Service Facility, Support Structure and Collection Permit  
Planned Unit Development (PUD)  
Preliminary Plat  
Preliminary Plat – Amended / revised  
Sign Permit  
Swimming Pool permit  
Unlisted Use  
Zoning Amendments  
Manufactured Home Community Operator  
Manufactured Home Community Operator transfer fee  
Manufactured Home Community Application fee