

**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 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 requirement 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.**

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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.

#### **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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Table 1 - Commercial Zoning District Summary				
Proposed Use:	Office Park - Medical Clinic  170 Section J (COM- OP/MC)	General Retail And Service  170 Section K (COM- GR/S)	Town Center  170 Section L (COM-TC)	Limited  170 Section M (COM- LTD)
<b>P = Permitted Use</b> <b>C = Conditional Use</b> <b>A = Accessory Use</b> <b>PUD = PUD Required</b>				
Accountants	P	P	P	A
Adult Living and Learning Facility		PUD		
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	
Condominium Garages		PUD		
Contractor Storage Yards				C
Custom Vehicle Painting and Motorcycle Painting and Motorcycle Repair Shop with all of the following: classic car restoration, vinyl wraps, vinyl signage, and interior storage exclusively		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	

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Table 1 (continued)- Commercial Zoning District Summary				
<b>P = Permitted Use : C = Conditional Use</b> <b>A = Accessory Use : PUD = PUD Required</b>	<b>Section J (COM- OP/MC)</b>	<b>Section K (COM- GR/S)</b>	<b>Section L (COM-TC)</b>	<b>Section M (COM- LTD)</b>
Lifestyle Centers		<b>P</b>	<b>C</b>	
Limited Propane Or Other Fuel Storage Facilities Where Fuel Is Held For Delivery And Sale				<b>C</b>
Liquor Stores		<b>P</b>	<b>P</b>	
Medical And Technical Research Facilities (Including Limited Clean Room Assembly Operations)	<b>C</b>			
Medical Equipment Sales	<b>A</b>			
Medical Specialties	<b>P</b>	<b>P</b>	<b>C</b>	
Mortuaries Providing On-Site Cremation		<b>C</b>		
Mortuary Not Providing On-Site Cremation		<b>A</b>		
Motels		<b>A</b>		
Multiple Occupancy Medical Clinics And Office Buildings Providing Facilities For Doctors	<b>P</b>			
Multiplex Movie Theaters		<b>P</b>		
New And Used Vehicle Sales		<b>C</b>		<b>C</b>
Nursing Homes		<b>C</b>	<b>C</b>	
Office	<b>A</b>	<b>P</b>	<b>A</b>	<b>A</b>
Office Supply And Other Retail And Service Support Located Within An Office Park Or Larger Scale Medical Or Office Facility	<b>A</b>			
Opticians	<b>P</b>	<b>P</b>	<b>P</b>	
Outdoor boat or recreational vehicle storage				<b>C</b>
Outdoor Farm Feed And Supply Stores		<b>C</b>		<b>C</b>
Outdoor Garden Centers		<b>C</b>		<b>C</b>
Outdoor Recreational Facilities		<b>C</b>	<b>C</b>	
Outdoor Retail And Food Kiosks		<b>P</b>	<b>P</b>	
Pharmacies	<b>A</b>	<b>P</b>	<b>C</b>	
Post Office Annex		<b>P</b>	<b>P</b>	
Professional Services	<b>P</b>	<b>P</b>	<b>P</b>	
Restaurants		<b>P</b>	<b>P</b>	
Retail Fuel Sales And Delivery Facilities				<b>C</b>
Single Office Service Providers (Including Medical Providers And Attorneys)		<b>P</b>	<b>P</b>	
Single Screen Movie Theaters		<b>P</b>	<b>P</b>	
Small Day Care Facilities		<b>P</b>	<b>P</b>	
Small Grocery		<b>P</b>	<b>P</b>	
Small Hardware Stores		<b>P</b>	<b>P</b>	
Small Office And Governmental Services		<b>P</b>	<b>P</b>	
Small Office Medical		<b>P</b>	<b>P</b>	
Small Specialty Food Stores		<b>P</b>	<b>P</b>	
Smaller Service And Retail Providers		<b>P</b>	<b>P</b>	
Specialty Grocery Stores		<b>P</b>	<b>P</b>	
Strip Shopping Centers		<b>C</b>		
Temporary Or Seasonal Sales Or Services		<b>C</b>	<b>C</b>	
Temporary Seasonal Sales Such As Christmas Trees		<b>C</b>		<b>C</b>
Uses Typically Found On Main Streets In Small Town America			<b>A</b>	
Veterinarian Clinics		<b>C</b>		<b>C</b>
Vision Sales	<b>A</b>	<b>P</b>	<b>P</b>	
Warehouses For Commercial And Individual Use				<b>A</b>

**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, 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,

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.

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').

(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~~Plan Commission for review and recommendation to the Town Board. 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.

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 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;
    - 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 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 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.

(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.

(e) A privately installed sign, not exceeding two square feet in surface area, which identifies the location of a legal private driveway permitted by the Town of Troy to provide for vehicular access to a public Town road from private property.

(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 noncommercial 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.
- (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.
- (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.
- (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.

(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.



(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.
- (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 cases 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.

(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.

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. 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.

#### **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.
  - (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.
- (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.
- (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.
- (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 and Class 1 Collocations.**

#### 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, and with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities built after the effective date of this Chapter. The siting and construction of any new mobile service support structure and facility and the substantial modification of an existing support structure and mobile service facilities requires a conditional use permit but is subject to the procedure, conditions and 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~~subsection 3. to the Town Clerk that contains all of the information required under ~~this section~~subsection 3.a)(2), the application ~~is~~shall be considered 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.
  - (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)~~ (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)~~3.a)(2)(f).
- ~~(7)(8)~~ (8) A party who is aggrieved by the final decision of the Town Board under subsection 3.a)(5)(b) may bring an action in the circuit court of St. Croix County.
- ~~(8)(9)~~ (9) 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-K~~ 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)~~(10) The fee for a Town conditional use permit for siting and location of new mobile service support structures and facilities and class 1 collocations shall be separately and periodically established by resolution of the Town Board.

#### ~~4.~~ Class 1 Collocation

- ~~a)~~ 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.
- ~~b)~~ The written permit application process follows the same procedures as set forth in Subsection 3.a) of this Section.

#### ~~5.4.~~ Class 2 Collocation

##### ~~a)~~ Application Process:

~~a)(1)~~ A class 2 collocation is a permitted use and a conditional use building 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 building permit but and is subject to the procedures set out in this subsection, to the extent inconsistent with any portion of Section V and subsection 5.(m).

~~b)(2)~~ The A written building permit application process follows the same procedure as set forth in Subsection 3.a) of this Section shall be completed by an applicant and submitted to the Town Clerk. The application shall provide the information set forth in subsection 3.a)(2)(a) to (c).

~~(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 in subsection 4. to the Town Clerk that contains all of the information required under subsection 4.a)(2), the application shall be considered complete. If the application is not complete when submitted, the Clerk shall notify the applicant in writing, within 5 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 45 days of receipt by the Town Clerk of a complete application, the Town shall do all of the following:

~~(a)~~ The Town Building Inspector shall make a final decision on whether to approve or deny the application.

~~(b)~~ The Town Clerk shall notify the applicant of the Town Building Inspector's final decision, in writing.

~~(c)~~ If the application is approved, the Town Building Inspector shall issue the building permit.

~~(d)~~ If the decision is to deny the application, the Town shall include with the written notification substantial evidence supporting the denial.



(6) The Town and applicant may agree in writing to an extension to the 45 day limit on processing completed applications received by the Town.

(7) A party who is aggrieved by the final decision of the Town Building Inspector under subsection (4)a)(5)(a) may bring an action in the circuit court of St. Croix County.

**6.5. 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, 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, ~~and~~ 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, ~~and~~ 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, ~~or~~ 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, ~~and~~ 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, ~~and~~ 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 ~~for new mobile service support structures and facilities and class 1 collocations~~, 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, ~~or~~ 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, ~~or 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 identification or safety warning signs shall be provided in the conditional use permit application.
- j) Other Attachments. No mobile service facility, ~~or mobile service support structure, Class 1 or Class 2 Collocation~~ shall have constructed thereon or attached to it 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.
- 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 and/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, ~~and 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, ~~or 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 for new mobile service support structures and facilities or class 1 collocations 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 for New Mobile Service Support Structures and Facilities and Class 1 Collocations.
  - (1) The Town may hire any consultant it determines is necessary to assist in reviewing and evaluating ~~an a conditional use permit~~ application for new mobile service support structures and facilities or class 1 collocations, 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 ~~will~~ 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, or 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 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.
- p) 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.
- q) 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 for new mobile service support structures and facilities and class 1 collocations. 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.