

6.19 COMMUNICATION TOWERS AND ANTENNAS

- a. Applicability. This section applies to all "communication towers" and "antennas" as defined in Section 2 of this Zoning Ordinance, except for:
- (1) Any device that does not exceed thirty-five feet (35') in height or such other height limitation that may apply to the zoning classification in which the device will be sited.
 - (2) Any device not exceeding seventy feet (70') in height for reception of television signals or owned and operated pursuant to a license granted by the FCC.
 - (3) Pre-existing towers and antennas.
- b. Purpose. The purpose of this section is to:
- (1) **protect safety** by such methods as prohibiting the siting of antennas and towers in or near residential areas, and providing height and setback restrictions;
 - (2) **promote aesthetics** by minimizing the number of towers in the Town, requiring towers to be sited and configured in ways that minimize their adverse visual impact, and by encouraging the utilization of alternative tower structures rather than free-standing towers whenever feasible; and
 - (3) **encourage commerce** by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.
- c. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.
- d. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the governing authority an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within three miles of the border thereof, including specific information

about the location, height, and design of each tower. The governing authority may share such information with other applicants applying for administrative approvals or Conditional Use Permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the governing authority is not by sharing such information in any way representing or warranting that such sites are available or suitable.

e. Aesthetics and Lighting.

- (1) If a tower is not subject to FAA regulations, towers shall either have a galvanized steel finish, or be painted to a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.
- (2) At a tower site, the design and construction of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and pre-existing improvements.
- (3) If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment shall be of neutral colors that are identical to, or closely compatible with, the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting and alternatives, and shall approve the design that would cause the least disturbance to surrounding areas.
- (5) Communication towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 feet above the ground on a placard no larger than 1-1/2 square feet, or as required by the FCC.

f. Federal and State Requirements. All communication towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas.

g. Building Codes and Safety Standards. The owner of a tower shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the administrative agency of the State of Wisconsin with jurisdiction.

h. Setbacks. All alternative tower structures, communication towers, and antennas shall be set back from residential dwellings one foot for each foot of overall structure height including antennas, provided that this one-to-one setback requirement may be increased or decreased on a site-by-site basis by the governing authority in its sole discretion.

i. Conditional Use Permits. All antennas and communication towers subject to this section shall require a Conditional Use Permit. Applications for Conditional Use Permits shall be made in accordance with all other requirements of the Zoning Ordinance and with the following:

- (1) Factors. The governing authority shall consider the following factors in determining whether to issue a Conditional Use Permit, although the governing authority may waive or

reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

- (a) Height of the proposed tower;
 - (b) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
 - (c) Proximity of the tower to residential structures and residential district boundaries within 1000 feet of the tower;
 - (d) List of nature of uses on all adjacent parcels and all other parcels within 1000 feet of the tower;
 - (e) Surrounding topography within 1000 feet of the tower;
 - (f) Surrounding tree coverage and foliage within 500 feet of the tower;
 - (g) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (h) Proposed ingress and egress;
 - (i) Availability of suitable existing towers and other structures as discussed below.
- (2) Availability of Existing Towers or Structures. No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
 - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- (3) Landscaping. The governing authority shall require towers and their appurtenant structures to be surrounded by appropriate landscaping designed to minimize the visual impact of the towers and structures. Appropriate landscaping plans shall be determined after consideration of the surrounding topography, existing trees and shrubs, and visibility of the tower and structures from nearby parcels. Standard minimum landscaping requirements shall consist of a buffer strip at least four feet (4') in width surrounding the tower and structures that is planted with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view from nearby parcels. The governing authority may impose greater requirements or may reduce these requirements for a particular site.
- j. Removal of Abandoned Towers and Antennas. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- k. Special Assessments. Pursuant to the Town's police power and pursuant to authority granted by Wis. Stat. § 66.0703, any costs incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this Section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the Permit holder. Any amounts not paid within thirty (30) days of billing shall accrue interest at one and one-half percent (1.5%) per month compounded monthly. Any amounts not paid within ninety (90) days of billing shall be entered on the tax assessment roll as a special assessment for the parcel(s) upon which the tower and/or antenna are located.